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Reports on economic, social and cultural rights, for
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THAILAND 1/

/13 August 1974/

I. Introduction

The economic and social development between 1 July 1969 and 30 June 1973 was to a large extent effected by the Second National Economic and Social Development Plan (1967-1971) 2/ and the Third National Economic and Social Development Plan (1972-1976). 3/ The former stressed the need of social development and development of manpower, the significance of private sector in the development of industries, trades and services, and rural development. The latter may be summarized as follows:

- (1) Improvement of economic structure in order to raise the standard of living of the people, i.e., to increase gross national product at 7 per cent per annum and to raise the income per capita to 4.5 per cent per annum in B.E. 2519 (1976);
- (2) Stabilization of the national economy, i.e., to increase productivity, export and services;
- (3) Acceleration of rural development and narrowing of the income gap, i.e., to increase income of the people in the rural area and to increase employment;

1/ Prepared by the Office of the Juridical Council, Bangkok.

2/ Government Gazette, vol. 84, part 24, dated 8 March B.E. 2510 (1967).

3/ Ibid., vol. 88, part 118, dated 5 November B.E. 2514 (1971).

(4) Promotion of social justice, i.e., to improve the standard of living of the people;

(5) Development of manpower and increase of employment, i.e., to reduce the birth rate to 2.5 per cent per annum in 1976, to increase employment for 2.6 million people by means of supporting labour extensive industry and provision of vocational training for young people who leave schools for labour market;

(6) Promotion of the role of private sector in the development, i.e., to co-ordinate public and private sectors, to lay down the definite policy for public enterprises.

II. Influence of United Nations instruments

The Constitution of the Kingdom of Thailand B.E. 2511 (1968) 4/ which recognized the right of choice of residence within the Kingdom and of occupation, the prohibition of forced labour, the protection of family right, the right of education and the right to form association was abolished by the Announcement of the National Executive Council No. 3 dated 17 November B.E. 2514 (1971). 5/ However, the Constitution of the Kingdom B.E. 2515 (1972) which is an interim constitution and has only 23 sections provides in paragraph 1 of section 22 that, "Whenever there is no provision to apply to any matter, it shall be decided in accordance with the Thai administrative customs in the democratic régime". That is to say, the above-mentioned rights have been recognized by the present constitution.

In connexion with international co-operation in the economic development, the Government grants the organizations and their staff who are aliens rights and privileges, e.g., immigration facilities and tax exemption under the Act on Protection of Operations of Southeast Asian Fisheries Development Centre B.E. 2514 (1971), 6/ the Announcement of the National Executive Council No. 35 dated 31 December B.E. 2514 (1971) 7/ on the protection of operations of Customs Co-operation Council, the Announcement of the National Executive Council No. 37 dated 12 January B.E. 2515 (1972) 8/ on the protection of operations of Southeast Asians Ministers of Education Organization and the Announcement of the National Executive Council No. 62, dated 31 January B.E. 2515 (1972) 9/ on the protection of operations of Economic Co-operation Centre for the Asian and Pacific Regions.

4/ Ibid., vol. 85, Special Issue, dated 20 June B.E. 2511 (1968).

5/ Ibid., vol. 88, part 124, dated 18 November B.E. 2514 (1971).

6/ Ibid., vol. 88, part 44, dated 27 April B.E. 2514 (1971).

7/ Ibid., vol. 89, part 2, dated 2 January B.E. 2515 (1972).

8/ Ibid., vol. 89, part 6, dated 13 January B.E. 2515 (1972).

9/ Ibid., vol. 89, part 16, dated 31 January B.E. 2515 (1972).

III. Significant developments during the period etc.

A. Right to work

(1) The National Executive Council issued its Announcement No. 103 dated 16 March B.E. 2515 (1972) 10/ consolidating the labour laws by (i) repealing the Announcement of the Revolutionary Party No. 19 dated 31 October B.E. 2501 (1958) 11/ and the Act on Procedure of Settlement of Labour Disputes B.E. 2508 (1965), 12/ (ii) empowering the Ministry of Interior to take appropriate measures for the protection of labour, e.g., working hours, holidays, leaves, employment of women and children, welfare, wages, compensation, liability of employers etc., (iii) setting up the Compensation Fund in the Labour Department, (iv) empowering the Ministry of Interior to regulate labour relations, e.g., demand for improvement of working conditions, settlement of labour disputes, lock-outs and strikes, labour relation committees, associations of employers and trade unions.

