



The State Department web site below is a permanent electro information released prior to January 20, 2001. Please see [y](#) material released since President George W. Bush took office. This site is not updated so external links may no longer func [us](#) with any questions about finding information.

NOTE: External links to other Internet sites should not be c endorsement of the views contained therein.



## 1999 Country Reports on Human Rights Practices

Released by the Bureau of Democracy, Human Rights, and Labor  
U.S. Department of State, February 25, 2000

---

### THAILAND

Thailand is a democratically governed constitutional monarchy that until 1992 had a history of military coups and powerful bureaucratic influences on political life. Since 1992 there have been four national multiparty elections, which transferred power to successor governments through peaceful, democratic processes. The King exerts strong informal influence, but has never used his constitutionally mandated power to veto legislation or dissolve the elected House of Representatives. There is a bicameral Parliament. The coalition Government, led by Prime Minister Chuan Leekpai's Democrat Party, was formed in November 1997, following the resignation of Prime Minister Chavalit Yongchaiyudh. The judiciary is independent, but is subject to corruption.

The security forces have wide-ranging legal powers, derived primarily from past militarily controlled administrations. Since 1992 the armed forces have become increasingly professional and increasingly subject to civilian control. Their influence in politics has been diminishing. The Royal Thai Police have primary responsibility for internal security and law enforcement. Elements of both the armed forces and the police have a reputation for corruption. Some members of the security forces committed serious human rights abuses.

Thailand is a newly industrializing country with a strong tradition of private enterprise, although state enterprises play a significant role in some sectors. A financial crisis that began in July 1997 led to a severe contraction in economic growth through early 1999. The economy returned to moderate positive growth in April, reaching 4 percent for all of 1999. Annual per capita income, which peaked at \$3,000 in 1996, was about \$2,000, largely due to the depreciation of the baht. Although the manufacturing and services sectors accounted for approximately half the gross domestic product, between 50 and 60 percent the population is rural and agrarian. Government efforts to close the gap between urban and rural living standards have met with only mixed success. Government regulations generally provide protection for individual economic interests, including property rights. However, lack of transparency in bureaucratic decisionmaking and a gap

between regulation and enforcement sometimes leads to uneven commercial treatment for some firms and institutions, and some areas of the Government remain subject to corruption.

The Government generally respected the human rights of its citizens; however, some significant problems remain in several areas. Police officers killed a number of criminal suspects while attempting to apprehend them. The Government investigated some members of the security forces who were accused of extrajudicial killings; however, it remained reluctant to prosecute vigorously those who committed such abuses, resulting in a climate of impunity. Police occasionally beat suspects, at times to coerce confessions; authorities investigated an incident in which 3 prisoners were beaten to death during an escape attempt. An ingrained culture of corruption persists in many parts of the civilian bureaucracy and in the security forces. Routine demands for bribes undermine the rule of law and permit the continuation of various illegal activities, such as income tax evasion, gambling, trafficking, goods smuggling, and prostitution. Enforcement of a broad range of laws and regulations by police continues to be noticeably lax.

Conditions in prison and immigration detention facilities are poor due to severe overcrowding, and lengthy pretrial detention and the prolonged detention of some aliens remain problems. The judiciary suffers from corruption, and at times security forces infringed on citizen's privacy rights. The media practiced some self-censorship, and there were some restrictions on freedom of movement.

At times the Government hindered the activity of human rights groups. Although the enactment of the 1997 Constitution resulted in increased legal protections for women and the disabled, some inequities in the law remain. Violence against women, societal discrimination against women, trafficking in women and children, and forced prostitution are problems. Societal discrimination against indigenous people, and religious and ethnic minorities persists. Forced labor and illegal child labor also remain problems.

The 1997 Constitution contains provisions designed to combat corruption and increase government accountability, transparency, and public participation in the political process. The Government has adopted implementing legislation to bring government practice in line with these reforms over the last 2 years. In November, as mandated by the Constitution, new legislation established a permanent National Commission on Human Rights.

## **RESPECT FOR HUMAN RIGHTS**

### Section 1. Respect for the Integrity of the Person, Including Freedom From:

#### a. Political and Other Extrajudicial Killing

There were no reports of politically motivated killings by government agents; however, legal organizations, reputable nongovernmental organizations (NGO's), and the press continued to provide credible reports that some police officers used unwarranted lethal force in apprehending criminal suspects. Armed narcotics traffickers, in particular, continue to confront police officers, resulting in the use of deadly force by officers during some narcotics-related arrests. Police killed several criminal suspects during the year. The Law Society of Thailand also stepped up its monitoring of extrajudicial killings in May

after police killed five suspected car thieves during arrest attempts in that month.

The police carried out internal investigations into some cases of alleged extrajudicial killing; however, the authorities prosecuted few police or military officers accused of such abuses. A highly publicized case involved police officers in Pak Kret in Nonthaburi Province who in June shot and killed a man suspected of car theft. Police ordered an internal investigation after witnesses claimed that the suspect had been abducted the previous day. There was physical evidence that suggested that the suspect may have been handcuffed before he was shot. In August police arrested the two senior police officers on the Pak Kret arrest team on charges of abduction and murder. The officers were released on bail, and the case has not yet been brought to trial. In a case of death in official custody, in June three would-be escapees from Udon Thani provincial prison who reportedly killed a prison guard during their escape attempt were intercepted and beaten to death by a group that included guards and other prison inmates who were not restrained. Civil authorities forwarded the case to the Udon Thani provincial court, which started legal proceedings to determine whether the killings were justified; these proceedings were still underway as of September. The Department of Corrections also initiated an internal investigation.

The Government investigated some extrajudicial killings; however, it prosecuted few police or military officers accused of such abuses. A senior prosecutor stated that 99 percent of all cases in which government officials have been accused of extrajudicial killings were dropped on the basis of insufficient evidence. Through September none of the 43 cases in which government officials were accused of extrajudicial killing during the year had been brought to court. Senior prosecutors and legal associations claim that most cases eventually are dismissed because regulations outlined in the Criminal Code require public prosecutors to rely exclusively upon the recommendations of the police when determining whether to bring a case for criminal prosecution. Initial inquiries are carried out by police officers, often from the same units responsible for the killing. Well-informed sources report that police investigators routinely determined that police took no wrongful action. Routine exoneration of police officers contributes to a climate of impunity that is a significant factor in preventing any major change in police behavior. It also discourages relatives of victims from pressing for prosecution. Families rarely take advantage of a provision in the law that allows them to bring personal lawsuits against police officers for criminal action during arrest. If pursued by the family, the case is handled by the same office--in some instances by the same prosecutor--who already has ruled that no criminal action occurred. There is no information available to determine how many cases are settled out of court. However, in cases in which suits are filed, the official charged often compensates the family of the deceased, and the lawsuit is waived. Some lawsuits filed during the year remained under consideration at year's end.

