

The State Department web site below is a permanent electronic archive of information released prior to January 20, 2001. Please see www.state.gov for material released since President George W. Bush took office on that date. This site is not updated so external links may no longer function. [Contact us](#) with any questions about finding information.

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



TITLE: THAILAND HUMAN RIGHTS PRACTICES, 1994
AUTHOR: U.S. DEPARTMENT OF STATE
DATE: FEBRUARY 1995

THAILAND

Thailand is a democratically governed constitutional monarchy with a history of frequent military coups and powerful military-bureaucratic influence over political life. The King exerts strong informal influence on carefully selected issues. In October the democratically elected administration of Prime Minister Chuan Leekpai completed its second year in office.

The security apparatus has wide-ranging legal powers, largely derived from past militarily controlled administrations. Military leaders still have an informal but influential role in internal politics. Since 1992 the military influence in politics has been substantially reduced, however, and the current military leadership has evidenced a growing acceptance of permanent civilian rule.

The police have primary responsibility for internal security and law enforcement. However, some police officers continue to commit serious human rights abuses without punishment.

Thailand, a newly industrializing country with a flourishing free enterprise system, continued to enjoy remarkable economic growth. The political system generally provides strong protection for individual economic interests, including property rights. Although the industrial and services sectors are expanding rapidly, more than half the population is rural and dependent on agriculture. Despite the Government's efforts to close the economic gap between urban and rural areas, Thailand continues to suffer from a large and growing disparity in income distribution.

Although the Government continued vocal advocacy of human rights, serious human rights problems remained unaddressed. Some police continued to resort to physical abuse of detainees and sometimes summary executions in dealing with criminal suspects. The Government prosecuted few police officers accused of abuse or extrajudicial killings. Enforcement of a broad range of laws and regulations by police also remained noticeably lax. In August the police department was rocked by revelations of senior police officials' complicity in the deaths of the wife and child of a key witness in a 5-year-old case involving the theft of gems from a Saudi prince.

In general the Government continued to uphold freedom of assembly and freedom of the press, although there were several isolated incidents in which the Government attempted to limit these rights. Also, the Government moved slowly to fulfill its policy of addressing the problem of trafficking in women, children, and minorities for the purposes of prostitution. Legal and societal discrimination against women, violence against women and children, and child labor continued.

The number of protesters officially listed as "missing" after the bloody 1992 military crackdown on prodemocracy demonstrations dropped to 39.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

The Government, legal organizations, reputable nongovernmental organizations (NGO's), and the press continued to report, credibly, that some police officers summarily executed criminal suspects, particularly in areas outside the capital. Reliable NGO's reported, based on court records, that in 1993, the police killed 31 suspects while arresting them, while another 23 died in police custody. It is difficult to gauge accurately what percentage of these deaths could reasonably have been avoided. Complete statistics on the number of criminals and suspects killed by police in 1994 were unavailable.

In August police officers allegedly murdered the wife and child of a key witness in a 5-year-old case concerning jewelry and gemstones stolen by a Thai employee of a Saudi prince. High-level police involvement is widely suspected in the gems case; one midlevel and two senior police officers have been arrested thus far, with more arrests likely. While at year's end no police officers had been convicted, many remained under active investigation for their roles in the affair.

In January press reports revealed that since 1992 a group of policemen robbed and murdered at least 15 Asian tourists. Chinese and Japanese visitors in Bangkok were targeted for kidnaping and extortion, and those killed were mutilated to hamper identification and dumped in outlying provinces. Seven police officers who confessed to murder were arrested for their involvement. These cases had not come to trial by the end of 1994.

In May an American citizen died of head wounds sustained while in police custody in Phuket. Police authorities vigorously investigated and determined that the wounds were self-inflicted. However, forensic pathology reports conducted in the United States 2 weeks after the incident raise questions about the case that remain unanswered. The FBI is assisting Thai authorities in investigating the matter.

