

# Thailand's Second Report

On

The Implementation of the Convention

On the Rights of the Child

Submitted to

The United Nations Committee on the Rights of the Child

by

The Sub-committee on the Rights of the Child

The National Youth Commission

The Office of Welfare Promotion, Protection and Empowerment  
of Vulnerable Groups

Ministry of Social Development and Human Security

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## **Introduction**

The importance of child rights has continuously been recognized in Thailand since the country became a signatory to the Convention on the Rights of the Child (CRC) on 12<sup>th</sup> February 1992. The Convention entered into force on 26<sup>th</sup> April 1992 and Thailand has implemented the provisions set forth in the Convention since then. Thailand's initial report on the implementation of the CRC was completed and submitted to the United Nations (UN) Committee on the Rights of the Child in August 1996 and the Thai delegation went to Geneva to answer the questions asked by the UN Committee in October 1998.

The preparation of Thailand's second report followed the principles advocated during the preparation of the initial report and this report covers the period from the initial report until 2000. All key stakeholders were encouraged to take part in order to obtain all information needed, which should be reliable and reflect the real situation. A working group for preparing the second report was appointed, inclusive of children, youth and experts in various fields from both governmental and non-governmental sectors. The preparation of the second report has strictly followed the guidelines and concluding observations made by UN Committee on the Rights of the Child. Public

hearings were organized to collect responses from civil society and the general public concerning the draft report.

Apart from involving children and all stakeholders in preparing the second report, another important action taken was that the children had an opportunity to prepare their own CRC report independently, with strong support from the organizations concerned, including UNICEF. The children's version would reflect the implementation of the CRC in Thailand with real pictures and transparency. The children's report provides another analysis of child rights from Thailand to be submitted to the UN Committee on the Rights of the Child along with Thailand's 2nd Country Report.

The content of this report consists of the implementation of the CRC by the government, non-governmental sector, business sector, local organizations and international organizations in Thailand such as UNICEF, UNHCR, IOM, and ILO. This second report was prepared during the years 1999-2000, altogether 5 years after the first report. There have been a lot of major changes concerning legal measures to comply with the CRC. New implementation measures, developments, problems and vital statistics could be summarized as follows:

***New Laws-*** The Constitution of the Kingdom of Thailand of 1997 focuses on providing greater freedom to its citizens, laying down provisions on rights and liberties; equal rights which are in line with the provisions set forth in the CRC, and guaranteeing human dignity. It was intended that children should be able to enjoy these rights as well. The National Human Rights Commission has also been established as an important mechanism to monitor the implementation of such rights. A new law was the National Education Act of 1999, which allowed all children to study free of charge for a longer period with many kinds of assistance from the government. The Labour Protection Act of 1998 has increased the minimum age for legal employment from 13 to 15 years old so that children can have more years to develop themselves at their highest potential. The Prevention and Suppression of Prostitution Act 1996 focused on punishing those who are involved in exploiting children sexually, whereas the children who are trafficked would be given greater protection and treatment as victims. The Measures in Prevention and Suppression of Trafficking in Women and Children Act of 1997 extended its protection to both boys and girls, compared to the previous law that provided protection for girls only. The Money Laundering Control Act of 1999 aimed to prevent the offences of benefiting from commercial sex and drugs. A number of decentralization laws, which were favorable to coordination and local participation,

have been passed. These included the Act on Restructuring the Local Districts into Municipalities of 1999, the Act on Tambon (sub-district) Council and Tambon Administration Organization (TAO) of 1994, and the Act on Provincial Administration Organization of 1997, and the Public Organization Act of 1999. The Criminal Procedure Code Amendment Act (No.20) of 1999 aimed to protect children who are in the justice system, particularly in the case of interrogation of children and child witnesses. According to this Act, a social worker, psychologist or person requested by the child must be present at the court proceedings. The Boxing Act of 1999 stipulated the minimum age of those who want to be a boxer must not be younger than 15 years of age.

***Code on Children-*** The Bill on Child Protection was submitted to Parliament at the time of the preparation of this report\*. It emphasized child protection with the participation of social institutions close to the child rather than emphasis merely on legal measures.

***Draft Laws-*** A draft amendment of the penal code prohibited execution of the child below 18 years of age and increases the age of the child for the purpose of criminal punishment. The

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\* The bill was passed by Parliament in August 2003 and will come into effect at the beginning of next year.

Regulations of the Ministry of Education of 2000 prohibited caining in schools. In addition to this, another major measure was the adoption of the Eighth National Economic and Social Development Plan (1997-2001), focusing on people-centered development by which children will receive more benefits from this plan. The National Child and Youth Development Plan was then laid down in line with the National Economic and Social Development Plan focusing on a child-centered approach. The coverage was for all children, including children in especially difficult circumstances, ordinary children and especially talented children.

In addition to the establishment of plans and legal measures, the Thai government has tried to implement these plans and measures by translating them into concrete actions. A lot of projects, activities, mechanisms, and awareness raising campaigns on child rights have been undertaken. Some of the significant activities were: providing assistance for adoption of orphans; providing education for disabled children with more facilities for daily life; providing greater access to education for street children; reducing the number of child labourers and displaced children fleeing from war; providing registration of displaced children fleeing from war and of the children of minorities, enabling them to enjoy more rights; reducing the number of child smokers; eradicating malnutrition (at severe

level) through nutritional campaigns; reducing the number of births by family planning and reducing the HIV infected pregnancy rate through HIV prevention campaign for pregnant women. In addition, it is likely that more children will have an opportunity to study. The government has also publicised the CRC to the public through a variety of media. It is hoped that the public, including the children themselves, will have a better understanding of child rights.

In line with the provisions of the Thai Constitution of 1997, there were some new mechanisms enabling implementation of child rights. These include the establishment of the National Ombudsmen, the establishment of the Bureau of National Education Reform to implement the National Education Act of 1999 and the establishment of the National Counter Corruption Bureau.

Thailand is also preparing to be a State member of other international conventions such as the Hague Convention on Child Abduction and Child Adoption, Refugee Convention of 1951, ILO Convention (No. 138), Conventions against Drug Trafficking and the Rome Statute of International Criminal Court. Thailand is also preparing to make agreements at the regional level, including bilateral agreements, to deal with problems concerning alien children. It is hoped that these



measures would help to promote implementation of CRC in Thailand.

Although Thailand has adopted a number of measures and significant actions on child rights, it has only been able to achieve its goal, at a certain level. This was partly due to the economic crisis that has affected the country since 1997. Moreover, child rights were quite new for many officials, while the problem of law enforcement impedes the process of some activities.

Lack of the CRC awareness among some groups of people was one major obstacle in implementing the CRC. Child rights were then not taken into consideration during the policy and planning process in some areas of development. There were also difficulties in implementing some legal measures, as some officials were not aware of them enough. For example, the Prevention and Suppression of Prostitution Act of 1996 and the Measures in Prevention and Suppression of Trafficking in Women and Children Act of 1997 were not effectively implemented, as many of the officials concerned did not understand and or paid little attention to these laws. The problem of children in the sex business and transnational trafficking in children became more serious.

Fora for children to express their opinion are still rare, as the children themselves do not have their own organizations at a national level. The productions of children's books are not yet actively promoted. There are not enough child psychologists. Thus these loopholes lead to other types of problems concerning children. Neglected children are increasing in numbers, due to the economic crisis. Some children still have to be under the same judicial procedures as those of adults. The establishment of juvenile and family courts and juvenile and family divisions in ordinary court do not yet cover the whole country. The numbers of child detainees in observation centers is higher now, whereas provision of assistance in education and probation need more improvement to be in accordance with the number and complexity of the problems. More importantly, the drugs related problems are becoming more serious, particularly because there are some officials involved in the process. Some disabled persons, especially in rural areas, do not have access to public services. Almost half of employees still do not have access to social security funds. Recreation facilities are still limited, and there is much difference in schooling standards.