In January 1998, prison guards shot and killed four inmates attempting to escape from the Bangkok remand prison. The Corrections Act allows prison guards to fire on a group of three or more prisoners who are armed, harm officials, or refuse to surrender. However, local legal associations claimed that the guards responded with excessive force. A Department of Corrections investigation found that the guards had acted legally and appropriately, but at year's end, a new investigation that could lead to criminal proceedings was ongoing.

The Government continued to prosecute two cases of suspected extrajudicial killing from

1996. In October a provincial court ruled that three police officers had killed six suspected drug dealers in their custody in Suphan Buri in 1996. The case had been passed to the Attorney General, who will determine whether to proceed with murder charges, or whether the killings were in self-defense. In the case of the 1996 killing during arrest of farmer activist Joon Bhoonkhuntod, the Chaiyaphum provincial court decided to pursue criminal charges against the police officer involved; his trial was still in progress at year's end.

The 1996 case of the suspected political killing of environmental protester Thong-in-Kaew-wattha is still under consideration by the courts.

#### b. Disappearance

There were no reports of politically motivated disappearances.

There were no developments in the 1994 disappearance of environmental activist Suchada Khamfubutra. Police no longer are pursuing this case actively. The results of a government investigation into the 1991 disappearance of Labor Congress of Thailand president Thanong Po-an conducted by the House Justice and Human Rights Standing Committee have never been released to the public.

In June the Government released the eight-page executive summary of a Defense Ministry report on the military forces' suppression of political demonstrations in May 1992, but the release of this long-anticipated document provided no new information on the whereabouts of the remaining 38 prodemocracy protesters still listed as missing. Most, if not all, are presumed by family members and NGO's to be dead. In August the Supreme Court dismissed a long-running civil case brought against then-commanding General Suchinda Kraprayun and members of the military and police forces, upholding two lower court rulings that found that the defendants were protected by a 1992 amnesty decree.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution and the Criminal Code forbid torture and cruel, inhuman, or degrading treatment or punishment; however, NGO's and legal organizations continue to report that some members of the police occasionally beat suspects in order to coerce confessions. Authorities also investigated police officers accused of raping and extorting sex from female suspects in detention.

Authorities continued to prosecute the case of a 14-year-old female prisoner who was raped in custody in Bang Pu Police Station in Samut Prakan in 1998. The case was in litigation in the Samut Prakan provincial court as of year's end. The police sergeant charged with the assault was released on bail.

In June the authorities began construction of additional jail cells in 40 of the 76 provinces in order to separate suspects charged with engaging in prostitution from other detainees. The separate cells are mandated by a provision in the 1996 Prostitution Prevention and Suppression Act, which legislators enacted in response to claims that several female suspects had been abused sexually in detention.

In July a parliamentary committee investigated the case of a narcotics offender serving

detention in place of a fine in a local jail in Pathum Thani; the detainee allegedly suffered deep cuts to his wrists that exposed the bones as a result of being kept in handcuffs by authorities for 7 days.

A soldier reportedly shot a refugee (see Section 2.d.).

Some corrupt police and soldiers are involved in trafficking in women and children (see Section 6.f.).

Prison conditions are poor but in general they do not threaten the life or health of inmates. Prisons are severely overcrowded. Sleeping accommodations and access to medical care remain areas of concern that require continued attention to meet minimum international standards. Medical care in prisons is inadequate. To care for a total prison population of 207,328 inmates, the Corrections Department employs only 14 full-time doctors and seven full-time dentists. It also reestablished 9 of the 11 part-time medical officer positions that it had eliminated in 1998.

Prison authorities sometimes used solitary confinement to punish difficult prisoners. They also used heavy leg irons without apparent cause. Credible sources continued to report that prisoners captured in escape attempts were beaten severely, and in one case guards and fellow inmates killed three would-be escapees (see Section 1.a.).

Conditions in Bangkok's Suan Phlu Immigration Detention Center (IDC) were poor, and conditions in provincial detention centers were significantly worse. Some detainees transferred to Bangkok arrived in a debilitated state. Immigration detention facilities are not administered by the Department of Corrections and are not subject to many of the regulations that govern the regular prison system. The immigration detention population dropped to 1,113 in September as a result of a 1998 Interior Ministry policy that allows illegal immigrants arrested in border areas to be deported without first being sent to an immigration detention center. Most long-term detainees had been held for several years because they could not afford repatriation. They now have been deported, but some foreigners still face delays of up to 6 months. Despite the drop in population, overcrowding and shortages of food and water remain significant problems.

Access to prisons is not restricted, and the Government permits visits by human rights monitors and the Thai International Red Cross.

#### d. Arbitrary Arrest, Detention, or Exile

With few exceptions, including crimes in progress, the law requires that police officers making an arrest have warrants, and authorities respect this provision in practice. Under the new Constitution, persons must be informed of likely charges against them immediately after arrest and must be allowed to inform someone of their arrest. Detainees have a right to have a lawyer present during questioning and the police generally respected this right in practice during the year. Foreign prisoners often are forced to sign confessions and stand trial without benefit of a translator.

Police also are required to submit criminal cases to prosecutors for the filing of court charges within 48 hours of arrest. However, lawyers report that the police rarely bring their cases to court within this period since the Criminal Procedure Code allows an

extension period of up to 3 days. Police also can seek court permission to hold suspects for additional periods (up to a maximum of 82 days) to carry out investigations. In addition laws and regulations place any offense for which the maximum penalty is less than 3 years under the jurisdiction of the district courts, which have special procedures; in these cases, police are required to submit cases to public prosecutors within 72 hours of arrest. There is a functioning bail system.

The only legal basis for detention by the police without specific charges for long periods (up to 480 days) is the Anti-Communist Activities Act, which authorities did not invoke during the year. The Government continued to consider legislation to abrogate this law (see Section 2.a.).

As of mid-September, there were 207,328 prison inmates. Approximately 67,000 were charged with narcotics violations. Approximately 29 percent of the total prison population were pretrial detainees. Pretrial detainees usually are not segregated from the general prison population. According to one lawyers' association, pretrial detainees are held an average of 60 days.

Exile is not used as a means of political control.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, while the judiciary generally is regarded as independent, it is subject to corruption and has a reputation for venality.

