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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. cable	re Caribbean appaerel case (5 pages)	09/23/1999	P1/b(1)

COLLECTION:

Clinton Presidential Records
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Jan 1999-Dec 2000] ([sweatshop ...])
OA/Box Number: 530000

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[07/08/1999-09/24/1999

2018-1072-F

kc2340

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Cable

PREC: ROUTINE

CLASS: UNCLASSIFIED

LINE1: RAAUZYUW RUEHCAA8222 1902137-UUUU--RHEHAAX.

LINE2: ZNR UUUUU ZZH

LINE3: R 082137Z JUL 99

LINE4: FM ECSTATE WASHDC

OSRI: RUEHC

DTG: 082137Z JUL 99

ORIG: ECSTATE WASHDC

TO: USMISSION USOSCE VIENNA 0000

INFO: ////

SUBJ: TESTIMONY OFANITA BOTTI, DEPUTY DIRECTOR FOR
INTERNATIONAL INITIATIVES PRESIDENT'S INTERAGENCY COUNCIL
N WOMEN BEFORE THE HEARING ON (BEGIN QUOTE) THESEX TRADE:
TRFFICKING OF WOMEN AND CHILDREN IN EUROPE AND THE UNITED
STATES (END QUOTE)

TEXT:

UNCLAS STATE 128222

E.O. 12958: N/A

TAGS: KWMN, PHUM

SUBJECT: TESTIMONY OFANITA BOTTI, DEPUTY DIRECTOR FOR
INTERNATIONAL INITIATIVES PRESIDENT'S INTERAGENCY COUNCIL
N WOMEN BEFORE THE HEARING ON (BEGIN QUOTE) THESEX TRADE:
TRFFICKING OF WOMEN AND CHILDREN IN EUROPE AND THE UNITED
STATES (END QUOTE)

1. BEGIN TEXT. CHAIRMAN SMITH, THANK YOU FOR THE
OPPORTUNITY TO TESTIFY THIS AFTERNOON ON TRAFFICKING IN
WOMEN AND CHILDREN IN EUROPE AND THE UNITED STATES, AND THE
U.S. GOVERNMENT'S STRATEGY TO COMBAT TRAFFICKING IN EUROPE
AND AROUND THE WORLD. IT HAS BEEN A PLEASURE TO WORK ON
THIS ISSUE WITH THE COMMISSION ON SECURITY AND COOPERATION
IN EUROPE AND STAFF OVER THE PAST SEVERAL MONTHS.

2. OF ALL THE HUMAN RIGHTS ABUSES TO WHICH THE
INTERNATIONAL COMMUNITY HAS TURNED ITS ATTENTION, THE
TRAFFICKING OF HUMAN BEINGS, PREDOMINANTLY WOMEN AND
CHILDREN, IS CLEARLY ONE OF THE MOST EGREGIOUS VIOLATIONS
OF OUR TIME.

3. THE PROBLEM OF TRAFFICKING IS NOT NEW. IT HAS BEEN
ENDEMIC IN SOUTH AND SOUTHEAST ASIA FOR DECADES. NOW, THE
COUNTRIES OF THE FORMER SOVIET UNION (FSU) AND EASTERN

EUROPE ARE EXPERIENCING A REGIONAL CRISIS IN TRAFFICKING.
THERE HAS BEEN A DRAMATIC INCREASE IN THE TRAFFICKING OF
WOMEN AND CHILDREN FROM THE FSU AND EASTERN EUROPE IN
RECENT YEARS BECAUSE OF THE LARGE NUMBER OF UNEMPLOYED
WOMEN AND THE PROLIFERATION OF ORGANIZED CRIME
ORGANIZATIONS LURED TO THE BUSINESS BY HIGH PROFITS, WEAK
LAWS AND PENALTIES FOR TRAFFICKERS.

4. THE FORMER SOVIET UNION AND EASTERN EUROPE MAKE UP WHAT

IS PROBABLY THE FASTEST GROWING REGION FOR TRAFFICKING SOURCE COUNTRIES. APPROXIMATELY 175,000 WOMEN AND CHILDREN ARE TRAFFICKED FROM THIS REGION TO EUROPE, NORTH AMERICA, ASIA, AND THE MIDDLE EAST. MOST ARE TRAFFICKED TO WESTERN EUROPE, PARTICULARLY GERMANY, ITALY, AND THE NETHERLANDS.

5. THE PRESIDENT, SECRETARY OF STATE, AND ATTORNEY GENERAL HAVE SHOWN TREMENDOUS COMMITMENT TO COMBATING TRAFFICKING AND THE DEPARTMENT OF STATE, DEPARTMENT OF JUSTICE AND OTHER RELEVANT AGENCIES HAVE MADE SIGNIFICANT PROGRESS OVER THE PAST YEAR TO ADVANCE THE ADMINISTRATION'S ANTI-TRAFFICKING STRATEGY OF PREVENTION, PROTECTION, AND PROSECUTION.

6. THE UNITED STATES GOVERNMENT RESPONSE TO THIS ISSUE IS LED BY THE PRESIDENT'S INTERAGENCY COUNCIL ON WOMEN. THE COUNCIL IS A TASK FORCE OF HIGH-LEVEL USG REPRESENTATIVES CHARGED WITH IMPLEMENTING THE PLATFORM FOR ACTION, ADOPTED AT THE 1995 U.N. FOURTH WORLD CONFERENCE ON WOMEN IN BEIJING. THE SECRETARY OF STATE IS THE CHAIR OF THE COUNCIL AND THE FIRST LADY IS THE HONORARY CHAIR. THE PRESIDENT HAS DIRECTED THE COUNCIL TO LEAD THE DEVELOPMENT AND COORDINATION OF U.S. DOMESTIC AND INTERNATIONAL POLICY ON TRAFFICKING IN WOMEN AND CHILDREN, AS PART OF THE USG'S BROADER COMMITMENT TO ELIMINATE VIOLENCE AGAINST WOMEN AROUND THE WORLD.

7. WITHIN THE DEPARTMENT OF STATE, WE HAVE MOBILIZED EACH REGIONAL BUREAU AND THE BUREAUS OF DEMOCRACY, HUMAN RIGHTS AND LABOR, INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT, CONSULAR AFFAIRS, DIPLOMATIC SECURITY, AND POPULATION, REFUGEES AND MIGRATION. THROUGHOUT THE FEDERAL GOVERNMENT, THE COUNCIL HAS COORDINATED THE EFFORTS OF THE DEPARTMENTS OF LABOR, JUSTICE, HEALTH AND HUMAN SERVICES, THE U.S. INFORMATION AGENCY AND THE U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT.

8. TRAFFICKING IN HUMAN BEINGS, PREDOMINANTLY WOMEN AND CHILDREN, IS A FORM OF MODERN-DAY SLAVERY. AT ITS CORE,

THE INTERNATIONAL TRADE IN WOMEN AND CHILDREN IS ABOUT ABDUCTION, COERCION, VIOLENCE AND EXPLOITATION IN THE MOST REPREHENSIBLE WAYS.

9. THE PROBLEM OF TRAFFICKING IN HUMAN BEINGS INVOLVES THE RECRUITMENT, TRANSPORT, HARBORING, TRANSFER, SALE OR RECEIPT OF PERSONS WITHIN NATIONAL OR ACROSS INTERNATIONAL BORDERS THROUGH FRAUD, COERCION, FORCE OR KIDNAPPING, FOR PURPOSES OF PLACING PERSONS IN SITUATIONS OF SLAVERY-LIKE CONDITIONS, FORCED LABOR OR SERVICES. EXAMPLES INCLUDE FORCED PROSTITUTION, DOMESTIC SERVITUDE, BONDED SWEATSHOP LABOR OR OTHER DEBT BONDAGE.

10. ALTHOUGH THIS HEARING FOCUSES ON TRAFFICKING INTO THE SEX INDUSTRY, IT IS CLEAR THAT THIS IS MERELY ONE COMPONENT OF THE WORLD OF TRAFFICKING OF WOMEN AND CHILDREN. U.S. GOVERNMENT POLICY IS NOT LIMITED TO ADDRESSING TRAFFICKING IN THE CONTEXT OF THE SEX TRADE. PLACING WOMEN AND CHILDREN INTO SLAVERY-LIKE CONDITIONS IN ANY CONTEXT IS AN INTOLERABLE HUMAN RIGHTS VIOLATION AND AN EVIL THAT CANNOT BE IGNORED.

11. WE SEE CASES WHERE TRAFFICKERS LURE GIRLS FROM A VILLAGE AND FORCE SOME OF THE GIRLS TO WORK IN DOMESTIC

SERVITUDE OR CARPET-WEAVING, WHILE OTHERS, CONSIDERED MORE ATTRACTIVE, ARE CULLED OUT AND SOLD TO BROTHELS. THUS, IN THE FIGHT AGAINST TRAFFICKING, THERE ARE PRACTICAL REASONS WHY THE UNITED STATES DOES NOT LIMIT ITS EFFORTS TO ONE FORM OF TRAFFICKING OVER ANOTHER.

12. INTERNATIONAL ORGANIZED CRIMINAL NETWORKS LURE WOMEN BY POSTING ADVERTISEMENTS OR RECRUITING FOR JOBS OVERSEAS FOR MODELING, DANCING, WAITRESSING AND OTHER KINDS OF ACTIVITIES INVOLVING PROSPECTS FOR TRAVEL AND CULTURAL EXPERIENCES. ONCE THE WOMEN ARRIVE, HOWEVER, THEY ARE FORCED INTO INVOLUNTARY SERVITUDE OR OTHER FORMS OF SLAVERY-LIKE CONDITIONS.

13. OVER ONE MILLION WOMEN AND CHILDREN ARE TRAFFICKED AROUND THE WORLD EACH YEAR. OVER 50,000 OF THESE WOMEN AND CHILDREN ARE TRAFFICKED INTO THE U.S. ANNUALLY, PRIMARILY FROM LATIN AMERICA, THE FORMER SOVIET UNION AND SOUTH EAST ASIA. RUSSIA, UKRAINE, POLAND AND THE CZECH REPUBLIC ARE MAJOR COUNTRIES OF ORIGIN IN CENTRAL AND EASTERN EUROPE. ROUGHLY 4,000 ARE FROM THE FORMER SOVIET UNION AND EASTERN EUROPE. THESE ARE CONSERVATIVE ESTIMATES. IT IS WORTH NOTING THAT OF THESE 50,000, APPROXIMATELY HALF ARE

TRAFFICKED INTO COERCED OR BONDED SWEATSHOP LABOR AND DOMESTIC SERVITUDE.

14. MEN ARE ALSO TRAFFICKED, PARTICULARLY INTO FORCED LABOR, BUT WE EMPHASIZE TRAFFICKING IN WOMEN AND CHILDREN BECAUSE THEY ARE THE PREDOMINANT TARGETS OF THE CRIMINALS

FOR TRAFFICKING.

15. TODAY I WANT TO FOCUS ON THE IMPORTANT ROLE TO BE PLAYED BY OSCE IN THE FIGHT AGAINST TRAFFICKING. ERADICATING TRAFFICKING WILL ONLY BE POSSIBLE IF COUNTRIES OF ORIGIN, TRANSIT AND DESTINATION ARE COMMITTED TO WORKING TOGETHER COOPERATIVELY TO FIND ECONOMIC ALTERNATIVES FOR WOMEN, LEGAL REMEDIES, AND REINTEGRATION AND PROTECTION PROGRAMS FOR VICTIMS OF TRAFFICKING. AS A RESULT, OSCE IS AN EXCELLENT FORUM IN WHICH TO ADDRESS THE TRAFFICKING ISSUE. MEMBERSHIP INCLUDES ORIGIN, TRANSIT, AND DESTINATION COUNTRIES.

16. OSCE PARTICIPATING STATES HAVE ADOPTED A COMMITMENT, AS SET OUT IN THE 1991 MOSCOW DOCUMENT, TO -SEEK TO ELIMINATE ALL FORMS OF VIOLENCE AGAINST WOMEN AND EXPLOITATION OF PROSTITUTION OF WOMEN INCLUDING BY ENSURING ADEQUATE LEGAL PROHIBITIONS AGAINST SUCH ACTS AND OTHER APPROPRIATE

MEASURES."

17. OSCE FORA, INCLUDING PERMANENT COUNCIL MEETINGS, THE BIENNIAL HUMAN DIMENSION IMPLEMENTATION REVIEW MEETING, AND SUPPLEMENTARY HUMAN DIMENSION MEETINGS PROVIDE OPPORTUNITIES TO RAISE CONCERNS ABOUT THE FAILURE OF STATES TO HONOR THIS COMMITMENT AND FOCUS ATTENTION ON HOW WE CAN WORK TOGETHER TOWARD ACHIEVEMENT OF OUR GOALS TO ELIMINATE THIS SCOURGE. I AM PLEASED TO HAVE PARTICIPATED IN TWO FUNCTIONS WITH MEMBERS OF YOUR STAFF - THE HUMAN DEVELOPMENT IMPLEMENTATION REVIEW MEETING IN WARSAW IN NOVEMBER, 1998, AND A SUPPLEMENTARY HUMAN DIMENSION MEETING MORE RECENTLY IN JUNE - BOTH OF WHICH ADDRESSED THE ISSUE

OF TRAFFICKING.

18. ACHIEVEMENT OF PROGRESS ON ELIMINATING TRAFFICKING REQUIRES COOPERATION AMONG STATES. THE OSCE IS AN ORGANIZATION FOUNDED ON THE PRINCIPLE OF COOPERATION. THIS CONCEPT IS NOT ABSTRACT. FROM MY PARTICIPATION IN MEETINGS, I CAN ATTEST TO THE HIGH QUALITY OF DEBATE IN OSCE FORA. MORE IMPORTANTLY I CAN ATTEST TO THE WILLINGNESS OF STATES TO WORK TOGETHER TO TACKLE THIS PROBLEM.

19. AS YOU KNOW, WHAT MAKES THE OSCE SO EFFECTIVE ARE NOT MERELY THE COMMITMENTS STATES HAVE MADE TO UPHOLD HIGH HUMAN RIGHTS STANDARDS BUT THE EFFECTIVE MECHANISMS OSCE HAS CREATED TO REVIEW IMPLEMENTATION OF THOSE STANDARDS.

20. ALSO IMPRESSIVE IS THE OPERATIONAL AND PRACTICAL NATURE OF THE OSCE. WITH MISSIONS IN 20 OSCE-PARTICIPATING STATES, THE OSCE TAKES ITS MESSAGE TO THE FIELD ALL ACROSS THE OSCE REGION.

21. OSCE INSTITUTIONS ARE ALSO VEHICLES OF ACTION. THE OFFICE OF DEMOCRATIC INSTITUTIONS AND HUMAN RIGHTS (ODIHR) CREATES PROGRAMS TO ASSIST STATES IMPLEMENT COMMITMENTS.

22. I BELIEVE THE OSCE OFFERS AN EXCELLENT VENUE TO TACKLE THE PROBLEM OF TRAFFICKING. CAN IT DO MORE? THE ANSWER IS YES, AND WE ARE WORKING TO ENSURE THAT IT DOES.

23. FIRST, THE USG HAS SECONDED AN EXPERT TO THE OFFICE OF DEMOCRATIC INSTITUTIONS AND HUMAN RIGHTS TO EXAMINE THE PROBLEM OF TRAFFICKING IN THE OSCE REGION WITH A VIEW TO RECOMMENDING PROGRAMS TO ASSIST STATES IN ADDRESSING THIS MATTER. THIS STUDY AND THE PROGRAM RECOMMENDATIONS IT MAKES WILL FOCUS ON PROVIDING BETTER PROTECTION FOR VICTIMS -- A MUCH NEGLECTED FACET OF THE TRAFFICKING PROBLEM. IMPROVING PROTECTION WILL ENABLE STATES TO DO A BETTER JOB IN PREVENTING VICTIMS FROM LIVING REPEATED HUMAN RIGHTS VIOLATIONS AND IN MAKING VICTIMS MORE WILLING TO COOPERATE IN THE PROSECUTION OF TRAFFICKERS. WE STRONGLY SUPPORT GREATER ODIHR ATTENTION TO CREATING PROGRAMS TO COMBAT TRAFFICKING.

24. SECOND, WE WILL CONTINUE TO HOLD PARTICIPATING STATES TO THEIR COMMITMENTS TO COMBAT TRAFFICKING, AND TO SPEAK FRANKLY IN OSCE FORA WHEN THEY DO NOT.

25. THIRD, WE ARE EXPLORING WAYS TO ENHANCE OSCE COMMITMENTS TO ADDRESS TRAFFICKING. WE ARE LOOKING TO THE STUDY DESCRIBED ABOVE TO INSTRUCT US IN THIS ENDEAVOR.

26. FOURTH, WE WILL USE OSCE FORA TO STRATEGIZE ABOUT HOW OSCE PARTICIPATING STATES CAN EFFECTIVELY COOPERATE TO COMBAT TRAFFICKING. I CAME AWAY FROM THE RECENT VIENNA MEETING IMPRESSED BY THE POTENTIAL THE OSCE OFFERS TO BRING ALL THE PLAYERS TOGETHER. THE STATE DEPARTMENT IS COMMITTED TO WORKING WITH YOU AND YOUR STAFF TO TAP THAT POTENTIAL IN THE FULLEST POSSIBLE WAY.

27. CURRENTLY, WE HAVE MULTILATERAL AND BILATERAL INITIATIVES UNDERWAY WITH THE EUROPEAN UNION, THE UNITED NATIONS, ITALY, THE BALTICS, UKRAINE, AND FINLAND TO COMBAT

TRAFFICKING.

28. WE ARE DEVELOPING AND IMPLEMENTING A COMPREHENSIVE AND INTEGRATED STRATEGY WITH THE GOVERNMENT OF UKRAINE TO

COMBAT TRAFFICKING.

29. THE UNITED STATES AND ITALY HAVE LAUNCHED AN INITIATIVE FOCUSING ON THE PROTECTION OF VICTIMS, COOPERATION WITH NGOS, TRAINING FOR LAW ENFORCEMENT, AND STRENGTHENING COOPERATION OF OUR CRIMINAL JUSTICE SYSTEMS. RECENTLY,

30. THE UNITED STATES AND FINLAND AGREED TO COLLABORATE ON AN INITIATIVE TO ASSIST IN THE PREVENTION OF TRAFFICKING AND VIOLENCE AGAINST WOMEN IN THE BALTIC COUNTRIES.

31. THERE ARE NOW FEARS AND SOME INDICATIONS THAT ORGANIZED CRIMINAL ELEMENTS ARE TRYING TO TAKE ADVANTAGE OF REFUGEE WOMEN AND CHILDREN DISPLACED BY THE CONFLICT IN KOSOVO. ONE CONCRETE ACTION THAT THE OSCE CAN TAKE IS TO ENSURE THAT THE TRAFFICKING OF WOMEN AND CHILDREN IS ADDRESSED AS PART OF THE PEACE PROCESS IN KOSOVO. WOMEN AND CHILDREN IN POST-CONFLICT SITUATIONS - THOSE DISPLACED FROM THEIR HOMES AND PARTICULARLY IN REFUGEE CAMPS - ARE EXTREMELY VULNERABLE TO TRAFFICKING..

32. WE ARE GRATEFUL FOR YOUR LEADERSHIP ON THIS ISSUE. WE HAVE HIGH REGARD FOR COMMISSION STAFF, WITH WHOM WE HAVE HAD THE PLEASURE OF WORKING IN RECENT MONTHS. WE LOOK FORWARD TO FUTURE COLLABORATION.

33. AS SECRETARY OF STATE MADELEINE ALBRIGHT HAS SAID, (BEGIN QUOTE) OUR GOAL, ULTIMATELY, IS TO MOBILIZE PEOPLE EVERYWHERE SO THAT TRAFFICKING IN HUMAN BEINGS IS MET BY A STOP SIGN VISIBLE AROUND THE EQUATOR AND FROM POLE TO POLE. (END QUOTE) END TEXT.