There are key changes concerning vital statistics (see tables 1-3) such as: there was an increase in the total population from 58.8 million in 1993 to 61.7 million in 1999, whereas the number of children and youth decreased. For example, children aged 0-14

years from 18.5 million in 1992 to 16.10 million in 1999, youth aged 15-24 from 12.27 million to 10.49 million for the same period, and there were 16.85 million children aged 0-18 years in 1999. In general, the status of the children has improved. For example, on *nutritional status*, the birth weight of less than 2,500 grams decreased from 9.04 percent in 1992 to 7.20 in 1999 and there was a decrease of malnutrition of all degrees. On *health status*, more children were immunized and the mortality rate per 1,000 live births decreased from 31.4 in 1991 to 24.6 in 1999; the number of medical personnel increased. In relation to *educational status*, the numbers of school enrollees as well as completion rate at almost all levels were on the rise. However, the economic situation may be on a downward path due to the economic crisis since 1997.

In conclusion, this report has been prepared with much contribution from all stakeholders to the greatest extent possible and with strict consideration of the guidelines of the UN Committee on the Rights of the Child. One significant feature is the initiation of the preparing the children's report along with Thailand's second report. Overall, there have been changes in line with the CRC in favour of the child's interests especially the introduction of new major laws, bills and the amended laws to increase the effectiveness of the implementation of CRC. However, the good principles applied have benefited the rights

of the child to some extent only, due to the negative impact of economic crisis and other related problems. The Thai government has strong commitment to improving CRC implementation to the maximum extent possible.

For the purpose of simplifying the content of the report which will appear in the subsequent chapters, a table of Thailand's response and follow-up to the recommendations-concluding observations made by the Committee on the Rights of the Child on Thailand's initial report (1992-1996) is hereby attached (see table 4). The details of the contents then follow in the subsequent chapters. This report cover the period until 2000 only; updates will be prepared later.

### **Key Statistics of Thailand 1998-2000**

**Table 1: General Statistics**

<i>Indicators</i>	<i>Report I/ Year</i>	<i>Report II/Year</i>	<i>Note</i>
Number of population	58.8/1993	61.7/1999	Million
■ Male	29.5	30.7	
■ Female	29.3	31.0	
■ In municipal area	10.2 (approx)	11.4/1998	
■ In non-municipal area	46.8 (approx)	50.1/1998	
Population per 1 square km.	113/1992	120/1999	Person
Birth rate per 1,000 population	20.3/1992	14.7/1998	Person
Death rate per 1,000 population	6.1/1992	5.2/1998	Person
Life expectancy at birth	<u>1992</u>	<u>1995</u>	(Year)
■ Male	65.8	69.9	
■ Female	70.5	74.9	

Population growth rate	1.4/1992	0.3/1999	(Percent)
Total fertility rate	2.2/1992	2.0/1999	
Divorce rate	10.0/1991	20.8/1998	
Adult literacy rate	91.58/1992	97.8/1999	
Percentage of population with access to drinking water	86/1994	98/1999	

**Table 2: Children and Youth Profiles**

<u>Indicators</u>	<u>Report I/ Year</u>	<u>Report II/Year</u>	<u>Note</u>
<b>1. <i>Population</i></b>			
■ Number of children(0-14 yrs.)	18.5/1992	16.1/1999	Million
-Percentage of total population	31.46%	26.05%	
■ Number of children (0-18yrs.)	-	16.85/1999	Million
-Percentage of total population	-	27.31%	
-Male		8.64	Million
-Percentage of Male	-	14%	
-Female	-	8.21	Million
-Percentage of Female	-	13.31%	
■ Number of youth (15-24yrs.)	12.27/1992	10.49/1999	Million
-Percentage of total pop.	20.87%	17.00%	

-Male	-	5.33	Million
-Percentage of total pop.	-	8.64%	
-Female	-	5.16	Million
-Percentage of total pop.	-	8.36%	
<b>2. <u>Nutrition</u></b>			
■ Percentage of total number of infants weighed less than 2,500g.	9.04/1992	7.2/1999	
■ Percentage of children (under 5 yrs.) with malnutrition	<u>1992</u>	<u>1999</u>	Year
-Level 1			
-Level 2	14.75	8.30	
-Level 3	0.70	0.50	
	0.01	0.00	

<i>Indicators</i>	<i>Report I/ Year</i>	<i>Report II/Year</i>	<i>Note</i>
<b><u>3.Health</u></b>			
■ Percentage of full - course immunization in children (< 1yr.)	<u>1993</u>	<u>1999</u>	
-BCG	98	99	
-DTP	92	96	
-Polio	92	97	
-Measles	86	96	
■ Infant mortality rate (under 1yr.) per 1,000 livebirths	31.4/1991	24.6/1999	
■ Child mortality rate (under 5 yrs.) per 1,000 livebirths	*11.6/1993	30.0/1999	
■ Number of children (under 5 yrs.) died of AIDS	*286/1994	177/1999	* = not available in
■ Percentage of child mortality (0-14	3.02/1991	1.0/1997	report I

yrs.)			
■ Percentage of youth mortality (15-19 yrs.)	6.45/1993	6.4/1997	
■ Number of children and youth drug addicts	21,410/1993	19,375/1997	
■ Number of venereal diseases and sex related diseases in children and youth	50,669/1993	8803/1997	
■ Number of population/one physician	*4,282/1992	3,394/1999	
■ Number of population/ one dentist	*21,497/1992	15,292/1999	
■ Number of population/ one pharmacist	12,448/1992	10,156/1999	
■ Number of population/ one nurse	*828/1992	905/1999	

<i>Indicators</i>	<i>Report I/ Year</i>	<i>Report II/Year</i>	<i>Note</i>
<b>4. <u>Education</u></b>			
■ Enrolment ratio	<u>1993</u>	<u>2000</u>	Year
-Preschool level	*51.03	95.75	
-Primary level	92.58	103.18	
-Lower secondary level	36.20	82.80	
-Upper secondary level	25.29	57.34	
-Higher education	20.52	24.88	
■ Transition rate	<u>1992</u>	<u>2000</u>	Year
- Primary/Lower secondary	61.62	89.9	
- Lower/Upper secondary	85.61	82.0	
- Upper secondary/higher Education	-	81.1	
■ Number of students per teacher	<u>*1993</u>	<u>1999</u>	* = not available in
- Preschool level			

- Primary level	19.93	20.00	report I
- Lower secondary level	19.72	18.00	
- Upper secondary level	21.27	22.00	
■ Number of educational loans	20.19	21.00	
<b><u>5.Employment</u></b>	*3653/1996	23,746/1998	
■ Number of children in labour force	4.7/1992	1.94/2000	Million
- Employed children	(13-18yrs.)	(15-18 yrs.)	
- Unemployed children	4.7	1.80	
- Seasonally inactive children	0.7	0.13	
	-	0.01	

**Table 3: Statistics on economics**

Indicators	Report I/ Year	Report II/Year	Note
■ Gross Domestic Product (GDP)	3,585/1994	2,860/1999	Billion baht
■ GDP per capita	60,346/1994	73,771/1999	Baht
■ Rate of economic growth	8.2/1992	4.2/1999	Percent
■ Rate of employment	96.55/1992	95.98/1998	
■ Consumer price index	5.0/1994	2.1/1998	
■ Value of imports, exports and balance of trade	<u>1994</u>	<u>1998</u>	Year
-Import	1,364	1,779	Billion baht
-Export	1,133	2,243	
-Balance of trade	+230	+470	
■ Number of tourists visiting	6.17/1994	7.84/1998	Million