(2) By virtue of the Announcement of the National Executive Council No. 103 dated 16 March B.E. 2515 (1972), 13/ the Ministry of Interior issued Notifications 14/ in respect of (i) general protection of labour, (ii) activities exempted from general protection of labour, (iii) diseases arising from working, (iv) works which may be harmful to health or person of employees, (v) National Labour Day, (vi) works in which employers may employ children between 12 and 15 years of age, (vii) compensation for loss of organs, (viii) hygienic welfare for employees, (ix) labour relations, (x) election of representatives of employees, (xi) procedure in connexion with the formation of associations of employers and trade unions, (xii) amalgamation of associations of employers or of trade unions, (xiii) establishment of Registry of Associations of Employers and Trade Unions and appointment of Registrar of changwat, (xiv) determination of minimum wages, and (xv) Compensation Fund Board. The Ministry of Interior also issued Notifications 15/ in respect of (i) categories and size of business in which, and localities where employers are required to contribute to the Compensation Fund, and (ii) rates of contributions to the Compensation Fund, collection of contributions and appeals.

(3) As the number of aliens engaging in business was great and steadily increasing and the Thai people have been increasingly capable, both in technology and finance, to carry on business in various fields, it is expedient to lay down regulations on business of aliens in order that it may benefit the country as a whole, the Chairman of the National Executive Council issued the Announcement No. 281,

10/ Ibid., vol. 89, part 41, dated 16 March B.E. 2515 (1972).

11/ Ibid., vol. 75, part 87, dated 31 October, B.E. 2501 (1958).

12/ Ibid., vol. 82, part 114, dated 31 December, B.E. 2508 (1965).

13/ Ibid., vol. 89, part 41, dated 16 March, B.E. 2515 (1972).

14/ Ibid., vol. 89, part 61, dated 16 April, B.E. 2515 (1972).

15/ Ibid., vol. 90, part 66, dated 11 June B.E. 2516 (1973).

dated 24 November B.E. 2515 (1972) 16/ classifying business into schedules A, B and C. An alien shall not engage in any business specified in schedule A or B unless permitted by a Royal Decree or in schedule C unless permission is granted by the Director-General of the Department of Trade Registration. As for aliens who have been engaged in such business on 25 November B.E. 2515 (1972) they are allowed to carry on business in schedule A for another two years but they may carry on business in schedules B or C for an unlimited period; provided that they may neither increase the quantity of production or sale of their business in the subsequent years more than 30 per cent of the quantity produced or sold in the accounting year of B.E. 2515 (1972) nor establish more branches of their business as appeared in evidence on 25 November B.E. 2515 (1972) unless permission has been granted by the Director-General.

4) As there is a large and steadily increasing number of aliens working in the Kingdom, it results in the decrease in the demand for labour in the domestic labour market and affects the livelihood of the Thai people, the Chairman of the National Executive Council issued the Announcement No. 322, dated 13 December B.E. 2515 (1972), 17/ subject to certain conditions, (i) prohibiting an alien to engage in such occupation or profession as to be prescribed by a Royal Decree, ii) requiring an alien to apply for a licence to engage in any works which are not prohibited, and (iii) requiring a person who wishes to employ an alien to apply for a licence. A Royal Decree 18/ was promulgated in B.E. 2516 (1973) designating 39 kinds of occupations and professions in which aliens are prohibited to engage.

B. Right to social security

(1) Ministerial Regulation No. 9 (B.E. 2513) issued under the Minerals Act, B.E. 2510 (1967) 19/ requires an employer in the mining industry to take protective measures for employees and safety measures for third persons, e.g., measures in connexion with machines, boilers, electricity, explosives, dredgers and underground mining etc.