The courts rarely convict police officers involved in summary execution cases, in part because witnesses are often intimidated or bribed to withhold evidence. The resulting climate of impunity is the single largest factor militating against any significant change in police behavior. The law allows personal suits against police officers for criminal actions taken while making an arrest. However, due to flaws in the legal process and ingrained cultural attitudes, victims or their families rarely file suits against the police. During the initial police inquiry, most police investigations routinely determine that no wrongful action was taken on the part of the police; judges generally follow the prosecutor's recommendations. If pursued by the family, the case is handled by the same office, in some instances by the same prosecutor, who has already ruled that no criminal action occurred. There is no information to determine how many cases are settled out of court, but in cases in which suits are filed, the Government often compensates the family of the deceased, and the suit is dropped.

Two killings of political figures were reported in 1994. The mayor of Narathiwat, a provincial capital, was murdered in January by two strangers who fled the scene on a motorcycle without license plates. In a separate incident, a provincial council candidate who was a key figure leading villagers to rally against two local officials was murdered, apparently for political reasons.

b. Disappearance

There was one report of a disappearance in 1994. In December environmental activist Suchada Khamfubutra disappeared from her home. Because she had organized villagers in Lamphang province to protest pollution from a Taiwanese-owned factory earlier in the year, there initially was suspicion of foul play. As more information became available, NGO's and the police decided she had more likely disappeared of her own volition because she was unable to repay some debts. Police were investigating her case at year's end.

The governmental joint committee, which includes a prominent university professor and other nonpolitical figures, investigating the military's violent suppression of prodemocracy demonstrations in 1992 reduced the number of protesters believed missing from 48 to 39. All those found were unharmed but had feared persecution for their role in the events. Local investigations into the whereabouts of the remaining 39 continue, though many family members and NGO's suspect that most of them are dead. An amnesty decree issued during the last days of the Suchinda government in May 1992, and reaffirmed by subsequent Governments, effectively protects military leaders and protesters accused of criminal activities during the May 1992 events from criminal prosecution. NGO's and relatives of the missing filed a civil suit against four of the top military leaders involved in the violence. In June the civil court ruled that because of the amnesty decree the military leaders could not be sued. Lawyers for the families plan to appeal on the grounds that the decree was unconstitutional because it was not approved by the Cabinet.

A suspect in the 1989 murder of Saudi diplomats in Bangkok was acquitted by the Supreme Court in May. The judges determined the evidence submitted by the three witnesses was unreliable.

Labor Congress of Thailand (LCT) President Thanong Po-an's 1991 disappearance remains unresolved. On Labor Day (May 1), the LCT again called on the Government to make a more serious attempt to locate Thanong. Most observers believe Thanong was kidnaped and killed because of his criticism of the military coup d'etat in February 1991.

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

The Criminal Code forbids cruel, inhuman, or degrading treatment or punishment, and in most cases police do not resort to physical abuse or violence. However, there continued to be credible reports that police sometimes beat and tortured prisoners and detainees. Criminal suspects regularly complain of police attempts to secure confessions or evidence through the use of torture such as electric shocks. Several times in 1994, senior police officials publicly acknowledged that torture is occasionally carried out in police custody, with the implicit backing of some senior police officers. The Government instituted a human rights instruction course to try to address police brutality but made no visible efforts to convict and appropriately punish those who commit these abuses. (See Section 5 regarding reports of instances of police involvement in trafficking of women and children for the purposes of prostitution.)

In general, access to prisoners is not restricted. Conditions in most prisons do not, in general, threaten the life or health of inmates. However, some prison guards resort to physical abuse of both Thai and foreign prisoners in response to disciplinary problems. Solitary confinement and heavy leg irons are sometimes used to punish difficult prisoners.

Medical care in prisons is inadequate. For a total prison population of 100,000, the Corrections Department employs only 14 doctors and 5 dentists.

Conditions at the Suan Phlu Immigration Detention Center (IDC), which generally holds between 2,000 and 3,000 detained illegal immigrants, are extremely poor. Serious overcrowding, lack of medical care, inability to exercise, and physical abuse are recurrent problems. Reliable international observers charge that both authorities and detainees sexually abuse female detainees. Immigration detention facilities are not administered by the Department of Corrections and are not subject to many of the regulations found in the regular prison system. Nationals of countries that will not accept deportees because of uncertainties over citizenship face an extended stay in the IDC. Some detainees are eventually released at the Burmese border and typically reenter Thailand illegally.