TALBOTT

SECT: SECTION: 01 OF 01

SSN: 8222

TOR: 990709062336 M3951416

DIST:

SIT: NSC

Cable

PREC: PRIORITY
CLASS: UNCLASSIFIED
LINE1: PAAUZYUW RUEHCAA8485 1900128-UUUU--RHEHAAX.
LINE2: ZNR UUUUU ZZH
LINE3: P R 090130Z JUL 99
LINE4: FM SECSTATE WASHDC
OSRI: RUEHC
DTG: 090130Z JUL 99
ORIG: SECSTATE WASHDC
TO: RUEHPF/AMEMBASSY PHNOM PENH PRIORITY 8594
INFO: RUEHGV/USMISSION GENEVA 7172
SUBJ: TEXTILES: UPCOMING LABOR CONSULTATIONS
TEXT:
UNCLAS STATE 128485

E.O. 12958: N/A
TAGS: KTEX, ETRD, ELAB, CB
SUBJECT: TEXTILES: UPCOMING LABOR CONSULTATIONS

REF: PHNOM PENH 1525

1. THIS CABLE IS IN RESPONSE TO REFTEL REGARDING UPCOMING LABOR STANDARDS CONSULTATIONS UNDER THE U.S.-CAMBODIA BILATERAL TEXTILE AGREEMENT.
2. WE CONCUR WITH EMBASSY OUTLINE OF THE LABOR ISSUES TO BE DISCUSSED WITH THE CAMBODIAN GOVERNMENT AND ALSO SHARE EMBASSY'S VIEW THAT MEETING WITH NGOS, LABOR, ET AL WILL BE A VALUABLE OPPORTUNITY TO HEAR A WIDE RANGE OF VIEWS REGARDING WORKING CONDITIONS IN THE TEXTILE AND GARMENT INDUSTRY.
3. DEPARTMENT OF LABOR OFFICIALS HAVE HAD DISCUSSIONS WITH ILO-GENEVA AND RECENTLY WITH REPRESENTATIVES OF THE AFL-CIO REGARDING THE DESIGN FOR THE ILO PROJECT IN CAMBODIA. WE ARE CONTINUING TO WORK ON THE PROJECT BUT THE CURRENT DRAFT WILL NEED SIGNIFICANT CHANGES THAT WE ARE ADDRESSING. DEPARTMENT DOES NOT ANTICIPATE THAT THESE CHANGES WILL BE IMPOSSIBLE TO ACHIEVE AND WE ARE CONFIDENT THAT THE PROJECT PROPOSAL CAN BE REFINED TO MEET OUR CONCERNS.
4. FROM THE PERSPECTIVE OF THE DEPARTMENT OF LABOR, THE MAIN PROBLEM IS THAT FULL FUNDING FOR THE PROPOSED \$2.2 MILLION PROJECT HAS NOT BEEN IDENTIFIED. TO DATE, THE CAMBODIAN GOVERNMENT HAS INDICATED THEY WILL CONTRIBUTE \$200,000 AND THE CGMA HAS OFFERED A FINANCIAL CONTRIBUTION EQUIVALENT TO 10 PERCENT OF PROJECT COST (\$220,000). THE DEPARTMENT OF LABOR HAS INDICATED THAT ARRANGEMENTS CAN BE MADE FOR \$500,000 FROM THE ILO'S CHILD LABOR PROGRAM TO BE

MADE AVAILABLE AS PART OF AN OVERALL FUNDING PACKAGE.

5. IN TERMS OF SOURCES FOR THE REMAINING FUNDS, SEVERAL POSSIBILITIES EXIST. INASMUCH AS CAMBODIA WILL BENEFIT DIRECTLY FROM THE 14 PERCENT ADDITIONAL QUOTA, IT COULD BE SUGGESTED THAT ADDITIONAL CAMBODIAN FUNDS BE MADE AVAILABLE TO LAUNCH THE PROJECT. CAMBODIA COULD ALSO SEEK CONTRIBUTIONS FROM OTHER DONORS. WE ALSO UNDERSTAND THAT AMBASSADOR QUINN HAD DISCUSSIONS WITH USAID ABOUT A PROJECT RELATED TO THE "NO SWEAT" INITIATIVE THAT MIGHT INVOLVE CAMBODIA. THIS AND OTHER AID SOURCES CAN BE EXPLORED FURTHER.

6. AT THE CONSULTATIONS, US DELEGATION SHOULD MAKE THE POINT THAT THE CAMBODIAN GOVERNMENT SHOULD NOT WAIT FOR THE ILO PROJECT TO BE APPROVED IN ORDER TO BEGIN TAKING STEPS TOWARDS IMPROVING WORKING CONDITIONS IN THE CAMBODIAN TEXTILE AND GARMENT INDUSTRY. THE U.S.-CAMBODIAN TEXTILE AGREEMENT FOCUSES ON IMPLEMENTING CAMBODIAN LABOR LAW AND CORE LABOR STANDARDS. AREAS WHERE THERE ARE DEFICIENCIES HAVE BEEN SPELLED OUT BEGINNING WITH THE GSP PETITION AND ARE WIDELY RECOGNIZED. THESE ARE THE AREAS THE EMBASSY HAS OUTLINED IN ITS NON-PAPER FOR THE CONSULTATIONS.

7. THERE IS NO REASON WHY THE CAMBODIAN GOVERNMENT AND GARMENT MANUFACTURERS CANNOT BEGIN NOW TO BETTER IMPLEMENT CAMBODIAN LABOR LAW. WHILE THE ILO PROJECT WILL PROVIDE TECHNICAL EXPERTISE AND TRAINING TO FACILITATE THE PROCESS, EVEN WITH THE ILO PROJECT IN PLACE, PROGRESS CANNOT BE MADE WITHOUT THE WILL OF THE PARTIES CONCERNED.

8. MOREOVER, THE US DECISION TO BE MADE IN DECEMBER WILL BE BASED ON INFORMATION IN ADDITION TO THAT RELATING TO THE ILO PROGRAM. IF, IN NOVEMBER, THERE IS STILL EVIDENCE THAT WORKING CONDITIONS IN THE CAMBODIA TEXTILE AND GARMENT INDUSTRY DO NOT SUBSTANTIALLY COMPLY WITH THE

CAMBODIAN LABOR CODE AND INTERNATIONALLY RECOGNIZED CORE LABOR STANDARDS, THEN MAKING A POSITIVE DECISION ON GRANTING THE 14 PERCENT QUOTA BONUS WOULD BE VERY DIFFICULT.

TALBOTT

SECT: SECTION: 01 OF 01

SSN: 8485

TOR: 990708221634 M3950940

DIST:

SIT: ALLEN ARVIZU BUSBY DEROSA GUARNIERI HAMMONDS HOLTZAPPLE KEITH LEE
LIEBERTHAL OSIUS PRITCHARD SCHAEFER SCHWARTZ SHAH STROMSETH WECHSLER
SIT: NSC

Cable

PREC: IMMEDIATE
CLASS: UNCLASSIFIED
LINE1: OAAUZYUW RUEHPFA1585 1931105-UUUU--RHEHAAX.
LINE2: ZNR UUUUU ZZH
LINE3: O 121105Z JUL 99
LINE4: FM AMEMBASSY PHNOM PENH
OSRI: RUEHPF
DTG: 121105Z JUL 99
ORIG: AMEMBASSY PHNOM PENH
TO: RUEHHI/AMEMBASSY HANOI IMMEDIATE 3027
 RUEHC/SECSTATE WASHDC IMMEDIATE 2243
 RUEHC/DEPT OF LABOR WASHDC IMMEDIATE
INFO: ////
SUBJ: BACKGROUND MATERIALS FOR THE U.S. - CAMBODIA
 LABOR STANDARDS CONSULTATIONS

TEXT:
 UNCLAS PHNOM PENH 001585

SENSITIVE

HANOI PLEASE PASS DAS BENNETT FREEMAN
 STATE FOR DRL/LEA AND EB/TPP/ATT
 LABOR FOR ILAB

E.O. 12958: N/A
 TAGS: ELAB, ETRD, KTEX, CB
 SUBJECT: BACKGROUND MATERIALS FOR THE U.S. - CAMBODIA
 LABOR STANDARDS CONSULTATIONS

REF: A) STATE 129734; B) STATE 128485

1. IN RESPONSE TO REF A, THE FOLLOWING ARE EMBASSY-DRAFTED BACKGROUND MATERIALS AND TALKING POINTS FOR THE U.S. - CAMBODIA LABOR STANDARDS CONSULTATIONS SET TO TAKE PLACE ON JULY 14 FROM 3:00 TO 6:00 PM. WE HAVE INCLUDED A PRELIMINARY AGENDA, OPENING REMARKS FOR THE U.S. DELEGATION, AND BACKGROUND AND TALKING POINTS ON THE MOST IMPORTANT AGENDA ITEMS. WE WILL REVISE THE MATERIALS AFTER A FINAL PRE-CONSULTATIONS MEETING WITH THE MINISTRY OF LABOR TOMORROW AND SEND AN UPDATED COPY TO HANOI FOR DAS FREEMAN. THE TALKING POINTS UNDER THE AGENDA ITEM ON THE ILO PROJECT REFLECT POINTS MADE IN REF B.

PRELIMINARY AGENDA

I. WORKING CONDITIONS/LABOR STANDARDS IN THE TEXTILE AND APPAREL INDUSTRY.

- A.UPDATE ON NEW LAWS/REGULATIONS
- B.REPORT ON MOSALVY LABOR INSPECTIONS. ISSUES OF PARTICULAR CONCERN: MANDATORY OVERTIME, INADEQUATE COMPENSATION FOR OVERTIME, POOR OR UNSAFE WORKING CONDITIONS, MISTREATMENT OF WORKERS BY FACTORY MANAGEMENT, LATE OR UNDERPAYMENT OF SALARIES.
- C.REPORT ON MOSALVY EFFORTS TO RESOLVE LABOR-MANAGEMENT DISPUTES.

II. RIGHT OF ASSOCIATION AND THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY

- A.UPDATE ON SHOP STEWARD SYSTEM (INCLUDING INCIDENTS OF FIRING OF UNION OFFICERS OR SHOP STEWARDS)
- B.UPDATE ON UNION REGISTRATIONS
- C.UPDATE ON ILO/DANIDA PROJECT

III. UPDATE ON STATUS OF THE LABOR ADVISORY COMMITTEE

IV. UPDATE ON STATUS OF RATIFICATION PROCESS FOR ILO CONVENTIONS 87, 98, 100, 105, 111, AND 138

V. UPDATE ON STATUS OF ILO LABOR LAW IMPLEMENTATION PROJECT

VI. OTHER ISSUES (ILO/IPEC PROGRAM; NEW ILO CONVENTION, DATE FOR NEXT ROUND OF CONSULTATIONS, ETC)

U.S. OPENING REMARKS

--I WOULD LIKE TO CONGRATULATE MINISTER ITH SAM HENG AND HIS STAFF, AS WELL AS REPRESENTATIVES FROM OTHER MINISTRIES, FOR ORGANIZING THIS FIRST EVER ROUND OF CONSULTATIONS BETWEEN THE ROYAL GOVERNMENT OF CAMBODIA AND THE UNITED STATES ON THE IMPORTANT TOPIC OF LABOR STANDARDS. WE APPRECIATE ALL THE HARD WORK THAT THE GOVERNMENT HAS PUT INTO PREPARING FOR THESE CONSULTATIONS.

--I WOULD LIKE TO BEGIN BY INTRODUCING MR. BENNETT FREEMAN, DEPUTY ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS, AND LABOR, WHO ARRIVED FROM HANOI TODAY TO TAKE PART IN THIS MEETING. WE ARE VERY PLEASED THAT A SENIOR OFFICIAL FROM WASHINGTON IS ABLE TO PARTICIPATE IN THESE CONSULTATIONS. MR. FREEMAN'S PRESENCE HERE TODAY IS A CLEAR DEMONSTRATION OF THE IMPORTANCE THE U.S. ATTACHES TO LABOR STANDARDS AND WORKER RIGHTS ISSUES IN CAMBODIA.

--THE U.S. AND CAMBODIA HAVE A RECORD OF CLOSE AND SUCCESSFUL COOPERATION ON LABOR ISSUES GOING BACK ALMOST FIVE YEARS. IN 1995-97, USAID PROVIDED TECHNICAL ASSISTANCE TO THE GOVERNMENT THROUGH THE ASIAN AMERICAN FREE LABOR INSTITUTE TO SUPPORT THE DRAFTING AND PASSAGE OF CAMBODIA'S 1997 LABOR LAW. PASSING THE NEW LABOR LAW WAS A VERY IMPORTANT STEP

FORWARD FOR THE DEVELOPMENT OF A MARKET ECONOMY IN CAMBODIA, AND THE EMBASSY HAS REPORTED REGULARLY TO WASHINGTON ON THE MINISTRY'S EFFORTS TO IMPLEMENT THE LABOR LAW.

--SINCE THE LABOR LAW WAS PASSED, USAID HAS CONTINUED TO SUPPORT LOCAL NGOS WORKING IN THE LABOR FIELD, SEVERAL OF WHICH SPOKE AT THIS MORNING'S MEETING. ONE OF THESE ORGANIZATIONS, THE UNIVERSITY OF SAN FRANCISCO, OFFERS SEVERAL COURSES ON THE LABOR LAW AT IT'S CENTER FOR COMMUNITY LEGAL EDUCATION. AND IN MARCH, THE U.S. INFORMATION SERVICE SPONSORED THE HIGHLY SUCCESSFUL VISIT OF KATIE QUAN, A PROMINENT AMERICAN LABOR LEADER AND EXPERT ON INTERNATIONAL LABOR ISSUES. WE PARTICULARLY APPRECIATE THE PARTICIPATION OF SEVERAL MINISTRY OFFICIALS IN THE TELEVISION FORUM ON WORKER RIGHTS WHICH WE PRODUCED DURING MS. QUAN'S VISIT.

--THE SIGNING OF THE U.S. - CAMBODIA BILATERAL TEXTILE AGREEMENT IN JANUARY HAS MOVED OUR COOPERATION ON LABOR ISSUES TO A NEW LEVEL. IN ADDITION TO CALLING FOR LABOR STANDARDS CONSULTATIONS TWICE A YEAR, THE AGREEMENT CREATES A PRECEDENT-SETTING PROVISION WHERE CAMBODIA IS ELIGIBLE FOR A 14 PERCENT TEXTILE QUOTA BONUS IF WORKING CONDITIONS IN THE TEXTILE AND APPAREL SECTOR SUBSTANTIALLY COMPLY WITH CAMBODIA'S LABOR LAW AND INTERNATIONAL LABOR STANDARDS. THIS QUOTA BONUS WOULD AMOUNT TO MORE THAN 1.4 MILLION DOZENS OF EXTRA QUOTA FOR THE YEAR 2000 (WORTH AN ESTIMATED \$50-80 MILLION IN ADDITIONAL EXPORTS), AND WOULD REPRESENT AN IMPORTANT ECONOMIC BENEFIT FOR CAMBODIA. WE APPRECIATE VERY MUCH CAMBODIA'S WILLINGNESS TO TRY THIS NEW APPROACH TO IMPROVING WORKING CONDITIONS IN THE TEXTILE AND APPAREL SECTOR.

--IN ORDER TO MAXIMIZE CAMBODIA'S CHANCES FOR OBTAINING THE QUOTA BONUS, IT IS IMPORTANT FOR OUR TWO GOVERNMENTS TO CONTINUE DOING EXACTLY WHAT WE ARE DOING TODAY: SIT DOWN TOGETHER FOR AN HONEST AND FRANK DISCUSSION OF THE SITUATION IN THE TEXTILE AND APPAREL INDUSTRY. THE INFORMATION WE GATHER FROM THIS MEETING WILL PLAY AN IMPORTANT ROLE IN WASHINGTON'S DELIBERATIONS ON THE QUOTA BONUS ISSUE.

--THE U.S. DELEGATION FOUND THIS MORNING'S MEETING INTERESTING AND HIGHLY INFORMATIVE. WHILE THERE WAS OF COURSE A DIFFERENCE IN OPINION ON SOME ISSUES, WE BELIEVE OPEN DIALOGUE WITH ALL STAKEHOLDERS IN THE TEXTILE AND APPAREL INDUSTRY CAN HELP THE MINISTRY IN ITS EFFORTS TO ENFORCE THE LABOR LAW AND IMPROVE WORKING CONDITIONS IN FACTORIES. WE ENCOURAGE THE GOVERNMENT TO HOLD SIMILAR MEETINGS ON A REGULAR BASIS IN THE FUTURE.

--WE HOPE OUR DISCUSSIONS TODAY WILL BE FRANK, HONEST, AND FRUITFUL. WE WILL DO OUR BEST TO RESPOND TO YOUR QUESTIONS AND CONCERNS, AND WILL MAKE A FULL REPORT TO

WASHINGTON ON THIS MEETING AND THE MEETING THIS MORNING. AND ABOVE ALL, WE LOOK FORWARD TO HEARING THE MINISTRY'S VIEWS ON THE SITUATION IN THE TEXTILE AND APPAREL INDUSTRY, AS WELL AS YOUR REPORT ON RECENT DEVELOPMENTS WITH RESPECT IN THE IMPLEMENTATION OF THE LABOR LAW.

--THANK YOU VERY MUCH.

AGENDA ITEM I: WORKING CONDITIONS/LABOR STANDARDS IN THE TEXTILE AND APPAREL INDUSTRY.

BACKGROUND

THE LABOR STANDARDS PROVISIONS OF THE U.S. - CAMBODIA BILATERAL TEXTILE AGREEMENT FOCUS ON THE ISSUE OF IMPROVING WORKING CONDITIONS IN CAMBODIA'S GARMENT INDUSTRY. (THE AGREEMENT DOES NOT MENTION THE RESTRICTIONS ON THE RIGHT OF ASSOCIATION AND THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY WHICH WERE THE SUBJECT OF THE GSP PETITIONS FILED AGAINST CAMBODIA IN 199B.) COMPLAINTS ABOUT SUBSTANDARD WORKING CONDITIONS IN CAMBODIAN GARMENT FACTORIES SURFACED SOON AFTER THE INDUSTRY BEGAN ITS RAPID EXPANSION IN LATE 1996, BUT THE ISSUE BECAME MUCH MORE PROMINENT IN 1998 AFTER A MEDIA CAMPAIGN AND SERIES OF LABOR DEMONSTRATIONS BY THE FREE TRADE UNION OF THE WORKERS OF THE KINGDOM OF CAMBODIA (FTUWKC), A LABOR UNION FEDERATION LINKED TO OPPOSITION LEADER SAM RAINSY.

ASSESSING THE DEGREE TO WHICH WORKING CONDITIONS IN THE GARMENT INDUSTRY COMPLY WITH CAMBODIA'S LABOR LAW IS DIFFICULT. WHILE THE LABOR LAW CONTAINS GENERAL PROVISIONS REGARDING HOURS OF WORK, OVERTIME PAY RATES, NIGHT WORK, PAID HOLIDAYS, REST DAYS, AND PAID ANNUAL LEAVE, WORKPLACE HEALTH AND SAFETY REGULATIONS HAVE NOT YET BEEN ISSUED. A FURTHER PROBLEM IS THAT THERE IS NO SECTOR-WIDE DATA BASE ON WORKING CONDITIONS IN THE CAMBODIAN GARMENT INDUSTRY (THE CREATION OF SUCH A DATA BASE IS ONE OF THE OUTPUTS ENVISIONED FOR THE ILO PROJECT).

U.S. INFORMATION ON FACTORY WORKING CONDITIONS IS BASED ON MEETINGS BY EMBASSY OFFICERS WITH OVER 15 GROUPS OF DEMONSTRATING GARMENT WORKERS IN 1998, VISITS BY EMBASSY OFFICERS AND U.S. CUSTOMS OFFICIALS TO APPROXIMATELY 60 OF CAMBODIA'S APPROXIMATELY 130 GARMENT FACTORIES SINCE LATE 1997, AND INTERVIEWS WITH NGOS WORKING WITH GARMENT WORKERS. CONDITIONS CLEARLY VARY SIGNIFICANTLY FROM FACTORY TO FACTORY: SOME ARE MODERN, CLEAN, AND WELL-LIT WITH ADEQUATE VENTILATION, TOILETS, AND EMPLOYEE CANTEEN FACILITIES, WHILE OTHERS LOOK MORE LIKE CLASSIC SWEATSHOPS. MANAGEMENT STYLE AND THE NATURE OF LABOR-MANAGEMENT RELATIONS ALSO VARY STRONGLY BETWEEN FACTORIES. RELATIVELY PROGRESSIVE

MANAGERS IN SOME FACTORIES TRY TO MAINTAIN HARMONIOUS RELATIONS WITH WORKERS. IN OTHER FACTORIES, HOWEVER, THERE IS A PALPABLE SENSE OF INTIMIDATION, AND WORKERS ARE OFTEN UNWILLING TO SPEAK TO OUTSIDERS.