(2) Royal Proclamation dated 24 April B.E. 2513 (1970) 20/ announcing the coming into force of the Convention No. 105 concerning the Abolition of Forced Labour as from 3 December B.E. 2512 (1969), the date on which the Government informed the International Labour Organisation of its ratification of the Convention.

16/ Ibid., vol. 89, part 180, dated 25 November B.E. 2515 (1972).

17/ Ibid., vol. 89, part 190, dated 13 December B.E. 2515 (1972).

18/ Ibid., vol. 90, part 24, dated 14 March B.E. 2516 (1973).

19/ Ibid., vol. 87, part 36, dated 21 April B.E. 2513 (1970).

20/ Ibid., vol. 87, part 40, dated 5 May B.E. 2513 (1970).

(3) The Children and Juvenile Court 21/ and the Observation and Protection Centre 22/ have been established in Chiang Mai, a province in the northern part of the country.

(4) Ministerial Regulation 23/ No. 7 (B.E. 2514) issued under the Petroleum Act, B.E. 2514 (1971) requires an employer in the petroleum industry to take protective measures for employees and safety measures for third persons.

(5) Announcement of the National Executive Council No. 15, dated 2 December B.E. 2514 (1971) 24/ was issued to expedite the relief service by amending sections 4, 5, 6, 7 and 8 and adding section 6 bis and repealing sections 11 and 14 of the Act on Relief for Persons suffering from the Performance of Service to the Government, to the Nation or for Humanity B.E. 2497 (1954). 25/ In this matter, any person who has been injured as a result of performing service to the Government, helping other persons according to the duty imposed by law or performing service for humanity, shall receive relief payments unless the injury or harm has arisen from his gross negligence or his fault. A person who is entitled to receive relief payment shall receive monthly relief payment but he may apply for it in a lump sum.

(6) Announcement of the National Executive Council No. 132, dated 22 April B.E. 2515 (1972) 26/ was issued to regulate the behaviour of pupils and students in order that they may be obedient to their parents and teachers and become good and able citizens in the future. In the case where a pupil or student misbehaves, or disobeys a rule or regulation or his school or educational establishment he may be punished; and in a case of gross misbehaviour, his parent or guardian may be required to execute a bond with a security that he shall take care of such pupil or student for a period of not more than one year; in a very serious case, the school or educational institution may send such pupil or student to a committee in charge of control of behaviour of pupils and students; and in the case where such pupil or student is less than eighteen years of age, the committee may send him to a reception home for appropriate assistance or welfare under the law.

(7) Announcement of the National Executive Council No. 294 dated 27 November B.E. 2515 (1972) 27/ was issued by the Chairman of the National Executive Council in order to provide social welfare for children. Under this Announcement, the

21/ Ibid., vol. 87, part 77, dated 18 August B.E. 2513 (1970).

22/ Ibid., vol. 87, part 78, dated 19 August B.E. 2513 (1970).

23/ Ibid., vol. 88, part 102, dated 23 September B.E. 2514 (1971).

24/ Ibid., vol. 88, part 134, dated 2 December B.E. 2514 (1971).

25/ Ibid., vol. 71, part 16, dated 9 March B.E. 2497 (1954).

26/ Ibid., vol. 89, part 66, dated 25 April B.E. 2515 (1972).

27/ Ibid., vol. 89, part 182, dated 29 November B.E. 2515 (1972).

Director-General of the Department of Public Welfare shall have the power to establish reception homes, nursery homes, children institutions, child welfare protection homes and child and family guidance clinics, and he shall have the power to appoint child guardians and competent officials. A parent or guardian of a child must look after and take proper care of him; if he fails to do so, he shall be liable to a fine; if such failure results in bodily or mental harm to the child, he shall be liable to imprisonment or to a fine or to both. A person shall not (i) abandon his child to a clinic; (ii) employ a child to beg; (iii) sell or give liquor, cigarettes or any other harmful habit-forming substance to a child, or mislead a child to drink, smoke etc. A person who violates any of the above prohibitions shall be liable to imprisonment or to a fine or to both.