While the law requires that prosecutors formally charge criminal suspects in court within 91 days of their detention, some IDC detainees have been held for several years.

d. Arbitrary Arrest, Detention, or Exile

Except in cases of crimes in progress, the law generally requires arrest warrants. Arrested persons must be informed of the likely charges against them immediately after arrest. Police have the authority to extend the detention period to 7 days to complete an investigation. After 7 days, the police must present the case to the public prosecutor to determine if the case should be pursued. While detainees have a right to have a lawyer present during questioning, they are often not informed of this right. Foreign prisoners are often forced to sign confessions without knowing what is in them.

There is a functioning bail system, but judges have considerable discretion in determining eligibility for bail. 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. No one has been detained under that Act's provisions since 1984.

Of the approximately 100,000 prison inmates in Thailand, approximately 23,000 are pretrial detainees or those undergoing appeals. They are not segregated from the general prison population.

Exile is neither practiced nor used as a means of political control.

e. Denial of Fair Public Trial

The Constitution provides for presumption of innocence, but in practice defendants are frequently presumed guilty. Access to courts or administrative bodies to seek redress is provided for and practiced. 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. A serious flaw in providing due process rights is the lack of appeal from decisions of a military court. Islamic (Shari'a) courts provide due process and hear only civil cases concerning members of the Muslim minority.

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 most often done 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. Although generally regarded as independent, the judiciary has a widespread reputation for venality.

The widely publicized lese majeste trial against prominent social critic Sulak Siwarak that began in 1993 after his return from self-exile is still under way in the criminal courts. In

October the trial concluded in the lese majeste and secession case of four Shiite Muslims, held in prison since their arrest in Pottanim (Pattani province) in 1990. Three were convicted on lese majeste and other charges and sentenced to between 6 and 31 years in prison. The fourth was convicted on other criminal charges and sentenced to 6 years in prison.

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 automatically provided with counsel at public expense. Most free legal aid comes from private groups, including the Thai Lawyers' Association and the Thai Women Lawyers' Association.

Well-informed legal sources estimate that there are at most 10 political prisoners in Thailand. Political affiliation and questionable evidence may have influenced the ability of these prisoners to receive a fair trial or fair punishment. Muslim groups claim 16 political prisoners are held on criminal charges because of their political views. In the past few years the authorities used lese majeste laws in several high-profile cases to intimidate political opponents.

Ex-Royal Thai Army Major General Manoon Roopkachorn, accused of masterminding a 1982 plot to assassinate the Queen, the Prime Minister, and the army commander, was cleared of all charges in 1994 and filed suit against the investigating officers for falsifying evidence. The other two defendants in the case were also cleared.

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

The law requires police to obtain a warrant prior to a search. Warrants are issued by the police with prior Ministry of Interior or provincial governor approval and are not subject to judicial review. There were some credible reports that officers sometimes endorse warrants in advance and then allow their noncommissioned subordinates to apply them as needed. The Anti-Communist Activities Act allows officials engaged in "Communist suppression operations" to conduct searches without warrants, but these powers rarely have been invoked in recent years and were not invoked in 1994.

Thai society is essentially open; membership in political organizations is voluntary, and the unmonitored exchange of ideas is generally permitted. However, security services monitor persons espousing leftist or controversial views, including foreign visitors.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for, and citizens generally enjoy, a substantial measure of freedom of speech. However, the law prohibits criticism of the royal family (lese majeste), threats to national security, or speaking in a manner likely to incite disturbances or insult Buddhism.

Newspapers and periodicals practice some self-censorship, especially with regard to the monarchy and national security issues. However, strong media criticism of political parties, personalities, and the Government is common and robust. Journalists are generally free to comment on government activities without fear of reprisal, although there were credible reports of occasional harassment or bribing of journalists by individual politicians. Also, journalists are reluctant to criticize the judiciary out of fear that they will not be treated fairly by the judges during libel proceedings.

Radio and television stations are government licensed and operated primarily by the Government and military. Radio stations are required by law to broadcast government-produced newscasts four times daily. A bill to abolish the order requiring these broadcasts was passed by Parliament in October.