ALTHOUGH THERE IS NO HARD EMPIRICAL DATA ON HOW WIDESPREAD SUBSTANDARD WORKING CONDITIONS ARE IN THE GARMENT INDUSTRY, THE FOLLOWING ARE THE MOST COMMON COMPLAINTS REPORTED BY EMBASSY PHNOM PENH:

EXCESSIVE OR MANDATORY OVERTIME HOURS: THIS WAS PERHAPS THE MOST COMMON COMPLAINT HEARD IN 1998, ESPECIALLY IN THE LAST FEW MONTHS OF THE YEAR WHEN MANY FACTORIES WERE RUNNING FLAT OUT TO COMPLETE ORDERS BEFORE THE U.S. IMPOSED QUOTAS. THE MOL HAS STATED REPEATEDLY THAT WORKERS CANNOT BE FORCED TO WORK OVERTIME, BUT AS A PRACTICAL MATTER MOST WORKERS FEEL THEY CANNOT REFUSE MANAGEMENT REQUESTS TO WORK. MANY WORKERS ALSO WANT TO WORK OVERTIME IN ORDER TO EARN EXTRA MONEY, ALTHOUGH MOST FEMALE WORKERS ARE NOT COMFORTABLE WORKING LATE AT NIGHT. THE EMBASSY MET A NUMBER OF WORKERS IN 1998 WHO SAID THEY WORKED 70 HOURS A WEEK OR MORE.

INADEQUATE COMPENSATION FOR OVERTIME: THE LABOR LAW REQUIRES EMPLOYERS TO PAY TIME AND A HALF FOR OVERTIME WORK. HOWEVER, MOST GARMENT WORKERS WORK ON A PIECE RATE BASIS, AND THERE HAVE BEEN MANY COMPLAINTS THAT MANAGEMENT DOES NOT INCREASE PIECE RATES FOR WORK PERFORMED DURING OVERTIME HOURS. A RELATED ISSUE CONCERNS THE PIECE RATE SYSTEMS THEMSELVES, WHICH WORKERS COMPLAIN ARE OVERLY COMPLEX, DIFFICULT TO UNDERSTAND, AND MANIPULATED UNILATERALLY BY MANAGEMENT.

POOR OR UNSAFE WORKING CONDITIONS: THE MOST COMMON COMPLAINTS HAVE CONCERNED EXCESSIVELY HOT FACTORIES, UNSAFE AND POORLY MAINTAINED SEWING EQUIPMENT, AND INADEQUATE OR UNHYGENIC TOILET FACILITIES.

MISTREATMENT OF WORKERS BY FACTORY MANAGEMENT: THERE HAVE BEEN REGULAR COMPLAINTS ABOUT MISTREATMENT OR VIOLENCE AGAINST WORKERS BY CHINESE AND KOREAN FACTORY MANAGEMENT, ALTHOUGH THESE COMPLAINTS SEEM TO HAVE TAILED OFF IN 1999. THE BEHAVIOR OF KHMER MIDDLE MANAGEMENT AND FLOOR SUPERVISORS IS ALSO SOURCE OF FREQUENT COMPLAINTS. WORKERS UNDERSTANDABLY REACT VERY EMOTIONALLY WHEN MANAGERS OR SUPERVISORS HIT OR OTHERWISE MISTREAT THEIR CO-WORKERS.

LATE PAYMENT OR UNDERPAYMENT OF SALARIES. WAGES IN THE GARMENT INDUSTRY ARE VERY LOW, TYPICALLY AROUND THE LEGAL MINIMUM OF \$40, AND THERE ARE OCCASIONALLY REPORTS OF FACTORIES WHICH GO OUT OF BUSINESS WITHOUT PAYING THEIR WORKERS THEIR FINAL PAYCHECKS. A NUMBER OF WORKERS DEMONSTRATING AT THE EMBASSY IN 1998 PRODUCED PAY STATEMENTS SHOWING MONTHLY WAGES BELOW \$35 FOR 26 OR MORE DAYS WORK.

TALKING POINTS

--THE ISSUE OF IMPROVING WORKING CONDITIONS IN
CAMBODIA'S GARMENT FACTORIES IS THE CENTRAL CHALLENGE
BEFORE US. WE LOOK FORWARD TO HEARING THE MINISTRY'S
VIEWS ON THE SITUATION IN THE FACTORIES, AND AS WELL AS
ITS REPORT ON INSPECTION VISITS.

--IT IS IMPORTANT FOR THE U.S. AND CAMBODIA TO WORK
TOGETHER TO FIND WAYS TO DEMONSTRATE CLEAR PROGRESS BY
DECEMBER. IT WOULD BE VERY HELPFUL FOR THE MINISTRY TO
BEGIN TO COMPILE A DATA BASE ON WORKING CONDITIONS IN
THE FACTORIES SO THAT BOTH SIDES HAVE A BASIS FOR
COMPARISON. IT MIGHT ALSO BE WORTHWHILE FOR THE
GOVERNMENT TO CONSIDER ENGAGING AN INDEPENDENT MONITOR
TO PROVIDE A REPORT ON INDUSTRY-WIDE WORKING
CONDITIONS.

--WHAT PLANS DOES THE GOVERNMENT HAVE TO ENACT
WORKPLACE HEALTH AND SAFETY REGULATIONS SO THAT FACTORY
OWNERS HAVE A CLEAR SET OF GUIDELINES TO REFER TO?

--REPORTS OF EXCESSIVE, MANDATORY OVERTIME FOR MANY
WORKERS HAVE CAUSED CONCERN IN THE UNITED STATES. DOES
THE MINISTRY HAVE ANY INFORMATION ON HOW WIDESPREAD
THIS PROBLEM IS?

--DOES THE MINISTRY OR GARMENT MANUFACTURERS
ASSOCIATION COLLECT ANY DATA ON WAGES IN THE INDUSTRY?
CAN THE MINISTRY ESTIMATE WHAT PERCENTAGE OF FACTORIES
ARE COMPLYING WITH THE \$40-MONTHLY MINIMUM WAGE?

--A NUMBER OF ORGANIZATIONS HAVE COMPLAINED THAT THE
\$40 MINIMUM WAGE IS INSUFFICIENT TO PROVIDE WORKERS
WITH "A DECENT STANDARD OF LIVING COMPATIBLE WITH HUMAN
DIGNITY" AS REQUIRED BY ARTICLE 104 OF THE LABOR LAW.
WHAT IS THE GOVERNMENT'S VIEW ON THIS ISSUE? IS THERE
ANY THOUGHT OF INCREASING THE MINIMUM WAGE? TO WHAT
LEVEL?

AGENDA ITEM II: RIGHT OF ASSOCIATION AND THE RIGHT TO
ORGANIZE AND BARGAIN COLLECTIVELY

BACKGROUND

WHILE NOT DIRECTLY MENTIONED IN THE U.S. - CAMBODIA
BILATERAL TEXTILE AGREEMENT, ALLEGED RESTRICTIONS ON
THE RIGHT OF ASSOCIATION AND THE RIGHT TO COLLECTIVELY
BARGAIN WERE THE FOCUS OF THE GSP PETITIONS FILED BY
THE AFL-CIO AND THE INTERNATIONAL LABOR RIGHTS FUND IN
JUNE, 1998.

CAMBODIA'S LABOR LAW ASSIGNS ELECTED SHOP STEWARDS A
CENTRAL ROLE IN THE COUNTRY'S INDUSTRIAL RELATIONS
SYSTEM. THE SHOP STEWARDS ARE RESPONSIBLE FOR A BROAD
RANGE OF FUNCTIONS, INCLUDING PRESENTING INDIVIDUAL OR

COLLECTIVE GRIEVANCES TO MANAGEMENT, REFERRING COMPLAINTS AND CRITICISMS TO THE LABOR INSPECTOR, ENSURING THAT WORKPLACE HEALTH AND SAFETY PROVISIONS ARE ENFORCED, AND SUGGESTING MEASURES TO IMPROVE THE HEALTH AND SAFETY SITUATION IN FACTORIES. WHILE THERE IS SOME OVERLAP BETWEEN THE ROLES OF SHOP STEWARDS AND LABOR UNIONS UNDER THE LABOR LAW, SHOP STEWARDS, CANDIDATES FOR SHOP STEWARDS, AND FORMER SHOP STEWARDS ARE THE ONLY WORKER REPRESENTATIVES THAT RECEIVE LEGAL PROTECTION FROM DISMISSAL UNDER THE LABOR LAW (ARTICLE 293). ARTICLE 288 OF THE LAW ALSO GIVES LABOR UNIONS THE CLEAR RIGHT TO NOMINATE CANDIDATES FOR SHOP STEWARDS. THE MOL HAS CONDUCTED ELECTIONS FOR SHOP STEWARDS IN APPROXIMATELY 65 GARMENT FACTORIES BEGINNING WITH AN INITIAL WAVE OF ELECTIONS IN DECEMBER 1997. HOWEVER, THERE ARE ALLEGATIONS THAT MANY OF THE ELECTIONS HAVE BEEN FLAWED BY COLLUSION BETWEEN MOL INSPECTORS AND MANAGEMENT, AND THE EMBASSY HAS ENCOUNTERED SHOP STEWARDS IN A NUMBER OF FACTORIES THAT WERE CLEARLY INFLUENCED BY MANAGEMENT.

IN AN EFFORT TO STRENGTHEN CAMBODIA'S INDUSTRIAL RELATIONS SYSTEM, THE ILO DRAFT PROJECT DOCUMENT CALLS FOR DEVELOPING A GROUP OF FREELY-ELECTED SHOP STEWARDS, TRAINING THEM, AND THEN GRADUALLY ROLLING OUT MORE SOPHISTICATED INDUSTRIAL RELATIONS MECHANISMS IN GARMENT FACTORIES. THIS STRATEGY SHOULD DO MUCH TO CREATE A CRITICAL MASS OF CAPABLE WORKER/LABOR ACTIVISTS IN CAMBODIA. IN ADDITION, BY CARVING OUT AN EXPLICIT ROLE FOR ELECTED SHOP STEWARDS AND LABOR UNIONS, THE PROJECT COULD ACCELERATE SIGNIFICANTLY THE DEVELOPMENT OF WORKER ORGANIZATIONS IN CAMBODIA, WHICH IN TURN SHOULD MAKE IT POSSIBLE FOR WORKERS TO BARGAIN WITH MANAGEMENT ON A MORE EQUAL FOOTING.

ALTHOUGH THE MOL HAS REGISTERED AT LEAST 53 TRADE UNIONS, THE ISSUE OF BIAS IN THE UNION REGISTRATION PROCESS IS ONE OF THE PRINCIPAL ALLEGATIONS IN THE GSP PETITIONS FILED AGAINST CAMBODIA. THE PETITIONS CHARGED THAT THE MOL REGISTERED UNIONS LINKED TO THE CPP QUICKLY WHILE ERECTING UNNECESSARY PROCEDURAL BARRIERS TO THE REGISTRATION OF INDEPENDENT AND OPPOSITION-LINKED UNIONS. THE MOL TO SOME DEGREE ANSWERED THIS CRITICISM WHEN IT REGISTERED THE FTUWKC IN DECEMBER 1998, BUT THE UNION REGISTRATION PROCESS CERTAINLY COULD BE STREAMLINED. IN RESPONSE TO CRITICISM ON THIS POINT BY BANGKOK SOLIDARITY CENTER OFFICIAL PHIL ROBERTSON, THE MOL ISSUED A REVISED SUBDECREE ON THE TRADE UNION REGISTRATION PROCESS IN NOVEMBER 1998. THE NEW SUBDECREE STATES EXPLICITLY THAT PROFESSIONAL ORGANIZATIONS MAY DRAW UP THEIR CHARTERS FREELY PROVIDED THEY DO NOT CONFLICT WITH PUBLIC ORDER, AND MAKES IT CLEAR THAT THE LIST OF DOCUMENTS SPECIFIED BY THE SUBDECREE TO REGISTER UNIONS IS ONLY A GUIDELINE, NOT A REQUIREMENT (PRIOR TO THE SUBDECREE, THE MOL OFTEN REQUIRED UNIONS TO REDRAFT DOCUMENTS BEFORE THEY COULD BE REGISTERED, WHICH OFTEN RESULTED IN LENGTHY REGISTRATION DELAYS).

THE ILO IS CONDUCTING A TWO-YEAR, \$120,000 TRADE UNION CAPACITY BUILDING PROJECT FUNDED BY THE DANISH GOVERNMENT. THE PROJECT INVOLVES MONTHLY TRAINING WORKSHOPS FOR OFFICIALS OF EACH OF THE THREE LABOR UNION FEDERATIONS (INCLUDING THE FTUWKC) AS WELL AS FOR A GROUP OF TRADE UNION EDUCATORS. THE PROJECT IS THE SIGNIFICANT BECAUSE IT IS THE FIRST, DIRECT INTERNATIONAL SUPPORT TO THE TRADE UNION MOVEMENT IN CAMBODIA.

TALKING POINTS

--ELECTED SHOP STEWARDS OBVIOUSLY PLAY A KEY ROLE IN CAMBODIA'S INDUSTRIAL RELATIONS SYSTEM. WE BELIEVE IT IS VERY IMPORTANT THAT SHOP STEWARDS ARE FREELY AND FAIRLY ELECTED SO THAT WORKERS IN FACTORIES BELIEVE THEY HAVE GENUINE REPRESENTATIVES THAT CAN DEAL WITH MANAGEMENT ON THEIR BEHALF.

--WE ARE INTERESTED IN HOW THE MINISTRY CONDUCTS THE SHOP STEWARDS ELECTION, ESPECIALLY WITH REGARDS TO THREE POINTS: 1) HOW DO LABOR INSPECTORS ENSURE THAT TRADE UNIONS ARE ABLE TO NOMINATE CANDIDATES FOR THE SHOP STEWARDS AS CALLED FOR BY ARTICLE 288 OF THE LABOR LAW; 2) HOW DO THE LABOR INSPECTORS ENSURE THAT MANAGEMENT DOES NOT NOMINATE CANDIDATES FOR THE SHOP STEWARD POSITIONS, AND; 3) WHAT STEPS DO THE LABOR INSPECTORS TAKE TO MAKE SURE THE ELECTIONS ARE FREE AND FAIR WITH NO PRESSURE FROM MANAGEMENT? ARE THERE WRITTEN GUIDELINES ON HOW TO CONDUCT THE ELECTIONS?

--WE ARE ALSO INTERESTED IN THE MINISTRY'S VIEWS OF HOW THE SHOP STEWARD SYSTEM IS FUNCTIONING? ARE THE SHOP STEWARDS ACTIVE IN MOST FACTORIES? DO THEY DO A GOOD JOB OF REPRESENTING WORKERS TO MANAGEMENT? HAVE ANY SHOP STEWARDS BEEN TERMINATED EITHER WITH OR WITHOUT THE PERMISSION OF THE LABOR INSPECTORATE?

--WE WOULD APPRECIATE AN UPDATE ON THE UNION REGISTRATION PROCESS. HOW MANY UNIONS ARE IN THE PROCESS OF BEING REGISTERED? HAVE ANY UNIONS BEEN DENIED REGISTRATION? HOW LONG DOES IT USUALLY TAKE TO REGISTER A UNION?

--WHAT ARE THE MINISTRY'S VIEWS ON HOW THE INDUSTRIAL RELATIONS SYSTEM IN CAMBODIA COULD BE STRENGTHENED? WHAT STEPS NEED TO BE TAKEN TO CREATE A GROUP OF BETTER TRAINED AND MORE CAPABLE WORKER REPRESENTATIVES?

AGENDA ITEM III: UPDATE ON STATUS OF THE LABOR ADVISORY COMMITTEE

BACKGROUND

THE CAMBODIAN LABOR LAW CALLS FOR THE CREATION OF A TRIPARTITE LABOR ADVISORY COMMITTEE (LAC) CHAIRED BY THE MOL TO PERFORM A BROAD RANGE OF FUNCTIONS, INCLUDING: ADVISING THE MOL ON MINIMUM WAGE RATES; SPECIFYING PARTICULAR OCCUPATIONS WHICH ARE HAZARDOUS TO THE HEALTH, SAFETY, OR MORALITY OF ADOLESCENTS AND THUS OFF LIMITS TO ANYONE OVER THE LEGAL WORKING AGE OF 15 BUT UNDER 18; CONSULTING WITH THE MOL TO DETERMINE THE TYPES OF EMPLOYMENT AND WORKING CONDITIONS APPROPRIATE FOR CHILDREN AGED 12 TO 15 ENGAGED IN LIGHT WORK; AND CONSULTING WITH THE MOL ON THE ISSUANCE OF A SUBDEGREE ON WORKPLACE HEALTH AND SAFETY. ESTABLISHING THE LAC SHOULD ENABLE THE MOL TO MOVE AHEAD MORE QUICKLY WITH THE WRITING OF IMPORTANT REGULATIONS CALLED FOR BY THE LABOR LAW.

A SUBDEGREE ESTABLISHING THE LAC WAS SIGNED IN MAY 1998. IT CREATES A COMMITTEE OF 19 MEMBERS, 9 FROM GOVERNMENT MINISTRIES, 5 EMPLOYER REPRESENTATIVES, AND 5 WORKER REPRESENTATIVES. THE MOL HAS SENT SEVERAL LISTS OF MEMBERS TO THE COUNCIL OF MINISTERS FOR APPROVAL, BUT SEVERAL PROSPECTIVE MEMBERS WERE UNABLE TO SERVE AND THE COMMITTEE HAS NOT YET MET. THE OPPOSITION FTUWKC HAS REQUESTED A SEAT ON THE LAC, BUT THE MINISTRY HAS ASKED IT TO FIRST PROVE ITS "REPRESENTATIVENESS." (ARTICLE 351 OF THE LABOR LAW STATES THAT THE LAC SHOULD INCLUDE REPRESENTATIVES OF WORKERS' UNIONS THAT ARE "THE MOST REPRESENTATIVE AT THE NATIONAL LEVEL." IT WILL BE DIFFICULT FOR THE FTUWKC TO PROVE THAT IT IS REPRESENTATIVE IN THIS SENSE' BECAUSE THE UNION HAS NOT YET REGISTERED ANY FACTORY-LEVEL UNITS.)

TALKING POINTS

--WE CONGRATULATE THE MINISTRY FOR ISSUING THE SUBDEGREE ESTABLISHING THE LAC LAST MAY. THE LABOR LAW GIVES THE LAC MANY IMPORTANT JOBS TO DO, INCLUDING IN THE AREA OF WORKPLACE HEALTH AND SAFETY. WE BELIEVE IT CAN ALSO SERVE AS AN IMPORTANT FORUM DISCUSSION IMPORTANT LABOR ISSUES WITH THE GOVERNMENT'S SOCIAL PARTNERS.

--WE WOULD APPRECIATE AN UPDATE ON WHERE THE LAC STANDS. IS IT LIKELY TO BEGIN ITS WORK SOON?

--AS THE GOVERNMENT DECIDES ON A LIST OF MEMBERS FOR THE LAC, WE URGE YOU TO MAKE THE GROUP AS REPRESENTATIVE AS POSSIBLE SO THAT AS MANY GROUPS AS POSSIBLE ARE REPRESENTED.

AGENDA ITEM V: ILO LABOR LAW IMPLEMENTATION PROJECT

BACKGROUND

THE U.S. - CAMBODIA BILATERAL TEXTILE CONTAINS A PROVISION REQUIRING CAMBODIA TO SUPPORT (AND THE U.S. TO SEEK FUNDING FOR) A PROGRAM TO IMPROVE WORKING CONDITIONS IN CAMBODIA'S TEXTILE AND APPAREL INDUSTRY. SINCE THE AGREEMENT WAS NEGOTIATED IN JANUARY, THE EMBASSY HAS WORKED CLOSELY WITH THE BANGKOK ILO OFFICE AND THE DEPARTMENT OF LABOR IN WASHINGTON TO PRODUCE SEVERAL DRAFTS OF A PROJECT DOCUMENT WHICH WOULD STRENGTHEN MOL INSPECTION EFFORTS THROUGH THE IMPLEMENTATION OF A "CERTIFICATE OF COMPLIANCE" SYSTEM AND BOLSTER CAMBODIA'S SYSTEM OF INDUSTRIAL RELATIONS. THE PROJECT IS BUDGETED AT \$2.2 MILLION; THE RGC AND CAMBODIAN GARMENT MANUFACTURERS ASSOCIATION HAVE EACH PLEDGED \$200,000. THE DEPARTMENT OF LABOR HAS ALSO INDICATED THAT ARRANGEMENTS CAN BE MADE FOR \$500,000 FROM THE ILO'S CHILD LABOR PROGRAM TO BE MADE AVAILABLE FOR THE PROJECT AS PART OF AN OVERALL FUNDING PACKAGE.