Thailand			
■ Number of vehicle registration	1.04/1993	1.9/1998	Million

Issues Raised by the Committee	Recommendations	Thailand's Response and Follow-up	
		Progress	Future Action
1. Thailand's reservations made on art. 7 and art. 22 (art.7 : nationality and art. 22 : refugee status)	Thailand to review the remaining reservations with a view to withdrawing them taking into account of the International Covenant on Civil and Political Rights/Vienna Declaration and the Program of Action of 1993	<u>Article 7</u> : Thailand organized a meeting for the agencies concerned of which most of the participants agreed that Thailand should withdraw this reservation. <u>Article 22</u> : Thailand organized the National Consultation on "Challenging the New Millennium: the Rights of the Child and Displacement" , from 11-12 Oct 1999. The participants comprising representatives from GOs and NGOs, both in Thailand and foreign countries. The consultation recommended that Thailand should withdraw its reservation and Thailand should support the establishment of international mechanisms to help solve the problems and from 26-28 Jan 2000, Thailand organized the Southeast Asia Regional Consultation of which the meeting recommended that the issue of displaced children is a global problem which all parties in society should jointly help solve.	- Appointment of Working Group/ Sub-Committee to work out the process and appropriate solutions as well as to seek cooperation and assistance from other countries concerned and international organizations to help Thailand proceed on withdrawal of its reservations
2. Domestic legislation still does not reflect the principle and provisions of the Convention	Thailand to promulgate the Code for Children or equivalent	Amendment of laws to be in conformity with the CRC, for example, the National Education Act of 1999, the Money Laundering Act of 1999, the draft act on Child Protection, which was submitted to parliament in 2000.	Appointment of the Sub-Committee on Child Laws Study
3. Thailand needs to strengthen law enforcement and combat corrupt practices in all	Thailand to take all appropriate preventive measures and to organize training on how to make enforcement	Proclamation of laws such as the Money Laundering Control Act of 1999 with the intention of preventing the offences of hiding assets and covering the	Expediting the enactment of relating laws concerning the Office of National Counter Corruption Commission (NCC) and the Office of the

areas covered by the Convention.	effective	sources of the money or assets such as the money from sexual business, the 1999 Office of the Prime Minister's Regulation prohibiting officials from involvement in drug abuse Establishment of major organizations including the National Counter Corruption Commission and the Money Laundering Control Office	Money Laundering Control
4. Local involvement and coordination is still limited.	Thailand to take further steps in strengthening its efforts of coordination through the National Youth Bureau, particularly at the local level	Promulgation of major laws concerning decentralization such as the Act on Restructuring the Local Districts into Municipality of 1999, the Act of Tambon (sub-district) Council and Tambon Administration Organization of 1994 to facilitate the local coordination and involvement.	Expediting the enactment of related laws for a wider coverage
5. The current data collection mechanism is insufficient in terms of quality and quantity	Thailand to collect data with a view to incorporating all areas covered by the Convention	Establishment of Child and Youth Information Centre, by which indicators are to be developed by organizations concerned such as indicators for the evaluation of the national plan of action of the National Declaration for Children, Basic Minimum Needs, and the Survey of Health Status and Development of the Child and Youth, 1997.	<ul style="list-style-type: none"> <li>- Collecting data following the indicators</li> <li>- Expediting the efficiency of the National Child and Youth Information Center</li> <li>- Developing the child and youth information technology network</li> </ul>
6. There is no independent child-friendly mechanism to deal with complaints of violations of their rights	Thailand to introduce an awareness raising campaign on the importance of such a mechanism	The Thai Constitution of 1997 stipulates Thailand establish the National Human Rights Commission. This shall be one of the mechanisms where the child can lodge his or her complaints of violation of their rights. In addition, in practice, the child or persons concerned can lodge the complaint via non-government organizations.	Expediting the proclamation of the Act on Child Protection, which contains the mechanism to deal with complaints made by the child.
7. Not enough allocating budgetary resources in favour of children, in conformity with article 4 of the Convention	Thailand to pay particular attention to increase allocation of budget in favour of children, to the maximum extent	<ul style="list-style-type: none"> <li>- Although Thailand has been hit by the economic crisis, the government continuously pays attention to budgetary allocation for social development as its top priority, followed by economic development during the years 1993-2000. In the year 1997 the Council of Ministers agreed not to cut the budget on health, education, and labour welfare. In the year 2000, the government</li> </ul>	<ul style="list-style-type: none"> <li>- Expediting the development of child and youth in locality by decentralizing the authorization and budget to the local level by focusing on area, function and participation</li> <li>- Increasing of budgetary allocation for child and youth development up to 20 percent</li> <li>- Seeking external cooperation and resources</li> </ul>

		<p>improved its budgetary allocation process by increasing the budget for child and youth development up to 20 percent.</p> <ul style="list-style-type: none"> <li>- Decentralizing the administration and budget to locality by focusing on area, function and participation</li> </ul>	
8. Professional groups, public, and children are generally not aware of the Convention	Thailand to raise the awareness of the persons concerned including the media by conducting training, and integrating the Convention into the curricula at school and university and seeking technical assistance from, <i>inter alia</i> , UNHCR and UNICEF	<ul style="list-style-type: none"> <li>- Establishing the National Institute for Child and Youth Development, following the National Declaration for Children</li> <li>- Disseminating the CRC to all kinds of media including printing materials, t.v., radio, newsletter, etc.; translating the CRC into Malay, Yawi, northern dialects; integrating the Convention into the civic education course for grade 1-6 students under the Office of the National Primary Education Commission and third year students of lower secondary level, producing CRC children's version as school textbook; organizing training for professional groups such as social workers, judges, attorneys, youth leaders, youth workers, youth administrators, etc.</li> </ul>	<ul style="list-style-type: none"> <li>- Expediting public relations on CRC through all forms of media, to have more coverage</li> <li>- Producing tape records in hill tribe languages to be distributed to radio programs, institutions, organizations for dissemination</li> <li>- Increasing the production of CRC in Braille for the blind</li> <li>- Producing CRC in CD</li> <li>- Coordinating with implementing agencies and academic institutes in educating and disseminating CRC to professional groups in particular working with children and families such as medical doctors, nurses, teachers, etc.</li> </ul>
9. The minimum age for criminal responsibility is quite low.	Thailand to revise its legislation to be in conformity with the Convention	Appointing Ad-hoc Committee to review all penal laws concerning the minimum and maximum age for criminal responsibility with the view to increasing the age	<ul style="list-style-type: none"> <li>- Preparing for the revision of the Penal Code, Section 73 to define higher age for criminal responsibility to 10 years old</li> <li>- Preparing for the revision of the Penal Code, Section 76 to abolish life imprisonment for and execution of children below 18 years of age</li> </ul>
10. Thailand does not appear to have fully taken into account the provisions of the Convention especially its article 2 (non-discrimination), article 3 (best interests of the child), article 6 (right to life, survival	Thailand to revise its legislation, judicial and administrative decisions, and the development and implementation of all projects and programs which have an impact on children	<p>The Royal Thai Government has made efforts to revise its legislation to reflect its awareness of the provisions of the Convention including articles 2,3,6 and 12 such as:</p> <ul style="list-style-type: none"> <li>- The proclamation of the Thai Constitution of 1997 which increases awareness on non-discrimination against the child, the best interests of the child, the right to life, survival and development, and respect for</li> </ul>	<ul style="list-style-type: none"> <li>- Expediting the enforcement of legislation concerning the rights of the child to be more concrete as well as expediting the promulgation of the Act on Child Protection</li> </ul>