Although programmers are generally free to determine the content and nature of television broadcasts, a government internal censorship board commonly edits or "blacks out" portions of programming deemed politically sensitive. Self-censorship is more prevalent in privately operated stations because their licenses must be renewed every few years.

In May the military shut down an army-owned radio station leased to a private news group for 3 days after the station ran a commentary critical of the armed forces. In another incident in February, government-run media attempted to protect a prominent Buddhist monk accused of sexual misconduct by prohibiting interviews with another well-known Buddhist on his views about the allegations and declined to air a video documenting the monk's overseas travels.

Representatives of the film industry continued to criticize the police-controlled film censorship board, which regularly deletes all references in films to a number of topics deemed politically controversial or considered pornographic. The police censorship board initially banned the film "Schindler's List" because of a nude scene. However, after a furor in the press, the board reversed its decision.

Thai 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. The 1941 Press Law empowers the Police Director General to prohibit the import of printed matter deemed dangerous to public order and morals. The list mainly consists of pornographic material, but it also still includes books written by Communists.

In May the Cabinet rescinded a 1976 military order prohibiting possession of printed materials that could cause divisions among members of the public.

Academic and technical research is conducted freely.

b. Freedom of Peaceful Assembly and Association

The legal system recognizes the right of peaceful assembly, and there were many examples of people exercising their right to free and peaceful assembly unhindered by government interference in 1994. However, government officials sometimes restrict this right. In July the Government effectively blocked foreign participation at an NGO conference about East Timor and pressured potential host sites to refuse to host the seminar. After attorneys called into question the legality of the Government's action, the conference was allowed to take place. However, government intimidation was effective in preventing many, particularly overseas visitors, from participating (see Section 4).

Private associations must register with the Government, but permits are not required for private meetings or gatherings unless held on public property.

c. Freedom of Religion

Freedom of religion is protected by law and generally respected in practice. The de facto state religion is Theravada Buddhism, but other religions are not restricted.

Members of minority religious movements occasionally are subjected to legal action. For example, the trials of dissident Buddhist leader Phra Potirak and his followers for allegedly violating the law governing the Buddhist ecclesiastical hierarchy and impersonating Buddhist monks or nuns continued. Phra Potirak and his followers remain free on bail and continue their religious activities.

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

The right of citizens to change their residence or workplace was unbridged. Travel was restricted in certain border areas where foreign or vestigial domestic insurgent groups remain

active. Longstanding restrictions on the travel and place of residence of certain Chinese and Vietnamese aliens living in Thailand remained in place. In addition, some long-term noncitizen residents of Thailand, including several hundred thousand tribal people, must seek permission from local authorities or the army for foreign or domestic travel.

In September the police summarily detained and deported to Malaysia seven members of a Malaysian Muslim sect whose passports were revoked by the Malaysian Government. The Malaysian Government subsequently jailed them for their dissenting views on Islam. (See the report on Malaysia.)

Several regulations intended and used to help reduce trafficking in women and children for purposes of prostitution could be used to infringe on the right of women and children to travel freely. One statute (rarely used), dating to the last century, requires women to obtain their husband's permission before traveling outside Thailand. Also, female passport applicants under age 36 must sit through a series of interviews regarding their employment records and finances. Passport applications by single Thai women and children under the age of 14 must also be approved by the Department of Public Welfare.

The Government has not revoked citizenship for political reasons.

Thailand continued to provide first asylum to Vietnamese and Lao asylum seekers and to process them in accordance with the Comprehensive Plan of Action (CPA) agreed to in Geneva in 1989. There were no reports of any pushbacks of Vietnamese or Lao asylum seekers, and no credible reports of forced repatriation. The Government announced that all Lao camps are to be closed by 1995 and continued to cooperate with the U.N. High Commissioner for Refugees (UNHCR) and Laos in a trilateral program to facilitate the voluntary repatriation of certain Lao in Thailand.

Under Thai law, Burmese (and other non-Indochinese) asylum seekers are considered illegal immigrants subject to deportation, but Thailand continued to permit Burmese asylum seekers to remain in camps along the Thai-Burma border and near Bangkok. While Burmese outside of camps were arrested periodically and sent to areas not controlled by the Burmese Government on the border, the Government did not deport any Burmese recognized by the UNHCR as a "person of concern."