NEXT STEPS ON THE PROJECT INCLUDE IRONING OUT REMAINING DIFFERENCES ON PROJECT DESIGN (WE ARE NOT CLEAR WHAT DOL'S OBJECTIONS ARE) AND SECURING THE REMAINING \$1.3 MILLION IN FUNDING. TWO POSSIBLE FUNDING SOURCES ARE THE WHITE HOUSE "NO SWEAT" INITIATIVE LINKED TO THE APPAREL INDUSTRY PARTNERSHIP AGREEMENT AND POSSIBLE DONATIONS FROM THE PRIVATE SECTOR.

TALKING POINTS

--WE HAVE MADE A LOT OF PROGRESS ON THE ILO LABOR LAW IMPLEMENTATION PROJECT SINCE THE TEXTILE AGREEMENT WAS SIGNED IN JANUARY. THE ILO HAS CONSULTED WITH BOTH THE CAMBODIAN AND AMERICAN GOVERNMENTS, AND PREPARED TWO DRAFTS OF THE PROJECT DOCUMENT. WE HAVE COMMENTED ON THESE DRAFTS DIRECTLY TO THE ILO.

--THE U.S. DEPARTMENT OF LABOR HAS HAD DISCUSSIONS WITH THE ILO IN GENEVA AS WELL AS WITH U.S. TRADE UNIONS ON THE PROJECT DESIGN. WHILE WE ARE IN AGREEMENT ON MANY ASPECTS OF THE PROJECT, THE DEPARTMENT OF LABOR BELIEVES THAT THE CURRENT DRAFT WILL NEED SIGNIFICANT CHANGES THAT WE ARE ADDRESSING. WE DO NOT ANTICIPATE THAT THESE CHANGES WILL BE IMPOSSIBLE TO ACHIEVE, AND WE ARE CONFIDENT THAT THE PROJECT PROPOSAL CAN BE REFINED TO MEET U.S. VIEWS.

--WE WILL CONTINUE TO WORK HARD ON THE PROJECT DESIGN. ONCE WE REACH AGREEMENT WITH THE CAMBODIAN GOVERNMENT AND THE ILO, WE ARE VERY PLEASED THAT THE U.S. DEPARTMENT OF LABOR HAS INDICATED THAT ARRANGEMENTS CAN BE MADE FOR \$500,000 FROM THE ILO'S CHILD LABOR PROGRAM TO BE MADE AVAILABLE FOR THE PROJECT AS PART OF AN OVERALL FUNDING PACKAGE.

--WHILE WE CONTINUE TO WORK ON THE PROJECT DESIGN AND LOOK FOR ADDITIONAL FUNDING, IT IS IMPORTANT FOR THE MINISTRY TO DO WHAT IT CAN TO IMPROVE WORKING

CONDITIONS IN THE TEXTILE AND APPAREL INDUSTRY SO THAT
CAMBODIA HAS THE BEST POSSIBLE CHANCE TO RECEIVE THE 14
PERCENT QUOTA BONUS. AS WE NOTED BEFORE, A FIRST STEP
MIGHT BE TO COMPILE A INDUSTRY-WIDE DATA BASE OF
WORKING CONDITIONS IN CAMBODIA'S GARMENT FACTORIES,
EITHER BY THE MINISTRY OR AN INDEPENDENT MONITOR.

--WE STAND READY TO ASSIST YOU IN THIS EFFORT IN ANY
WAY WE CAN.

QUINN

SECT: SECTION: 01 OF 01

SSN: 1585

TOR: 990712082446 M3954629

DIST:

SIT: ALLEN ARVIZU BUSBY DEROSA GUARNIERI KEITH LIEBERTHAL OSIUS PRITCHARD
SCHWARTZ STROMSETH WECHSLER
SIT: NSC

Cable

PREC: PRIORITY
CLASS: UNCLASSIFIED
LINE1: PAAUZYUW RUEHROA4925 2021507-UUUU--RHEHAAX.
LINE2: ZNR UUUUU ZZH
LINE3: P 211507Z JUL 99 ZDK
LINE4: FM AMEMBASSY ROME
OSRI: RUEHRO
DTG: 211507Z JUL 99
ORIG: AMEMBASSY ROME
TO: RUEHC/SECSTATE WASHDC PRIORITY 3418
RUEHC/DEPT OF LABOR WASHDC PRIORITY
INFO: RUCNCLC/CHILD LABOR COLLECTIVE
SUBJ: 1999 CHILD LABOR STUDY: ITALY

TEXT:

UNCLAS ROME 004925

DEPT FOR DRL/IL, JAKE ALLER
DOL FOR ILAB/CHILD LABOR, MARCIA EUGENIO

E.O. 12958: N/A
TAGS: ELAB, EIND, ECON, PHUM, SOCI, IT
SUBJECT: 1999 CHILD LABOR STUDY: ITALY

REF: STATE 81293

THIS REPORT WAS PREPARED BY SUMMER INTERN JONATHAN WEINBERGER,
WORKING UNDER THE SUPERVISION OF THE LABOR COUNSELOR.

SUMMARY

1. ILLEGAL CHILD LABOR IS BECOMING A SIGNIFICANT PROBLEM AMONG NEW IMMIGRANTS ARRIVING IN ITALY. CURRENT POLICIES ON CHILD LABOR INCLUDE THE IMPLEMENTATION OF PROGRAMS TO IMPROVE SCHOOL RETENTION AMONG TEENAGERS, THE STANDARDIZING OF LEGISLATION WITH THAT OF EU COUNTERPARTS, AND ENHANCED ENFORCEMENT OF EXISTING CHILD LABOR LAWS. THE GOI SEEKS TO RAISE PUBLIC AWARENESS OF CHILD LABOR THROUGH A CONCERTED MEDIA CAMPAIGN AND IS WORKING TO DISCOURAGE EXPLOITIVE CHILD LABOR ABROAD. MAJOR ITALIAN UNIONS (CGIL, CISL, AND UIL) ARE ATTEMPTING TO STRENGTHEN A BILL BEFORE PARLIAMENT TO LABEL GOODS MADE WITHOUT CHILD LABOR. THIS CABLE CONCLUDES WITH A LIST OF PERSONS IN THE ITALIAN GOVERNMENT, UNIONS, NATIONAL EMPLOYERS ASSOCIATIONS, ILO, AND UNICEF WHO ARE KNOWLEDGEABLE ABOUT CHILD LABOR. END SUMMARY.

CHILD LABOR LAW IN ITALY

2. THE PHENOMENON OF CHILD LABOR HAS ONLY RECENTLY COME TO THE FOREFRONT IN ITALY DUE TO AN INFLUX OF ILLEGAL IMMIGRANTS. A LAW THAT HAD LONG MADE EDUCATION COMPULSORY UNTIL AGE 14,

AFTER WHICH CHILDREN COULD WORK, WAS AMENDED IN JANUARY 1999 TO RAISE THE AGE TO 15. MINIMUM AGES, RANGING FROM 16 TO 21, ARE ESTABLISHED FOR WORK THAT IS HAZARDOUS. IN 1998 PARLIAMENT APPROVED A SOCIAL PACT WHICH INCLUDES A PROVISION THAT WILL BE INCORPORATED IN THE YEAR 2000 BUDGET LAW. THIS PROVISION WILL REQUIRE THAT CHILDREN WHO END ACADEMIC EDUCATION AT AGE 15 TAKE PROFESSIONAL TRADE SCHOOL CLASSES UNTIL AGE 18. AS ITALIAN LAW PROHIBITS NON-DOCUMENTED IMMIGRANTS FROM ATTENDING SCHOOL, YOUNG CLANDESTINE IMMIGRANTS ARE PRONE TO ENTERING THE WORK FORCE ILLEGALLY AT ANY AGE.

3. THE MINISTRY OF LABOR ACKNOWLEDGES THAT ILLEGAL CHILD LABOR OCCURS IN ITALY, BUT MAINTAINS THAT THESE OCCURRENCES ARE RELATIVELY RARE AMONG ITALIAN CHILDREN. HOWEVER, THE MINISTRY IS CONCERNED ABOUT THE INFLUX OF ILLEGAL IMMIGRANT UNDERAGE CHILDREN ENTERING THE WORKFORCE.

HOW MANY CHILDREN WORK IN ITALY?

4. ESTIMATES OF THE NUMBER OF ILLEGAL CHILD LABORERS IN ITALY DIFFER. THE ILO BELIEVES THE NUMBER TO BE AROUND 30,000; THE MINISTRY OF LABOR AND CGIL SPEAK OF 150,000; AND THE MINISTRY OF SOCIAL AFFAIRS BELIEVES THE NUMBER IS CLOSER TO 300,000. IT IS DIFFICULT TO DETERMINE HOW MANY CHILDREN WORK CLANDESTINELY IN THE UNDERGROUND ECONOMY. IN OUR VIEW, THERE COULD BE SOME 50,000 CHILD LABORERS IN ITALY. THIS FIGURE IS BASED ON QUANTITATIVE MEASURES OF THE NUMBER OF ITALIAN CHILDREN UNDER 15 (AROUND 8 MILLION), AND AN ESTIMATED 235,000 ILLEGAL CHILD IMMIGRANTS, OF WHOM 100,000 ARE UNDER 15 -- INFORMATION COURTESY OF THE ITALIAN STATISTICAL AGENCY (ISTAT) AND CARITAS DIOCESIANA ROMA.

5. THE PERCENTAGE OF CHILDREN UNDER 15 ATTENDING SCHOOL VARIES GREATLY BY REGION. IN THE SOUTH, INCLUDING SICILY, ATTENDANCE RANGES FROM 50 TO 90 PERCENT. MOST CHILDREN WHO DO NOT ATTEND SCHOOL WORK PART TIME IN FAMILY BUSINESSES, SUCH AS FARMS AND STORES. IN THE NORTH ATTENDANCE IS ALMOST UNIFORMLY 100 PERCENT.

GOI EFFORTS TO COMBAT CHILD LABOR IN ITALY

6. WITH RESPECT TO ITALIAN CHILDREN, ITALY'S MAIN LAW ENFORCEMENT PROBLEM IS THE LACK OF KNOWLEDGE BY PARENTS, AND SOME SMALL FACTORY OWNERS, OF LAWS CONCERNING THE EMPLOYMENT OF CHILDREN AND STIPULATIONS REGARDING BREAKS, WORKING HOURS AND COMPULSORY EDUCATION. THE MINISTRY OF LABOR IS PLANNING TO INFORM THE ITALIAN PUBLIC ABOUT CHILD LABOR AND CHILD LABOR LAWS THROUGH A MEDIA CAMPAIGN, USING NEWSPAPERS, MAGAZINES, TELEVISION, AND RADIO. ALTHOUGH NEGLIGIBLE NUMBERS OF ITALIAN CHILDREN WORK, ILLEGAL IMMIGRANT CHILD LABORERS FROM NORTHERN AFRICA, THE PHILIPPINES, ALBANIA, AND ESPECIALLY CHINA HAVE ENTERED IN RECORD NUMBERS EVERY YEAR SINCE 1989, AND THE INFLUX FROM CHINA IS RISING. ACCORDING TO THE CARABINIERI (ITALIAN NATIONAL POLICE), AN ESTIMATED 30,000 ILLEGAL CHINESE WORK IN SWEATSHOP CONDITIONS NEAR FLORENCE. MANY OF THESE IMMIGRANTS COME WITH LARGE FAMILIES, INCLUDING MINOR CHILDREN, AND ARE HOUSED IN DORMITORY-LIKE FACILITIES ABOVE THE

FACTORIES WHERE THEY WORK. ALL FAMILY MEMBERS ENGAGE IN
UNCLASSIFIED 3

MAKING SCARVES, PURSES, AND IMITATIONS OF VARIOUS NAME BRAND PRODUCTS. MANY OF THESE FACTORIES ARE RUN BY AN EMERGING CHINESE MAFIA THAT EXISTS IN ITALY, AS WELL AS CHINA, AND ARE EQUIPPED WITH ESCAPE TUNNELS TO THWART LABOR INSPECTORS.

7. TO FIND AND ERADICATE CLANDESTINE FACTORIES, THE MINISTRIES OF LABOR, SOCIAL SECURITY, ISTAT, AND ILO WILL SET UP A CHILD LABOR STUDY TO BE CARRIED OUT UNDER ILO GUIDELINES. THIS STUDY WILL BE A ONE-YEAR SURVEY, TO BEGIN IN SEPTEMBER 1999, THAT WILL EXPLORE WHERE AND WHY ILLEGAL CHILD LABOR OCCURS. THE STUDY WILL SURVEY SCHOOLING SYSTEMS, LONG-TERM ABSENCES FROM SCHOOL, CHILDREN IN CRIMINAL NETWORKS (SUCH AS DRUG AND CIGARETTE PEDDLING), AND SOCIAL DIFFERENCES IN VARIOUS REGIONS. IT WILL DRAW ON LOCAL CHURCHES, IMMIGRANT ASSOCIATIONS, AND UNIONS AS ADJUTS TO ASSIST LABOR MINISTRY INSPECTORS. THESE ORGANIZATIONS WILL OPEN THEIR DOORS TO WITNESSES OF ILLEGAL LABOR PRACTICES WHO CAN REPORT ANONYMOUSLY ON LABOR LAW VIOLATIONS AND IMPROPER WORKING CONDITIONS. AS ONLY LEGALLY REGISTERED COMPANIES CAN BE MONITORED AND SURVEYED, THE CARABINIERI WILL PLACE SOME ONE HUNDRED SPECIALIZED OFFICERS AT THE DISPOSITION OF ITALIAN LABOR MINISTRY INSPECTORS, TO SEEK OUT ILLEGAL FACTORIES AND WORK SITES.

8. THE GOI MINISTRIES OF SOCIAL AFFAIRS AND FOREIGN AFFAIRS ARE WORKING WITH ITALIAN LABOR UNIONS (CGIL, CISL, UIL), INTERNATIONAL ORGANIZATIONS (UNICEF, ILO), AND EMPLOYERS (CONFINDUSTRIA, CONFAPI) TO SET UP A CONSENSUS BUILDING NATIONAL ROUNDTABLE ON CHILD LABOR. SUCH A PROCESS WAS AGREED ON IN OCTOBER 1997, WHEN NORWAY HOSTED AN INTERNATIONAL CHILD LABOR CONFERENCE ATTENDED BY NGOS, TRADE UNIONS, EMPLOYER ORGANIZATIONS, THE ILO, AND GOVERNMENT REPRESENTATIVES. THE OSLO FINAL DECLARATION INCLUDED A CHARTER OF PLEDGES, WHICH WAS SUBSCRIBED TO BY ALL PARTICIPANTS. THE GOI IS ALSO PROMOTING A VOLUNTARY CODE OF CONDUCT, TO APPLY TO ITALIAN COMPANIES OPERATING BOTH IN AND OUTSIDE THE EU. THE MINISTRIES, INTERNATIONAL ORGANIZATIONS, UNIONS AND EMPLOYERS HOPE THE ROUNDTABLE WILL PROMOTE AN ENVIRONMENT THAT WILL ENCOURAGE COMPANIES TO ADOPT AND APPLY CODES OF CONDUCT TO THEIR OPERATIONS, BOTH IN THE EU AND ABROAD.

9. IN FOLLOW THROUGH TO THE CHARTER OF PLEDGES, THE MINISTRY OF EDUCATION AIMS TO SET UP PROGRAMS THAT WILL FURTHER MULTIPLE OBJECTIVES. THESE INCLUDE THE SENSITIZING OF TEACHERS TO CHILD LABOR ISSUES AND CREATION OF ADDITIONAL ACTIVITIES WHICH CAN CAPTURE THE INTEREST OF STUDENTS AND HELP THEM WHEN IN DISTRESS. THE MINISTRY WILL PROMOTE FLEXIBLE FORMS OF SCHOOL ATTENDANCE IN CASES WHERE CHILDREN WORK PART-TIME, MONITOR ATTENDANCE, AND PROVIDE STUDENTS WITH INFORMATION ON VOCATIONAL AND PROFESSIONAL OPPORTUNITIES. IT
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SEEKS TO INVOLVE FAMILIES OF VULNERABLE CHILDREN IN PARENT-TRAINING COURSES, AND TO PROVIDE INCENTIVES THAT ENCOURAGE

DROPOUTS TO RETURN TO SCHOOL. THE MINISTRY AIMS TO INVOLVE TEACHERS UNIONS, PROFESSIONAL ASSOCIATIONS, STUDENT ASSOCIATIONS, FAMILY ASSOCIATIONS, CULTURAL AND SOCIAL ORGANIZATIONS, AND UNICEF IN THIS PROGRAM.

PARLIAMENTARY INITIATIVE: SOCIAL LABELING

10. LED BY THE GREEN PARTY, THE ITALIAN SENATE UNANIMOUSLY APPROVED A BILL IN JUNE 1999 TO PROVIDE FOR THE LABELING OF GOODS (MOSTLY TEXTILES), REGARDLESS OF THEIR COUNTRY OF ORIGIN, TO IDENTIFY PRODUCTS THAT WERE MADE WITHOUT CHILD LABOR. ALTHOUGH THE BILL CALLED FOR MONITORING BY LABOR MINISTRY INSPECTORS, IT DID NOT LAY OUT THE PROCEDURES BY WHICH MONITORING WAS TO BE ACCOMPLISHED. WITH THE BILL NOW BEFORE THE SENATE, CISL AND CGIL UNION LEADERS ARE URGING PARLIAMENT TO IMPROVE LANGUAGE IN THE BILL, TO SET UP A COMMITTEE THAT WOULD WORK OUT A SYSTEM FOR MONITORING ITALIAN COMPANIES ABROAD. THEY ALSO CALL FOR THE ESTABLISHMENT OF A PUBLICLY AVAILABLE LIST OF COMPANIES THAT ADHERE TO THE LABELING BILL'S GUIDELINES, TO ENABLE CONSUMERS TO MAKE INFORMED PURCHASES. MINISTRY OF LABOR, CISL, AND CGIL SOURCES SAY THE LABELING INITIATIVE, WITHOUT SUCH CHANGES, WILL BE INADEQUATE AS THERE WILL BE NO GUARANTEES OF THE LABELS' CREDIBILITY.

ITALY'S ROLE IN THE INTERNATIONAL CAMPAIGN AGAINST CHILD LABOR

11. ALONG WITH PROMOTING CODES OF CONDUCT COVERING THE ACTIVITIES OF ITALIAN COMPANIES OPERATING ABROAD, THE MINISTRY OF FOREIGN AFFAIRS PLEDGES TO ASSIST DEVELOPING COUNTRIES ATTEMPTING TO DEAL WITH THEIR CHILD LABOR PROBLEMS THROUGH BILATERAL PROJECTS AND FINANCIAL SUPPORT OF ITALIAN NGOS WORKING ON THAT ISSUE. IN LINE WITH DISCUSSION AT THE OSLO CONFERENCE, SUCH HELP WOULD INVOLVE BASIC EDUCATION AND TRAINING PROGRAMS, MOST PARTICULARLY FOR WOMEN, GIRLS, AND BOYS LIVING IN HARSH CIRCUMSTANCES. THE GOI IS CONSIDERING HOW IT COULD MAKE USE OF BOTH INCENTIVES AND DETERRENTS, SUCH AS SANCTIONS, TO ENSURE THAT CAPITAL INVESTED ABROAD DOES NOT LEAD TO THE EXPLOITATION OF CHILDREN. THE GOI ENCOURAGES

ADOPTION BY THE WORLD BANK AND THE IMF OF PROGRAMS CONSISTENT WITH CORE LABOR STANDARDS, AS DEFINED IN ILO CONVENTIONS.

CONTACTS

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5

- MINISTRY OF SOCIAL AFFAIRS
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RUEHBD/AMCONSUL PERTH 0971
SUBJ: 1999 AUSTRALIA COUNTRY HUMAN RIGHTS REPORT

TEXT:
UNCLAS E F T O SECTION 01 OF 03 CANBERRA 003044

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DEPT FOR DRL/CRAUL. ARTHUR AND EAP/ANP

E.O. 12958: N/A
TAGS: PHUM, KSEP, ELAB, AS
SUBJECT: 1999 AUSTRALIA COUNTRY HUMAN RIGHTS REPORT

1. SENSITIVE BUT UNCLASSIFIED-NO FORN-ENTIRE TEXT.
2. (SBU) FOLLOWING IS THE 1999 COUNTRY HUMAN RIGHTS REPORT FOR AUSTRALIA. UPDATES KEYED TO 1998 REPORT.
3. (SBU/NF) AUSTRALIA COUNTRY REPORT ON HUMAN RIGHTS PRACTICES FOR 1999

RESPECT FOR HUMAN RIGHTS

SECTION 1.A: INSERT NEW FIGURE OF 93 PEOPLE WHO DIED IN PRISONS, POLICE CUSTODY, OR DURING POLICE ATTEMPTS TO DETAIN THEM.