The civilian judicial system has three levels of courts: Courts of first instance; courts of appeal; and the Supreme Court. A separate military court hears criminal and civil cases pertaining to military personnel as well as those brought during periods of martial law. There is no right to appeal military court decisions. The Constitutional Court, charged with interpreting the Constitution, began operating in 1998; the Court provides a mechanism to implement the charter fully. The Constitution requires that courts must be independent of the Ministry of Justice. However, they officially remained with the Ministry at year's end. Islamic (Shari'a) courts provide due process and hear only civil cases concerning members of the Muslim minority.

The Constitution provides for the presumption of innocence. Access to courts or administrative bodies to seek redress is provided for and respected.

There is no trial by jury. Trials for misdemeanors are decided by a single judge, and more serious cases require two or more judges. While most trials are public, the court may order a trial closed. This is done most often in cases touching on national security or the royal family. Career civil service judges preside over the courts. Judicial appointments and structures are not subject to parliamentary review.

Defendants tried in ordinary criminal courts enjoy a broad range of legal rights, including access to a lawyer of their choosing. A government program provides free legal advice to the poor, but indigent defendants are not provided with counsel at public expense automatically. Most free legal aid comes from private groups, including the Thai Lawyers Association and the Thai Women Lawyers Association.

There are no known political prisoners aside from one Muslim mullah, Sorayut Sakunnanasantisat, who is serving a lengthy criminal sentence of 12 years' imprisonment for leading a 1990 political protest in Pattani. He was convicted in 1994 of offenses against the monarchy and violating national security.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

With few exceptions, including crimes in progress, the law requires police to obtain a warrant prior to conducting a search; however, at times security forces infringed on citizens' privacy rights. Under the new Constitution, warrants must be issued by a court, rather than by the police. However, the procedures for issuing warrants are not standardized, primarily because various laws such as the Criminal Procedure Code and internal government regulations, including those that apply to the police department, have not been amended to comply with the new Constitution. Lawyers' associations reported that police at times endorsed blank search warrants or used legitimate warrants to conduct intrusive searches outside the stated evidentiary domain. NGO's concerned with the welfare of tribal people also reported that police and military units carried out several warrantless searches of villages for narcotics in Chiang Rai province during the year. This type of operation is permitted under both the Constitution and the Narcotics Prevention and Suppression Act of 1976 in cases where there is reasonable suspicion and an urgent search is deemed necessary. However, some academic groups claimed that the searches were arbitrary and violated the villagers' civil rights. The Anti-Communist Activities Act also allows officials engaged in "Communist suppression operations" to conduct searches without warrants, but these powers have been invoked rarely in recent years and were not invoked during the year (see Section 1.d.).

Security services monitor persons who espouse extremist or highly controversial views, including foreign visitors.

NGO's concerned with the welfare of women report that hospital and district officials sometimes changed the identification of unwed expectant mothers from "Miss" to "Mrs.," although it is illegal to do so, and despite the fact that these women possess no marriage or divorce certificates. Lacking these documents, the women encounter severe difficulties in obtaining official documents needed for some business and government transactions. They also report that female government officials face disciplinary action for failing to register their marriages or for having children out of wedlock.

Section 2. Respect For Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for, and citizens generally enjoy, a large measure of freedom of speech and of the press, and the Government generally respects these rights in practice. However, the Government may restrict these rights to preserve national security, maintain public order, preserve the rights of others, and protect public morals. In practice this rarely has been done. Laws prohibiting criticism of the royal family (lésé majeste), threats to national security, or speech likely to incite disturbances or insult Buddhism remain in place under the Constitution.

The Constitution makes it unlawful for the Government to censor, ban, license, or restrict

print or broadcast media, except by specific legislation in times of crisis. There were no reported attempts to intimidate journalists who reported adverse economic news. While newspapers and periodicals practice some self-censorship, especially with regard to the monarchy and national security problems, media criticism of political parties, public figures and the Government is common and vigorous. Journalists generally are free to comment on governmental activities without fear of official reprisal, although allegations of intimidation of the press involving a secretary to a deputy prime minister remain unresolved. In July the secretary, accompanied by seven unidentified men who reportedly were armed, allegedly entered the offices of the Thai Post newspaper, made threatening remarks to newspaper staff there, and demanded the retraction of an article that criticized the deputy prime minister. In late July, the secretary acknowledged that he made threats to Thai Post staff, but the involvement of the deputy prime minister implicated in the incident remains unclear. The Thai Post did not retract the article.

Under the 1941 Printing and Advertisement Act, the Royal Thai Police Special Branch issues warnings to publications for various violations such as disturbing the peace, interfering with public safety, or offending public morals. It issued 14 warnings through November, compared with 9 warnings in 1998. The 1941 Act permits police closure of newspapers or printing presses in times of war or national emergency, but only with a court order. No such closures occurred during the year. Legislation was proposed during the year to revoke the Act. In October the Cabinet forwarded this proposed legislation to the Office of the Juridical Council for further action.

Domestic publications continued to present a wide range of political and social commentary. Unless critical of the royal family or the monarchy, foreign and domestic books normally are not censored and circulate freely. Police have the authority to ban the importation of publications but generally do not exercise it. Legislation to abolish the 1952 Anti-Communist Activities Act created to counter the threat of Communism through media restriction passed the House of Representatives, but at year's end it remained pending due to differences with a Senate proposal related to the time of abolition. The act provides for censorship and monitoring of television and radio, as well as investigations into the contents of books, newspapers, and advertisements, and prohibitions on their publication, distribution, and dissemination (also see Section 1.d.). Revolutionary Order Number 43, which prohibited the public from possessing publications deemed detrimental to national security, including a list of books written by Communists, was abolished in late 1998.

Radio and television stations enjoy the same constitutional protections of freedom of expression and speech as the print media. All radio and television stations are licensed by the Government, and most are operated under the direct or indirect oversight of the Government or the armed forces. Radio and television station profits are retained by organizations that control frequencies such as government ministries, universities, and the military services. The military services seek to retain 40 to 50 radio and television frequencies for national security purposes, despite civilian government assurance that the military services may use all broadcasting frequencies in the event of a national emergency without the need to own them.

Radio stations must renew their licenses every year, and their signals are broadcast via government transmitters. They are required by law to broadcast government-produced newscasts twice daily, 30 minutes each in the morning and evening.

There is one cable television network. It enjoys almost complete autonomy under the indirect oversight of the Mass Communications Authority of Thailand. In addition a wholly independent ultra-high frequency television station managed by a private consortium including the outspoken Nation Multimedia Group began operating in 1996.

Programmers are generally free to determine the content and nature of television broadcasts. However, as with the print media, self-censorship exists. Stations occasionally censor or "black out" portions of programming deemed politically sensitive or pornographic. A government internal censorship board exists in the Prime Minister's office, but it rarely restricts television or radio broadcasts.

