

Asia/ Thailand

Protect rights of women survivors

Excerpts on Thailand from report on Women's Human Rights Concerns in Tsunami-affected Countries, brought out by the Asia Pacific Forum on Women Law and Development (APWLD) on 22 March 2005

The tsunami affected six provinces in southern Thailand located along the coastlines of the Andaman Sea: Phuket, Krabi, Sathun, Ranong, Trang, and the hardest hit province of Phang Nga. Three groups have been identified among the people affected by the tsunami in Thailand: (1) residents of the six affected provinces: fisherfolk, mainly Muslim; sea-gypsy communities; employees and owners of tourist businesses and hotels; small-scale business groups and hawkers on the beaches and agriculturists; (2) non-residents of the affected provinces: tourists, both Thai and foreign, migrant workers from various parts of Thailand and from the neighbouring countries, mainly Burmese migrant workers; and (3) workers in the service sector, now unemployed due to suspended businesses. These groups include marginalized women such as heads of household, women hawkers, small traders, sea gypsy women, labourers, migrant workers, sex workers and workers in the entertainment industry. They lack access to the relief assistance and cannot voice their concerns.

The Thai government has been providing relief support to the affected people, including loans for big businesses, temporary housing, monetary compensations for the destroyed boats and assistance to the orphaned children. Nine sub-committees have been appointed to monitor the rehabilitation projects. However, in many cases, the tsunami survivors have problems accessing relief assistance due to several factors.

Lack of access to information, and discriminatory and inflexible procedures

Many women in fisheries and their families, sea gypsy communities, sex workers, entertainment workers, migrant workers and small traders, cannot access various types of government assistance that require documents such as identification cards, social security cards, boat registration documents, and so on. They either lost the documents or did not have them in the first place. They also lack information on the

assistance, procedures and documents required. Hence, they do not receive relief food and assistance or compensation from the government. The sea gypsy villagers in some islands still need food support, especially rice. Women and their families staying with their relatives, not in the camps, are also denied assistance. The less affected areas seem to have been left out of the relief assistance, especially for food. The affected internal migrant workers who went back to their hometowns in other regions of Thailand have not received any compensation or assistance.

Assistance not based on the real damage

Women in the fisheries complain that the flat assistance rate of 20,000 Bht (US\$500) is not sufficient to repair the damaged boats and fishing or nurturing equipment. In some islands, for example, Koh Lanta, villagers received only partial boat assistance to pay for the repair of engines. Most fisherfolk cannot access even this partial assistance as they do not have boat registration documents. They also have high debts from the pre-tsunami period and, therefore, are not eligible to borrow more loans. So they struggle to make ends meet.

The right to land and housing

Many women and their families, especially sea gypsy groups, fisherfolk and others who lived on the seashore, have been deprived of their rights to the land they used to live in for decades. It is reported that as many as 32 villages in the affected areas may have been wiped out of the map of Thailand because private corporations have claimed ownership to the land in many villages right after the tsunami. A woman who had lived in her house for 30 years in Nam Khem Village, Takua Pa district, Phang Nga, said her house and land were fenced off so she could not even get into the premises to search for her daughter who has been missing after the tsunami. She also received life-threatening phone calls. Several other families in her neighbourhood are in the same predicament. Their houses happen to be located on the land leased by the government to the mining companies. The question is how these private corporations claiming the land have obtained land titles.

Sea gypsy communities living near the beaches face the same predicament and have been fighting for the land they have been residing on for a hundred years. In Ranong province, villagers' lands have been claimed by the national park.

These communities face housing and livelihood problems due to the loss of land. They are forced to relocate to places far from the sea from which they

make a living. If they refuse to move, they will get only partial compensation for their houses, which would be meager.

Lack of participation and special attention to the needs of women and children

The affected communities, including women, are not consulted by the agencies providing relief assistance. Some women expressed the need for educational support for their children (at least 500 baht or US\$10 per month) and some educational activities for children for the coming summer holidays.

Safety and gender-based violence at internally displaced persons (IDP) camps

It has been reported that a teenage girl was harassed by a man in a women's toilet at an IDP camp in Takua Pa district, Phang Nga province. This raised a question of safety and the trend of gender-based violence at IDP camps.

Violation of labour rights and assistance to labourers

There are reports of widespread violation of labour rights of tsunami survivors. Female workers in the service sector such as entertainment workers, workers at resorts, hotels or massage parlours, in addition to not being able to access the government assistance for lack of required documents from the employers, do not receive redundancy compensation when their employers' businesses close down. Loopholes in the labour law (Section 75 of the Labour Protection Law) and the employers' evasive tactics contribute to the lack of access to the social security fund.

Environmental concerns

Affected communities, especially the fisherfolk, face environmental problems which they cannot solve without assistance of the local and central governments; for instance, a river mouth must be cleaned of sand deposited by the tsunami to let fishing boats in.

Recommendations

Short-term recommendations

Right to information and non-discrimination

- The Thai government must disseminate information about assistance through different channels to ensure that the affected communities, especially the marginalized groups, including women, have access to the assistance.
- The assistance must be based on the survey of real damages so that the survivors receive adequate assistance to facilitate their recovery

and self-sufficiency.

Economic and social rights

- Land rights: Land titles of business companies claiming lands of affected people must be examined so that the survivors' right to land is respected.
- Housing rights: Affected communities must be consulted about their housing needs. The ongoing construction of houses that do not suit their need must be stopped.
- Labour rights: The government and private employers must provide adequate compensation and assistance to affected workers and migrant workers, both internal and foreign, according to the law.

Right to safety

- Safety must be guaranteed to women and girls in IDP camps. Adequate measures must be taken to prevent violence against women and children.

Special attention to the needs of women and children

- Trauma counselling must be provided for women and children survivors of the tsunami.
- Revolving funds for women must be established to facilitate income generation. Vocational training for women should be provided.
- Special support for women, especially heads of households, must be provided, for example, education support for their children.

Long-term recommendations

- The affected communities, including women, must be able to participate in the rehabilitation management, including environmental and coastal resources management.
- The government must facilitate social and economic reconstruction of the affected communities by providing access to fair and adequate funding to enable employment generation and restoration of livelihoods. Government development plans must not hinder employment generation opportunities as there are concerns about the government plan to issue a Bill on special economic zones in the tsunami-affected areas.

The full report put together by APWLD can be downloaded from http://www.apwld.org/tsunami_humanrights.htm