SECTION 1.C, SECOND AND THIRD PARAGRAPHS: REPLACE WITH NEW PARAGRAPHS AS FOLLOWS:

"THE TOTAL NUMBER OF DEATHS IN CUSTODY DURING 1998 FELL BY 10 TO 93. OF THESE, TWENTY-FOUR DEATHS OCCURRED IN POLICE CUSTODY OR DURING ATTEMPTS BY POLICE TO DETAIN SUSPECTS. THE REMAINDER DIED IN PRISON CUSTODY, INCLUDING ONE YOUTH WHO DIED IN A JUVENILE DETENTION CENTER. OF THE TOTAL

DEATHS IN CUSTODY, THIRTY-EIGHT PERSONS DIED FROM HANGING. TWENTY PERSONS DIED OF NATURAL CAUSES. FIVE DIED AS A RESULT OF INJURIES SUSTAINED WHILE FLEEING POLICE DURING HIGH-SPEED PURSUIT. THE POLICE SHOT SIX PEOPLE. ONE PERSON DIED FROM A SELF-INFLICTED GUNSHOT WOUND. A RECORD NUMBER OF 8 PRISON INMATES DIED DURING 1998 FROM INJURIES AS A RESULT OF UNLAWFUL HOMICIDE BY ANOTHER INMATE. ELEVEN PERSONS DIED AS A RESULT OF DRUG OVERDOSES. THREE DIED OF UNKNOWN CAUSES. ONE CAUSE OF DEATH IS STILL TO BE DETERMINED BY A CORONER."

"ABORIGINAL ADULTS REPRESENT 1.6 PERCENT OF THE ADULT POPULATION, BUT CONSTITUTED APPROXIMATELY 19 PERCENT OF THE TOTAL PRISON POPULATION DURING 1998. ABORIGINES ACCOUNTED FOR 16 (17 PERCENT) OF THE 93 DEATHS IN CUSTODY DURING 1998. SIX DIED IN POLICE CUSTODY OR DURING ATTEMPTS BY POLICE TO DETAIN THEM. OF THE 6, ONE DIED FROM HANGING; TWO DIED OF NATURAL CAUSES; ONE DIED FROM INJURIES; ONE DIED FROM A SELF-INFLICTED GUNSHOT WOUND DURING A POLICE SIEGE; AND ONE DIED FROM AN UNDETERMINED CAUSE, POSSIBLY SMOKE INHALATION, AFTER SETTING A FIRE IN HIS CELL IN A QUEENSLAND POLICE LOCK-UP. NINE DIED IN PRISON. OF THE 9, FIVE DIED FROM HANGING; THREE DIED OF NATURAL CAUSES; AND ONE DIED FROM INJURIES INFLICTED BY ANOTHER INMATE. FOR THE FIRST TIME SINCE 1988, AN INDIGENOUS YOUTH DIED, FROM HANGING, IN A CORRECTIONAL SETTING."

SECTION 2.D, THIRD PARAGRAPH, THIRD SENTENCE, DELETE SENTENCE. REPLACE WITH NEW SENTENCE AS FOLLOWS: "IN APRIL 1999 AUSTRALIA OFFERED TEMPORARY SAFE HAVEN TO 4,000 KOSOVAR REFUGEES DURING THE BALKANS CRISIS."

SECTION 2.D, FOURTH PARAGRAPH, LAST SENTENCE, INSERT "1997" FOR THE YEAR OF THE APRIL REPORT TO PARLIAMENT.

SECTION 2.D, FIFTH PARAGRAPH, INSERT NEW FIGURES FOR 1998-1999 AND THREE NEW SENTENCES AT THE END OF THE PARAGRAPH. QIN 1998-1999, AUSTRALIA WILL ACCEPT 68,000 MIGRANTS, WITH AN ADDITIONAL 12,000 ADMITTED UNDER THE HUMANITARIAN PROGRAM THIS FIGURE INCLUDES 2,000 PLACES FOR THOSE PERSONS ALREADY IN THE COUNTRY WHO ARE GRANTED REFUGEE STATUS. AS IN 1997-1998, THE HUMANITARIAN PROGRAM CONTINUES TO GIVE PRIORITY TO THE REGIONS OF THE FORMER YUGOSLAVIA, THE MIDDLE EAST, AND AFRICA. PERSONS ADMITTED UNDER THE HUMANITARIAN PROGRAM HAVE IMMEDIATE ACCESS TO A WIDE RANGE OF GOVERNMENT WELFARE AND HEALTH BENEFITS, INCLUDING INCOME SUPPORT, ENGLISH EDUCATION, AND TRANSLATING AND INTERPRETING SERVICES. IN 1997-1998, THE GOVERNMENT SPENT APPROXIMATELY \$7 MILLION FOR RESETTLEMENT SERVICES FOR REFUGEES."

SECTION 3, FIRST PARAGRAPH, LAST SENTENCE: INSERT 1998 FOR THE YEAR OF OCTOBER ELECTION.

SECTION 3, THIRD PARAGRAPH, LAST SENTENCE: INSERT 1998 FOR THE YEAR OF THE OCTOBER ELECTION.

SECTION 4: NEW COMPLAINT FIGURES WILL BE FORWARDED IN

NOVEMBER WHEN HREOC RELEASES ITS ANNUAL REPORT.

SECTION 5, SUB-SECTION ON WOMEN, FIRST PARAGRAPH, LAST SENTENCE. DELETE LAST SENTENCE AND INSERT NEW AS FOLLOWS: "A 1996 AUSTRALIAN BUREAU OF STATISTICS (ABS) STUDY FOUND THAT 111,000 WOMEN WHO WERE MARRIED OR IN A COMMON LAW RELATIONSHIP EXPERIENCED AN INCIDENT OF VIOLENCE BY THEIR UNCLAS E F T O SECTION 02 OF 03 CANBERRA 003044

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PARTNER IN THE PREVIOUS TWELVE MONTH PERIOD. ALMOST ONE IN FOUR AUSTRALIAN WOMEN WHO HAVE BEEN MARRIED OR IN A COMMON LAW RELATIONSHIP HAVE EXPERIENCED VIOLENCE BY A PARTNER AT SOME TIME DURING THE RELATIONSHIP, ACCORDING TO THE ABS STUDY.

SECTION 5, SUB-SECTION ON WOMEN, SECOND PARAGRAPH, LAST TWO SENTENCES. THE NUMBER OF SEX DISCRIMINATION COMPLAINTS UPDATE IS PENDING THE HREOCQS ANNUAL REPORT IN NOVEMBER. REPLACE LAST SENTENCE AS FOLLOWS: "AS OF AUGUST 1998, THE OFFICE OF THE STATUS OF WOMEN ESTIMATES THE RATIO OF FEMALE TO MALE FULL-TIME AVERAGE HOURLY EARNINGS WAS 87.5 PERCENT, COMPARED WITH 86.3 PRIOR TO DECEMBER 1996.

SECTION 5, PEOPLE WITH DISABILITIES SUB-SECTION, FIRST PARAGRAPH, ADD A NEW SENTENCE AS FOLLOWS: "ON JULY 21, 1999, THE HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION FOUND THAT A PRIVATE PRIMARY SCHOOL HAD BROKEN THE FEDERAL DISABILITY DISCRIMINATION ACT WHEN IT REFUSED TO ENROLL A SEVEN YEAR-OLD GIRL WITH SPINA BIFIDA IN ITS KINDERGARTEN PROGRAM. THE HREOC DEFERRED MAKING FURTHER ORDERS UNTIL 17 AUGUST TO GIVE THE PARTIES AN OPPORTUNITY TO DISCUSS AN QAPPROPRIATE RESOLUTION."

SECTION 5, INDIGENOUS PEOPLE SUB-SECTION, FIRST PARAGRAPH, LAST SENTENCE. THE FIGURE ALLOCATED TO ABORIGINAL-SPECIFIC HEALTH AND WELFARE PROGRAMS REMAINS THE SAME FOR 1998. ADD A NEW SENTENCE AS FOLLOWS: "SPENDING ON INDIGENOUS-SPECIFIC PROGRAMS IS NOW THE HIGHEST ON RECORD IN REAL TERMS AND IN 1998 AMOUNTED TO ALMOST \$14,000 ANNUALLY PER ABORIGINAL HOUSEHOLD.

SECTION 5, INDIGENOUS PEOPLE SUB-SECTION, PARAGRAPH 6, SECOND SENTENCE. ADD "1998" AFTER JULY. ADD THE FOLLOWING AT THE END OF THE PARAGRAPH: "IN MARCH 1999 THE UNQS COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION (CERD) EXPRESSED SERIOUS CONCERN ABOUT THE GOVERNMENTQS NATIVE TITLE AMENDMENTS AND ASKED AUSTRALIA TO EXPLAIN WHY

THE AMENDMENTS WERE NOT RACIALLY DISCRIMINATORY. IN AUGUST 1999 THE ATSIK CHAIRMAN GATJIL DJERRKURA ASKED THE CERD TO MAINTAIN SCRUTINY ON THE HOWARD GOVERNMENT. HE CLAIMED THE HOWARD GOVERNMENT HAD CONTINUED TO IGNORE CONCERNS RAISED BY THE CERD."

SECTION 5, INDIGENOUS PEOPLE SUB-SECTION, PARAGRAPH 7, LAST SENTENCE. CHANGE THE SENTENCE AS FOLLOWS: "IN RESPONSE" GROUPS AGAIN ORGANIZED A SECOND NATIONAL "SORRY DAY"

SECTION 5, INDIGENOUS PEOPLE SUB-SECTION, PARAGRAPH 8. UPDATE ON THE LINK UP PROGRAM IS PENDING ATSIK ANNUAL REPORT, WHICH WILL BE RELEASED IN NOVEMBER.

SECTION 5, INDIGENOUS PEOPLE SUB-SECTION, PARAGRAPH 9. AFTER LAST SENTENCE, ADD THE FOLLOWING: "IN JUNE 1999, THE COUNCIL ON ABORIGINAL RECONCILIATION RELEASED ITS DRAFT DOCUMENT OF RECONCILIATION FOR PUBLIC COMMENT AND DISCUSSION. CREATED BY PARLIAMENT IN 1991, THE COUNCIL WILL HOLD ITS CULMINATING NATIONAL EVENT IN MAY 2000, AT WHICH TIME IT WILL RELEASE A NATIONAL DOCUMENT OF RECONCILIATION, WHICH IS INTENDED TO SERVE AS A NATIONAL BLUEPRINT FOR HEALING BETWEEN INDIGENOUS AUSTRALIANS AND THE WIDER COMMUNITY."

SECTION 5, NATIONAL/RACIAL/ETHNIC MINORITIES, FOURTH SENTENCE. RECOMMEND DELETE. FIGURES ON RACIAL DISCRIMINATION COMPLAINTS WILL BE FORWARDED IN NOVEMBER WHEN THE HREOC RELEASES ITS ANNUAL REPORT.

SECTION 6A. THIRD PARAGRAPH. INSERT NEW SENTENCE AFTER FIRST SENTENCE AS FOLLOWS: "THE INTERNATIONAL LABOR ORGANIZATION IS EXAMINING WHETHER SEVERAL PROVISIONS OF THE ACT VIOLATE ILO CONVENTIONS TO WHICH AUSTRALIA IS A SIGNATORY."

SECTION 6A. FIFTH PARAGRAPH. RECOMMEND DELETE.

SECTION 6C. INSERT NEW SENTENCE AFTER FIRST SENTENCE: QHOWEVER, AS A RESULT OF THE DISCOVERY OF CHILDREN IN SEVERAL CLOTHING "SWEATSHOPS" IN SYDNEY AND MELBOURNE, THE ATTORNEY GENERAL'S DEPARTMENT IS STUDYING EXISTING LAWS AND MAY PROPOSE ADDITIONAL LEGISLATION.

SECTION 6D. INSERT "EXPLICITLY" AFTER "THE LAW DOES NOT" AND "EXCEPT IN ISOLATED INSTANCES" AFTER "ARE NOT KNOWN TO OCCUR," IN FIRST SENTENCE. ADD NEW SENTENCE AFTER FIRST SENTENCE AS FOLLOWS: "MOST CASES IN THE PAST FEW YEARS HAVE UNCLAS E F T O SECTION 03 OF 03 CANBERRA 003044

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INVOLVED MEMBERS OF ETHNIC COMMUNITIES FROM NATIONS WHERE
CHILD LABOR IS NOT UNCOMMON."

SECTION 6E, SECOND PARAGRAPH, LAST SENTENCE. DELETE
"INCLUDING AT LEAST ONE 24-HOUR REST PERIOD PER WEEK."

HOLMES

SECT: SECTION: 01 OF 03
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DIST: SIT: BABBITT BUSBY FELDMAN GUARNIERI HUSO KEITH LIEBERTHAL NAPLAN OSIUS
PRITCHARD SCHWARTZ STROMSETH VACCARO
SIT: NSC

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CLASS: UNCLASSIFIED
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TO: ALL DIPLOMATIC AND CONSULAR POSTS IMMEDIATE
INFO: ////
SUBJ: BID CABLE: 2000 FOREIGN SERVICE OPPORTUNITIES IN
THE BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR (DRL)

TEXT:
UNCLAS STATE 177579

E.O. 12958: N/A
TAGS: AMGT, APER, KSCA
SUBJECT: BID CABLE: 2000 FOREIGN SERVICE OPPORTUNITIES IN
THE BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR (DRL)

1. SECRETARY ALBRIGHT HAS IDENTIFIED THE PROMOTION OF
DEMOCRACY AND HUMAN RIGHTS AS A CENTRAL ELEMENT OF U.S.
FOREIGN POLICY. SUPPORTING DEMOCRACY NOT ONLY PROMOTES
AMERICAN VALUES, BUT ALSO HELPS CREATE A MORE SECURE,
STABLE, AND PROSPEROUS GLOBAL ARENA IN WHICH THE UNITED
STATES CAN ADVANCE ITS OTHER NATIONAL INTERESTS. AS THE
SECRETARY RECENTLY NOTED, "FREEDOM IS AMERICA'S PURPOSE.
. . THE STAR BY WHICH AMERICAN FOREIGN POLICY MUST
CONTINUE TO NAVIGATE."

2. THE BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR (DRL)
SEEKS OUTSTANDING FOREIGN SERVICE OFFICERS INTERESTED IN
MEETING THE CHALLENGE OF HELPING THE SECRETARY ADVOCATE
DEMOCRACY AND HUMAN RIGHTS AROUND THE WORLD. DRL
CURRENTLY LOOKS TO FILL A NUMBER OF POSITIONS IN THE
FIELDS OF DEMOCRACY PROMOTION, BILATERAL HUMAN RIGHTS
DIPLOMACY, MULTILATERAL HUMAN RIGHTS DIPLOMACY,
INTERNATIONAL RELIGIOUS FREEDOM, HUMAN RIGHTS REPORTING
AND ASYLUM AFFAIRS, INTERNATIONAL LABOR AFFAIRS, AND
EXTERNAL AFFAIRS (INCLUDING PUBLIC DIPLOMACY).

3. DRL SEEKS HIGHLY MOTIVATED INDIVIDUALS DEDICATED TO
THE PRINCIPLE THAT DEMOCRACY AND HUMAN RIGHTS MUST PLAY A
CENTRAL ROLE IN U.S. FOREIGN POLICY. YOU WILL HAVE THE
OPPORTUNITY TO WORK CLOSELY WITH DRL A/S HAROLD HONGJU KOH
AND OTHER SENIOR BUREAU OFFICIALS TO SHAPE, DIRECT, AND

PROMOTE U.S. POLICY ON DEMOCRACY, HUMAN RIGHTS, WORKER
RIGHTS, CHILD LABOR, RELIGIOUS FREEDOM, SECURITY

ASSISTANCE, ASYLUM ISSUES, TRAFFICKING, AND A NUMBER OF OTHER KEY CONCERNS. WORKING IN DRL MEANS MAKING A DIFFERENCE. WHETHER BY SECURING THE RELEASE OF POLITICAL PRISONERS OR FACILITATING A TRANSITION TO DEMOCRACY, DRL OFFICERS PROMOTE AND HELP SECURE FUNDAMENTAL SOCIAL CHANGE.

4. DRL HAS A NEW OFFICE OF INTERNATIONAL RELIGIOUS FREEDOM (DRL/IRF), HEADED BY AN AMBASSADOR AT LARGE, ROBERT A. SEIPLE. THE OFFICE IS CHARGED WITH MONITORING RELIGIOUS PERSECUTION, AND ADVANCING RELIGIOUS FREEDOM, WORLDWIDE. IT MEETS WITH DIPLOMATIC MISSIONS IN WASHINGTON AND GOVERNMENT OFFICIALS ABROAD, AS WELL AS HUMAN RIGHTS NGOS AND RELIGIOUS GROUPS BOTH DOMESTIC AND FOREIGN. IRF ENGAGES IN PROGRAMS (INCLUDING AMBASSADORIAL AND STAFF EVENTS AND PUBLIC ADDRESSES), OUTREACH TO DOMESTIC U.S. RELIGIOUS GROUPS, AND RELIGION-BASED RECONCILIATION EFFORTS IN POST-CONFLICT SITUATIONS. ADDITIONALLY, THE OFFICE IS RESPONSIBLE FOR PRODUCING AN ANNUAL REPORT ON RELIGIOUS FREEDOM.

5. DRL ENCOURAGES DIVERSITY WITHIN THE BUREAU, AND ACTIVELY SEEKS OFFICERS WITH VARIED BACKGROUNDS. INTERESTED OFFICERS ARE ENCOURAGED TO CONTACT THE RELEVANT OFFICE DIRECTOR FOR FURTHER INFORMATION ON THE DUTIES OF EACH POSITION IN WHICH THEY ARE INTERESTED. SERVICE IN DRL WILL ENABLE FOREIGN SERVICE OFFICERS OF ALL CONES TO APPLY FOR MULTIFUNCTIONAL COMPETITION.

6. THIS CABLE SUMMARIZES THE RESPONSIBILITIES OF EACH POSITION THAT DRL ANTICIPATES WILL BECOME VACANT DURING THE 2000 SUMMER CYCLE. IT COMPLEMENTS THE OPEN ASSIGNMENTS BID CABLE RECENTLY TRANSMITTED BY THE DEPARTMENT. THE OFFICES IN WHICH VACANCIES ARE CURRENTLY BEING ANNOUNCED AND DESCRIPTIONS OF THE RESPONSIBILITIES FOLLOW:

FO-02 DRL/SEA PUBLIC DIPL OFF NEW 018000/S0000000 10/99

THE OFFICER WORKS WITH THE DIRECTOR OF OFFICE OF STRATEGIC PLANNING AND EXTERNAL AFFAIRS AND PUBLIC DIPLOMACY ADVISOR TO ENSURE THAT U.S. PUBLIC DIPLOMACY ADVANCES CORE GOALS - DEMOCRACY, HUMAN RIGHTS, WORKER RIGHTS, RELIGIOUS FREEDOM, AND PUBLIC OUTREACH - THROUGH AN EXPANDED SET OF PUBLIC DIPLOMACY ACTIVITIES AND PROGRAMMING. AS A MEMBER OF DRL'S PUBLIC DIPLOMACY TEAM, HELPS COORDINATE THE DEVELOPMENT AND IMPLEMENTATION OF ALL DRL PUBLIC DIPLOMACY ACTIVITIES, INCLUDING MEDIA EVENTS, DIGITAL VIDEO CONFERENCE, AND PUBLICATIONS, ON AN ISSUE-BY-ISSUE BASIS. SERVES AS KEY BUREAU CONTACT WITH FOREIGN MEDIA, HELPING TO

GENERATE FOREIGN PRESS INTEREST IN DRL'S WORK. SERVES AS BUREAU LIAISON WITH APPROPRIATE PERSONNEL TO ENSURE THAT DEPARTMENT'S EXCHANGE PROGRAMS REFLECT DRL STRATEGIC GOALS
CONTACT: CHARLES BROWN, ACTING DIRECTOR (202) 647-1403

FO-02 DRL/MLA DEPUTY DIRECTOR MCCAMMAN
018100/S6902800 8/00

THE DEPUTY DIRECTOR WORKS PRIMARILY ON DEVELOPING AND OVERSEEING THE BROAD RANGE OF HUMAN RIGHTS ISSUES INCLUDING, INTER ALIA, WOMEN'S RIGHTS, RIGHTS OF THE CHILD, RACISM, SLAVERY, RELIGIOUS INTOLERANCE, INDIGENOUS RIGHTS, AND TORTURE, AS WELL AS COUNTRY SPECIFIC ISSUES IN THE UN AND ASSOCIATED AGENCIES. THE INCUMBENT SERVES AS PART OF THE U.S. DELEGATION TO THE UN HUMAN RIGHTS COMMISSION IN GENEVA AND THE UN GENERAL ASSEMBLY IN NEW YORK OR HELPS BACKSTOP THE DELEGATIONS FROM THE DEPARTMENT; SERVES AS CHAIR ON THE DEPARTMENT'S WORKING GROUP ON CHILDREN'S RIGHTS. THE INCUMBENT SUPERVISES THREE OFFICERS.