and development), and article 12 (respect for the views of the child)		the views of the child, as entrusted in Sections 30, 43, 53, 80, etc.; - The amendment of and the promulgation of a number of laws reflecting the awareness on the rights of the child such as the Occupational Training Promotion Act of 1994, the Prostitution Prevention and Suppression Act of 1996, the Measures in Prevention and Suppression of trafficking in Women and Children Act of 1997, the Penal Code Amendment Act (No. 14) of 1997 concerning indecent act against children, the Labour Protection Act of 1998, the National Education Act of 1999 and the Criminal Procedure Code Amendment Act (No. 20) of 1999 concerning the interrogation of the child below 18 years of age.	
11. The protection and services provided for the child in vulnerable groups are insufficient.	Thailand to increase its efforts to ensure implementation of non-discrimination and full compliance with article 2 of the Convention	Thailand has guaranteed the rights of all children in the country including the vulnerable groups on a non-discrimination basis including legal protection, provision of basic services(education, health, and social welfare) by the Act on Child Protection, which fosters the best interests of the child on a non-discrimination basis.	- Proposing the draft Plan on Combating the Problems of Children and Youth in Difficult Circumstances for the Cabinet's approval
12. Some of the Thai traditional practices, culture and attitudes still limits the full implementation of article 12 of the Convention (participatory rights of the child)	Thailand to develop a systematic approach to increasing public awareness including the families, schools, courts, and organizations providing child care	Although Thai society has the tradition that younger people should pay respect to senior people thus perhaps preventing them from openly expressing their views, Thailand has made its efforts by organizing a number of forums for children and youth to express their views annually such as organizing the Forum for Child Rights, the Child Forum, the National Youth Assembly, etc.	Expediting and developing the guidelines for implementation of article 2 to enable the child to express their views to the public in the wider context
13. Many children are still not registered at birth, particularly those living among nomadic and hill tribe communities.	Thailand to increase its efforts to raise awareness among government officers, community leaders and parents	The Local Administration Department has: - conducted a survey and registered the names and bio-data of the people living in highland areas of 20 provinces in 1999; - established the regulation for	- Expediting the competence of officers responsible for giving legal status to a person - Promoting the cooperation among GOs and NGOs , communities and academic people in conducting

		registering the status of highland people in official registration form to replace the former regulation in order to solve the problem of the slow process in granting Thai nationality to these people - organizing a mobile registration unit to all remote districts once a month	surveys and proving the legal status of a person
14. There is still the use of corporal punishment in schools, families, etc.	Thailand to revise its legislation to prohibit corporal punishment within the family or schools and to adopt alternative care to improve behaviour	Issuing the Ministry of Education's Regulation on Promotion and Protection the Rights of the Child and Youth by the Education Institutions (2000) and the Regulation on Punishment (2000) prohibiting caning in schools by which alternative care will be used instead	- The enforcement of such regulations - Preparing the provision of training for the family and persons concerned to adopt other positive approaches in replacement of corporal punishment
15. There is still a high rate of abandoned children, especially children born out of wedlock and children from poor families.	Thailand to increase its efforts in providing support, including training, for parents to discourage the abandonment of children and to develop additional programs to facilitate alternative care, including foster care, provide additional training for social and welfare workers to monitor the performance of child care institutions	Thailand has adopted measures of providing assistance and training for parents to discourage the abandonment of children and implementing programs to facilitate alternative care in GOs and NGOs. The programs are divided into three kinds of services including child care service, financial assistance for child care and development, and counseling and monitoring service.	- Adopting measures to facilitate stricter enforcement of the law which has provisions on the responsibility of the persons concerned - Developing the system to encourage the child's relatives to help solve the problem
16. Thailand is lacking the awareness and information on domestic violence and outside the family as well as lacking adequately trained personnel and budget to prevent and combat the problems.	Thailand to study the problems of domestic violence and a child-friendly judicial procedure and appropriate recovery	- The GOs and NGOs conducted a study to identify such problems, which provided the information on the scope of the problems affecting children such as where the child was badly hurt and sexually abused by the family members - The promulgation of the Criminal Procedure Code Amendment Act (No. 20) of 1999 relating to the investigation and interrogation of the child witness along with video tape recording and with the presence of a psychologist or social worker requested by the child	- Promoting the networking of communities for protecting children from all forms of violence - Preparing for organizing training for lawyers and officers responsible for interrogating the child witness
17. Thailand still has a poor rate of breast feeding practices and high rate of malnutrition.	Thailand to develop comprehensive policies and programs to promote and improve breast feeding practices	Currently Thailand has no problem of severe malnutrition (3rd degree) but still faces micro-nutrients problem such as lack of some essential	- Conducting education campaigns for the public through all kinds of media - Expediting the enforcement of the law

	to prevent and combat malnutrition and asking assistance from UNICEF, WHO, etc.	minerals and vitamins. For the poor rate of breast feeding practices, the government has mapped out strategies following the National Nutrition Plan of which major programs are being undertaken such as Strengthening the Bond of Mother and Child, the Children's Hearts United for Breast Feeding, and the Protection of Thai Children for Breast Feeding.	concerning maternity leave of the employees
18. There is absence of data on adolescent health.	Thailand to increase its efforts in promoting adolescent health policies/counseling service/multi-disciplinary study/allocation of adequate human and financial resources, to develop youth-friendly care and rehabilitation facilities for adolescent	The government has increased its efforts on promoting adolescent health by implementing no-smoking campaigns which can reduce the number of smokers, and prevention of early pregnancy in teenagers. Other services include the preparation of integrating reproduction health into educational curricula at all levels, considering appropriate legal abortion, providing assistance for those who want to commit suicide, for both emergency or non-emergency cases.	- Thailand is now considering a national plan on prevention and promotion of adolescent health.
19. Thailand has not yet fully implemented the Rehabilitation of the Disabled Act of 1991.	Thailand to develop early identification programs to prevent disabilities/establish special education programs for children with disabilities and encourage their inclusion in society/seek technical cooperation for the training of professional staff working with and for children with disabilities	The government has adopted measures emphasizing prevention of disabilities from the conception period by seeking cooperation from all parties concerned from both GOs and NGOs. In relation to special education for children with disabilities, the Thai government announced the year 1999 as the Year of Education for the Disabled. This has paved the way for a higher number of children with disabilities to have access to education from 12.83 percent to 22.66 percent. In addition, the government is organizing training for special education officers to enable them to teach children with different types of disabilities. However, there is no central body to coordinate with other organizations to give support	- Expediting the monitoring of the implementation of the Rehabilitation of the Disabled Act of 1991 - Seeking financial and technical assistance from organizations concerned - Expediting the integration of the performance on the evaluation of early child development in order to identify the risk groups at an early stage - Conducting studies and developing the diagnosis and the efficient provision of assistance at an early stage

20. Some groups of children in especially difficult circumstances do not have access to education.	Thailand to provide equal access to education for all children	<p>The Thai Constitution of 1997, Section 43 and the National Education Act of 1999, Section 10 of Chapter 2, are the major legal measures that will pave the way for all children including the underprivileged to have access to free basic education, which must be done within the year 2002. In addition to this, those who are living in the areas where there is no school, will have an opportunity to study in other areas that have schools. The school curricula are flexible enough to be changed where it deems appropriate to that particular community and its environment.</p> <p>The progress achieved in implementing education for the underprivileged are: a) the policy of "all children with disabilities who want to study shall have the right to do so", by which the government is able to accept up to 84,000 students with disabilities, b) the hill tribe children, the poor children, the children in remote areas, stateless children, children from different cultures, shall have access to free education with additional allocation of 27 Baht per person/ per day for 39 Welfare Schools accommodating 31,050 students , and c) the street children shall have access to skills training to enable them to continue their study or to be employed in enterprises, to reintegrate into their families, or to live in temporary shelter for recovery and continue their study afterwards</p>	<ul style="list-style-type: none"> <li>-Expediting the child and youth information technology network.</li> <li>-Establish community network to take care of school enrolment of children.</li> <li>-Develop school curriculum for CEDC in response to their conditions and social integration.</li> </ul>
21. The legal framework for protection of unaccompanied and asylum seeking children remains unclear.	Thailand to clarify its legislation framework to ensure adequate protection of unaccompanied and asylum seeking children and to consider ratifying the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the 1954 Convention on the	Although Thailand has not ratified the Conventions relating to the Status of Refugees, Thailand has continuously treated displaced persons humanely. However, Thailand has paid much more concern on this issue in particular the 1951 Convention on the Status of Refugees. In connection with this, the Ministry of Foreign Affairs has	<ul style="list-style-type: none"> <li>- The Working Group on Children Affairs which has members from GOs and NGOs is now working out the measures to assist unaccompanied children from other countries</li> <li>- Sending Thai delegations to attend international conferences in order to bring back the recommendations to take</li> </ul>