Residents of the "safe area" first asylum camp for Burmese dissidents in Ratchaburi province had regular access to the UNHCR, which concluded that conditions at the safe area meet broadly accepted international standards for the protection and welfare of asylum seekers. The safe area is open to all Burmese "persons of concern," whether or not they previously registered with the Thai Government. However, by year's end, only about 170 of the 2,500 Burmese "persons of concern" resided there.

About 73,000 ethnic minority Burmese and 1,500 Burmese students and dissidents continued to reside in some 30 camps in Thailand along the Thai-Burma border. Thailand ordered the relocation of several camps to Burma, but continued to permit voluntary agencies and the UNHCR to provide food, medical, and sanitation assistance along the border.

Thailand generally continued to accept new arrivals from Cambodia fleeing the fighting, but several subsequent repatriations occurred in which the safety of the returning refugees or the voluntary nature of their decision to return was in doubt. After heavy fighting along the Cambodian border in March, some 30,000 Cambodians fled into Thailand. Military officials provided assistance and moved the Cambodians back to an area of Cambodia that was not experiencing fighting. However, the military refused access to the group by international observers prior to the repatriation. In May Thailand repatriated several dozen Burmese who had fled fighting in Shan state, in some cases before it could be ascertained that the fighting had ceased. In July Burmese forces entered an outlying section of an ethnic Mon camp

(located on Burmese soil), prompting several thousand Mon to flee to a site inside Thailand. Thai authorities, after receiving assurances from Burmese forces that the incursion was a mistake and would not be repeated, eventually forced the Mon to return to their original site in September, despite protests by the UNHCR and the international community. Thailand also instituted closer monitoring of the movements and activities of Burmese asylum seekers and NGO's along the border. In at least one area of the Burmese border, access to camps in Thailand was blocked on grounds that there was no longer any fighting in that part of Burma. New arrivals were required to set up camps on the Burmese side of the border.

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

The democratically elected coalition government was generally successful in its efforts to strengthen democratic institutions. The military's role in politics has significantly declined since the 1992 elections, and the Thai military now seems increasingly supportive of the civilian government and democracy.

While there are no legal restrictions on political participation, women are generally underrepresented in national politics, especially at the senior levels. Also, the army still prohibits women from becoming generals, and women are not allowed to attend military academies or the Army General Staff College. However, the number of women in local and national politics continued to increase. In February more than 400 women were promoted to the post of assistant district chief, a steppingstone to more powerful positions such as provincial governor. In September a woman was appointed Secretary General of a major political party for the first time in Thai history. The current parliamentary contingent of 16 female Members of Parliament in the lower house (out of 360) is the largest to date.

No laws prohibit the participation of ethnic minorities, but few hold positions of authority in national politics or the civil service. Ethnic minorities in the north often lack documentation of Thai citizenship, effectively barring their participation in the political process (see Section 5). Muslims from southern Thailand hold significant posts in the Government.

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

Local human rights organizations operate without government restriction. International human rights NGO's generally work freely in Thailand on controversial issues. Although the Government sometimes criticizes these groups for being politically motivated and biased, it generally has neither penalized nor suppressed human rights observers. However, NGO's working with displaced Burmese have had problems in their relations with the Government (see Section 2.d.).

When a locally supported regional NGO umbrella group planned a human rights conference (to discuss human rights problems in Burma and East Timor) to coincide with the ASEAN Ministerial Meetings in Bangkok in July, the Government, to avoid repercussions from other governments, sought to prevent the conference by invoking a little-used 1987 permit requirement for foreign participation at NGO conferences. To further limit foreign participation, the Government "blacklisted" 11 East Timorese dissidents, preventing them from entering the country, and deported one Australian NGO representative after claiming she was in the country illegally. The Labor Ministry pressured potential conference sites into refusing the NGO group access to a meeting room. Once human rights lawyers protested the Government's action, calling into question the legality of the permit regulation, the Government allowed the conference to take place, albeit with limited participation.