CONTACT: STEVE WAGENSEIL, OFFICE DIRECTOR (202) 647-1255

FO-02 DRL/MLA IROG GLASSMAN 018100/S6902900 10/00

THE INCUMBENT WORKS PRIMARILY ON THE DEVELOPMENT AND IMPLEMENTATION OF USG HUMAN RIGHTS POLICY IN MULTILATERAL ORGANIZATIONS OTHER THAN THE UN, INCLUDING THE OSCE, THE EU, THE DAS, THE COE, THE G-8, AND THE ICRC. AT THE SAME TIME, THE INCUMBENT HELPS BACKSTOP THE U.S. DELEGATION TO THE UN HUMAN RIGHTS COMMISSION EACH SPRING BY SERVING AS DRL COORDINATOR ON COUNTRY ISSUES; THE INCUMBENT CO-CHAIRS THE INTERAGENCY GROUP ON HUMAN RIGHTS THAT ENSURES U.S. PARTICIPATION IN INTERNATIONAL FINANCIAL INSTITUTIONS IS CONSISTENT WITH U.S. HUMAN RIGHTS POLICY. THE INCUMBENT REPRESENTS DRL IN THE INTERAGENCY WORKING GROUP ON THE LAND MINE TREATY AND THE U.S. DEMINING PROGRAM.

CONTACT: STEVE WAGENSEIL, OFFICE DIRECTOR (202) 647-1255

FO-02 DRL/P IROG GARRIGA 018300/S7695200 09/00

THE INCUMBENT SERVES AS THE LATIN AMERICA OFFICER RESPONSIBLE FOR THE DEVELOPMENT OF COUNTRY-SPECIFIC AND REGIONAL DEMOCRACY-PROMOTING STRATEGIES AND PROGRAMS IN COORDINATION PRIMARILY WITH WHA, S/RPP, AND USAID AND IN CONSULTATION WITH OTHER FOREIGN AFFAIRS AGENCIES AND NGOS. THE INCUMBENT DEVELOPS RECOMMENDATIONS FOR REGIONAL ALLOCATION OF OTHER DEMOCRACY FUNDS IN THE WHA REGION, AND PREPARES THE ASSISTANT SECRETARY FOR INTERAGENCY POLICY DECISIONS ON DEMOCRACY PROMOTION IN THE REGION. ALSO SERVES AS DEPUTY DIRECTOR, FOCUSING ON CROSS-CUTTING INITIATIVES SUCH AS THE APPAREL INDUSTRY PARTNERSHIP, AS

WELL AS ON PERSONNEL AND OTHER MANAGEMENT ISSUES.

CONTACT: AMY YOUNG, DIRECTOR (202) 647-1437

FO-02 DRL/IL IROG NEW 018500/S7520901 08/00
A MULTIFUNCTIONAL JOB IN AN EXPANDING OFFICE DEALING WITH CUTTING-EDGE LABOR/ECONOMIC ISSUES, SUCH AS CORE LABOR STANDARDS, CHILD LABOR, CORPORATE RESPONSIBILITY INITIATIVES, AND MULTILATERAL AND BILATERAL ISSUES TAILORED TO GEOGRAPHIC AND SUBSTANTIVE EXPERTISE. APPROXIMATELY HALF THE WORKLOAD WOULD INVOLVE SERVING AS EXECUTIVE SECRETARY OF THE SECRETARY'S ADVISORY COMMITTEE ON LABOR DIPLOMACY WHICH INCLUDES THE PRESIDENT OF THE AFL-CIO AND A FORMER SECRETARY OF LABOR AMONG ITS MEMBERS.
CONTACT: ALDEN IRONS (20-2) 647-0242

FO-03 DRL/SEA PUBLIC DIPL OFF NEW 018000/S0000000 10/99

THIS NEW POSITION IS IDEALLY SUITED FOR OFFICERS INTERESTED IN EXPLORING THE POTENTIAL OF COMBINING TRADITIONAL PUBLIC DIPLOMACY WITH NEW AND EMERGING MEDIA. WORKING IN CONJUNCTION WITH THE OFFICE DIRECTOR AND THE PUBLIC DIPLOMACY ADVISOR, THE INCUMBENT WILL HAVE THE OPPORTUNITY TO DESIGN, DEVELOP, IMPLEMENT, AND MANAGE DRL INTERNET AND INTRANET CONTENT, INCLUDING MATERIAL DISTRIBUTED VIA THE WASHINGTON FILE AND OTHER PUBLIC DIPLOMACY AND PUBLIC AFFAIRS SITES. USES ELECTRONIC AND CONVENTIONAL PUBLISHING TECHNIQUES TO FACILITATE PUBLICATION AND DISTRIBUTION OF MATERIALS ON HUMAN RIGHTS, DEMOCRACY, LABOR, RELIGIOUS FREEDOM, AND OTHER KEY ISSUES. COORDINATES ELECTRONIC OUTREACH TO KEY CONSTITUENCIES OVERSEAS AND AT HOME. PREPARES AND DISSEMINATES ELECTRONIC BULLETINS. DESIGNS AND OVERSEES DEVELOPMENT OF RELATIONAL DATABASES ON KEY DRL CONSTITUENCIES, INCLUDING NON-GOVERNMENTAL ORGANIZATIONS, MEMBERS OF CONGRESS, AND THE MEDIA.
CONTACT: CHARLES BROWN, ACTING DIRECTOR (202) 647-1403

FO-03 DRL/BA IROG VICE WARD 018200/S7004900
08/00

OFFICER RESPONSIBLE FOR DEVELOPING AND IMPLEMENTING STRATEGIES FOR PROMOTING HUMAN RIGHTS AND DEMOCRACY IN CENTRAL AMERICA, MEXICO, CUBA AND OTHER CARIBBEAN COUNTRIES. MONITORS HUMAN RIGHTS DEVELOPMENTS AND PREPARES POSITION AND POLICY PAPERS. ALSO EDITS HUMAN RIGHTS AND INTERNATIONAL FREEDOM REPORTS IN ASSIGNED COUNTRIES. COVERS INDIGENOUS ISSUES AND PRESS FREEDOM ISSUES IN REGION; PREPARES MEXICO HUMAN RIGHTS DIALOGUE AND UN HUMAN RIGHTS COMMISSION ISSUES IN GENEVA. REPRESENTS DRL IN WITH OTHER AGENCIES, CONGRESS, AND NGOS.

CONTACT: JOHN BRADSHAW, DEPUTY DIRECTOR (202) 647-1716.

FO-03 DRL/BA IROG VICE DEARBORN 018200/S7004906
08/00

OFFICER RESPONSIBLE FOR HUMAN RIGHTS AND DEMOCRACY POLICY FOR WEST, CENTRAL, AND SEVERAL EAST AFRICAN COUNTRIES. DEVELOPS STRATEGIES TO PROMOTE DEMOCRACY AND HUMAN RIGHTS, PARTICULARLY ON CONFLICT RESOLUTION AND ATROCITIES PREVENTION, ACCOUNTABILITY AND IMPUNITY ISSUES. REPRESENTS DRL ON GREAT LAKES RULE OF LAW AND HUMAN RIGHTS ISSUES. CONTRIBUTES TO ANNUAL HUMAN RIGHTS REPORTS AND INTERNATIONAL RELIGIOUS FREEDOM REPORTS, AND PREPARES POSITION, BRIEFING, AND BACKGROUND PAPERS. REVIEWS EXPORT LICENSE APPLICATIONS FOR SENSITIVE EXPORTS.
CONTACT: JOHN BRADSHAW, DEPUTY DIRECTOR (202) 647-1716

FO-03 DRL/BA IROG VICE RESLER 018200/S7004908 08/00

OFFICER RESPONSIBLE FOR DEVELOPING, COORDINATING, AND

FACILITATING BILATERAL HUMAN RIGHTS POLICY IN EUR COUNTRIES, ESPECIALLY TURKEY. PREPARES POLICY STUDIES, CONGRESSIONAL TESTIMONY, POSITION, BRIEFING AND BACKGROUND PAPERS, PRESS GUIDANCE, AND OTHER DOCUMENTS, PARTICULARLY RELATING TO ARMS SALES ISSUES INVOLVING HUMAN RIGHTS CONCERNS. OSCE COORDINATION INCLUDING ANNUAL MEETINGS. ENGAGES ON NORTHERN IRELAND HUMAN RIGHTS AND RECONCILIATION INITIATIVES. EDITS HUMAN RIGHTS AND RELIGIOUS FREEDOM REPORTS. WORKS CLOSELY WITH OTHER BUREAUS, CONGRESSIONAL OFFICES, AND NGOS.
CONTACT: ROBERT NORMAN, DEPUTY DIRECTOR (202) 647-1716

FO-03 DRL/BA IROG VICE BUZBEE 018200/S7004903
07/99

OFFICER RESPONSIBLE FOR DRAFTING AND CLEARING ALL PAPERS AND POLICY DOCUMENTS REGARDING THE PROMOTION OF DEMOCRACY AND HUMAN RIGHTS IN NEA COUNTRIES. COORDINATES MUSLIM OUTREACH INITIATIVES. EDITS HUMAN RIGHTS AND RELIGIOUS FREEDOM REPORTS IN ASSIGNED COUNTRIES. WORKS CLOSELY WITH REGIONAL BUREAU AND OTHER DRL OFFICES ON ISSUES SUCH AS STRATEGIES TO END CONFLICT IN ALGERIAN, EGYPTIAN ISSUES, AS WELL AS OTHER GOVERNMENT AGENCIES, CONGRESSIONAL OFFICES, AND HUMAN RIGHTS NGOS.
CONTACT: ROBERT NORMAN, DEPUTY DIRECTOR (202) 647-1716

FO -03 DRL/BA IROG VICE SCHALL 018200/S7004907 08/00

OFFICER RESPONSIBLE FOR DEVELOPING AND IMPLEMENTING HUMAN RIGHTS STRATEGIES IN EAP COUNTRIES. ASSISTS SENIOR ADVISOR ON CHINA ISSUES. MONITORS HUMAN RIGHTS

DEVELOPMENTS AND PREPARES POSITION AND POLICY PAPERS, WITH PARTICULAR FOCUS ON ISSUES SUCH AS POST-ELECTIONS DEMOCRACY BUILDING IN INDONESIA AND ACCOUNTABILITY IN CAMBODIA. COORDINATES ANNUAL HUMAN RIGHTS DIALOGUE WITH VIETNAM. ALSO EDITS HUMAN RIGHTS AND RELIGIOUS FREEDOM REPORTS AND PREPARES ASSISTANT SECRETARY FOR HUMAN RIGHTS DIALOGUES IN ASSIGNED COUNTRIES. REPRESENTS DRL WITH OTHER AGENCIES, CONGRESS, AND NGOS.
CONTACT: SUSAN O'SULLIVAN (202) 647-1716.

FO-03 DRL/P IROG GREGORY 018300/S7004909 09/00

THE INCUMBENT SERVES AS THE ASIA OFFICER RESPONSIBLE FOR THE DEVELOPMENT OF COUNTRY-SPECIFIC AND REGIONAL DEMOCRACY-PROMOTING STRATEGIES AND PROGRAMS, IN COORDINATION WITH EAP, SA, PRM, IO, OTHER FOREIGN AFFAIRS AGENCIES, E.G., USAID, AND NON-GOVERNMENTAL ORGANIZATIONS FOR THE EAST ASIA AND SOUTH ASIA REGIONS. THE OFFICER MANAGES SPECIFIC GRANT PROJECTS IN ASIAN COUNTRIES. THE INCUMBENT DEVELOPS RECOMMENDATIONS FOR REGIONAL ALLOCATION OF OTHER DEMOCRACY PROMOTION FUNDS IN ASIA, AND PREPARES THE ASSISTANT SECRETARY FOR INTERAGENCY POLICY DECISIONS ON DEMOCRACY PROMOTION IN THE EAP REGION.
CONTACT: AMY YOUNG, DIRECTOR (202) 647-1437

FO-03 DRL/IL IROG ALLER 018500/S7520900 08/00

A MULTIFUNCTIONAL JOB WHICH HANDLES LABOR POLICY CONCERNS SUCH AS CHILD LABOR, CORE LABOR STANDARDS, CORPORATE RESPONSIBILITY INITIATIVES, AND MULTILATERAL AND BILATERAL ISSUES TAILORED TO GEOGRAPHIC AND SUBSTANTIVE EXPERTISE; WORKS WITH SENIOR OFFICIALS OF THE WHITE HOUSE, OTHER USG AGENCIES, NGOS, US AND INTERNATIONAL BUSINESS ORGANIZATIONS, AND THE AFL-CIO; ASSISTS OTHER OFFICERS AS NEEDED IN AN EXPANDING OFFICE DEALING WITH CUTTING-EDGE LABOR/ECONOMIC ISSUES.
CONTACT: ALDEN IRONS (202) 647-0242

FO-03 DRL/IRF IROG NEW 018000/S7732200 NOW AND
06/00

INTERNATIONAL RELIGIOUS FREEDOM OFFICER - MAJOR REGIONAL RESPONSIBILITIES FOR RELIGIOUS FREEDOM ISSUES IN AN OFFICE HEADED BY THE AMBASSADOR AT LARGE FOR INTERNATIONAL RELIGIOUS FREEDOM. FOLLOWS RELIGIOUS DISCRIMINATION AND PERSECUTION CASES IN A RANGE OF COUNTRIES, RESPONDING TO INDIVIDUAL CASES AND PROVIDING GUIDANCE TO EMBASSIES. MEETS WITH FOREIGN AND DOMESTIC NGOS, HUMAN RIGHTS AND RELIGIOUS GROUPS. ADDRESSES DOMESTIC AND FOREIGN AUDIENCES ON RELIGIOUS FREEDOM. DEVELOPS NEW POLICY INITIATIVES FOR THE DEPARTMENT AND POSTS TO INSTITUTIONALIZE U.S. APPROACH TO VIOLATIONS. DEVELOPS RECONCILIATION

PROJECTS.

CONTACT: TOM FARR, DIRECTOR (202) 647-0463

FO-03 DRL/MLA IROG LEVINSON 018100/S6903000 NOW AND
6/00

THE INCUMBENT ASSISTS IN COORDINATING AND DEVELOPING U.S. HUMAN RIGHTS POLICY IN THE UN AND ITS ASSOCIATED AGENCIES, INCLUDING THE UN HUMAN RIGHTS COMMISSION, THE UN GENERAL ASSEMBLY, AND THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS IN GENEVA, AS WELL AS HUMAN RIGHTS FIELD OPERATIONS. INCUMBENT MUST FOLLOW SIGNIFICANT HUMAN RIGHTS DEVELOPMENTS IN THESE AND OTHER MULTILATERAL AND REGIONAL FORA, ANALYZE THEIR EFFECT ON U.S. INTERESTS, AND MAKE RECOMMENDATIONS FOR ACTION. INCUMBENT IS REGULARLY TASKED WITH UNDERTAKING ALL NECESSARY ACTIONS FOR THE ADOPTION OF A RESOLUTION, EITHER AT THE UN GENERAL ASSEMBLY OR THE UN HUMAN RIGHTS COMMISSION. INCUMBENT TRAVELS TO GENEVA FOR THE UN HUMAN RIGHTS COMMISSION'S YEARLY SESSION IN THE SPRING. THE POSITION OFFERS GREAT OPPORTUNITIES FOR DRAFTING AND FOR DEVELOPING NEGOTIATING SKILLS.
CONTACTT STEVEN WAGENSEIL, OFFICE DIRECTOR (202) 647-1473
TALBOTT

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SUBJ: THAILAND: 1999 HUMAN RIGHTS REPORT
TEXT:
UNCLAS SECTION 01 OF 15 BANGKOK 011598

QQQQ
SENSITIVE BUT UNCLASSIFIED/NOFORN

FOR DRL/CRT, EAP/BCLTV, EAP/RSP

E.O. 12958: N/A
TAGS: PHUM, ELAB, KSEP, TH
SUBJECT: THAILAND: 1999 HUMAN RIGHTS REPORT

1. SENSITIVE BUT UNCLASSIFIED -- NOFORN -- ENTIRE TEXT.
2. FOLLOWING IS THE 1999 COUNTRY HUMAN RIGHTS REPORT FOR THAILAND.
3. INTRODUCTION

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 COALITION GOVERNMENT, LED BY PRIME MINISTER CHUAN LEEKPAI'S DEMOCRAT PARTY, WAS FORMED IN NOVEMBER 1997, FOLLOWING THE RESIGNATION OF PRIME MINISTER CHAVALIT YONGCHAIYUDH. THERE IS A BICAMERAL LEGISLATURE. THE JUDICIARY IS INDEPENDENT, BUT IS SUBJECT TO CORRUPTION. THE COUNTRY ADOPTED A NEW CONSTITUTION IN 1997, WHICH CONTAINS PROVISIONS DESIGNED TO COMBAT CORRUPTION AND INCREASE 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 TWO YEARS. THE KING EXERTS INFORMAL INFLUENCE, BUT HAS NEVER USED HIS CONSTITUTIONALLY MANDATED POWER TO VETO LEGISLATION OR DISSOLVE THE ELECTED HOUSE OF REPRESENTATIVES.

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 SEVERE FINANCIAL CRISIS IN JULY 1997 SPILLED OVER TO THE REAL ECONOMY, AND ECONOMIC GROWTH REMAINED NEGATIVE THROUGH 1998. SIGNS OF A REBOUND APPEARED IN THE FIRST HALF OF THIS YEAR, AND MOST OBSERVERS PREDICT MODERATE ECONOMIC GROWTH FOR 1999 IN THE RANGE OF 3-4 PERCENT. HOWEVER, UNEMPLOYMENT, ESPECIALLY IN URBAN AREAS, CONTINUED TO CLIMB. ANNUAL PER CAPITA INCOME, WHICH PEAKED AT \$3,000 IN 1996, IS NOW TWO-THIRDS THAT LEVEL. ALTHOUGH THE MANUFACTURING AND SERVICES SECTORS CONTRIBUTE APPROXIMATELY HALF THE GROSS DOMESTIC PRODUCT, BETWEEN 50-60 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 DECISION MAKING 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, BUT REMAINED RELUCTANT TO PROSECUTE VIGOROUSLY THOSE WHO COMMITTED SUCH ABUSES. POLICE OCCASIONALLY BEAT SUSPECTS, AT TIMES TO COERCE CONFESSIONS, AND AUTHORITIES ALSO INVESTIGATED A CASE 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 THE SECURITY FORCES. ROUTINE DEMANDS FOR BRIBES UNDERMINE THE RULE OF LAW AND PERMIT A CLIMATE OF IMPUNITY FOR 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 REMAINS A PROBLEM. 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. ALTHOUGH THE PASSAGE OF THE 1997 CONSTITUTION HAS RESULTED IN INCREASED LEGAL PROTECTIONS FOR WOMEN AND THE DISABLED, SOME INEQUITIES IN THE LAW REMAIN. SOCIETAL DISCRIMINATION AGAINST WOMEN, VIOLENCE AGAINST WOMEN, TRAFFICKING IN WOMEN AND CHILDREN, AND SOCIETAL DISCRIMINATION AGAINST ETHNIC UNCLAS SECTION 02 OF 15 BANGKOK 011598

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TAGS: PHUM, ELAB, KSEP, TH

SUBJECT: THAILAND: 1999 HUMAN RIGHTS REPORT

MINORITIES PERSISTS. ILLEGAL AND FORCED CHILD LABOR ALSO REMAIN PROBLEMS.