	Status of Stateless Persons, as well as the 1961 Convention on the Reduction of Statelessness, by seeking assistance from UNHCR	appointed a Working Group to consider ratifying this Convention and to submit it for approval from the government.	into account in revising its legislation for displaced children
22. There is still a high rate of children entering the labour market.	Thailand to introduce monitoring mechanisms to ensure enforcement of labour laws and to consider ratifying the ILO Convention No. 138 concerning the legal minimum age for work	The number of child labourers in the year 1998 decreased to 10,286 from the year 1993 when the number was 95,184, according to official statistics. At present, the Ministry of Labour and Social Welfare acts as a coordinating body and follows up the practice of enterprises according to labour laws. The Ministry is now working on ratifying the ILO Convention No. 138	- Expediting the ratifying of ILO Convention No. 138 - Expediting the legal procedure with employers or entrepreneurs who employ illegal workers in accordance with the resolution of the Council of Ministers
23. There is still a high rate of child prostitution and trafficking and transnational sale of children	Thailand to take measures, on an urgent basis, to strengthen law enforcement and to implement its national program of prevention/ to step up its efforts in the area of bilateral and regional agreements with neighbouring countries/ to continue implementing the recommendations formulated in the Agenda for Action adopted at the 1996 Stockholm World Congress against Commercial sexual Exploitation of Children/ and to consider ratifying the 1949 Convention for Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others	Thailand, through the Sub-Committee on Coordination for Combating Cross-Border Sale of Women and Children, has made the Memorandum of Understanding (MOU) on Common Guidelines of Practices for Agencies concerned with Cases Where Women and Children are Victims of Human Trafficking (1999) and the Sub-Committee is now preparing to make a bilateral and multilateral agreement with neighbouring countries on the safe repatriation of the trafficked child to his/her home country. - Thailand has made the National Policy and Plan of Action for the Prevention and Eradication of the Commercial Sexual Exploitation of Children which contains the measures of prevention, suppression, assistance and protection, recovery and administration and management.	- Thailand has yet to speed-up its dissemination on related laws to officers concerned to have a better understanding and awareness on the importance of this problem - Speeding up the implementation of the plan of action - Speeding up the monitoring and evaluation of the law enforcement and the implementation of MOU
24. The administration of juvenile justice and in particular its compatibility with the Convention and with other international standards plus the juvenile system not implemented	Thailand to take additional steps to reform the system of juvenile justice in the spirit of the Convention and other international standards/ to consider deprivation of liberty only as a measure of last resort and for shortest period of time/ to expand	Thailand has already established a juvenile justice system in accordance with the Act for the Establishment of and Procedure for Juvenile and Family Court. One problem is that the Juvenile and Family courts do not exist throughout the country. However, in the provinces where there is no	- Thailand has yet to pass the Act that allows the Provincial Courts or District Courts to apply the same proceedings of the Juvenile and Family Court - Thailand is preparing to expand measures to support families and communities in taking greater care of their



throughout the country is still in concern.	the juvenile justice system to ensure full coverage throughout the country	Juvenile and Family Court, the same proceedings used at such a Court shall be applied in other courts. Imprisonment of children will be used as a measure of last resort. Instead, the Court would rather admonish the child as well as his or her parents before handing over the child to be under the care of the parents or persons or appropriate institutions.	children.
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## 1. General Measures of Implementation

### General Situation

This section attempts to respond to the general guidelines, particularly paragraphs 11-23, regarding the format and contents of periodical reports submitted by the State parties under the Convention on the Rights of the Child (CRC), based on the general guidelines of the CRC.

The Royal Thai Government has organized a number of meetings and seminars to review Thailand's position regarding the reservations to article 7 and article 22 of the CRC. The meetings held at both national and international levels, with wide participation from GOs, NGOs, the media and children, provided forums for discussion and exchange of views on the issue. There were divided opinions, both for and against the withdrawal of the reservations at those meetings.

However, at the Consultative Meeting with related agencies on 11 June 1999, there was general agreement that Thailand should seriously take action towards the removal of the reservation to article 7 (Right to Nationality), based on the following principles:

1. Accept that the genuine objective of article 7 of the CRC aims at encouraging State parties to take appropriate action to ensure that all children who live in their territories are given the right to their respective nationalities, and that none are left stateless.
2. Agree to review the withdrawal of the reservation to article 7 by implementing the following :

- 2.1 Examine proper procedures and approach to recommend the withdrawal of the reservation.
- 2.2 Consult with related agencies for common understanding in implementing the necessary set of actions leading to every child being granted a nationality according to their mother or father.
- 2.3 Thoroughly work out practical operational guidelines to ensure smooth and effective delivery of aimed results after Thailand's removal of the reservation.
- 2.4 Hold another consultative meeting among related agencies to assess achievement and review problems and obstacles encountered in the course of fulfilling the duty-bound obligations after Thailand withdraws the reservation.

As with Thailand's stand on the reservation to article 22, the general recommendation is that Thailand should withdraw the reservation. Such recommendation was drawn from the National Conference on "Facing the New Millennium: Child Rights and Displaced Persons Situation in Thailand" held on 11-12 October 1999, attended by related government agencies and non-governmental organisations both local and international. The reason given for Thailand's withdrawal is that although the country has made the reservation, it has acted to render humanitarian assistance to children who fled from fighting and conflicts, and other displaced children. A further recommendation from the conference is that Thailand should look for solutions to the problem of displaced persons by forging closer collaboration with other countries to achieve a mechanism at the international level, since the problem involves other countries in the different stages of solution, e.g. repatriation, provision of assistance and resettlement in third countries.

In addition, Thailand organized a regional conference on the same topic on 26-28 January 2000, participated by representatives from the governmental and non-governmental sectors, as well as youth participants from 14 countries in Asia and the Pacific. The conference made the following observations:

1. The issue of displaced children is a global problem that deserves greater attention and cooperation among nations to seriously find more effective measures to tackle the problem.
2. Displaced children should not be considered as criminals or offenders, but as victims instead.
3. There should be public awareness and participation of all parts of the society to help and protect these children victims. State

should set up extensive service units to provide assistance to these children.

4. Preventive measures should be implemented. States should support and promote human rights, child rights, democracy, peace, sustainable development and environment protection.

### **Problems**

1. The reason why Thailand still maintains its reservations to the CRC is cited as mainly the political unrest in its neighboring countries, which has pushed periodical flows of displaced persons into Thai territory, as well a large influx of foreign labourers and illegal immigrants into Thailand. Thailand has by far taken the responsibility of looking after the welfare of these people on humanitarian ground, despite the strain on its budget in the midst of a long economic slump after the crisis.

1. At the consultative meetings among related agencies to look at pros and cons of withdrawing Thailand's reservations to the CRC, there were arguments against the withdrawal. Yet the effort to work towards the withdrawal is still pursued.

### **Solutions**

1. Cooperation should be sought from international organizations in terms of budget and various forms of assistance to help materialise the withdrawal of the reservations.
2. There should be further consultative meetings among related agencies to study plausible procedures and approaches, which are favorable to the withdrawal of the reservations. A working group may be specially set up to review the reservations in detail.

## **Revision of National Legislation**

A study has been undertaken to compare the provisions of the CRC and the Thai laws related to child and youth development, and the findings of the study have been documented. Thailand's National Policy on Children and Youth and its Long-term Plan for the Development of Children and Youth have consequently been drawn up by following the standards and norms of the CRC. In addition, a Sub-Committee on Adaptation of National Legislation on Children to the provisions of the New Constitution and the Convention on the Rights of the Child was established in 2000. It has the objective of

revising, modifying and drafting related laws, ministerial regulations pertaining to the development, assistance, protection, correction and rehabilitation of children in conformity with the Constitution of the Royal Kingdom of Thailand (1997) and the CRC.

