

# Thailand

## Issues

- The right to conscientious objection is not recognised for professional soldiers, nor for serving conscripts.



## Military recruitment

### Conscription

Conscription is enshrined in article 73 of the Constitution of 2007, which reads: “*Every person shall have a duty to serve in armed forces (...)*”<sup>1</sup>. It is further regulated in the Military Service Act B.E. 2497 (1954).

Every Thai male is required to enlist in the military reserve force at the age of 18 years. At the age of 21 years, they are screened for physical disabilities and recruited on a demand basis for two years of military service as private soldiers<sup>2</sup>. All men aged 21 to 30 are liable for a two years' military service, with reservist duties applying afterwards. Buddhist monks, students in certain technical studies and naturalised students are exempted. The exemption of naturalised students is meant to exclude Chinese from joining the armed forces<sup>3</sup>.

It is possible to volunteer for military service from the age of 18, in which case military service will be between six and 18 months, depending on one's education level. Volunteer soldiers with a bachelor's degree are in service for only six months and those who have diplomas or have completed the second year of the army's territorial defence training serve only one year<sup>4</sup>.

Call-up takes place once a year. Each is given a quota of the number of recruits needed by the armed forces. As the number of liable conscripts is far higher than the number needed by the armed forces, recruitment is by ballot: those drawing a red ticket had to perform military service; those drawing a black ticket did not. In the 80s and 90s the recruitment system increasingly became subject to public debate. Obviously the system was likely to lead to favouritism on the hands of influential or rich people. As a result most of the conscripts in the armed forces had a poor and uneducated background<sup>5</sup>.

Military service can be postponed for males who are studying in higher education institutions, but for no longer than five years.

Alternatively, young males can engage in an extracurricular course for students of upper secondary and higher education. The course is offered by the Territorial Defence Department, Ministry of Defence, requiring five years to complete. The minimum requirement for this course is the participation for three years as a reserve officer training corps (ROTC) student. Titles of provisional second sergeant, first

1 Constitution of the Kingdom of Thailand 2007, article 73, <http://www.asianlii.org/th/legis/const/2007/1.html#C01>, accessed 28 September 2009

2 Economic and Social Commission for Asia and the Pacific: Youth in Thailand: A Review of the Youth Situation and National Policies and Programmes, United Nations, New York, 2000, [http://www.unescap.org/esid/hds/youth/youth\\_thailand.pdf](http://www.unescap.org/esid/hds/youth/youth_thailand.pdf), page 49, accessed 28 September 2009

3 US Library of Congress 1987. Thailand - A country study. Area Handbooks, State Department, Washington DC.

4 Coalition to Stop the Use of Child Soldiers, Child Soldiers Global Report 2001 - Thailand, 2001, available at: <http://www.unhcr.org/refworld/docid/498805c7c.html>, accessed 28 September 2009

5 Bangkok Post, 5 April 1995; Bangkok Post, 18 August 1993; US Library of Congress 1987. Thailand - A country study. Area Handbooks, State Department, Washington DC.

sergeant and second lieutenant are granted to those who complete three, four and five years of ROTC respectively.

ROTC graduates are exempted from military service as private soldiers. They form part of the reserve forces without having served in the army. Some are later called to join the army when needed, but only a few are recruited each year. Males and females aged 15 to 22 years, with Grade 9 education are eligible to participate in the ROTC programme<sup>6</sup>.

In 2005, 80,000 of total of 190,000 Royal Thai army personnel were conscripts<sup>7</sup>, as were 27,000 of a total of 64,000 Royal Thai navy personnel<sup>8</sup>.

There are several paramilitary forces who compose the defence force of a territory and may be considered as the reserve forces. Thailand, in fact, plans to increase the strength of its reserve forces as it regards it as a way to enhance defence capabilities at a lower cost<sup>9</sup>.

The recruitment methods of these paramilitary forces are not known.

### **Professional soldiers**

More than 60% of the Thai Armed Forces is comprised of professional soldiers. However, not much is known about recruitment practice and service conditions.

### ***Conscientious objection***

#### **Conscientious objection for conscripts**

There is no known legal provision for conscientious objection<sup>10</sup>.

#### **Conscientious objection for professional soldiers**

As Thailand does not recognise the right to conscientious objection for conscripts, it also does not recognise the right to conscientious objection for professional soldiers.

The rules for terminating a service contract prematurely are not known.

### ***Draft evasion and desertion***

Draft evasion has been a widespread problem. In 1999, it was reported that an estimated 30,000 persons, most of them sons of rich and influential people, evade conscription<sup>11</sup>. Corruption is widespread to avoid military service, according to anecdotal evidence<sup>12</sup>.

According to section 25 in conjunction with section 44 of the Military Service Act, failing to report oneself upon notice, can be punished with not more than 3 months imprisonment or a fine of 300 Thai Baht (£5.50) or both.

Not attending military service selection can be punished with imprisonment of not more than 3 years, under section 27 in conjunction with section 45 of the Military

6 Economic and Social Commission for Asia and the Pacific: Youth in Thailand: A Review of the Youth Situation and National Policies and Programmes, United Nations, New York, 2000, [http://www.unescap.org/esid/hds/youth/youth\\_thailand.pdf](http://www.unescap.org/esid/hds/youth/youth_thailand.pdf), page 49, accessed 28 September 2009

7 GlobalSecurity.org: Royal Thai Army, <http://www.globalsecurity.org/military/world/thailand/army-intro.htm>, accessed 28 September 2009

8 GlobalSecurity.org: Royal Thai Navy, <http://www.globalsecurity.org/military/world/thailand/navy-intro.htm>, accessed 28 September 2009

9 Société 13c 1991. Military Powers Encyclopedia, Volume 6. Paris.

10 Eide, A., C. Mubanga-Chipoya 1983. Conscientious objection to military service. report prepared in pursuance of resolutions 14 (XXXIV) and 1982/30 of the Subcommission of Discrimination and Protection of Minorities. United Nations, New York.

11 The Nation: Thousands dodge Army conscription, 26 February 1999, <http://www.highbeam.com/doc/1P1-20619276.html>, accessed 28 September 2009

12 Isaan Style: <http://isaanstyle.blogspot.com/2008/04/army-conscription-in-thailand.html>, accessed 28 September 2009

Service Act<sup>13</sup>.

Details of punishment for avoiding military service are not known.

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<sup>13</sup> Utip Suparp: The Philosophy of Criminology when Sentencing in Thai Courts: A Case Study of Intentional, Negligent and Provoked Criminals, undated, <http://asialaw.tripod.com/articles/sentencingsuparb.html>, accessed 28 October 2009