THE NEW CONSTITUTION CONTAINS A PROVISION REQUIRING THE ESTABLISHMENT OF A PERMANENT NATIONAL COMMISSION ON HUMAN RIGHTS; HOWEVER, AT TIMES THE GOVERNMENT HINDERED THE ACTIVITY OF HUMAN RIGHTS GROUPS.

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 CONTINUE TO CONFRONT POLICE OFFICERS, RESULTING IN THE USE OF DEADLY FORCE BY OFFICERS DURING SOME NARCOTICS ARRESTS. THIS EXTRAORDINARILY VIOLENT CLIMATE ACCOUNTS FOR A SIGNIFICANT NUMBER OF CASES WHERE DEADLY FORCE IS USED. 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 THAT MONTH.

THE POLICE CARRIED OUT INTERNAL INVESTIGATIONS INTO SOME CASES OF ALLEGED EXTRAJUDICIAL KILLING, INCLUDING A HIGHLY PUBLICIZED CASE INVOLVING POLICEMEN FROM PAK KRET IN NONTHABURI PROVINCE WHO SHOT AND KILLED A MAN SUSPECTED OF BEING A CAR THIEF IN JUNE. POLICE ORDERED AN INTERNAL INVESTIGATION AFTER WITNESSES CLAIMED THE MAN HAD BEEN ABDUCTED THE PREVIOUS DAY AND PHYSICAL EVIDENCE SURFACED SUGGESTING THE SUSPECT MAY HAVE BEEN HANDCUFFED BEFORE HE WAS SHOT. IN AUGUST, POLICE ARRESTED THE TWO SENIOR POLICE OFFICERS ON THE ARREST TEAM ON CHARGES OF ABDUCTION AND MURDER. THE OFFICERS HAVE BEEN RELEASED ON BAIL AND THE

CASE HAS NOT YET BEEN BROUGHT TO TRIAL.

THE GOVERNMENT ALSO CONTINUED TO PROSECUTE TWO CASES OF SUSPECTED EXTRAJUDICIAL KILLING DURING THE YEAR. THE TRIAL OF POLICE OFFICERS ACCUSED OF KILLING SIX SUSPECTED DRUG DEALERS IN POLICE CUSTODY IN SUPHAN BURI IN 1996, WHICH WAS REVIVED LAST YEAR, CONCLUDED IN AUGUST. THE COURT PLANS TO ANNOUNCE ITS RULING ON OCTOBER 8. 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 AS OF MID-SEPTEMBER.

DESPITE THESE RECENT PROSECUTIONS, THE ATTORNEY GENERAL'S OFFICE HAS STATED THAT 99 PERCENT OF ALL CASES IN WHICH GOVERNMENT OFFICIALS HAVE BEEN ACCUSED OF EXTRAJUDICIAL KILLINGS ARE NOT PROSECUTED. THROUGH SEPTEMBER, NONE OF THE 43 CASES IN WHICH GOVERNMENT OFFICIALS WERE ACCUSED OF EXTRAJUDICIAL KILLINGS DURING THE YEAR HAD BEEN BROUGHT TO COURT. SENIOR PROSECUTORS AND LEGAL ASSOCIATIONS CLAIM THAT MOST CASES END UP BEING 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 THE CLIMATE OF IMPUNITY THAT IS A SIGNIFICANT FACTOR IN PREVENTING ANY MAJOR CHANGE IN POLICE BEHAVIOR. IT ALSO DISCOURAGES RELATIVES OF THE DECEASED 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. 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.

THERE WAS ALSO ONE CASE OF DEATH IN OFFICIAL CUSTODY DURING THE YEAR. IN JUNE, THREE WOULD-BE ESCAPEES FROM UDON THANI PROVINCIAL PRISON WHO 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 MID-SEPTEMBER. THE DEPARTMENT OF CORRECTIONS ALSO INITIATED AN UNCLAS SECTION 03 OF 15 BANGKOK 011598

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INTERNAL INVESTIGATION.

THE 1996 CASE OF THE SUSPECTED POLITICAL KILLING OF ENVIRONMENTAL PROTESTER THONG-IN-KAEW-WATTHA IS STILL UNDER CONSIDERATION BY THE COURTS.

B. QDISAPPEARANCE

THERE WERE NO REPORTS OF POLITICALLY MOTIVATED DISAPPEARANCES.

THERE WERE NO DEVELOPMENTS IN THE 1994 DISAPPEARANCE OF ENVIRONMENTAL ACTIVIST SUCHADA KHAMFUBUTRA. POLICE ARE NO LONGER ACTIVELY PURSUING THIS CASE. 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 FURTHER INFORMATION ON THE WHEREABOUTS OF THE REMAINING 38 PRODEMOCRACY PROTESTERS STILL LISTED AS MISSING. MOST, IF NOT ALL, ARE PRESUMED BY FAMILY MEMBERS AND NONGOVERNMENTAL ORGANIZATIONS TO BE DEAD. IN AUGUST, THE SUPREME COURT DISMISSED A LONG-RUNNING CIVIL CASE BROUGHT AGAINST THEN-COMMANDING GENERAL SUCHINDA AND MEMBERS OF THE MILITARY AND POLICE, UPHOLDING TWO LOWER COURT RULINGS THAT SAID 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 1998 CASE OF A 14-YEAR-OLD FEMALE PRISONER WHO HAD BEEN RAPED IN CUSTODY IN BANG PU POLICE STATION IN SAMUT PRAKAN. THE CASE WAS BEING TRIED IN THE SAMUT PRAKAN PROVINCIAL COURT THROUGH SEPTEMBER. THE POLICE SERGEANT CHARGED WITH THE ASSAULT HAS BEEN RELEASED ON BAIL. IN JUNE, POLICE 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 INCLUDED IN RESPONSE TO CLAIMS THAT SEVERAL FEMALE SUSPECTS HAD BEEN SEXUALLY ABUSED IN DETENTION.

PRISONS ARE SEVERELY OVERCROWDED. CONDITIONS ARE SPARTAN BUT IN GENERAL THEY DO NOT THREATEN THE LIFE OR HEALTH OF INMATES. 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 203,386 INMATES, THE CORRECTIONS DEPARTMENT EMPLOYS ONLY 14 FULL-TIME DOCTORS AND SEVEN FULL-TIME DENTISTS. THE DEPARTMENT OF CORRECTIONS RE-ESTABLISHED 9 OF THE 11 PART-TIME DOCTOR POSITIONS IT 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 CAUGHT IN ESCAPE ATTEMPTS WERE BEATEN SEVERELY, AND IN ONE CASE GUARDS AND FELLOW INMATES KILLED THREE WOULD-BE ESCAPEES (SEE SECTION 1.A).

IN JULY A PARLIAMENTARY COMMITTEE INVESTIGATED THE CASE OF A NARCOTICS OFFENDER SERVING DETENTION IN LIEU OF A FINE IN A LOCAL JAIL IN PATHUM THANI WHO ALLEGEDLY SUFFERED DEEP CUTS TO HIS WRISTS THAT EXPOSED THE BONES AS A RESULT OF BEING KEPT IN HANDCUFFS BY AUTHORITIES FOR SEVEN DAYS.

CONDITIONS IN BANGKOK'S SUAN PHLU IMMIGRATION DETENTION CENTER (IDC) WERE POOR, AS WERE IMMIGRATION FACILITIES THROUGHOUT THE COUNTRY. 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 1,759 IN SEPTEMBER AS A RESULT OF A 1998 INTERIOR MINISTRY POLICY THAT ALLOWS ILLEGAL IMMIGRANTS ARRESTED IN BORDER AREAS TO BE DEPORTED WITHOUT BEING FIRST SENT TO AN IMMIGRATION DETENTION CENTER. MOST UNCLAS SECTION 04 OF 15 BANGKOK 011598

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E.O. 12958: N/A

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LONG TERM DETAINEES WHO HAD BEEN HELD FOR SEVERAL YEARS BECAUSE THEY COULD NOT AFFORD REPATRIATION HAVE NOW 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. CONDITIONS IN PROVINCIAL DETENTION CENTERS WERE SIGNIFICANTLY WORSE, AND SOME DETAINEES TRANSFERRED TO BANGKOK ARRIVED IN A DEBILITATED STATE.

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. FOREIGN PRISONERS OFTEN ARE FORCED TO SIGN CONFESSIONS AND STAND TRIAL WITHOUT BENEFIT OF A TRANSLATOR.

POLICE ARE ALSO REQUIRED TO SUBMIT CRIMINAL CASES TO PROSECUTORS FOR THE FILING OF COURT CHARGES WITHIN 48 HOURS OF ARREST. HOWEVER, LAWYERS REPORT THAT POLICE RARELY BRING THEIR CASES TO COURT WITHIN THIS PERIOD SINCE THE CRIMINAL PROCEDURE CODE ALLOWS POLICE AN EXTENSION PERIOD OF UP TO 3 DAYS. POLICE CAN ALSO SEEK COURT PERMISSION TO HOLD SUSPECTS FOR ADDITIONAL PERIODS (UP TO A MAXIMUM OF 82 DAYS) TO CARRY OUT INVESTIGATIONS. IN ADDITION, CURRENT 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.

THE ONLY LEGAL BASIS FOR DETENTION BY THE POLICE WITHOUT SPECIFIC CHARGES FOR LONG PERIODS (UP TO 480 DAYS) WAS THE ANTI-COMMUNIST ACTIVITIES ACT, WHICH AUTHORITIES HAD NOT INVOKED THROUGH MID-SEPTEMBER. THE GOVERNMENT CONTINUED TO CONSIDER LEGISLATION DESIGNED TO ABROGATE THIS LAW DURING THE REPORTING PERIOD.

AS OF MID-SEPTEMBER, THERE WERE 203,386 PRISON INMATES. APPROXIMATELY 60,000 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.

TWELVE BURMESE ACTIVISTS ARRESTED FOR DEMONSTRATIONS IN BANGKOK IN SEPTEMBER WERE INCARCERATED AT THE IMMIGRATION DETENTION CENTER UNDER PROVISIONS OF THE IMMIGRATION ACT REGARDING ILLEGAL ALIENS. FOUR OTHER DEMONSTRATORS ARRESTED IN AUGUST 1998 REMAINED IN THE POLICE SPECIAL DETENTION CENTER (SDC) IN BANG KHEN, BANGKOK WITHOUT BEING FORMALLY CHARGED.

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 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 CONSTITUTION COURT, CHARGED WITH INTERPRETING THE NEW CONSTITUTION, BEGAN OPERATING IN 1998; THE COURT PROVIDES A MECHANISM TO IMPLEMENT THE CHARTER FULLY. 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 PRACTICED.

THERE IS NO TRIAL BY JURY. TRIALS FOR MISDEMEANORS ARE DECIDED BY A SOLE 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 UNCLAS SECTION 05 OF 15 BANGKOK 011598

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E.O. 12958: N/A

TAGS: PHUM, ELAB, KSEP, TH

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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. 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 IN CHIANG RAI PROVINCE FOR NARCOTICS 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, BUT SOME ACADEMIC GROUPS CLAIMED 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 TITLE 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 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. LAW PROHIBITING CRITICISM OF THE ROYAL FAMILY (LESE MAJESTE), THREATS TO NATIONAL SECURITY, OR SPEECH LIKELY TO INCITE

DISTURBANCES OR INSULT BUDDHISM REMAIN IN PLACE UNDER THE 1997 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
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E.O. 12958: N/A

TAGS: PHUM, ELAB, KSEP, TH

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WITHOUT FEAR OF OFFICIAL REPRISAL, ALTHOUGH ALLEGATIONS OF PRESS INTIMIDATION INVOLVING A SECRETARY TO A DEPUTY PRIME MINISTER REMAIN UNRESOLVED. IN JULY THE SECRETARY, ACCOMPANIED BY SEVEN UNIDENTIFIED MEN WHO WERE REPORTEDLY ARMED, ARE ALLEGED TO HAVE ENTERED THE NEWSPAPER OFFICES OF THAI POST AND TO HAVE MADE THREATENING REMARKS TO NEWSPAPER STAFF WHILE DEMANDING THE RETRACTION OF A STORY INVOLVING THE DEPUTY PRIME MINISTER. THE SECRETARY ADMITTED MAKING THREATENING REMARKS TO THAI POST STAFF IN LATE JULY, BUT THE INVOLVEMENT OF THE DEPUTY PRIME MINISTER IMPLICATED IN THE AFFAIR REMAINS UNCLEAR.

UNDER THE PRINTING AND ADVERTISEMENT ACT OF 1941, 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 9 WARNINGS IN 1998 AND 13 WARNINGS BETWEEN JANUARY AND SEPTEMBER. 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.

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 CREATED TO COUNTER THE THREAT OF COMMUNISM THROUGH MEDIA RESTRICTION IS BEING REPEALED. THE 1952 ANTI-COMMUNIST ACTIVITIES ACT IS IN THE PROCESS OF BEING ABOLISHED (SEE SECTION 1.D). 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. REVOLUTIONARY ORDER NUMBER 43, WHICH PROHIBITED THE PUBLIC FROM POSSESSING PUBLICATIONS DEEMED DETRIMENTAL TO NATIONAL SECURITY, INCLUDING BOOKS WRITTEN BY COMMUNISTS, WAS ABOLISHED IN LATE 1998.

RADIO AND TELEVISION STATIONS ENJOY THE SAME CONSTITUTIONAL PROTECTIONS OF FREEDOM OF EXPRESSION AND SPEECH THAT THE PRINT MEDIA DOES. ALL RADIO AND TELEVISION STATIONS ARE LICENSED BY THE GOVERNMENT, AND MOST ARE OPERATED UNDER THE DIRECT OR INDIRECT OVERSIGHT OF THE GOVERNMENT OR ARMED FORCES. CURRENTLY, PROFITS FROM RADIO AND TV STATIONS ARE RETAINED BY ORGANIZATIONS THAT CONTROL FREQUENCIES SUCH AS GOVERNMENT MINISTRIES, UNIVERSITIES AND THE MILITARY. THE MILITARY HOPES TO RETAIN 40 TO 50 RADIO AND TELEVISION FREQUENCIES FOR NATIONAL SECURITY PURPOSES, DESPITE GOVERNMENT ASSURANCE THAT THE MILITARY 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 ARE TWO CABLE TELEVISION NETWORKS, BUT ONLY ONE IS OPERATIONAL DUE TO FINANCIAL DIFFICULTIES. THE ACTIVE NETWORK 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 EDIT OR "BLACK OUT" PORTIONS OF PROGRAMMING DEEMED POLITICALLY SENSITIVE OR PORNOGRAPHIC. A GOVERNMENTAL INTERNAL CENSORSHIP BOARD EXISTS IN THE PRIME MINISTER'S OFFICE, BUT IT RARELY TAKES ACTION TO RESTRICT TELEVISION OR RADIO BROADCASTS.

AN ANTIPORNOGRAPHY LAW ALLOWS POLICE TO RESTRICT OR CONFISCATE PRINTED PUBLICATIONS AND OTHER MATERIALS DEEMED OBSCENE; THE INTERPRETATION GENERALLY COVERS HARD-CORE PORNOGRAPHIC MATERIALS.

UNDER THE FILM ACT OF 1930, 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 DECIDE TO 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 REPORTS THAT IT

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E.O. 12958: N/A

TAGS: PHUM, ELAB, KSEP, TH

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BANS 3 TO 4 FILMS OUT OF AN AVERAGE OF 300 FILMS SUBMITTED YEARLY. THROUGH JULY THE BOARD HAD BANNED ONE FILM FOR INSULTING BUDDHISM.

ACTIVITY ON THE INTERNET REMAINS UNREGULATED.

THE NEW CONSTITUTION PROVIDES FOR THE RIGHT TO ENGAGE IN ACADEMIC PURSUITS, AND ACADEMIC FREEDOM IS RESPECTED.

B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

THE CONSTITUTION GUARANTEES THE RIGHT OF PEACEFUL ASSEMBLY AND PROVIDES FOR THE FREEDOM OF ASSOCIATION, AND THE GOVERNMENT GENERALLY RESPECTED THESE RIGHTS IN PRACTICE. PERMITS ARE NOT REQUIRED FOR PRIVATE MEETINGS OR GATHERINGS UNLESS HELD ON PUBLIC PROPERTY OR ORGANIZED BY FOREIGN NATIONALS; THESE ARE ROUTINELY GRANTED.

PRIVATE ASSOCIATIONS MUST REGISTER WITH THE GOVERNMENT; SUCH REGISTRATION IS ROUTINELY APPROVED.

C. FREEDOM OF RELIGION

FREEDOM OF RELIGION IS PROTECTED BY LAW, AND THE GOVERNMENT GENERALLY RESPECTS THIS RIGHT IN PRACTICE. IN EFFECT THE STATE RELIGION IS THEREVADA BUDDHISM, BUT OTHER RELIGIONS ARE NOT RESTRICTED.

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 RESPECT THIS RIGHT IN PRACTICE. LONG-STANDING RESTRICTIONS ON THE TRAVEL AND DOMICILE OF CERTAIN VIETNAMESE ALIENS WHO IMMIGRATED TO THAILAND IN 1945 AND 1946 AND CHINESE WHO IMMIGRATED BETWEEN 1953 AND 1961 REMAIN IN PLACE. IN ADDITION SOME LONG-TERM NONCITIZEN RESIDENTS, INCLUDING SEVERAL HUNDRED TRIBAL PERSONS, 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 TAKING ADVANTAGE OF THIS REGULATION WILL BE ALLOWED TO WORK IN 37 OF THE 76 PROVINCES AND MOVE FREELY FOR A ONE-YEAR PERIOD, AFTER WHICH THE GOVERNMENT RESERVES THE RIGHT TO DEPORT THEM FORMALLY. AS OF JULY 31, THE GOVERNMENT HAD DEPORTED 73,752 MIGRANT WORKERS. HOWEVER, NGO'S REPORTED THAT A LARGE NUMBER OF THOSE DEPORTED RETURNED DURING THE YEAR ACROSS THAILAND'S BORDERS.

THAILAND CONTINUED TO PROVIDE ASYLUM TO SMALL NUMBERS OF VIETNAMESE AND LAO ASYLUM SEEKERS PENDING THEIR RESETTLEMENT IN THIRD COUNTRIES, AS WELL AS TO PERSONS UNABLE TO MEET 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, MOSTLY OF THE KAREN ETHNIC GROUP, WHO RESIDED IN THAILAND BUT WERE NOT OFFICIALLY ACKNOWLEDGED AS REFUGEES, AND WERE NOT PERMITTED TO RECEIVE ASSISTANCE AND PROTECTION IN DESIGNATED REFUGEE CAMPS. A SIGNIFICANT NUMBER OF ETHNIC SHAN ALSO RESIDE ON THE THAI-BURMA BORDER. AUTHORITIES DO NOT ACKNOWLEDGE THAT 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 OF OFFICIALS FORCIBLY RETURNING PERSONS TO A COUNTRY WHERE THEY FEARED PERSECUTION. HOWEVER, THE ARMED FORCES SUPREME COMMAND IS INVESTIGATING ONE INCIDENT IN WHICH A SOLDIER SHOT A REFUGEE WHEN A DISPUTE BROKE OUT DURING THE TRANSFER OF A CAMP POPULATION TO A NEW CAMP LOCATED FARTHER INLAND AT UMPIEN IN SEPTEMBER; NGO'S INVOLVED IN THE CARE OF REFUGEES AND 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 UNCLAS SECTION 08 OF 15 BANGKOK 011598

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E.O. 12958: N/A

TAGS: PHUM, ELAB, KSEP, TH

SUBJECT: THAILAND: 1999 HUMAN RIGHTS REPORT

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR) TO EXERCISE ITS MANDATE WITH REGARD TO SMALL NUMBERS OF

VIETNAMESE AND LAO ASYLUM SEEKERS WHO WERE MOSTLY 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 UNHCR TO PLAY A FORMAL ROLE IN MONITORING AND PROVIDING PROTECTION TO ABOUT 113,000 REFUGEES FROM BURMA, MOSTLY ETHNIC MINORITIES, IN MORE THAN ONE DOZEN SITES NEAR THE BORDER WITH BURMA. 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 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 UNHCR, BUT THE GOVERNMENT DID NOT DEPORT ANY BURMESE DISSIDENTS DURING THE YEAR. AS OF MID-SEPTEMBER, 5 PERSONS OF CONCERN REMAINED IN IMMIGRATION DETENTION IN BANGKOK. AT THE SPECIAL DETENTION CENTER, 58 PERSONS OF CONCERN REMAINED IN DETENTION, INCLUDING 2 BURMESE CITIZENS WHO HAD BEEN ARRESTED FOR DEMONSTRATING AT THE BURMESE EMBASSY IN AUGUST 1998 (SEE SECTION 1.D).