## **Promulgation of New Laws and Amendment of Existing Laws to Abide by the CRC**

Regarded as progress from what was stated in Thailand's Replies to the List of Issues sent to the United Nations Committee on the Rights of the Child, the following new laws came into force:

1. The National Education Act of 1999 (Please see Chapter 7)
2. The Money Laundering Act of 1999 (Please see Chapter 8)
3. The Modification of Criminal Procedure Code Act (No. 20) of 1999 on Investigation of Child Witness (Please see Chapter 8)
4. The draft Child Protection Act that is been prepared could be considered as a "Code on Children" since the Act covers provision of all forms of assistance to children and their families categorised under this Act or other relevant laws to receive welfare from the state. The Act also covers protection, care, development and rehabilitation of children and their families, including the development of children's disciplined behaviour. Referral system will be applied, from welfare to protection and behavioural development.

The Task Force for Drafting the Child Protection Act is composed of academics, lawyers, doctors, social workers, representatives from related governmental and non-governmental organisations. This draft law has been approved in principle by the National Youth Bureau (NYB)\* under the chairmanship of the Deputy Prime Minister.

Moreover, action was taken to draft new law related to children and youth as follows:

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\* In 2003 when this report was translated to English, National Youth Bureau (NYB) has become a part of Office of Welfare Promotion, Protection and Empowerment of Vulnerable groups (OPP) due to the recent restructuring of government offices in Thailand. Its is now under the new Ministry of Social Development and Human Security, which is responsible for the well being of all vulnerable groups of the population.

5. A draft law to amend the Criminal Code attempts to add to the provisions of Article 76 bis of the Criminal Code, in order that no convicted person below 18 years of age shall be sentenced to capital punishment or life imprisonment. This amendment act is being drafted.

## **Problems**

The process of revision and modification of legislation in Thailand has to follow steps and often takes a long time. Some legislation related to children and youth are still not in compliance with the CRC, e.g. laws relating to displaced children, as suggested by the UN Committee on the Rights of the Child.

## **Solutions**

1. Further emphasis on the revision of laws on children and youth, to examine their compliance with the CRC.
2. Disseminate the CRC to legislators and officers concerned, so that they will realise the importance of laws on child protection and assistance.

## **Thailand's Constitution and Other Laws on Children**

The Constitution of the Royal Kingdom of Thailand of 1997 contains clear provisions on care and protection of children, youth and their families. It embraces the principle that guarantees the people's rights and freedoms, and their right to protection, with provisions on basic rights, freedoms, and non-discrimination. The Constitution calls for the establishment of an Extraordinary Committee to consider draft legislation that substantially relates to children, to consist of representatives of NGOs on children. It also calls for the appointment of a National Committee on Human Rights, and a Parliament Ombudsman for Child, Youth and Family.

With this new Constitution put into effect, a number of new laws on children as outlined above have been promulgated.

## **Applying the CRC directly in Thai court**

It is not possible to apply the CRC provisions directly in Thai courts and to local agencies. The provisions have to be adapted and enacted into local laws first in order to be put into effect. However, Thailand adheres to the principles and provisions of the Convention on the Rights of the Child by ensuring that all draft legislation relating to children and youth are in compliance with them.

### **The CRC - any contradiction to Thai Laws**

It is found that many parts of the Convention are in line with the Thai legislation, but there are some laws that need to be improved to comply with the Convention. There have already been attempts to amend such laws for stricter compliance with the Convention, as earlier outlined. However, there are some laws, which were enacted after Thailand ratified the CRC which still do not comply with the provisions of the Convention. One example is The Boxing Act of 1999, which allows children over 15 years of age to practise boxing, and also children under 15 years of age to practise boxing on condition that they wear protective gears.

### **Existence of any Thai law conducive to awareness raising of child rights**

At present, very few Thai laws conduce awareness of child rights more than the CRC. However, there are provisions in The National Education Act of 1999, which attach great importance to the rights of the child. The provisions stipulate that the State must provide a minimum 12-year basic education to every child free of charge. The Act calls for all parties in society to take part in the management of the educational system. It gives an opportunity to parents who choose and are ready to provide "home schooling" to their children. The "Home School Education" aims to develop each child's individual potentials based on his skill, interest and need, and according to each family's readiness. The Act also allows home school children to re-enter into the formal education system. Nowadays, there are a number of parents who opt to arrange this home school system of education for their children.

### **Whether and how Thai court decisions apply the principles and provisions of the CRC**

The Act Instituting the Juvenile and Family Courts and Juvenile and Family Procedures of 1991 which sets judicial proceedings for children is amongst other Thai laws which are consistent with the principle and provisions of the Convention. This Act embraces the principle of the best interest of the child with respect to the protection of children and their families. A child who has committed a violation of the law shall not be regarded as an offender, considering that he is under-aged and victimised by a corrupted environment; his wrongdoing is not committed out of malice. The child can repent and express willingness to undergo correction and rehabilitation under adults' care and supervision. The child needs not be filed against, if he gives consent to be under the care of the authorities concerned. Any court hearing involving a child will be conducted in strict confidence with the presence in court of only the child's parents, relative, or guardian. However, in practice, there are still cases of child law violators who have to undergo court proceedings like adults, especially in provinces where the Juvenile and Family Court does not exist.

Moreover, in the Thai legal system, it is not possible for the provisions of the CRC to be directly invoked before the courts. However, the Juvenile and Family Courts could interpret laws in conformity with the principles and provisions of the Convention, especially the principles of the best interest of the child, non-discrimination, and the child should live with his parents.

### **Recovery and rehabilitation for children in cases of violation**

Assistance is provided to children whose rights have been violated, using more integrated and multi-disciplinary approach. By means of coordination and referral among agencies concerned, the children are provided with prompt and comprehensive assistance:

1. Establish a 24-hour hot-line center to receive reports of violation and coordinate with the authorities concerned both in the public and private sectors for their assistance to the affected children
2. Establish a Special Task Force whose function is to provide prompt assistance to child and woman victims of violation
3. Conduct a fact-finding investigation to determine appropriate assistance to the child victim of violation:

- 3.1 In case of a general physical abuse, the parents or guardian of the child will be warned and counseling will be given to them, so that the child can continue to live with them.
- 3.2 In case of a serious physical abuse, or sexual abuse, the child victim will be separated from the family, or away from his/her home environment for protection. He/She may be sent to an Emergency Home, a Welfare Centre, or an NGO which can provide him/her with protection, medical care and rehabilitation to bring him/her back to normal so that he/she can lead a normal life in society.
- 3.3 In case of a child being violated under the Labour Protection Act, legal measures according to the law are taken. Employers will be ordered to rectify their action within a given period. If by that set period of time the employer has not complied, further legal action will be imposed on him; he will either be fined or a lawsuit filed against him to demand the child's legitimate rights by law, e.g. to be paid due wages, overtime payment, public holiday compensation, etc. Assistance will also be given to child workers who have been dismissed from their workplace, e.g. providing a temporary shelter, repatriation, finding a new job, and providing further vocational training for better job opportunities.

## **Problems**

1. Child victims of violation, or persons who witness acts of violation have no information about where and how to report and to get assistance
2. Lack of awareness and concern from the communities where violations occur; a number of violation cases went unreported
3. Fear of offenders' influence
4. Authorities' assistance, cure and rehabilitation are not extensive and effective enough.

## **Solutions**

1. Promote enforcement of the Child Protection Act and provide training for all officers concerned to understand the spirit of the law and how to exercise it.
2. Stimulate and raise public awareness about child rights violations to get more community participation in solving problems that affect children and their respective communities.



3. Enhance and expand the multi-disciplinary integration approach of work to provide protection and assistance for children to cover all provinces nationwide.

### **National strategies for children under the framework of the CRC**

Thailand has formulated a National Plan for Children and Youth Development under the framework of the National Economic and Social Development Plan, which is updated five years. Implementation is currently being carried out under the 8<sup>th</sup> National Economic and Social Development Plan of 1997-2001. This can be regarded as a step of implementation to formulate national agenda and strategies for children under the framework of the CRC, since the Plan attaches great importance to child rights. Moreover, the current National Plan for Children and Youth Development is a result of studies on the real situation of problems, and based on review of the past implementation by related agencies. After several brainstorming workshops involving all parties concerned, a clear direction has been set for the development of children and youth, categorised in three groups, namely the children in especially difficult circumstances group, the general group, and the talented group. The following set of strategies have been laid down in the Plan:

1. Enhance children and youth's potentials to achieve desirable qualities.
2. Improve on the social environment which is conducive to the development of children and youth.
3. Develop a multi-lateral system of administration and management to encourage collective participation from various parties.