An antipornography law allows police to restrict or confiscate printed publications and other materials deemed obscene; the interpretation generally is limited to hard-core pornographic material.

Under the 1930 Film Act, theater owners and broadcasters must submit films that they plan to show to the film censorship board for review. The board can require that portions of the film be removed, or it can ban the film. Reasons for censoring films include violating moral and cultural norms and disturbing the public order and national security. Theater owners and broadcasters frequently censor films themselves before submitting them to the board. The Film Censorship Board reported that it bans 3 to 4 films of an average of 300 films submitted yearly. It banned one foreign film that it said presented a distorted view of the monarchy.

Activity on the Internet remains unregulated.

The Constitution provides for the right to engage in academic pursuits, and academic freedom is respected. The Ministry of Education edits public school textbooks. In October it disapproved a published history textbook that it considered biased regarding the 1973 overthrow of the then-government.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of peaceful assembly, and the Government generally respected this right in practice. Permits are not required for private meetings or gatherings unless held on public property or organized by foreign nationals; these are granted routinely. However, in May an interagency government committee rejected an application for a meeting permit for a proposed international trade union conference on democracy in Burma for national security reasons. The Government stated that the organizers had no mandate as labor organizations to hold a conference on a human rights problem, and that the meeting would damage Thai-Burmese relations because the organizers' proposed speaker list was "not balanced."

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Private associations must register with the Government; such registration is approved routinely.

#### c. Freedom of Religion

Freedom of religion is protected by law, and the Government generally respects this right

in practice. The Constitution requires that the monarch be a Buddhist. The state religion is in effect Theravada Buddhism; however, it is not designated as such.

When the Constitution was being drafted in 1997, the Constitutional Drafting Assembly rejected a proposal to name Theravada Buddhism the official religion on the grounds that it would create social division and be "offensive" to other religious communities in the country.

The Government plays an active role in religious affairs. The Religious Affairs Department (RAD), which is located in the Ministry of Education, registers religious organizations. In order to be registered, a religious organization must first be accepted into an officially recognized ecclesiastical group.

In practice unregistered religious organizations operate freely. However, There was at least one report that unregistered groups had been subjected to extortion by local officials.

Under the provisions of the Religious Organizations Act of 1969, the Department of Religious Affairs recognizes a new religion if a national census shows that it has at least 5,000 adherents, has a uniquely recognizable theology, and is not politically active. However, since 1984 the Government has maintained a policy of not recognizing any new religious faiths. This has restricted the activities of some groups that have not been accepted into one of the existing religious governing bodies on doctrinal or other grounds.

Two branches of the Government recently investigated religious groups alleged to be engaged in cult activities. In January the House Standing Committee on Religion, Arts, and Cultural Affairs moved to consider a petition filed by a senator requesting that the activities of the Hope of Thai People Foundation be investigated. Complaints had been filed at the Religious Affairs Department by parents who claimed that their children had isolated themselves from friends and family after joining the foundation.

The Constitution requires the Government "to patronize and protect Buddhism and other religions." The State subsidizes the activities of the three largest religious communities (Buddhist, Islamic, and Christian). Since mid-1998, the Government has provided more than \$38 million to support Buddhist and Muslim institutes of higher education; to fund religious education programs in public and private schools; to provide daily allowances for monks and Muslim clerics that hold administrative and senior ecclesiastical posts; and to subsidize travel and health care for monks and Muslim clerics. This figure also includes an annual budget for the renovation and repair of Buddhist temples and Muslim mosques, the maintenance of historic Buddhist sites, and the daily upkeep of the Central Mosque in Pattani.

The Government permitted foreign missionary groups to work freely throughout the country, although it also maintained policies that favored proselytizing by citizens.

The number of foreign missionaries officially registered with the Government is limited to a quota that originally was established by the RAD in 1982; this quota has not changed since that date. There were no reports that foreign missionaries were deported or harassed for working without registration, although the activities of Muslim professors and clerics were subjected disproportionately to scrutiny on national security grounds because of continued government concern about the potential resurgence of Muslim separatist

activities in the south.

Laws prohibiting speech likely to insult Buddhism remain in place under the 1997 Constitution. The police, who have legal authority under the Printing and Advertisement Act of 1941 to issue written warnings or orders suspending the publication or distribution of printed materials considered offensive to public morals, did not use it to restrict the publication or distribution of religious literature during the period covered by this report. The act requires all theater owners and broadcasters to submit films scheduled for screening to a government film censorship board for review. The Government also sought to revoke the act during the year (see Section 2.a.).

National identity cards produced by the Ministry of Interior since April 12 for the first time included designation of the religious affiliation of the holder. The change was implemented in response to the demands of parliamentarians who wanted easier identification of individuals requiring Muslim burial. Individuals who fail or choose not to indicate religious affiliation in their applications can be issued cards without religious information.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for the right of citizens to change their residence or workplace, and authorities generally respect this right in practice; however, there were some exceptions. Longstanding restrictions on the travel and domicile of certain Vietnamese resident aliens who immigrated to Thailand in 1945 and 1946 and Chinese who immigrated between 1953 and 1961 remain in place. In addition other long-term noncitizen residents, including several hundred tribal people, are required to seek permission from local authorities or the army for foreign or domestic travel. In practice authorities rarely enforce these restrictive measures, and registered resident aliens are able to move freely within the country.

The Government did not extend work permits for approximately 100,000 alien workers when their temporary employment permits expired in August. The Government issued revised labor regulations to allow a maximum of 86,895 illegal Burmese, Cambodian, and Laotian workers already in the country to register for a period of 90 days to obtain work permits for manual labor jobs in 18 sectors. Aliens who took advantage of this regulation would be allowed to work in 37 of the 76 provinces and move freely until August 2000, after which the Government reserves the right to deport them formally. During the year, the Government deported about 108,000 migrant workers and families. However, NGO's reported that a large number of those deported returned during the year.

The Government continued to provide asylum to small numbers of Vietnamese and Lao asylum seekers pending their resettlement in other countries, as well as to persons unable to meet the refugee definition pending arrangements to return them to their countries of origin. Along the border with Burma, the Government generally followed its policy of providing first asylum to new arrivals, but continued to condition entry on "flight from fighting," rather than on broad grounds of persecution on the basis of race, religion, ethnic group, social class, or political opinion. Consequently, there were several thousand asylum seekers from Burma, mostly of the Karen ethnic group, who resided in Thailand but were not acknowledged officially as refugees, and were not permitted to receive

assistance and protection in designated refugee camps. A significant number of ethnic Shan also reside near the Thai-Burma border. Authorities do not acknowledge that members of the Shan ethnic minority have displaced person status.