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. THE LAST NATIONAL ELECTION HELD IN 1996 WAS GENERALLY VIEWED AS FREE, BUT WAS MARRED BY WIDESPREAD VOTE BUYING, A PROBLEM THAT RECURRED IN LOCAL ELECTIONS HELD DURING THE REPORTING PERIOD. THE CONSTITUTION PROHIBITS MONKS AND NUNS FROM VOTING OR SEEKING PUBLIC OFFICE. THE NEW CONSTITUTION CREATED AN INDEPENDENT ELECTION COMMISSION, WHICH WAS APPOINTED IN NOVEMBER 1997, TO SUPERVISE ELECTIONS. UNDER THE NEW CONSTITUTION, VOTING IS COMPULSORY AND ELIGIBLE VOTERS WHO FAIL TO EXERCISE THEIR VOTING RESPONSIBILITIES MAY FORFEIT CERTAIN RIGHTS. HOWEVER, PARLIAMENT CONTINUED TO DELIBERATE WHICH RIGHTS WOULD BE FORFEITED DURING THE REPORTING PERIOD, AND PENALTIES HAD STILL NOT BEEN DETERMINED THROUGH SEPTEMBER. 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 THOSE 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, PARLIAMENT, AND CIVIL SERVICE. THERE ARE 22 WOMEN IN THE 384-MEMBER PARLIAMENT, AND 21 IN THE 25-MEMBER SENATE. THE NUMBER OF WOMEN IN THE 2-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

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E.O. 12958: N/A
TAGS: PHUM, ELAB, KSEP, TH
SUBJECT: THAILAND: 1999 HUMAN RIGHTS REPORT

A WIDE VARIETY OF LOCAL 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 WITH THESE GROUPS AND RESPONSIVE TO THEIR VIEWS. HOWEVER, AT TIMES THE GOVERNMENT HINDERED THE ACTIVITY OF A FEW HUMAN RIGHTS GROUPS ON NATIONAL SECURITY GROUNDS. IN MAY, AN INTERAGENCY GOVERNMENT COMMITTEE REJECTED AN APPLICATION FOR A MEETING PERMIT FOR A PROPOSED INTERNATIONAL TRADE UNION CONFERENCE ON DEMOCRACY IN BURMA ON NATIONAL SECURITY GROUNDS. THE COMMITTEE SAID THE ORGANIZERS HAD NO MANDATE AS LABOR ORGANIZATIONS TO HOLD A CONFERENCE ON A HUMAN RIGHTS ISSUE AND THAT THE MEETING WOULD DAMAGE THAI-BURMESE

RELATIONS BECAUSE THE ORGANIZERS' PROPOSED SPEAKER LIST WAS "NOT BALANCED."

VERY FEW NGO'S ARE ACCORDED TAX-EXEMPT STATUS, AND THIS SOMETIMES HAMPERS THE ABILITY OF LOCAL 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.

THE NEW CONSTITUTION CONTAINS A PROVISION REQUIRING THE ESTABLISHMENT OF A PERMANENT 11-MEMBER NATIONAL COMMISSION ON HUMAN RIGHTS. THE COMMISSION WILL 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. THE ESTABLISHMENT OF THIS COMMISSION IS STILL PENDING PASSAGE OF A NATIONAL HUMAN RIGHTS COMMISSION LAW BY THE NATIONAL ASSEMBLY.

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 CROSSES 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 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 THE PUBLIC'S AWARENESS OF DOMESTIC VIOLENCE ISSUES AIRD FOR THE FIRST TIME DURING THE REPORTING PERIOD. THE GOVERNMENT ALSO TOOK STEPS TO OPEN 7 "ONE-STOP" CRISIS CENTERS IN STATE-RUN HOSPITALS TO HANDLE ABUSE CASES AFFECTING 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 BOTH MARITAL RAPE AND MALE RAPE, AN OFFENSE THAT CURRENTLY CARRIES A MUCH LIGHTER

PUNISHMENT THAN HETEROSEXUAL RAPE UNDER THE LAW. THE CABINET APPROVED THE PROPOSED LEGISLATION DURING THE REPORTING PERIOD, BUT AS OF SEPTEMBER IT HAD NOT BEEN FORWARDED TO THE NATIONAL ASSEMBLY FOR SCRUTINY.

ACCORDING TO CREDIBLE SOURCES, RAPE AND DOMESTIC ASSAULT CASES ARE UNDERREPORTED BECAUSE LAW ENFORCEMENT AGENCIES ARE WIDELY PERCEIVED TO BE INCAPABLE OF BRINGING PERPETRATORS TO JUSTICE. A PILOT PROGRAM IMPLEMENTED BY THE POLICE IN 1994 TO AMELIORATE THIS PERCEPTION AND ENCOURAGE WOMEN TO REPORT SEXUAL CRIMES THROUGH THE USE OF TEAMS OF FEMALE POLICE OFFICERS CONTINUED TO 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 ITS NINE METROPOLITAN DISTRICTS IN THE CAPITAL AND THREE PROVINCES BY RECRUITING 21 ADDITIONAL FEMALE OFFICERS.

PROSTITUTION, ALTHOUGH ILLEGAL, FLOURISHES AND IS OFTEN PROTECTED BY LOCAL OFFICIALS WITH A COMMERCIAL INTEREST IN UNCLAS SECTION 10 OF 15 BANGKOK 011598

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E.O. 12958: N/A
TAGS: PHUM, ELAB, KSEP, TH
SUBJECT: THAILAND: 1999 HUMAN RIGHTS REPORT

ITS CONTINUATION. THAILAND IS ALSO A SOURCE, TRANSIT PLACE, AND DESTINATION FOR TRAFFICKED 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. 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 LOCAL 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 WERE ALSO REPORTEDLY TRAFFICKED TO THAILAND IN SMALLER NUMBERS. ACCORDING TO A LOCAL NGOS, 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 GOVERNMENT HAS INTRODUCED STRONG ANTIPROSTITUTION AND ANTITRAFFICKING LEGISLATION. THE PROSTITUTION PREVENTION AND SUPPRESSION ACT OF 1996 MAKES PROSTITUTION ILLEGAL AND FURTHER 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 PROSECUTIONS REMAINED LOW. A NEW MONEY LAUNDERING LAW BECAME EFFECTIVE IN AUGUST THAT INCLUDES PROVISIONS DESIGNED TO ENABLE AUTHORITIES TO CONFISCATE THE ASSETS OF PEOPLE 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 HIGH LEVEL IMMIGRATION OFFICIALS BASED IN TWO AIRPORTS WHO WERE FOUND TO BE COMPLICIT IN TRAFFICKING SCHEMES, BUT NO SYSTEMATIC PLAN TO ADDRESS THE PROBLEM HAS BEEN FORMULATED.

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 WOMEN FACES THE ADDITIONAL LEGAL BURDEN OF PROVING THAT HER HUSBAND HAS ACKNOWLEDGED PUBLICLY ANOTHER WOMEN 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 AFTER MARRIAGE. THE 1998 LABOR PROTECTION LAW MADE SEXUAL HARASSMENT ILLEGAL FOR THE FIRST TIME, BUT COVERS WOMEN WORKING IN THE FORMAL BUSINESS SECTOR ONLY. NGO'S CLAIM 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 REPORTING PERIOD. ONE SEXUAL HARASSMENT CASE INVOLVING A FEMALE CIVIL SERVANT WORKING IN A STATE-OWNED ENTERPRISE WAS PROSECUTED UNDER THE PENAL CODE.

WOMEN GENERALLY HAVE ACCESS TO HIGHER EDUCATION, AND MORE THAN HALF THE 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, UNCLAS SECTION 11 OF 15 BANGKOK 011598

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E.O. 12958: N/A
TAGS: PHUM, ELAB, KSEP, TH
SUBJECT: THAILAND: 1999 HUMAN RIGHTS REPORT

THERE IS A SIGNIFICANT GAP BETWEEN 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 INEQUITIES IN THE LEGAL 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 NEW CONSTITUTION PROVIDES FOR THE RIGHT OF ACCESS TO FREE PUBLIC EDUCATION THROUGH GRADE 12, AND THE GOVERNMENT RAISED COMPULSORY EDUCATION REQUIREMENTS IN MARCH 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. HOWEVER, CHILD LABOR REMAINS AN AREA OF CONCERN (SEE SECTION 6.D), 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. ACCORDING TO THE UNITED NATIONS DEVELOPMENT PROGRAM'S 1999 HUMAN DEVELOPMENT REPORT, 88 PERCENT OF CHILDREN OF PRIMARY SCHOOL AGE WERE ENROLLED IN SCHOOLS AND 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 SECTION

6.C.). 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 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.

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 ONE-YEAR TRAINING PERIOD AND WILL BECOME EFFECTIVE IN SEPTEMBER, 2000.

PEOPLE WITH DISABILITIES

PEOPLE WITH DISABILITIES WHO REGISTER WITH THE GOVERNMENT ARE ENTITLED TO FREE MEDICAL CHECKUPS, WHEELCHAIRS, AND CRUTCHES. THE GOVERNMENT HAS ALSO ENACTED LEGISLATION DESIGNED TO ENSURE ACCESS TO PUBLIC FACILITIES AND TO PROHIBIT EMPLOYMENT AND EDUCATION DISCRIMINATION, BUT THESE LAWS HAVE NOT BEEN ENFORCED EFFECTIVELY. GOVERNMENT SOURCES ESTIMATE THAT ONLY 8 PERCENT OF THE ESTIMATED 4.8 MILLION PEOPLE 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 REPORTING PERIOD. NATIONWIDE, THERE ARE ALSO 8 GOVERNMENT-OPERATED AND 10 NGO-OPERATED TRAINING CENTERS FOR THE DISABLED. WITH LITTLE EDUCATION, HOWEVER, ONLY ABOUT 2 PERCENT OF DISABLED PEOPLE ARE ABLE TO FIND EMPLOYMENT. MANY OF THOSE THAT DO REPORT BEING SUBJECT TO WAGE DISCRIMINATION. THE LAW REQUIRES THAT PRIVATE FIRMS HIRE ONE DISABLED PERSON FOR EVERY 200 OTHER WORKERS OR CONTRIBUTE TO A FUND THAT BENEFITS PEOPLE WITH DISABILITIES, 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.

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FOR DRL/CRT, EAP/BCLTV, EAP/RSP

E.O. 12958: N/A

TAGS: PHUM, ELAB, KSEP, TH

SUBJECT: THAILAND: 1999 HUMAN RIGHTS REPORT

A CABINET RESOLUTION ADOPTED IN MARCH 1998 DIRECTED STATE AGENCIES TO MODIFY FACILITIES FOR DISABLED ACCESS BUT MOST GOVERNMENT AGENCIES HAVE NOT YET DONE SO. THE CABINET INTRODUCED LEGISLATION IN MAY THAT WOULD MAKE COMPLIANCE MANDATORY.

INDIGENOUS PEOPLE

THE GOVERNMENT DIVIDES HILL TRIBE GROUPS INTO TWO CATEGORIES, THE INDIGENOUS AND THE MIGRANT. THE FORMER ENJOY THE RIGHTS OF OTHER CITIZENS, WHILE THE LATTER ARE GENERALLY CONSIDERED ILLEGAL ALIENS WHO POSSESS EXCEEDINGLY LIMITED CIVIL AND POLITICAL RIGHTS. HILL TRIBE MEMBERS WHO SETTLED IN THAILAND BEFORE A 1991 COUNTRYWIDE HILL TRIBE SURVEY ARE ELIGIBLE FOR CITIZENSHIP. HOWEVER, ELIGIBLE INDIVIDUALS FREQUENTLY FACE LENGTHY DELAYS IN REGULARIZING THEIR STATUS. THIS IS PARTLY DUE TO THE DIFFICULTY IN DISTINGUISHING THE STATUS OF LEGAL FROM ILLEGAL HILL TRIBE MEMBERS. LESS THAN ONE HALF OF 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 AREAS DEEMED BY THE GOVERNMENT TO BE NATIONAL PARKS OR WILDLIFE SANCTUARIES ARE SOMETIMES SUBJECT TO LAND EVICTION. THOSE THAT LACK DOCUMENTATION ARE SOMETIMES DENIED ADEQUATE EDUCATION AND HEALTH CARE. AS NONCITIZENS THEY ARE ALSO BARRED FROM PARTICIPATING IN THE POLITICAL PROCESS. UNDOCUMENTED HILL TRIBE PERSONS 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, WORSENERED. HILL TRIBES WERE OCCASIONALLY SUBJECTED TO INDISCRIMINATE SEARCHES OF VILLAGES FOR NARCOTICS (SEE SECTION 1.F). DISSATISFACTION WITH THE GOVERNMENT'S HANDLING OF ISSUES 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 FORA 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 HILL PEOPLE CITIZENSHIP PROCESS. AS OF SEPTEMBER, THE GOVERNMENT HAD CREATED ONE COMMITTEE (TO CONSIDER THE CITIZENSHIP PROCESS), BUT TOOK NO ACTION ON FOREST LAW PUBLIC HEARINGS.

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 FIREBOMBED 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 WHICH BORDER MALAYSIA, CONTINUED TO EXPERIENCE 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 OCCUPATION (SEE SECTION 2.D). DESPITE A STRONG DESIRE FOR THAI CITIZENSHIP, FEWER THAN 100 VIETNAMESE AND 3,000 TO 4,000 CHINESE HAVE BEEN ABLE TO NATURALIZE IN THE LAST 33 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 UNCLAS SECTION 13 OF 15 BANGKOK 011598

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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 CONSIDERED TO BE UNCONSTITUTIONAL WHICH BARRED THAI NATIONALS WITH FOREIGN SPOUSES, AND THEIR CHILDREN, FROM BUYING OR INHERITING 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 IN DIRECT NEGOTIATIONS WITH EMPLOYERS. HOWEVER, NO LAW EXPLICITLY PROTECTS WORKERS FROM DISCRIMINATION WHO HAVE PARTICIPATED IN ORGANIZING NEW UNIONS THAT HAVE NOT BEEN OFFICIALLY REGISTERED. 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. IN 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. UNOFFICIAL CONTACTS BETWEEN PUBLIC AND PRIVATE SECTOR UNIONS CONTINUE, HOWEVER, 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 ILO CRITERIA FOR SUCH SERVICES. NO STRIKES WERE DISAPPROVED DURING THE YEAR.

THE GOVERNMENT DID NOT ENFORCE THESE LEGAL RESTRICTIONS VIGOROUSLY AND HAS STATED DURING THE YEAR THAT IT WAS COMMITTED TO PASSING A NEW VERSION OF THE LAW THAT WOULD

RESTORE MOST RIGHTS ENJOYED BY STATE ENTERPRISE WORKERS PRIOR TO THE 1991 CHANGES. IN LATE NOVEMBER 1998, THE GOVERNMENT REINTRODUCED LEGISLATION WHICH THE NATIONAL ASSEMBLY HAD PASSED EARLIER THAT YEAR BUT THAT WAS SUBSEQUENTLY RULED UNCONSTITUTIONAL BY THE CONSTITUTION COURT BECAUSE OF A DRAFTING TECHNICALITY. DURING THE YEAR, THE HOUSE REJECTED ANTI-UNION AMENDMENTS WHICH 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.

LESS THAN 2 PERCENT OF THE TOTAL WORK FORCE, ALTHOUGH NEARLY 11 PERCENT OF INDUSTRIAL WORKERS, IS UNIONIZED. CULTURAL TRADITIONS, UNFAMILIARITY WITH THE CONCEPT OF INDUSTRIAL RELATIONS, AND EFFORTS BY THE GOVERNMENT TO DIMINISH UNION COHESIVENESS ARE OFTEN 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, POLITICIAN, OR EMPLOYERS FOR THEIR OWN PURPOSES, BUT PUBLIC UNIONS GENERALLY OPERATE INDEPENDENTLY OF THE GOVERNMENT AND OTHER ORGANIZATIONS.

UNION ARE FREE TO ASSOCIATE INTERNATIONALLY WITH OTHER TRADE ORGANIZATIONS, AND THEY MAINTAIN A WIDE VARIETY OF UNCLAS SECTION 14 OF 15 BANGKOK 011598

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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 HAMSTRING 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 MAY ALSO SEEK REDRESS FOR THEIR GRIEVANCES THROUGH THE TRIPARTITE LABOR RELATIONS COMMITTEE. REDRESS OF GRIEVANCES FOR THE STATE ENTERPRISE RELATIONS COMMITTEE HANDLES STATE ENTERPRISE WORKERS. LABOR LEADERS WERE GENERALLY SATISFIED WITH THE TREATMENT THAT THEIR CONCERNS RECEIVED IN THESE FOR, ALTHOUGH THEY COMPLAINED THAT UNION LEADERS DISMISSED UNJUSTLY ARE USUALLY 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 BY ALL PERSONS EXCEPT IN THE CASE OF NATIONAL EMERGENCY, WAR, OR MARTIAL LAW. THESE PROVISIONS GENERALLY ARE ENFORCED; 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 FROM BURMA, CAMBODIA, AND LAOS INCREASES THE OPPORTUNITIES FOR SUCH ABUSE.

THE CONSTITUTION DOES NOT SPECIFICALLY PROHIBIT FORCED OR BONDED LABOR BY CHILDREN, AND SUCH PRACTICES OCCUR.

ALTHOUGH THE LAW PROHIBITS TRAFFICKING OF WOMEN AND CHILDREN FOR PURPOSES OF PROSTITUTION, SOME WOMEN AND CHILDREN ARE FORCED INTO PROSTITUTION (SEE SECTION 5).

FOR SEVERAL YEARS, THE ILO HAS CITED THAILAND FOR VIOLATIONS OF CONVENTION 29 ON FORCED LABOR. IN 1995 IT WAS THE SUBJECT OF A SPECIAL PARAGRAPH. THE PRIMARY FOCUS OF ILL CRITICISM IS FORCED CHILD LABOR, ESPECIALLY CHILD PROSTITUTION. SINCE THE ILO RAISED THESE CONCERNS, THE GOVERNMENT HAS COOPERATED IN ESTABLISHING IMPORTANT INSTITUTIONAL LINKS, PARTICULARLY WITH THE INTERNATIONAL PROGRAM ON THE ELIMINATION OF CHILD LABOR, TO ADDRESS THE PROBLEM.

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 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 OR THAI EXPORT ORIENTED FACTORIES. CONSEQUENTLY, NO COMPREHENSIVE SURVEY OF CHILD LABOR IN THIS SECTOR EXISTS. THE MINISTRY OF LABOR HAS INCREASED THE NUMBER OF INSPECTORS SPECIFICALLY RESPONSIBLE FOR CHILD LABOR PROBLEMS, ALTHOUGH NOT ALL OFFICERS ARE ENGAGED IN FULL-TIME INSPECTION WORK. ENFORCEMENT OF CHILD UNCLAS SECTION 15 OF 15 BANGKOK 011598

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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 SUCH PRACTICES OCCUR (SEE SECTION 6.C).

THE GOVERNMENT'S 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. NATIONWIDE, HOWEVER, 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 SIGNIFICANTLY LESS THAN THE MINIMUM WAGE. THE MINIMUM WAGE DOES NOT APPLY TO UNDOCUMENTED HILL TRIBE MEMBERS, WHO ARE LIKEWISE 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 WORKWEEK OF A MAXIMUM OF 48 HOURS PER WEEK, 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 HAS BEEN 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 ARE OFTEN APPLIED, BUT ENFORCEMENT OF SAFETY STANDARDS IS LAX. IN THE LARGE INFORMAL SECTOR, HEALTH AND SAFETY PROTECTIONS ARE SUBSTANDARD.

THERE IS NO LAW AFFORDING JOB PROTECTION TO EMPLOYEES WHO REMOVE THEMSELVES FROM DANGEROUS WORK SITUATIONS. 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. NEW 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. NEW PROVISIONS OF THE LABOR PROTECTION ACT INCLUDE EXPANDED PROTECTION FOR PREGNANT WORKERS WITH PROHIBITIONS ON WORKING NIGHT SHIFTS, OVERTIME, OR HOLIDAYS, AS WELL AS WITH DANGEROUS MACHINERY OR ON BOATS.

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.

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