A National Plan of Action has been mapped out to ensure smooth implementation of the National Plan for Children and Youth Development with tangible results. A Sub-Committee was set up to formulate such plan of action, comprising qualified persons and representatives from related agencies working on child and youth development both from the public and private sectors. The aim is to put a system to the administration and management of the child and youth development work to encourage coordination and collaboration among agencies concerned to achieve a comprehensive master plan. Effort has also been made to link the National Children

and Youth Development Plan with other specific theme-based development plans, as well as Plans of Action of the Ministries and Provincial Development Plans for the benefit of monitoring and evaluation work, and for resource allocation in line with the National Economic and Social Development Plan.

Furthermore, The Ministry of Justice has come up with a Plan for the Protection of the Rights of Children, Youth and Family of 1997-2006. The Plan aims to protect children both in and outside the Juvenile Court system, and their families. The children are categorised into three groups, namely 1) child offender 2) marginalised children at risk of breaking laws, and 3) children who are victims of abuse, child labour and sexual exploitation. With this plan in place, equal protection to these groups of children can be exercised on an extensive scale, involving the participation of the families of the children and youth concerned in all stages of planning and implementation. This Plan for the Protection of the Rights of Children, Youth and Family is likewise supported by a Plan of Action.

For the children in especially difficult circumstances group, a separate plan has been drafted, with an aim to solve their problems and enable them to lead normal lives, and also to prevent the marginalised high risk group of children from falling into the same trap leading to hardship. This Draft Plan on Problem Solution for Children in Especially Difficult Circumstances is being circulated to all agencies concerned for consideration.

## **Problems**

Although various plans have been made for the development and protection of children and youth, following the same steps in the formulation of national strategies, there is still lack of specific set of national strategies for children directly under the framework of the CRC.

## **Solutions**

There should be joint consideration and decision to work out specifically the National Strategies for the Development and Protection of Children and Youth directly under the framework of the CRC in the future.

- ***Government Agencies related with the CRC***

There are many relevant governmental bodies related with the CRC: Ministry of Justice, Central Juvenile and Family Court, Ministry of Education, Ministry of Public Health, Ministry of Interior, Ministry of Labour and Social Welfare, The National Security Council, Office of the Attorney General, Office of the National Police, Office of the Council of State, Bangkok Metropolitan Administration, etc. The National Youth Bureau (NYB) is the central body to coordinate both the public and private sectors. The Sub-Committee on Child Rights has been appointed to set direction for the implementation to help realise the goals of the CRC.

- **Effective Cooperation**

Thailand has undergone major improvement in governmental administration by focusing on decentralization of power to the rural areas, to empower them to look after their own affairs. The setting up of Tambon (sub-district) Administrative Offices (TAO) is one step taken in this direction, and is in line with the Act on Tambon Council and Tambon Administration Organisation of 1994. The Act attaches a duty and responsibility to such bodies to support the development of women, children, youth, the elderly and the disabled. This can be regarded as a mechanism at the local level to monitor the implementation of the CRC.

In addition, there are 13 networks of youth, formed to carry out social service activities, e.g. the Pineapple Eyes radio news network comprising local youth news reporters to act as watchdog on drugs and environmental protection issues. The network now has 11,287 youth members in all local areas combined, and another 117 members in educational institutes.

- **Systematic Collection of Data and Statistics on Children and Child rights**

During 1999 and 2002, implementation took place to set up an Information and IT Centre on Children and Youth, which has become a national centre supporting the implementation of children and youth development work at all levels. The National Information and IT Centre on Children and Youth has been set up to serve the following purposes:

1. To be the centre of information and IT, and a think-tank of ideas on child and youth development.
2. To collect and store comprehensive data and statistics and ideas on child and youth development at national and sub-national levels for use in support of decision making at different levels, from policy level down to implementation level by the public sector, NGOs, as well as the children and youth themselves.
3. To develop and build network of data and IT on children and youth, and develop an effective information service provision system for the centre.
4. To compile indicators relating to child and youth development work through the set up network.

#### ▪ **Follow Up and Monitoring**

Apart from the Sub-Committee on Child Rights, which has functioned to monitor the implementation of the CRC, there also exists the Sub-Committee for Monitoring and Evaluation of the Core Action Plan of the Declaration for Thai Children. This Sub-Committee appoints a Task Force to compile indicators for the monitoring and evaluation of the governmental agencies concerned with regard to their child development work performance. The indicators compiled fall into three categories, namely *health*, *education* and *children in difficult circumstances*. In 1999, some data compilation was carried out using the above sets of indicators. The remaining work was expected to be completed in 2000.

There are other sub-committees whose functions relate to the monitoring of the implementation of the CRC, e.g. the Sub-Committee on the Development of Youth Laws. Otherwise, follow up and monitoring of the CRC implementation is usually carried out by government officials under the agencies concerned, e.g. Ministry of Labour and Social Welfare on child rights regarding labour.

Moreover, an annual report on the Status of Children and Youth in Thailand has been compiled for submission to the government.

#### ▪ **Independent Body to Promote and Protect Child Rights**

Referring to an earlier report that Thailand has drafted an Act on Children Ombudsman, there is no need for further action on that, since The Thai Constitution of 1997 already stipulates the appointment of a National Human Rights Commission and a Parliament Ombudsman, which can be regarded as two independent bodies that will perform the tasks of promoting and protecting the rights of children as well.

▪ **Cooperation among Civil Society, NGOs and Mechanism to Monitor Progress**

Thailand's 8<sup>th</sup> National Economic and Social Development Plan sets a strategy to promote civil society process in every province to become a forum or mechanism to gather ideas and opinions from various sectors in setting the direction for the development of their respective province, as well as to gain support and participation from the civil society. The civil society process was piloted in 16 provinces during 1995-1997, and have so far expanded to 25 provinces, with a plan to further expand to other provinces. The civil society movement varies from one province to another, and may concern issues like natural resource conservation and eco-tourism, drugs prevention, etc. This civil society movement now evolves in every level, from the central administration down to provincial, district, sub-district and village levels. These civil societies have played an important role in the various aspects of development, e.g. public health, community business and environment. They have been well supported by government agencies at all levels to participate in the planning for the development of their respective localities and region.

Apart from these civil societies, there has been more cooperation among GOs, NGOs and the communities. Through these cooperation, several pilot projects pertinent to the child and youth development work have been carried out, e.g. Pilot Project to Build and Strengthen Community Network to Protect Child Abuse and Sexual Exploitation, and the Youth United for Community Services.

A survey and collection of data on existing networks for children and youth development has been carried out and found that there are 20 central administration networks, 5 regional networks, 13 youth networks, totaling 38 networks.

The Budget Bureau is the agency undertaking coordination between economic and social policies. The Budget Bureau is also responsible for supervising budgets implemented by government agencies to be congruent with economic circumstances. Currently, Thailand and International Monetary Fund has jointly mapped out targets of macro economic to reduce the impact of economic crisis on people and society in a better effective manner.

