

ABORTION AND BIRTH CONTROL IN THAILAND

Certain sections of Chapter 3 (Abortion) of the Penal Code of Thailand, which was promulgated in 1956 and came into effect on January 1, 1957, make abortion illegal except when performed by a physician for the sake of a woman's health or for victims of rape, statutory rape, or fraudulent seduction. The relevant sections are given below:

Section 301: Any woman who causes abortion for herself, or allows any other person to procure abortion for her shall be punished with imprisonment not exceeding three years or fine not exceeding six thousand baht, or both.

Section 302: Whoever procures abortion for any woman with her consent shall be punished with imprisonment not exceeding five years or fine not exceeding ten thousand baht, or both.

. . .

Section 305: If the offence mentioned in Sections 301 and 302 be committed by a medical practitioner, and

- (1) it is necessary for the sake of the woman's health; or
- (2) the woman is pregnant on account of the offence mentioned in Sections 276, 277, 282, 283, or 284 having been committed

the offender is not guilty. ^{1/}

The sections that are referred to in Section 305 (2) above provide as follows:

^{1/}
The Penal Code of Thailand, translated by Luang Dulya Sathya Patived, Thonburi, 1957, p. 121-122.

Section 276: Whoever has sexual intercourse with any woman, other than his wife, against her will, by threatening by any means whatever, by committing any act of violence, by taking advantage of the woman being in the condition of not being able to resist, or by causing the woman to mistake him for any other person, shall be punished with imprisonment of one to ten years and fine of two thousand to twenty thousand baht.

Section 277: Whoever has sexual intercourse with any girl not over thirteen years of age, with or without her consent, shall be punished with imprisonment of two to twelve years and fine of four thousand to twenty-four thousand baht.

Section 282: Whoever, in order to gratify the sexual desire of any other person, procures, seduces or takes away, for indecent act, any girl or woman not over eighteen years of age, with or without her consent, shall be punished with imprisonment not exceeding five years and fine not exceeding ten thousand baht, whether the various acts constituting such offence be committed in different countries or not.

Section 283: Whoever, in order to gratify the sexual desire of any other person, procures, seduces or take away, for indecent act, any woman by any fraudulent or deceitful means, threat, violence, exercising undue influence or coercing against her will by any other means whatever, shall be punished with imprisonment not exceeding seven years and fine not exceeding fourteen thousand baht, whether the various acts constituting such offence be committed in different countries or not.

Section 284: Whoever takes away any woman for indecent act by any fraudulent or deceitful means, threat, violence, exercising undue influence or coercing against her will by any other means whatever, shall be punished with imprisonment not exceeding seven years and fine not exceeding fourteen thousand baht.

Whoever conceals the woman who is taken away according to the first paragraph shall be liable to the same punishment as the person who takes her away.

The offence according to this Section is a compoundable offence. 2/

There is no government policy on family planning in Thailand. However, at the National Population Seminar held in Bangkok in March, 1963, the population problems of Thailand were discussed. The 1960 census had indicated a total population of 26.3 million, and with allowance being made for under-enumeration, the total population at that time would have been around 27 million. Since 1960 it had increased by one million a year, with the current rate of population growth estimated at around 3.3 percent annually. It was agreed by the participants at the Seminar that the population growth of Thailand was at a high and unprecedented level, with projections indicating that the number of inhabitants would grow to 48-54 million by 1980. Following the holding of this Seminar, the Cabinet of the Government of Thailand gave its approval to a family planning demonstration project, which was initiated in 1964. It is reported that since this program was initiated, more than 30 percent of all eligible women in that particular district have received some form of contraception.^{3/} In 1965, a family planning clinic was opened at Chulalongkorn Hospital in Bangkok, offering only the intra-uterine contraceptive device (IUD). More than 12,000 women were provided with these devices during

^{3/} Studies in Family Planning, New York, Population Council, No. 14 (September, 1966), p. 2.

the first year alone, the women having come to the clinic in Bangkok from 54 of Thailand's 71 provinces. Since then, helped by an intensive educational campaign, success has continued at a high level, with 40,000 women having accepted the IUD in the 45 months since the initiation of family planning services. More IUD clinics have now been opened in other parts of Thailand. ^{4/}

As there is no government policy on family planning, all clinical family planning services have been provided by the Family Planning Association since 1955. ^{5/}

^{4/}
Ibid., No. 39, March 1969, p. 1.

^{5/}
Ibid., No. 31, May 1968, p. 4.

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