There were no reports that security personnel or civilian authorities forcibly repatriated any asylum seekers to Burma during the year. Nor were there reports that officials forcibly returned persons to a country where they feared persecution. However, the Armed Forces Supreme Command is investigating one incident in September in which a soldier shot and wounded a refugee when a dispute broke out during the transfer of a camp population to a new camp located farther inland at Umpien; NGO's involved in the care of refugees and the authorities consider the new camp to be in a safer location.

There is no legislation regarding the treatment of refugees. However, the Government continued to permit the United Nations High Commissioner for Refugees (UNHCR) to exercise its mandate with regard to small numbers of Vietnamese and Lao asylum seekers, most of whom were screened out and awaiting return to their countries of origin, as well as more than 30,000 Cambodians who had crossed into Surin, Sa Kaew, and Trat provinces since 1997 to escape factional fighting in Cambodia. All Cambodian refugees returned safely to their home country by the end of March. The Government also upheld its 1998 decision to allow the UNHCR to play a formal role in monitoring and providing protection to about 113,000 refugees from Burma, mostly ethnic minorities, in more than a dozen sites near the border with Burma. The UNHCR's previous mandate had been limited to a few hundred ethnic Burman students at the Burmese Center, formerly known as the Burmese Student Safe Area, located in Ratchaburi province. The Government continued to restrict access to the Center to those persons from Burma to whom the UNHCR had accorded refugee status. In February it admitted 890 persons recognized under the UNHCR's mandate who had been awaiting entry, some for more than 2 years.

The Government accelerated the pace of resettlement of Burmese students following the peaceful resolution of the October 1 takeover of the Embassy of Burma in Bangkok by Burmese dissidents. In November the Interior Ministry approved a list of 1,700 persons submitted by the UNHCR for admittance to the Burmese Center. Approximately one-half this number had been admitted by year's end. The Government requested expedited third country resettlement.

The Government also continued to allow NGO's to provide food, medical services, housing, and other services to Burmese refugees near the border. Government officials periodically arrested Burmese outside designated camps as illegal aliens, including some recognized as "persons of concern" by the UNHCR.

### Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for the right of citizens to choose or change their government peacefully through free and fair elections based on universal suffrage. Citizens last exercised this right in an election in 1996 that generally was viewed as free, but was marred by widespread vote buying, a recurrent problem. The Constitution prohibits Buddhist monks and nuns from voting or seeking public office. It also created an independent Election Commission, which was appointed in November 1997 to supervise elections. Voting is compulsory. Eligible voters who fail to exercise their voting

responsibilities, except those excused on reasonable grounds, are subject to the loss of certain rights, including the right to be a candidate in future elections.

The Constitution and the 1998 Election Law allow eligible voters who are living outside their home districts to register to vote at their temporary residences, provided that they have resided there for more than 90 days. Voters who have lived in their temporary abodes less than 90 days, or who fail to register there, must return to their home districts at election time to vote. The Constitution and the Election Law also allow citizens living overseas to vote by absentee ballot.

While there are no legal restrictions on their political participation, women generally are underrepresented in national politics, especially at senior levels. There was essentially no change in the number of women assigned or elected to positions of leadership. Women make up less than 10 percent of the Senate, the House of Representatives, and civil service. There are 21 women in the 377-member House of Representatives, and 21 in the 253-member Senate. The number of women in the 52-member Cabinet increased from 2 to 3 after a cabinet reshuffle in July.

No laws prohibit the participation of ethnic minorities, but few hold positions of authority in national politics. Members of ethnic minorities in the north often lack documentation of citizenship, effectively barring their participation in the political process (see Section 5). Muslims from the south hold significant elected posts in the Government, although they continue to be underrepresented in local and provincial government positions, which are appointed by the central Government. Muslims make up 4 percent of Parliament. There are 8 Muslim Members of the Senate, and 17 Muslim Members of Parliament, including House Speaker Wan Muhamad Noor Matha and Foreign Minister Surin Pitsuwan.

#### Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of local, domestic, and international human rights organizations work on controversial problems without government restriction, investigating and publishing their findings on human rights cases freely. Government officials generally were cooperative and responsive to their views; however, at times the Government hindered the activity of a few human rights groups.

Very few NGO's are accorded tax-exempt status, and this sometimes hampers the ability of domestic human rights organizations to secure adequate funding. A coalition of academics and NGO representatives continued to lobby the Treasury Ministry to change its tax policies during the year. In May the Government refused to grant a permit for a labor organization to hold a conference on democracy in Burma, citing reasons of national security (see Section 2.b.).

The 1997 Constitution mandates the establishment of a permanent 11-member National Commission on Human Rights. The National Assembly enacted enabling legislation in November; the Commission is scheduled to become active in early 2000. The Commission would be a government, rather than an independent, body, with a mandate to prepare an annual evaluation of the human rights situation for the National Assembly, propose policies and recommendations for amending laws to the National Assembly, promote measures to educate citizens on human rights, and investigate cases of human

rights abuse.

## Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equal treatment under the law without respect to race, sex, religion, disability, language, or social status. In practice some discrimination exists, and government enforcement of equal protection statutes is uneven.

### Women

Domestic abuse continues to be a serious problem affecting the welfare of many women; reliable reports indicate that domestic abuse occurs across all social classes. Specific laws concerning domestic violence have not been enacted. Spousal and child abuse are covered by assault provisions in the Criminal Code, but rules of evidence often make prosecuting such cases difficult. Police do not enforce laws against such violence vigorously, and domestic violence often goes unreported because many victims and authorities continue to regard domestic abuse as a private, not a legal, matter. NGO's supported programs designed to aid victims, including emergency hot lines, temporary shelters, and counseling services. In addition a weekly public service television program designed to increase public awareness of domestic violence issues began during the year. The Government also established seven "one-stop" crisis centers in state-run hospitals to handle abused women and children.

Under the Criminal Code, rape is illegal. However, a husband cannot be prosecuted for spousal rape. In 1998 the Government proposed changes to the Criminal Code that would redefine the term rape to include marital rape. The Cabinet approved the proposed legislation in May but had not forwarded it to the National Assembly for scrutiny by year's end.

According to credible sources, rape and domestic assault cases are underreported, in part because law enforcement agencies are widely perceived to be incapable of bringing perpetrators to justice. Since 1994 police have sought to ameliorate this perception and encourage women to report sexual crimes through the use of teams of female police officers that operate in three Bangkok police stations with a total of 13 female investigators. In July the police took preliminary steps to expand this program to the nine metropolitan districts in the capital and three provinces and recruited 21 additional female officers.

