

Chapter 2. WOMEN, POLITICS, AND LAW

A. Women in Public Life

Thai women were given equal voting rights with men in the first Thai constitution of 1933. Since then, sociocultural attitudes regarding the role of Thai women in public affairs have gradually changed as the society has undergone modernization, with increased educational opportunities for women accompanying social and other forms of development. The spread of western ideas has led to increasing recognition that women have the capacity to take on duties long held to be the exclusive prerogative of men.¹

The UNDP's gender empowerment measure (GEM) looks at women's representation in Parliament, women's share of managerial and professional jobs, and women's share of national income. Thailand's GEM ranking is 60. Political representation of Thai women is low compared with other major Asian countries, but Thai women play an important role in business. (Table 10).

Table 10: Comparison among Major Asian Countries: the UNDP GEM and GDI

	China	Korea	Indonesia	Malaysia	Philippines	Singapore	Thailand
GEM rank	33	83	70	45	46	42	60
GDI rank	93	37	88	45	82	29	40
HDI rank	106	30	96	60	98	28	59
Seats in parliament	21	3	11.4	10.3	11.6	4.8	6.6
Administrators and managers	11.6	4.4	6.6	18.8	32.8	15.4	21.8
Professional and Technical workers	45.1	31.9	40.8	43.6	64.1	36.5	52.4
Earned income share	38	29	33	30	35	32	37
GEM value	0.483	0.292	0.365	0.458	0.458	0.467	0.421

Source: UNDP Human Development Report, 1998

Thai women are underrepresented in the political arena. In 1995, 300,000 more women than men actually went to the polls, but the proportion of women in Parliament today is less than six percent. Since 1932, there have been only eight women in the Thai Cabinet. In 1997, Parliament had 22 female members, or only 5.6 percent—about half the world average.

The King appoints Senators in the Thai Parliament on the advice of the Prime Minister. The nomination is supposed to represent a cross-section of Thai society and includes, among others, representatives of NGOs, business associations, and the academic community. The number of female senators has risen from 11 to 21, although proportionately it still remains low at 8.1 percent. The improvement was partly due to lobbying efforts by women's groups, who identified a list of highly qualified candidates for the Prime Minister to demonstrate that there were appropriately qualified women.

In local government, substantial changes occurred after 1982, when the Local Administration Act allowed women to take up the post of village head and sub-district head. Although the proportion of female village heads in 1996 was only 1.6 percent (Table 11), it had risen from 0.7 percent in 1986. The

¹ Orapin Sopchokechai. 1996. *A Report on the Status of Women in Social and Political Affairs*. Paper presented at the Second Women's Congress, National Commission on Women's Affairs, Bangkok.

98.4 percent of male incumbents who were elected before 1992 (ten years or more since the Act came into being), will remain in their position until the retirement age of 60 years, thus progress toward greater gender equity will be slow.

Table 11: Provincial and Local Government Composition by Sex, 1996

Position	Percent Female	Percent Male	Total
Provincial Government			
Provincial Governor	1.3	98.7	75
District Officers	0.1	99.9	729
Deputy District Officers	10.5	89.5	4,744
Elected Local Government			
Provincial Council Members	4.9	95.1	2,046
Municipal Council Members	6.0	94.0	2,112
Sub-District Heads	1.1	98.9	7,129
Village Heads	1.6	98.4	59,973

Source: Department of Local Administration, Ministry of the Interior

Participation of women in village councils is low because public representation is perceived to be a masculine domain, and because business meetings are often held outside the village and late into the night, making it more difficult for women to attend. Since important economic decisions are made by the council, such as the location of a new well or the selection of representatives from the village to take part in training programs on new farming technology, women's interests are adversely affected by their low representation.

There are several other structural and cultural barriers to women's participation in local government. The previous exclusion of women reinforced the idea that local government was appropriate only for men. There is a cultural preference for men to hold positions of power that entail decision-making, and women tend to be excluded from the political and patronage networks that dominate public life at all levels in Thailand. Other factors include the lower education levels among women in the past, and the greater demands of household management placed on women, especially those in low-income rural households.² However, women are becoming increasingly active in "grassroots" political movements, such as the Assemblies of the Poor, and small popular movements seeking to gain legal recognition of their land-ownership rights in the Northeast.

In 1994, another door was opened for women's participation in local administration with the passing of the Sub-district Council and Sub-district Administrative Organization Act, under a decentralization policy (one sub-district consists of about eight villages). Elected officials will gradually replace appointed ones, who are almost all male. Government agencies on the development of women and women's NGOs have been campaigning for and training women to run in these elections. Female candidates now represent on average 10 percent. In the last election, they represented 0.8 percent of those elected.

² Nongyao Nawarat. 1994. Promotion of Women in Local Government in Thailand. In Anne Seyfferth (ed.) *Women Claim Their Rights in Local Politics: Strategies to Increase Women's Participation in Local Government and Administrative in South and Southeast Asia*. Friedrich-Ebert-Stiftung, Bangkok.

Table 12: Summary of Thai Women's Social and Political Conditions

Indicators	Percent female participation
Administrators and managers	21.8
Members of Parliament 1997	6.1
Professional and technical workers	52.4
Senators 1997	8.1
Village heads 1996	1.9
Contraceptive prevalence 1995	75.2
Divorce rate 1990	9.7
Female literacy rate 1995	91.6

Source: Department of Local Administration, Ministry of Interior and various other sources.