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

Women

Women generally have equal legal rights, but inequalities remain in domestic law. Whereas a man may sue for divorce on the grounds that his wife has committed adultery, a woman faces the additional legal burden of proving her husband has maintained or honored another woman in a manner equal to his wife.

Reliable statistics indicate that domestic abuse is rising and crosses all social classes. One NGO estimates that as many as 50 percent of women in Bangkok's slum areas are victims of abuse. Police do not enforce laws against such violence vigorously, and domestic violence often goes unreported. Under the Criminal Code, spousal and child abuse is covered under assault provisions, but rules of evidence often make prosecuting such cases difficult. Early in the year police began to use a female team to handle rape and abuse cases to encourage more victims to report these abuses.

Prostitution, although illegal, flourishes and is deeply ingrained. Estimates of the numbers of women and children engaged in prostitution vary widely because of temporary sex workers and the migratory nature of prostitution. However, reliable NGO statistics generally discount the Government's claim that there are 70,000 prostitutes in Thailand; most estimate the number closer to 250,000.

Prostitution exposes women to a number of human rights abuses, as well as a high risk of contracting AIDS. Some women are forced into prostitution, although the number of such cases is unknown. Human rights monitors believe that the majority who engage in prostitution are not kept under physical constraint, but they note that many women become indebted to brothel owners for large sums. It is common for brothel procurers to 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 for a fixed period of time in order to pay back the loan.

In the past several years, there has been an increase in the number of women entering Thailand from neighboring countries to work as prostitutes, and there were continuing credible reports of corrupt police involvement in illegal trafficking schemes.

Incidents of coerced prostitution most commonly involve women from hill tribes or neighboring countries. Brothel operators reportedly favor such women because they are cheaper to procure and their inability to speak Thai makes them easier to control. Sometimes lured with promises of jobs as waitresses or domestics, these women are then often threatened with physical abuse by brothel operators if they refuse to work as prostitutes. Because they are considered illegal immigrants, such women have no right to legal counsel or health care if arrested.

The Government has set up vocational training and education programs to combat the lure of prostitution, but despite occasional high-profile raids on brothels, it has failed effectively to enforce laws against prostitution, and in many cases, brothels pay off local government representatives and police. There are credible reports of instances in which corrupt police drove Burmese women across the border sometimes in police vehicles and delivered them directly to brothels.

Under the current Penal Code, prostitutes are considered criminals, whereas brothel owners, procurers, and clients are not subject to criminal statutes. In May the Cabinet approved draft legislation that would further criminalize those involved in the trafficking of women and children for the purpose of prostitution or slave labor. While clients of child prostitutes would be subject to criminal prosecution under the legislation, it still would not criminalize the clients of adult prostitutes. At year's end, the draft legislation was scheduled for parliamentary debate in May 1995.

Statistics compiled by NGO's concerned with women's issues note

that women represent half of the economically active population and their numbers have increased in professional positions. Government regulations require employers to pay the same wages and benefits for similar work regardless of sex. However, two-thirds of female workers do not earn the minimum wage, and there is a significant gap between average salaries earned by men and women as a result of the concentration of women in traditionally lower paying jobs.

NGO's concerned with the status of women have pressed the Government to abolish discriminatory practices within the civil service. Constitutional amendments passed in early 1995 included a new provision, Article 24, stipulating the equality of men and women.

Children

Abuse of children in prostitution and child labor continued. Although the Government claims to be committed to eliminating child prostitution, it has failed to enforce the current limited laws against child prostitution. In 1994 the Government established a special police task force to suppress child prostitution, and the Cabinet approved draft legislation that would revise the Criminal Code to toughen the laws regarding abuse of children under 18 years of age. Reliable NGO's report that police are often unwilling to raid a brothel that has child prostitutes unless the NGO can provide the children's names, due to the problem of false identity cards with incorrect birth years. The police then will only remove those children named before the raid. There are no reliable statistics on the number of children involved in the sex industry.

Children are particular victims of the AIDS epidemic. There are indications that the demand for child prostitutes may be growing as patrons believe that older prostitutes are more likely to be infected with HIV. There is a small, but rapidly growing, number of babies born to HIV-infected mothers. Approximately 30 percent of these children will be infected and die within a few years. Those who are not infected themselves will be orphaned while still in childhood, and are often discriminated against as an extension of the social stigma directed against their parents.