Prostitution, although illegal, flourishes, is ingrained deeply, and often is protected by local officials with a commercial interest in its continuation (see Section 6.f.). Thailand is a source, transit place, and destination for the trafficking in women and children. Government and NGO estimates of the number of women and children engaged in prostitution vary widely. Many NGO's and government departments use a figure of 200,000 persons, which is considered a credible estimate. This figure includes children under age 18 and foreigners. Some women are forced into prostitution, but the number of such cases is difficult to determine. The majority of prostitutes are not kept under physical constraint, but a large number labor in debt bondage (see Section 6.c. and 6.f.). The 1996 Prostitution Prevention and Suppression Act makes prostitution illegal and states that customers who patronize child prostitutes are punishable by law. Parents who allow a

child to enter the trade are also punishable. Prosecutions remained low. NGO's and government agencies continued to provide shelter, rehabilitation, and reintegration programs for children and women involved in the sex industry during the year.

The 1998 Labor Protection Law made sexual harassment illegal for the first time, but covers only persons working in the private sector. NGO's claim that the term is vague and that this ambiguity makes it difficult for women to pursue cases through the legal system. No sexual harassment cases were prosecuted under the Labor Protection Act during the year. One sexual harassment case brought by a female civil servant working in a state-owned enterprise was prosecuted under the Penal Code.

The Constitution has six gender-related articles designed to provide women with equal rights and protections, but some inequalities in the law remain. A man may sue for divorce on the grounds that his wife committed adultery, but a woman faces the additional legal burden of proving that her husband has acknowledged publicly another woman as his wife. In an action that elicited strong public debate, the Government considered adopting legislation to amend the 1962 Individual Names Act, a law that authorities seldom enforce which requires a woman to adopt her husband's surname at marriage.

Women generally have access to higher education, and more than half of university graduates each year are women. However, police and military academies do not accept female students. Women represent 44 percent of the labor force and hold an increasing share of professional positions. Women are able to own and manage businesses freely, and government regulations require employers to pay equal wages and benefits for equal work regardless of gender. However, there is a significant gap between the average salaries earned by men and women because women are concentrated in lower paying jobs. In practice, women also receive lower pay for equal work in virtually all sectors of the economy.

The Women and Constitution Network, a league of 35 women's organizations, lobbied for legal reforms to address legal inequities in the treatment of women. It continued to play an important role in securing the inclusion of gender equality clauses in legislation creating new government organizations mandated by the 1997 Constitution, including an article that specifies that one-third of the members of the new National Human Rights Commission be women.

## Children

The Government took steps to promote the rights and welfare of children. The Constitution provides for the right of access to free public education through grade 12, and in March the Government raised compulsory education requirements from 6 to 9 years. The Government's 1997 Social Welfare Plan for Underprivileged People doubled the budget for children's programs for 1997-2001, compared with the previous 5-year plan.

Child labor remains a problem, and some international organizations, government-funded research organizations, and members of the news media continued to report an increase in the number of children leaving school due to the economic downturn (see Section 6.d.). According to the U.N. Development Program, 88 percent of children of primary school age were enrolled in schools, but only 44.7 percent of children of secondary school age

enrolled in the first year of secondary education.

Child prostitution, including forced prostitution and trafficking of children, is a serious problem (see Sections 6.c. and 6.f.). The Government estimates that there are as many as 20,000 prostitutes under the age of 18.

The Criminal Code provides for the protection of children from abuse, and laws on rape and abandonment provide for harsher penalties when the victim is a child. However, as with domestic abuse, police are reluctant to investigate abuse cases, and rules of evidence make prosecution of child abuse cases difficult. In July the Government enacted legislation designed to allow children to give evidence on videotape and in private surroundings in the presence of a psychologist, psychiatrist, or other social worker; the legislation requires a 1-year training period and is to become effective in September 2000.

### People With Disabilities

The Government has enacted legislation designed to ensure access to public facilities and to prohibit employment and education discrimination against the disabled; however, it has not enforced these laws effectively. Government sources estimate that only 8 percent of the estimated 4.8 million persons with physical disabilities receive formal schooling due to the inaccessibility of most public school buildings and, in some cases, educators who have discouraged children with disabilities from enrolling. To remedy this situation, the Government worked to equip 4,000 primary schools with the facilities needed to admit disabled children during the year. Nationwide, there are also 8 government-operated and 10 NGO-operated training centers for the disabled. However, with little education, very few disabled adults are able to find employment. Many of those who do report being subjected to wage discrimination. The law requires that private firms hire 1 disabled person for every 200 other workers or contribute to a fund that benefits the disabled, but this provision has not been enforced since it came into effect in 1994. Some state enterprises maintain discriminatory hiring policies.

The Constitution mandates access to public buildings for the disabled, but laws implementing the provisions have not yet been enacted. A 1998 cabinet resolution directed state agencies to modify facilities for disabled access, but most government agencies have not done so; however, in December a regulation was promulgated that makes compliance mandatory. Disabled persons who register with the Government are entitled to free medical examinations, wheelchairs, and crutches.

### Indigenous People

The Government classifies hill tribe groups as either indigenous or migrant. Members of indigenous groups enjoy the rights of other citizens, while members of migrant groups generally are considered illegal aliens; they possess extremely limited civil and political rights. Hill tribe members who settled in the country before a 1991 countrywide hill tribe survey are eligible for citizenship. However, eligible members frequently face lengthy delays in regularizing their status. This is partly due to the difficulty in determining the legal status of hill tribe members. Less than one-half the estimated 700,000 to 800,000 members of hill tribes reportedly possess documentation that either identifies them as citizens or certifies their eligibility for future citizenship. A significant remaining number enjoy legal resident status, but many in this category still faced employment

discrimination and official harassment of various kinds, including threats of arrest or deportation. Those residing in national parks or wildlife sanctuaries sometimes are subject to eviction. Those that lack documentation sometimes are denied adequate education and health care. As noncitizens they also are barred from participating in the political process. Undocumented members of hill tribe cannot own land and are not protected by labor laws, including minimum wage requirements.

Credible sources reported that societal discrimination, arising from widely-held beliefs that hill tribe members are involved in narcotics trafficking and forms of environmental degradation, worsened. Hill tribes occasionally were subjected to indiscriminate searches of villages for narcotics (see Section 1.f.). Popular dissatisfaction with the Government's handling of problems affecting hill tribe members was the focus of large gatherings in Chiang Mai in May. The Tribal Assembly of Thailand, an organization representing 7 tribes and 170 tribal villages, lobbied the Government for greater transparency in decisions affecting hill tribes, including procedures addressing citizenship, allocation and management of natural resources, and community relocations. The Government responded by offering public hearings on draft forest legislation and new forums where tribal members can participate in decisions affecting natural resource allocation and protection of their civil and political rights. The Government also agreed to form a joint committee to review forestry laws and a joint panel to oversee the citizenship process for hill people. As of September, the Government had created one committee (to consider the citizenship process), but took no action on public hearings or forest law.