C. Right to an adequate standard of living

(1) As it appears that many persons use motor vehicles and boats which emit so much smoke (more than 40 per cent of Bosch or Cosmocord smoke-meter) 28/ or noise (more than 95 decibels) 29/ that it becomes harmful to the health or causes nuisance, which is contrary to the law, the competent officials have warned and punished them but there still have been more violations; the Announcement of the National Executive Council No. 16 dated 9 November B.E. 2514 30/ was issued to protect and improve human environment. Under this Announcement, a person who commits an offence may be heavily fined and he may be prohibited to use such vehicle or boat unless he has improved the engine and keeps its smoke or sound within the limit allowed by law.

(2) As ice is an indispensable kind of goods for public consumption and industry, the Announcement of the National Executive Council No. 239 dated 3 November B.E. 2515 (1972) 31/ was issued (i) to promote and regulate its production and distribution in order that it may be in conformity with the standard of cleanliness, sufficient to meet the demand; (ii) to empower the authority to determine the production and distribution areas and the price thereof; and (iii) to prevent competition which may be detrimental to the national economy or cause hardship to the people.

(3) At present low- and medium-income earners need more appropriate and decent places of abode but the implementation of the Government's housing policy has been very slow. Moreover, there are several Government agencies, state and private enterprises which have been working in the housing projects but they work individually and have no real co-operation. The Announcement of the National Executive Council No. 316 dated 13 December B.E. 2515 (1972) 32/ was issued to

28/ Ibid., vol. 88, part 147, dated 28 December B.E. 2514 (1971) and vol. 89, part 112, dated 25 July B.E. 2515 (1972).

29/ Ibid.

30/ Ibid., vol. 88, part 137, dated 9 December B.E. 2514 (1971).

31/ Ibid., vol. 89, part 167, dated 7 November B.E. 2515 (1972).

32/ Ibid., vol. 89, part 190, dated 13 December B.E. 2515 (1972).

amalgamate the aforesaid Government agencies and state enterprises and establish them as one agency to be called the "National Housing Authority" to be in charge of the implementation of the Government's housing policy.

D. Right to the enjoyment of the high attainable standard
of physical and mental health

After the Government completely abolished the licensing of opium smoking as from 1 July B.E. 2502 (1959), 33/ the consumption of other kinds of harmful habit-forming substances have been increasing. Amphetamine 34/ and LSD 35/ were designated as narcotics by the Ministry of Public Health. In spite of suppression and severe punishments, the number of offenders in respect of narcotics, i.e., opium, morphine, heroin, cannabis sativa, nitragyna speciosa and amphetamine in 1970-1972 36/ was still very high as follows:

| Kinds of narcotics | 1970 | | 1971 | | 1972 | |
|--------------------------|-----------------|-------------------|-----------------|-------------------|-----------------|-------------------|
| | No. of cases | No. of accused | No. of cases | No. of accused | No. of cases | No. of accused |
| Opium | 765 | 854 | 894 | 995 | 1 022 | 1 133 |
| Morphine | 175 | 182 | 122 | 126 | 117 | 120 |
| Heroin | 3 922 | 4 258 | 3 993 | 4 255 | 5 093 | 5 616 |
| Cannabis sativa | 341 | 492 | 548 | 801 | 1 086 | 2 076 |
| Nitragyna speciosa | 30 | 30 | 40 | 42 | 98 | 102 |
| Amphetamine | 10 | 11 | 26 | 29 | 21 | 27 |

33/ Announcement of the Revolutionary Party No. 37 dated 9 December B.E. 2501 published in Government Gazette vol. 75, part 106, dated 9 December B.E. 2501 (1958).

34/ 31 August 1969.

35/ 10 June 1970.

36/ Central Bureau of Narcotics' B.E. 2515 (1972) Annual Report, p. 5.

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E. Right to education

(1) Ramkhamhaeng University Act B.E. 2514 (1971) 37/ was promulgated to establish a university which admits without entrance examination all persons who have completed pre-university level of education. This university will enable the persons who cannot enter another university on any account to increase their knowledge.

