

Refugee Review Tribunal

AUSTRALIA

RRT RESEARCH RESPONSE

Research Response Number: THA30762
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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

1. Please advise what police or authority protection is available regarding domestic violence in Thailand generally and also with particular reference to Sing Buri and also Hat Yai.
2. Please advise what services are available to women at risk of domestic violence in all parts of Thailand and in the two regions set out above.
3. Please advise if police can intervene in domestic violence situations.
4. Please advise what legal protection is available to women at risk of domestic violence and if there are any regional differences in the two regions mentioned above.

RESPONSE

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General Situation for Women and Domestic Violence in Thailand

Domestic violence continues to be a significant problem in Thailand with no specific law addressing domestic violence despite a draft bill being before the parliament for nearly a year. Similarly, issues such as spousal rape are not specifically recognised under Thai

legislation, with domestic violence considered to be a ‘private matter’ by many Thais. Many commentators believe that domestic violence is seriously under reported and that police are reluctant to pursue reports of domestic violence. Thai police are accused of “ignoring and trivializing domestic violence” and are “vested with near total power over complaints” (Clift, E. 2006, ‘A Timely Study Highlights Violence Against Thai Women’, Toward Freedom website, 4 January

http://towardfreedom.com/home/index2.php?option=com_content&task=view&id=718&Itemid=61&pop=1&page=0 - Accessed 27 October 2006 – Attachment 1; Ekachai, S. 2005,

‘Thailand: Violence in the home’, *Bangkok Post*, 24 November

http://cst.bangkok.unfpa.org/401_2648.asp (sourced from the United Nations Population Fund (UNFPA) website) - Accessed 27 October 2006 – Attachment 2). Consequently both the prosecution and conviction rates of those charged with abusing their partners is relatively low in comparison with the extent of the problem in Thailand. According to the latest US State Departments report on human rights in Thailand:

Domestic violence against women was a significant problem, and there were no specific laws addressing the problem. A few domestic violence crimes were prosecuted under provisions for assault or violence against a person. Domestic violence often went unreported, and the **police often were reluctant to pursue reports of domestic violence.** Reliable statistics on rates of domestic violence were difficult to obtain but there were 60 thousand reported cases in 2004, double that of 2003. On November 28, the public health minister noted that the number of reported cases of abuse had increased from 5 per day in 2002 to 28 per day in during the year. Approximately half of these cases involved sexual abuse. It was unclear whether the increase reflected an increase in violence or an increased public awareness of the problem and an increased willingness on the part of battered women to report it to authorities. A 2003 study by the Institute for Population and Social Research at Mahidol University found that up to 41 percent of the women surveyed in Bangkok had experienced some type of physical or sexual violence. In April a survey by a Bangkok psychiatrist reported that more than 25 percent of the sampled Bangkok households had experienced domestic violence. **NGO-supported programs included emergency hot lines, temporary shelters, counseling services, and a television program to increase awareness of domestic violence, HIV/AIDS, and other issues involving women. The government's "one-stop" crisis centers, located in state-run hospitals, continued to care for abused women and children but faced budget difficulties** (US Department of State 2006, *Country Reports on Human Rights Practices for 2005 - Thailand*, 8 March <http://www.state.gov/g/drl/rls/hrrpt/2005/61628.htm> - Accessed 30 October 2006 – Attachment 3).

Nevertheless, there are still a range of welfare services provided to victims of domestic violence by both government and non-governmental agencies throughout Thailand. These services include temporary housing for victims and their families, crisis-centres, counselling services, legal services, emergency ‘hotlines’, educational programs and the ‘Children and Women’s Protection Centres’ located in many Thai police stations. However, it is significant that these services reportedly suffer from serious budgetary constraints. Furthermore, it is interesting to note that the issue of domestic violence seems to attract considerably less attention both from government and non-government agencies – both locally and internationally – than does the endemic problem of sex trafficking of Thai women and children. The TIP in Asia portal provides a comprehensive list of government and non-government agencies, listed by province, for services for victims of domestic violence and trafficking (Your Anti-Trafficking in Persons in Asia Web Portal (undated), ‘Thailand:

Directories', <http://www.tipinasia.info/TH/dir.php?l=en> - Accessed 27 October 2006 – Attachment 4; See also Attachment 1 and Macan-Markar, M. 2005, 'Rights-Thailand: Battered Women, No Longer Alone', *Inter Press Service*, 24 November - <http://ipsnews.net/news.asp?idnews=31161> - Accessed 26 October 2006 – Attachment 5).

Despite this there still seems to be significant problems in Thailand with judicial practices favouring the perpetrators of domestic violence over the victims. Perpetrators are either failing to be prosecuted or even when prosecutions are successfully concluded through the courts the courts rarely impose significant sentences. For example on 28 August 2003, *BBC News* reported a number of incidents in which the murder of Thai women had gone unpunished by the Thai courts. The report was primarily concerned with the case of a British national from south Wales who, after being convicted of “premeditated murder”, was allowed to “walk free” – “Journalist Andrew Drummond explained that women’s rights were ‘not particularly strong’ in Thailand”. The following extract addresses this aspect of the report in detail:

Mark Storey, from Cardiff, told police he strangled the woman in Phuket in a row over another man.