#### Religious Minorities

There were no reports of violence against members of religious minorities, but some societal discrimination remains. The police investigated a suspected case of intradenominational conflict in which a prominent Buddhist theologian's home was attacked with a fire bomb in Nonthaburi in March. Muslims, who represent up to 10 percent of the country's population nationwide, and constitute the majority in four of the five southernmost provinces that border Malaysia, experienced some discrimination. The Government continued to address the problem by maintaining longstanding policies designed to integrate Muslim communities into society through developmental efforts and expanded educational opportunities.

#### National/Racial/Ethnic Minorities

The Sino-Thai population is well integrated and does not face discrimination. However, about 50,000 former Chinese soldiers and dependents of a Kuomintang army that fled China after the Communist takeover, and approximately 45,000 Vietnamese immigrants who reside in five northeastern provinces, live under a set of laws and regulations that restrict their movement, residence, education, and occupations (see Section 2.d.). Despite a strong desire for Thai citizenship, fewer than 100 Vietnamese and 3,000 to 4,000 Chinese have been naturalized in the last 34 years. Children who were born in Thailand of these legal permanent resident immigrants may request citizenship through district offices. These requests are granted routinely. Approximately 10,000 Vietnamese children born in Thailand have acquired citizenship in this manner, as have 8,000 Chinese children born in the country.

In March the Government removed amendments to the 1941 Land Act that it considered

unconstitutional. These amendments had barred Thai citizens with foreign spouses, and their children, from buying or inheriting real property.

## Section 6. Worker Rights

### a. The Right of Association

The 1975 Labor Relations Act grants freedom of association to private sector workers. Workers have the right to form and join unions of their choosing without prior authorization; to decide on the constitutions and rules of these associations and unions; to express their views without government or employer interference; to confederate with other unions; to receive protection from discrimination, dissolution, suspension, or termination by any outside authority because of union activities; and to have employee representation in direct negotiations with employers. However, no law explicitly protects workers from discrimination who have participated in organizing new unions that have not been registered officially. Union leaders report that employers often discriminate against workers seeking to organize unions. During the year employers used loopholes in the Labor Relations Act to fire union leaders prior to government certification of new unions.

Workers in the public sector do not have the right to form unions. For state enterprises, the law allows workers in each state enterprise to form a single "association" after at least 30 percent of the enterprise's employees submit a petition to the Ministry of Labor to register such an association. These associations submit employee grievances to management and propose changes in benefits and working conditions but may not negotiate wages.

Associations do not have the right to confederate or to join private sector federations. However, unofficial contacts between public and private sector unions continue, and the Government has not interfered with these relationships.

The law denies all state enterprise workers the right to strike. In the private sector a proposed strike must be approved by the majority of the union members in a secret ballot and be registered beforehand with the Ministry of Labor to be considered legal.

The Government has the authority to restrict private sector strikes that would "affect national security or cause severe negative repercussions for the population at large," although it seldom invokes this provision and did not do so during the year. Labor law also forbids strikes in "essential services," defined much more broadly than in the ILO criteria for such services. No strikes were disapproved during the year.

The Government did not enforce these legal restrictions vigorously. During the year, the Government reiterated its commitment to passing a new version of the State Enterprise Labor Relations Act (SELRA) that was suspended in 1991; SELRA would restore the rights enjoyed by state enterprise unions prior to their abolition. In 1998 the Government reintroduced legislation that the National Assembly had passed earlier that year but that subsequently was ruled unconstitutional by the Constitutional Court because of a drafting technicality. In August the House rejected antiunion amendments that the Senate attempted to attach to the revised bill. According to the law, the House can act to pass the new legislation after a 180-day waiting period. The bill is scheduled for consideration in

February 2000.

Less than 2 percent of the total work force, but nearly 11 percent of industrial workers, are unionized. Cultural traditions, unfamiliarity with the concept of industrial relations, and efforts by the Government to diminish union cohesiveness often are cited as the reasons for low rates of labor organization.

While violence against labor leaders is rare, the 1991 disappearance of outspoken labor leader Thanong Po-an remains unsolved (see Section 1.b.).

There is a legacy of corrupt private sector union leaders who were exploited by the military forces, politicians, or employers for their own purposes, but public unions generally operate independently of the Government and other organizations.

Unions are free to associate internationally with other trade organizations, and they maintain a wide variety of such affiliations.

#### b. The Right to Organize and Bargain Collectively

The 1975 Labor Relations Act recognizes the right of private sector workers to organize and bargain collectively and defines the mechanisms for such negotiations and for government-assisted conciliation and arbitration in cases under dispute. In practice genuine collective bargaining occurs only in a small fraction of workplaces and in most instances continues to be characterized by a lack of sophistication on the part of employee groups and autocratic attitudes on the part of employers. Wage increases for most workers come as a result of increases in the minimum wage, rather than as a result of collective bargaining. A new process of setting minimum wages locally through provincial tripartite committees may further limit union influence; many of these provincial committees have excluded labor representatives and have placed factory managers on the wage committees to represent worker interests.

The Government sets wages for both civil servants and state enterprise employees. A system of labor courts created in 1980 exercises judicial review over most aspects of labor law for the private sector. Workers also may seek redress for their grievances through the Tripartite Labor Relations Committee. Redress of grievances for state enterprise workers is handled by the State Enterprise Relations Committee. Labor leaders generally were satisfied with the treatment that their concerns received in these forums, although they complained that union leaders dismissed unjustly usually are awarded only monetary compensation.

No separate labor legislation applies in export processing zones, where wages and working conditions are often better than national norms because of the preponderance of Western and Japan-based multinational firms.

#### c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor except in the case of national emergency, war, or martial law; however, while these provisions generally are enforced in the formal business sector, forced labor remains a problem. The Constitution does not specifically prohibit forced or bonded labor by children, and limited instances of such

practices occur. There are reports of sweatshops in the informal sector where employers restrain workers from leaving the premises. There are no estimates of how many such workshops exist, but the growing number of illegal aliens from Burma, Cambodia, and Laos increases the opportunities for such abuse. Trafficking in women and children for the purpose of forced prostitution also remains a problem (see Section 6.f.).