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. As in the case of domestic violence against women, police are often reluctant to pursue abuse cases, and rules of evidence make prosecution of child abuse cases difficult.

National/Racial/Ethnic Minorities

Progress in integrating ethnic minorities into Thai society is limited. Only half of the estimated 500,000 to 700,000 members of hill tribes reportedly possess documentation as citizens, which prevents them from exercising their basic rights, including participation in the political process. Undocumented hill tribe people cannot own land, have limited access to educational opportunities, and are not subject to labor laws, including minimum wage requirements.

Approximately 45,000 Vietnamese who fled Indochina in the 1940's and 1950's reside in northeastern Thailand and live under a set of laws and regulations restricting their movements, residences, education, and occupations. The Government has slowly pursued a more lenient policy toward longtime Vietnamese residents in recent years. Noncitizen Chinese and their descendants who live in border areas must seek permission from local authorities to travel.

Religious Minorities

Muslims represent a significant minority within Thailand as a whole and constitute the majority in the four southernmost provinces that border Malaysia. Although the Government has attempted to integrate the Muslim community into Thai society through developmental efforts and expanded educational

opportunities, societal discrimination remains widespread. The number of incidents of political violence--typically involving few, if any, casualties--decreased from 1993. While security officials have attributed a number of those incidents to the Islamic Pattani United Liberation Organization (PULO) separatist group, informed observers believe much of the violence in the South has been perpetrated by opponents of the Government in an effort to weaken the Government. Occasional ambushes of security forces by suspected guerrillas, and counteroperations by military units, also occur in remote areas in southern Thailand's Muslim provinces.

People with Disabilities

The Government again took few steps to implement provisions in the Disabled Rehabilitation Law that established a quota system and employer incentives for hiring the disabled. Another regulation requiring factories to hire one handicapped person for every 200 nonhandicapped employees was also not enforced. There are no laws mandating access to public facilities for disabled persons.

Section 6 Worker Rights

a. The Right of Association

There were no significant changes in the general labor environment, either in terms of new legal initiatives or labor unrest.

The law grants freedom of association only to private sector workers. Workers also have the right to form and join unions of their own 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 due to their participation in organizing new unions that have not yet been officially registered. Union leaders report that employers do discriminate against workers seeking to organize unions.

In place of unions, 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 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. Unofficial contacts between public and private sector unions continue, however, and the Government has not interfered with these relationships. A number of associations maintain affiliations their predecessor unions had with international labor organizations.

The law denies all state enterprise workers the right to strike. In the private sector, a proposed strike must be approved by a majority of the union members in a secret ballot.

In 1991 the International Labor Organization (ILO) criticized labor law amendments adopted in March 1991 that dissolved state enterprise unions, transferred their assets, limited the number of associations which may be formed in each state enterprise, set unusually high minimum membership requirements for associations, denied associations the right to affiliate with private sector unions, and completely forbade strikes in state enterprises. The Government has not vigorously enforced these restrictions. The ILO continues to request that the Government rescind or revise the law. The Government has pending a new version of the law that would restore for the most part the rights enjoyed by state enterprise workers prior to the 1991 changes. It was approved by the Cabinet in December 1993 and passed its first reading in Parliament on September 28.

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." The Government seldom invokes this provision and did not do so in 1994. Labor law also forbids strikes in "essential services," defined much more broadly than the ILO criteria for such services. No strikes were disapproved on those grounds in 1994. The number of approved strikes has averaged fewer than 10 annually for the past 15 years; there were 3 in the first 8 months of 1994.

Over half of the work force is employed in the unorganized agricultural sector. Less than 2 percent of the total work force, though nearly 11 percent of industrial workers is unionized. Cultural traditions and unfamiliarity with the concept of industrial relations are often cited as the reason for low rates of labor organization.

While violence against labor leaders is rare, the 1991 mysterious disappearance of outspoken labor leader Thanong Po-an remains unsolved.