The 48-year-old was given a two-year suspended jail sentence after being found guilty of murder and has been allowed to return to the UK.

Groups representing women’s rights in Thailand have been outraged that Mark ‘Ricky’ Storey was released after strangling the Thai girl with a telephone cord.

...The court rejected his plea that he acted in self-defence and convicted him of premeditated murder - but then allowed him to walk free.

Journalist Andrew Drummond explained that women’s rights were ‘not particularly strong’ in Thailand.

‘In this case, the victim of the Briton was a bar girl so she would not have been treated very seriously by the court and, of course, she is not alive to tell her story,’ he said.

Mr Drummond said that the prosecution could appeal, but the courts would be unlikely to bring Storey back to the country.

Women’s groups have also been protesting after the murder of another Thai woman Wannee Lueprasitakul, 28.

She was clubbed to death with a golf club by her doctor husband Dr Pitak in Bangkok, but he was also given a suspended sentence.

Siriporn Skrobanek, chair of Thailand’s Foundation for Women said: ‘Recent verdicts in Thailand show that double standards apply in the judicial system.

‘There are scores of beaten and sexually abused Thai woman in jail for killing their husbands and boyfriends yet nobody gives them a second thought.

‘This sets a dangerous precedent for domestic violence. We have called for the papers on both Mark Storey and Dr Pitak with a view to petitioning the Supreme Court of Thailand’ (‘Fury as killer freed by Thai court’ 2003, *BBC News* website, 28 August - http://news.bbc.co.uk/2/hi/uk_news/wales/3187801.stm - Accessed 15 September 2003 – Attachment 6).

Sing Buri Province (Central Region)

Sing Buri province is in the Central Region of Thailand to the north of the Bangkok Region. No specific information could be found on police responses to domestic violence situations. However, there are a number of agencies that have a role to play in the protection and welfare of women including the Children and Women's Protection Centres that are attached to a number of the police stations (Your Anti-Trafficking in Persons in Asia Web Portal (undated), 'Thailand: Directories: Region: Central: Organization list in Singburi' <http://www.tipinasia.info/TH/dir-list-loc.php?l=en&r=01-08&t=0> - Accessed 27 October 2006 – Attachment 7).

Hat Yai City (Songkhla Province, Lower South Region)

Hat Yai city is the economic hub of the Songkhla province in the Lower South Region of Thailand near the Malay peninsula. No specific information could be found on police responses to domestic violence situations. However, there are a number of agencies that have a role to play in the protection and welfare of women including the Children and Women's Protection Centres that are attached to a number of the police stations (Your Anti-Trafficking in Persons in Asia Web Portal (undated), 'Thailand: Directories: Region: Lower South: Organization list in Songkhla' <http://www.tipinasia.info/TH/dir-list-loc.php?l=en&r=09-01> - Accessed 27 October 2006 – Attachment 8).

Unlike those provinces to the north, Songkhla Province is one of four in the troubled southern region that is predominantly Muslim and in the midst of a violent Muslim independence insurgency. In Thailand, *Shariah* courts exist only to deal with civil matters such as marriage, divorce and inheritance which have specific requirements under Islamic jurisprudence. For all other issues Thailand's Muslim community are governed by the same laws as all Thai citizens (Attachment 3). With the current insurgency the Thai government has enacted emergency powers in the three most troubled Muslim provinces of Pattani, Yala and Narathiwat which include the right to detain suspects without charge for up to thirty days. From time to time the emergency powers are extended into some districts of Songkhla and they remain in force since the military coup of September 2006. Attachments 8-10 provide background information on the insurgency in Southern Thailand (Abuza, Z. 2005, 'A Conspiracy of Silence: Who is Behind the Escalating Insurgency in Southern Thailand?', *Jamestown Terrorism Monitor*, Vol. 3, Iss. 9, 6 May - <http://jamestown.org/terrorism/news/article.php?articleid=2369684> - Accessed 26 October 2006 – Attachment 9; Pauker, B. 'Thailand: A Fire This Time', *World Policy Journal*, Vol. XXII, no 4, Winter 2005-06, <http://www.worldpolicy.org/journal/articles/wpj06-1/Pauker.pdf> - Accessed 26 October 200 - Attachment 10; Human Rights Watch, 2005, 'Thailand: Blacklists Create Climate of Fear', 16 December <http://hrw.org/english/docs/2005/12/16/thaila12317.htm> - Accessed 26 October 2006 – Attachment 11).