B. Women and the Law

1. Labor law

Thailand's labor laws do not specify equal opportunity in employment. However, Thailand acceded to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and withdrew its reservation about Article 11, which specifies that "States' parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights". Thailand has also ratified the 1975 International Labour Organization's Convention on Equality of Opportunity for Women Workers.

The only gender-specific provision in law was enacted in May 1993, and provides that: in addition to the 30 days sick leave available by law to all employees, pregnant women workers can ask for 90 days maternity leave with pay at the current wage. The costs are to be shared between employers and the social security fund. Women workers may also ask for 60 more days leave without pay if they have been employed for more than 180 days. These maternity provisions discourage the employment of married women, since employers wish to avoid the costs of maternity leave.³

The law also specifies that, if a medical certificate confirms that a pregnant employee is unable to perform her normal duties, she is entitled to ask for a temporary transfer to a task that is more appropriate to her physical condition, either before or after giving birth. However, the decision about the transfer rests with the employer. Where there is no contract or when the duration of employment is not specified, either the employer or the worker can terminate the employment after giving prior notice, which takes effect at the next payment. Since a large proportion of unskilled women workers are paid on a fortnightly, weekly, or even daily basis, the law allows employers to pay and then dismiss the worker. Employers are not required to show reasonable grounds for terminating employment, and are not prohibited from terminating employment of women workers on grounds of marital status or pregnancy. Although there

³ Mattana Phamaniramai and Pawadee Tonguthai. 1994. *Labour Welfare in Thailand*. A report for Japan International Cooperation Agency Thailand office.

has been no systematic study of this issue, several complaints have been lodged with the labor court by women who believe that they have been dismissed due to their marital status or pregnancy.

The Labour Protection Law specifies that male and female workers must be paid equal wages, overtime, and holiday pay for work of the same nature, quality, and quantity. The practice of paying low wages to women in certain industries is difficult to challenge as many manual tasks in the industry are performed exclusively by women. Furthermore, if the law was challenged on these grounds, it might have an adverse affect on employment opportunities for women, especially in unskilled and semi-skilled categories. Employers justify the lower wage rates for women on the grounds that women's productivity is lower than men's, yet many industries express a preference for female labor because women have a greater natural aptitude for work that requires manual dexterity.

Certain tasks are considered too dangerous or too strenuous for women, thus they are not permitted to perform them by law. Those tasks considered physically dangerous include: cleaning machinery or engines while in operation; working with circular saws; working on scaffolding more than ten meters high, measured from ground level; manufacturing or transporting explosives or inflammable materials; underground mining; and tasks that require workers to carry, push, or pull heavy items (the specific weight varies according to the nature of work, for example, no more than 30 kilograms for work on level ground).

To protect women from moral danger, female employees cannot work between midnight and 6:00 a.m., but shift workers are exempted. It is forbidden to employ unmarried females under 18 years of age in nightclubs, dance halls, dancing schools, bars, massage parlors, or hotels. These regulations are systematically flouted in Thailand's sex industry.

2. Property Rights

There are no legal or social constraints on women's property rights. Under the old matrifocal social system in the rural regions of Thailand, it was (and still is) common practice for a man to live with and become part of his wife's social group after marriage. The control of property and other economic resources, along with major economic decisions, remained with the wife and her family. The traditional inheritance system does not favor sons over daughters. When a man dies, his property does not automatically go to his sons, his widow may inherit control and the children will rarely contest her right to do so. Property may be inherited by both sons and daughters, but the major assets go to the child who lives with the parents after marriage. The youngest or the unmarried daughter usually inherits the land on which the family home is situated. Land and any other assets owned by a woman before marriage remain in her name if she does not register her marriage. Registered marriage imposes some disadvantages on women. Until recently, married women were restricted from entering into legal contracts and were required to seek permission from their husbands for all transactions, including obtaining a passport. The same restrictions did not apply to men. Public pressure from the women's movement in Thailand has resulted in modification of these laws, so that approval of both spouses is required for any legal document to be valid.

3. Divorce

Thai family law does not allow women to retain their family names, and women are not permitted to divorce on the same grounds as their husbands. These laws are currently under amendment.

Middle-class Thai women with higher educational qualifications, improved job opportunities, and independent incomes, now expect more equality in marriage than in the past. One indicator of rising

female independence is the increasing divorce rate in urban areas. Since 1960, the number of divorce cases has increased twelve times, with a third of all divorce cases in the Bangkok area. Overall divorce rates rose from 7.9 per 100 cases in 1981 to 9.7 in 1990, with considerable regional disparity. The highest rate for 1990 was in Bangkok, at 23.9 per 100, and the rate for the North (12.5 per 100) was more than twice that of the Northeast (4.8 per 100).

Table 13: Divorce Rate in Thailand by Region, 1981 and 1990*

Region	1981	1990
Northeastern	4.8	4.8
Northern	6.7	12.5
Southern	6.3	7.2
Central	7.9	11.3
Bangkok	21.7	23.9
Total	7.9	9.7

*Divorce rate = (number of registered divorces/number of registered marriages) x100.

Source: Mattana Phananimai, *Population Changes and Economic Development in Thailand: Their Implications on Women's Status*, 1995.

Women are more likely to incur financial disadvantage following divorce than men, as seven out of ten divorced mothers retain custody of the children, in contrast to just one in ten divorced fathers. Although Thai law permits the court to impose a living allowance to be paid to the spouse judged to be the innocent party, most divorce cases in Thailand are not contested. A common practice is to settle the main issues informally, such as child custody, property settlements, and alimony payments. Such arrangements carry no means of enforcement. Four out of five divorced women are left to raise their children on their own without maintenance or child support payments from their former husbands.