#### d. Status of Child Labor Practices and Minimum Age for Employment

In 1998 the Government raised the legal minimum age for employment to 15 years. The law permits the employment of children between the ages of 15 and 18 only in "light work," where the lifting of heavy loads and exposure to toxic materials or dangerous equipment or situations is restricted. The employment of children at night (from 10 p.m. to 6 a.m.), or in places where alcohol is served, is prohibited by law. An analysis based on population and school enrollment data showed that from 850,000 to 1,480,000 children work, mostly on family farms. An estimated 240,000 to 410,000 (2 to 4 percent of children between the ages of 6 and 14) work in urban employment and are at particular risk of labor abuse. Most children employed in urban areas work in the service sector, primarily at gasoline stations and restaurants. Child labor is not evident in larger foreign-owned or Thai export oriented factories. However, no comprehensive survey of child labor in smaller enterprises exists, since NGO's do not have access to shop house factories. The Ministry of Labor has increased the number of inspectors responsible for investigating child labor problems, although not all officers are engaged in full-time inspection work. Enforcement of child labor laws is not rigorous, and inspectors usually respond only to specific public complaints or exposes in newspapers. Their inclination when dealing with violators is to negotiate promises of better future behavior, rather than to seek prosecution and punishment. The Constitution does not specifically prohibit forced or bonded labor by children, and limited instances of such practices occur (see Section 6.c.). The Government has attempted to address the problem of child labor by extending compulsory education from 6 to 9 years (see Section 5).

#### e. Acceptable Conditions of Work

The minimum wage ranges from \$3.42 to \$4.26 (130 to 162 baht) per day, depending on the cost of living in various provinces. This wage is not adequate to provide a decent standard of living for a worker and family. With extended family members' financial contributions, the minimum wage provides the basis for a marginally adequate overall standard of living. However, nationwide, more than half of workers receive less than the minimum wage, especially in rural provinces.

Unskilled migrant workers, as well as illegal aliens, often work for wages that are significantly lower than the minimum wage. The minimum wage does not apply to undocumented hill tribe members, who also are not protected by other labor laws. The Ministry of Labor is responsible for ensuring that employers adhere to minimum wage requirements. Despite encouragement of employees to report violations to labor inspectors, the enforcement of minimum wage laws is mixed.

In 1998 the Government mandated a uniform maximum workweek of 48 hours, with a limit on overtime of 35 hours per week. Employees engaged in "dangerous" work, such as in the chemical, mining, or other industries involving heavy machinery, may work a maximum of 35 hours per week. The petrochemical industry is excluded from these

regulations.

Working conditions vary widely. The rate of injury from industrial accidents has remained relatively constant over the last 10 years at 4.5 percent of the total work force. However, NGO's claim that in the last 8 years, the average rate of work-related deaths was high at 25 per 1,000 workers. Occupational diseases rarely are diagnosed or compensated, and few doctors or clinics specializing in occupational diseases exist. In medium-sized and large factories, government health and safety standards often are applied, but enforcement of safety standards is lax. In the large informal sector, health and safety protections are substandard.

Provisions of the Labor Protection Act include expanded protection for pregnant workers with prohibitions on working night shifts, overtime, or holidays, as well as for those working with dangerous machinery or on boats.

Foreign migrant workers are subject to deportation (see Section 2.d.). The Ministry of Labor and Social Welfare promulgates health and safety regulations regarding conditions of work. Labor inspectors are responsible for enforcement of health and safety regulations; the strictest penalty is 6 months' imprisonment. Provisions in the Labor Protection Law include the establishment of welfare committees, which include worker representatives, in factories employing over 50 persons. These committees are to set and review health and safety conditions in each factory. There is no law affording job protection to employees who remove themselves from dangerous work situations.

There were no new developments in the criminal lawsuit brought against factory owners and management in the case of the May 1993 Kader Toy Factory fire near Bangkok.

#### f. Trafficking in Persons

The law prohibits trafficking in women and children; however, Thailand is a source, a transit place, and a destination for trafficking in women and children for the purpose of prostitution (see Section 5). Government and NGO estimates of the number of women and children engaged in prostitution vary widely. Many NGO's and government departments use a figure of 200,000 persons, which is considered a credible estimate. This figure includes children under age 18 and foreigners.

Some women are forced into prostitution, but the number of such persons is difficult to determine. Coerced prostitution often involves women from hill tribes and neighboring countries. Because foreign women frequently cannot speak Thai and are considered illegal immigrants, these women are particularly vulnerable to physical abuse, confinement, and exploitation. Some women are lured with promises of jobs as waitresses or domestic helpers, but then forced to work as prostitutes. Those women who are illegal immigrants have no rights to legal counsel or health care if arrested (see Section 2.d.). Nor do the amnesty provisions under UNHCR auspices apply. Government agencies, diplomatic observers, and domestic NGO's reported that many Burmese, Lao, Cambodian, and Chinese women continued to be trafficked, and in some cases abducted for prostitution. Vietnamese and Russian citizens also reportedly were trafficked to Thailand in smaller numbers. According to domestic NGO's, girls between the ages of 12 and 18 continued to be trafficked from Burma, southern China, and Laos to work in the commercial sex industry.

The majority of prostitutes are not kept under physical constraint, but a large number labor in debt bondage. Brothel procurers often advance parents a substantial sum against their daughter's future earnings, often without the consent of the young woman involved. The women are then obligated to work in a brothel to repay the loan.

The Prostitution Prevention and Suppression Act of 1996 made prostitution illegal and states that customers who patronize child prostitutes are punishable by law. Parents who allow a child to enter the trade are also punishable. The 1997 Prevention and Suppression of Trafficking in Women and Children Act increased the penalties for trafficking in women and children for the purposes of prostitution or slave labor, and provided for wide powers of search and assistance to victims. The authorities utilized these powers during the year, but the number of prosecutions remained low. A new money laundering law became effective in August that includes provisions designed to enable authorities to confiscate the assets of persons convicted of trafficking or engaging in the business of prostitution. NGO's and government agencies continued to provide shelter, rehabilitation, and reintegration programs for children and women involved in the sex industry during the year. However, there continue to be credible reports that some corrupt police, soldiers, and government officials are involved in trafficking schemes. In April the Government reassigned some senior immigration officials based in two airports; they were found to be complicit in trafficking schemes, but no systematic plan to address the problem has been formulated.

The Government and NGO's estimate that there are as many as 20,000 prostitutes under the age of 18. In 1996 the Government enacted a stronger law against trafficking in, patronizing, or profiting from child prostitutes. Since the promulgation of the 1996 act, government sources confirm that 355 persons individuals have been arrested for violating this law. As of September, 14 of these persons had been convicted and sentenced. Some NGO's reported that there was a small decline in the trade in children for commercial sex; however, there are no comprehensive surveys to determine the accuracy of these claims, and it is uncertain whether the new laws are contributing to the reported decline.

[end of document]

---

[East Asia and the Pacific Index](#) | [Table of Contents](#) | [1999 Report Homepage](#) | [Human Rights Reports Index](#)