(2) King Mongkut's Institute of Technology Act B.E. 2514 (1971) 38/ was promulgated to produce vocational teachers at the level of bachelor degree or higher, to provide teachings in technology and sciences both below and at the level of bachelor degree or higher. This institute is established to supply vocational teachers for vocational schools and technical colleges, and admit students in accordance with its regulations.

(3) As the teachings of sciences, mathematics and technology in schools, colleges and universities are not in accord with the rapid development of sciences, mathematics and technology, and UNESCO and UNDP have agreed to assist Thailand in this matter, the Announcement of the National Executive Council No. 42 dated 16 January B.E. 2515 (1972) 39/ was issued to establish an institution to promote the teachings of sciences, mathematics and technology in order that they may be more efficient and interrelated at all levels of education.

F. Right to participate freely in cultural life

(1) As some clandestine excavations for antiques and artistic materials had been carried out unscientifically in different areas in the localities of changwat Udon Thani and changwat Sakon Nakhon and they might take place in other changwats, they have destroyed invaluable historical evidences concerning civilization of mankind. The Announcement of the National Executive Council No. 189 dated 23 July B.E. 2515 (1972) 40/ was issued to prevent such unlawful excavations and sale of discovered antiques and artistic materials which should be kept as common property. In this respect, the persons who had possessed the things derived from such excavations were advised to declare their possessions to the competent officials by 22 August B.E. 2515 (1972), otherwise they might be prosecuted under the Ancient Places, Antiques, Artistic Materials and National Museums

37/ Government Gazette, vol. 88, part 24, dated 2 March B.E. 2514 (1971).

38/ Ibid., vol. 88, part 43, dated 23 April B.E. 2514 (1971).

39/ Ibid., vol. 89, part 9, dated 17 January B.E. 2515 (1972).

40/ Ibid., vol. 89, part 115, dated 27 July B.E. 2515 (1972).

Act B.E. 2504 (1961) 41/ and the Penal Code. 42/ A person who possesses such thing which, in the opinion of the Director-General of the Department of Fine Arts, is artistically, historically or archaeologically valuable, shall be required to surrender it to the Director-General, otherwise he shall be liable to a criminal penalty.

(2) Announcement of the National Executive Council No. 308, dated 13 December B.E. 2515 (1972) 43/ was issued to amend some sections of the Ancient Places, Antiques, Artistic Materials and National Museums Act. B.E. 2504 (1961), which may be summarized as follows:

1. Any antique or artistic material hidden, buried or deserted anywhere, which no person has a cause to claim shall become domaine public. A person who discovers it shall deliver the same to the competent official and shall be entitled to receive a reward of not more than one third of its value (section 24).

2. A person who has found an antique or artistic material hidden, buried or deserted anywhere which no person has a cause to claim, and takes it for himself or any other person shall be liable to criminal penalty (section 31).

3. Criminal penalties have been increased for a person who damages, destroys or trespasses any ancient place (section 32), damages, destroys any registered antique or artistic material, exports any antique or artistic material (sections 38 and 39).

IV. Action with a view to ensure the rights referred to under III above are enjoyed by increasing number of population and without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status

The economic, social and cultural rights are partly taught in schools, colleges and universities. Newspapers have also played a major role in expressing their opinions demanding proper enforcement of the aforesaid rights and protesting the authority whenever the people's rights have been infringed. Any injured person may make a petition to the proper authority or to the competent official under the law on petitions or take action in civil or criminal court or both.

41/ Ibid., vol. 78, part 66, dated 29 August B.E. 2504 (1961).

42/ Ibid., vol. 73, part 95, dated 15 November B.E. 2499 (1956).

43/ Ibid., vol. 89, part 190, dated 13 December B.E., 2515 (1972).

V. Difficulties experienced in ensuring the enjoyment of
the rights referred to above

During this period the threat of political terrorism in certain parts of the country had been increasing; the Government had, in order to maintain law and order, to spend larger sums of money annually for suppression, which would otherwise be spent in the economic, social and cultural development.
