



Rape in Thailand

An Evaluation of Proposed and Implemented Rape Law Reform

by

Chonmasri Patcharapimon

**A thesis submitted in fulfilment of the requirements for the Master of Arts
Degree in Women's Studies, Department of Social Inquiry, The
University of Adelaide**

February, 1999

TABLE OF CONTENTS

Declaration	i
Acknowledgments	ii
Abstract	iii
Introduction	
Background	1
Motivation and objectives of this study	2
Methodology	3
1 Rape in the west: Theoretical perspectives	6
An inherent problem of rape	7
Feminist debates on rape	8
The constructions of sexuality and legal constructions	12
Rape law reform and its dilemmas	17
Contemporary critiques of feminist jurisprudence	23
2 Rape in Thailand	27
Patriarchy in Thailand: A historical analysis	27
Gender relations, and constructions of sexuality	33
The law and legal procedures	41
3 The Thai women's movement	47
Historical background	47
Contemporary situation	50
Problems for Thai NGOs	54
Thai feminism	56
4 Evaluation of the proposed rape law reforms	60
Studies of rape issue and reform proposals	60
Evaluation of proposed reforms	65
Social and other changes	74

Conclusion	80
Bibliography	83
Appendices	
Appendix A Short biographies of interviewees	90
Appendix B Outline of interview topics	93
Appendix C Excerpts of the Thai Penal Code and the proposed Draft of the Penal Code Amendment Act	95
Appendix D Letter of Introduction / Information Consent form (English & Thai version)	103

Declaration

This thesis contains no material which has been accepted for the award of any other degree or diploma in any university or tertiary institution and, to the best of my knowledge and belief, contains no material previously published or written by another person except where due to reference is made in the text.

I give consent to this copy of my thesis, when deposited in the University Library, being available for loan and photocopying.

Chonmasri Patcharapimon

Acknowledgements

This thesis was completed under the supervision of Professor Chilla Bulbeck. I am indebted to her patience, constant support, critical ideas and considerable guidance throughout this thesis. I am grateful to the Thai government for providing me the financial support. I also thank my friend Rachanee, who gave me the idea for working on this topic. During the period of interviews in Bangkok during October and November 1998, I am thankful for all the kind cooperation to my interviewees, the staff of women's NGOs.

I also wish to thank Judge Phumwuth in providing me with legal knowledge of the current Thai laws. Thankyou also to my friend Nittaya who gave much support and encouragement, picked me up when I was down even though she had her own thesis. Special thanks to Dr. Georg Wagner, for the careful reading and some good advice, for listening and for being always in my mind. Many thanks must also go to my friends here in Adelaide, who shared hard and happy times with me. Finally, I would like to give my special thanks to my family who encouraged me throughout my study in Adelaide.

Abstract

It is widely recognised that the crimes of sexual violence has become an increasingly complex reality in Thai society, and one which has captured the interest of academics within several disciplines over the last two decades. Not until recently have the governmental organisations taken concrete responses in forms of rape law reform. The purpose of this thesis is to evaluate the proposed and implemented rape law reforms in Thailand. This follows from the preposition that law reform alone cannot expunge the phenomenon of rape from women's lives.

I have approached the discussion by first presenting an overview of how western feminists have viewed rape and other aspects surrounding the incidence of rape. The second chapter discusses the notion of patriarchy, focussing largely on gender relations and constructions of sexuality which influence the incidence of rape and its treatment in Thailand. An overview of Thai women's activism in relation to sexual violence, which shapes the standpoint of integrative feminism in Thailand is also presented. The focus of this study is an evaluation of rape law reform in Thailand. This analysis is based largely on interviews with thirteen reform advocates which comprised legalists, a social worker, a psychologist, staff of NGOs and feminists. I conclude that in order to have effective rape law reform, the lessons from western jurisdictions, where rape law reforms have been in place for over two decades, must be taken into sufficient account together with a thorough consideration of their possible applicability to the Thai context. Just as Thai feminists also claim to develop theory and strategies to tackle with patriarchy in context and these form part of my analysis.

Moreover, although law reform may provide significant changes in the incidence and treatment of sexual crimes in Thailand, the limited responsiveness of the law implies that longer-term strategies challenging the embedded ideologies justifying sexual violence must also be considered.