As both the economic and tourist hub of the region Hat Yai has presented itself as an obvious target for insurgents and has experienced two major bomb attacks in April 2005 with the loss of two lives and in September 2006 with the loss of four lives and over thirty wounded ('Thailand's police search for bomb clues in Hat Yai', 2006, *International Herald Tribune*, 17 September <http://www.ihf.com/articles/2006/09/17/news/thai.php> - Accessed 31 October 2006 – Attachment 12; Jinks, B., 2006, 'Thailand Says Bombings in Hat Yai Targeted

Tourists', Bloomberg.com, 18 September, <http://www.bloomberg.com/apps/news?pid=20601080&sid=avmDzBaeUm64&refer=asia> – Accessed 26 October 2006 – Attachment 13; Abuza, Z., 2006, 'Hat Yai Bombings Mark Shift in Tactics by Thai Insurgents', *Jamestown Terrorism Focus*, Vol. 3, Iss. 37, 26 September <http://jamestown.org/terrorism/news/article.php?articleid=2370141> - Accessed 26 October 2006 – Attachment 14).

List of Sources Consulted

Internet Sources:

Government Information & Reports

US Department of State – www.state.gov

United Nations (UN)

United Nations Population Fund (UNFPA) – www.unfpa.org

Non-Government Organisations

Toward Freedom.com – www.towardfreedom.com

Your Anti-Trafficking in Persons in Asia Web Portal – www.tipinasia.info

Human Rights Watch – www.hrw.org

International News & Politics

Inter Press News Service – www.ipsnews.net

BBC News – www.news.bbc.co.uk

International Herald Tribune – www.iht.com

Bloomberg.com – www.bloomberg.com

Region Specific Links

Topic Specific Links

The Jamestown Foundation – www.jamestown.org

World Policy Journal – www.worldpolicy.org

Search Engines

Google search engine <http://www.google.com.au/>

Databases:

FACTIVA (news database)

BACIS (DIMA Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

List of Attachments

1. Clift, E. 2006, 'A Timely Study Highlights Violence Against Thai Women', Toward Freedom website, 4 January http://towardfreedom.com/home/index2.php?option=com_content&task=view&id=718&Itemid=61&pop=1&page=0 - Accessed 27 October 2006.
2. Ekachai, S. 2005, 'Thailand: Violence in the home', *Bangkok Post*, 24 November http://cst.bangkok.unfpa.org/401_2648.asp (sourced from the United Nations Population Fund (UNFPA) website) - Accessed 27 October 2006.

3. US Department of State, 2006, *Country Reports on Human Rights Practices – 2005: Thailand*, 8 March <http://www.state.gov/g/drl/rls/hrrpt/2005/61628.htm> - Accessed 30 October 2006.
4. Your Anti-Trafficking in Persons in Asia Web Portal (undated), 'Thailand: Directories', <http://www.tipinasia.info/TH/dir.php?l=en> - Accessed 27 October 2006.
5. Macan-Markar, M. 2005, 'Rights-Thailand: Battered Women, No Longer Alone', *Inter Press Service*, 24 November, <http://ipsnews.net/news.asp?idnews=31161> - Accessed 26 October 2006.
6. 'Fury as killer freed by Thai court' 2003, BBC News website, 28 August. http://news.bbc.co.uk/2/hi/uk_news/wales/3187801.stm - Accessed 15 September 2003.
7. Your Anti-Trafficking in Persons in Asia Web Portal (undated), 'Thailand: Directories: Region: Central: Organization list in Singburi', <http://www.tipinasia.info/TH/dir-list-loc.php?l=en&r=01-08&t=0> - Accessed 27 October 2006.
8. Your Anti-Trafficking in Persons in Asia Web Portal (undated), 'Thailand: Directories: Region: Lower South: Organization list in Songkhla', <http://www.tipinasia.info/TH/dir-list-loc.php?l=en&r=09-01> - Accessed 27 October 2006.
9. Abuza, Z., 2005, 'A Conspiracy of Silence: Who is Behind the Escalating Insurgency in Southern Thailand?', *Jamestown Terrorism Monitor*, Vol. 3, Iss. 9, 6 May <http://jamestown.org/terrorism/news/article.php?articleid=2369684> - Accessed 26 October 2006.
10. Pauker, B. 'Thailand: A Fire This Time', *World Policy Journal*, Vol. XXII, no 4, Winter 2005-06, <http://www.worldpolicy.org/journal/articles/wpj06-1/Pauker.pdf> - Accessed 26 October 2006.
11. Human Rights Watch, 2005, 'Thailand: Blacklists Create Climate of Fear', 16 December, <http://hrw.org/english/docs/2005/12/16/thaila12317.htm> - Accessed 26 October 2006.
12. 'Thailand's police search for bomb clues in Hat Yai', 2006, *International Herald Tribune*, 17 September, <http://www.iht.com/articles/2006/09/17/news/thai.php> - Accessed 31 October 2006.
13. Jinks, B., 2006, 'Thailand Says Bombings in Hat Yai Targeted Tourists', Bloomberg.com, 18 September <http://www.bloomberg.com/apps/news?pid=20601080&sid=avmDzBaeUm64&refer=asia> - Accessed 26 October 2006.
14. Abuza, Z., 2006, 'Hat Yai Bombings Mark Shift in Tactics by Thai Insurgents', *Jamestown Terrorism Focus*, Vol. 3, Iss. 37, 26 September <http://jamestown.org/terrorism/news/article.php?articleid=2370141> - Accessed 26 October 2006.