There is a legacy of corrupt public sector union leaders who were exploited by the military, politicians, or employers for their own purposes, but private unions generally operate independently of the Government and other outside organizations. Unions are free to associate internationally with other trade union 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 to organize and bargain collectively for private sector workers and defines the mechanisms for such negotiations and for government-assisted conciliation and arbitration in cases under dispute. In practice, genuine collective bargaining probably occurs only in 10 to 20 percent of workplaces and in most instances continues to be characterized by autocratic attitudes on the part of employers.

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 may also seek redress for their grievances from a tripartite Labor Relations Committee. Redress of grievances for state enterprise workers is handled by a State Enterprise Labor Relations Committee. Labor leaders did not indicate dissatisfaction with the treatment their concerns receive in these forums.

No separate labor legislation applies to export processing zones, where wages and working conditions often are better than national norms because of the preponderance of 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, there are reports of sweatshops in the informal sector that physically restrain workers from leaving the premises. There are no estimates of how many such workshops exist, but the growing number of illegal aliens, particularly from Burma, increases the opportunities for such abuse.

For several years, the ILO has cited Thailand for violations of Convention 29 on Forced Labor. The primary focus of the ILO criticism is forced child labor, especially child prostitution. Since the ILO raised these concerns, the Government has cooperated in setting up important institutional links, particularly with the International Program on the Elimination of Child Labor, to help improve this situation.

d. Minimum Age for Employment of Children

The legal minimum age for employment is 13; most children complete compulsory education at age 12. The law permits the

employment of children between the ages of 13 and 15 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 (10 p.m. to 6 a.m.) is prohibited. The Government estimates that there are 100,000 children between the ages of 13 and 15 in the labor force, but the actual number is probably much larger.

The Ministry of Labor has increased the number of inspectors specifically responsible for child labor issues, although not all these officers are engaged in full-time inspection work. Enforcement of child labor laws continues to be inadequate. The inclination when dealing with violators is to negotiate promises of better future behavior, rather than seek prosecution and punishment. Labor Ministry records indicate that the number of prosecutions for violations of labor laws was up slightly in 1994 (a total of 168 through August).

The Government is also dealing with child labor by extending compulsory education from 6 to 9 years.

e. Acceptable Conditions of Work

A tripartite wage committee consisting of government, employer, and worker representatives increased the daily legal minimum wage twice in 1994. Minimum wage rates now vary between \$4.20 (105 baht) and \$5.42 (135 baht) per day depending on the cost of living in different provinces. The wage is not adequate to support an urban worker and his family. With extended family member financial contributions, the minimum wage provides the basis for a marginally adequate overall standard of living. However, more than half of workers countrywide receive less than the minimum wage, especially in the provinces. Unskilled migrant workers who pour into Bangkok from the poorer countryside, as well as illegal aliens, often work for less than the minimum wage. The Ministry of Labor is responsible for ensuring employers meet minimum wage requirements. Despite encouragement of employees to report violations to Labor Inspectors, enforcement of minimum wage laws is mixed.

The Government has not mandated a uniform workweek for the entire labor force. By regulation, commercial employees work a maximum of 54 hours per week, employees in industry work 48, and those in "dangerous" work such as in the chemical, petroleum, mining or other industries involving heavy machinery, 42. Transportation workers are restricted to no more than 8 hours per day. Enforcement of these standards is weak. There is no 24-hour rest period mandated by law.

Working conditions vary widely in Thailand. In medium-sized and large factories, government health and safety standards are often maintained, but lax enforcement of safety standards is common. In the large informal sector, the health and safety environment is substandard. The Government designated 1994 the "Year of Workplace Safety" and initiated a variety of programs to deal with continuing problems. Employers are able to ignore safety regulations in part because nonunionized workers often do not understand safety and health standards and do not report violations. When 188 workers lost their lives in the May 1993 Kader Toy Factory fire near Bangkok, the Government brought suit against eight persons, including the managing director. The case commenced in June 1994 and is expected to be lengthy. There is no law affording job protection to employees who remove themselves from dangerous work situations. The Ministry of Labor 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 in jail.

(###)-

[end of document]



[Return](#) to 1994 Human Rights Practices report home page.

[Return](#) to DOSFAN home page.

This is an [official U.S. Government source](#) for information on the WWW. Inclusion of non-U.S. Government links does not imply endorsement of contents.