In addition to this, the National Economic and Social Development Board has readjusted the conceptual framework of Thailand's 8<sup>th</sup> National Economic and Development Plan (1997-2001), based on people-centered development approach/philosophy. The 4 additional strategies then have been set out as the following:

1. Economic recovery and maintenance of economic balance;
2. Reduction of the impact of economic crisis on people and society in particular helping the unemployed in rural and urban areas, development and provision of assistance for the disadvantaged who have less access to education and health service, prevention of social problems, and promotion of good value, etc;
3. Restructuring the economic structure focusing on industrial and agricultural structure, promotion of service and tourism industry, etc;
4. Expediting administration/management system reform in particular bureaucratic reform, education system, and public health system, etc. to be more concrete

#### Budget Allocation for Child Development

The process of allocation of national budget is as follows:

1. Setting goals for national budget allocation, based on the 8<sup>th</sup> National Economic and Social Development Plan (1997-2001);
2. Comparison analysis of overall development plans including the macro plans and program structure;
3. Prioritizing programs/organizations/needs;
4. Adjusting proportion for budget allocation based on program structure and economic circumstances

Although Thailand had been hit by economic crisis, the budget was allocated for child development focusing on education, health and social services as the first priority annually during 1993-2000. It can

be seen that the proportion for social development, 34.73 - 45.14 percent, was much higher comparing with the budget allocated for other areas of development. For example, 17.63-22.69 has been allocated for economic development; 16.00-20.43 percent allocated for national security and internal peace and order; 11.19-15.51 percent allocated for overall administration; and 11.17-14.59 allocated for debt payment.

The budget allocation for social development had been continuously increasing during 1993-1997. However, due to economic crisis, the budget decreased to 44.63 percent in 1998 and 44.30 in 1999. In 2000, the budget increased once again to 44.32 percent. (See detail in Table 5)

### **Measures to ensure equal access to social services for all children**

The National Child and Youth Development Plan under the 8<sup>th</sup> National Economic and Social Development Plan stipulated its goal as 'all groups of children and youth including children in especially difficult circumstances, general children and talented children; shall have an equal opportunity to well-rounded development in line with their age and capability'. Among others, two strategies that have been set for developing the potential of children and youth are:

1. Develop the potential of children and youth to have desirable capabilities: by developing their intellect, knowledge, and capability; speeding up expansion of opportunity for basic education to less developed areas and to the children in especially difficult circumstances; preparing children and youth to be ready for new economics by providing them with education and vocational training along with knowledge on marketing and management;

Table 5 Budget allocation for Plan Structure(Fiscal years 1993-2000) : in million baht

Plan Structure	Budget							
	1993	1994	1995	1996	1997	1998	1999	2000

<b>a. Economic Development</b>	<b>124,216.4</b> <b>(22.18%)</b>	<b>130,536.8</b> <b>(20.89%)</b>	<b>153,068.6</b> <b>(21.41%)</b>	<b>191,391.4</b> <b>(22.69%)</b>	<b>212,921.0</b> <b>(21.64%)</b>	<b>219,476.7</b> <b>(22.35%)</b>	<b>150,759.3</b> <b>(18.27%)</b>	<b>151,610.6</b> <b>(17.63%)</b>
1. Agriculture	57,849.8	59,935.4	69,942.1	78,293.8	84,464.0	76,184.6	60,932.9	67,068.1
2. Industry and Mines	2,032.2	2,135.8	2,266.8	2,663.6	3,181.3	3,694.6	3,230.2	3,659
3. Communications and Transportation	48,430.4	53,450.9	64,549.9	88,488.5	98,191.4	111,777.8	66,444.5	60,165.6
4. Commerce and Tourism	7,058.4	4,485.8	5,365.0	6,835.7	7,037.5	7,084.7	6,911.20	5,490.90
5. Science, Technology, Energy, and Environment	8,845.6	10,528.9	10,944.8	15,109.8	20,046.8	20,734.7	13,240.5	15,227.0
<b>b. Social Development</b>	<b>194,478.7</b> <b>(34.73%)</b>	<b>240,334.0</b> <b>(38.45%)</b>	<b>274,670.7</b> <b>(38.42%)</b>	<b>354,557.5</b> <b>(42.05%)</b>	<b>444,205.7</b> <b>(45.14%)</b>	<b>438,264.8</b> <b>(44.63%)</b>	<b>365,481.8</b> <b>(44.30%)</b>	<b>381,154.7</b> <b>(44.32%)</b>
6. Education	109,869.7	124,541.0	137,273.5	171,914.1	216,318.2	227,390.3	209,926.7	222,416.1
7. Public Health	36,407.4	44,398.7	52,596.1	64,938.3	75,885.7	75,568.7	62,546.3	65,744.0
8. Social Service	48,201.6	71,394.3	84,801.1	117,705.1	152,001.8	135,305.8	93,008.7	92,994.6
<b>c. National Security and Internal Peace and Order</b>	<b>114,400.4</b> <b>(20.43%)</b>	<b>125,355.0</b> <b>(20.06%)</b>	<b>131,757.4</b> <b>(18.43%)</b>	<b>148,565.2</b> <b>(17.62%)</b>	<b>164,269.3</b> <b>(16.69%)</b>	<b>166,728.8</b> <b>(16.98%)</b>	<b>131,976.7</b> <b>(16.00%)</b>	<b>138,696.8</b> <b>(16.13%)</b>
9. National Security	89,066.4	95,248.4	99,986.0	108,015.6	119,642.9	115,862.1	87,297.4	88,690.5
10. Internal Peace and Order	25,334.0	30,106.6	31,771.4	40,549.6	44,626.6	50,866.7	44,679.3	50,006.30
<b>d. General Administration</b>	<b>64,354.7</b> <b>(11.49%)</b>	<b>69,915.5</b> <b>(11.19%)</b>	<b>110,921.0</b> <b>(15.51%)</b>	<b>100,482.8</b> <b>(11.92%)</b>	<b>114,984.3</b> <b>(11.68%)</b>	<b>112,435.3</b> <b>(11.45%)</b>	<b>100,413.8</b> <b>(12.17%)</b>	<b>109,531.3</b> <b>(12.74%)</b>
<b>e. Debt Payment</b>	<b>62,549.8</b> <b>(11.17%)</b>	<b>58,858.7</b> <b>(9.42%)</b>	<b>44,582.3</b> <b>(6.23%)</b>	<b>48,203.1</b> <b>(5.72%)</b>	<b>47,619.5</b> <b>(4.84%)</b>	<b>45,094.4</b> <b>(4.59%)</b>	<b>76,368.5</b> <b>(9.26%)</b>	<b>79,006.30</b> <b>(9.19%)</b>
<b>Total</b>	<b>560,000</b> <b>(100 %)</b>	<b>625,000</b> <b>(100 %)</b>	<b>715,000</b> <b>(100 %)</b>	<b>843,200</b> <b>(100 %)</b>	<b>984,000</b> <b>(100 %)</b>	<b>982,000</b> <b>(100 %)</b>	<b>825,000</b> <b>(100 %)</b>	<b>860,000</b> <b>(100 %)</b>

2. Create an enabling environment for child and youth development: by improving laws and justice for children including legal measures for child rights protection; establishment of Juvenile and Family Courts; labour protection, establishment of network of agencies for child rights, plan for development of personnel for child rights protection, plan for dissemination of related laws to children and youth to enable them to be aware of their own rights, plan for conducting research on how to develop laws on child rights protection.



In response to the measures taken to ensure that children, particularly those belong to the most disadvantaged groups are protected against the adverse effects of economic policies, including the reduction of budgetary allocations in the social sector, in 1999 disadvantaged group were under protection by the government. This can be seen in budgetary allocation for education by which the Thai government allocated 1,666.0 million baht to special education and educational welfare for children in especially difficult circumstances. Another 11,688.5 million was allocated for special target group i.e. children and youth, hill tribe people, five southern provinces, and HIV/AIDS prevention and care.

## **International Cooperation**

There has been an effort from several sectors to push for international cooperation on assisting children and women from being exploited. In the governmental sector, for example, the National Commission on Women Development as the focal point on this issue has mapped out the national policy and operational plan for eradication of trafficking in children and women. There is the Sub-Committee on Combating Trafficking in Children and Women of which representatives from GOs and NGOs are its members. Likewise, the NGO sector has established the Coordination Committee on Alien Children to study the problems concerning alien children. A great effort has been done on repatriating displaced children to their home countries. The Committee coordinates with governmental and non-governmental sectors in countries of origin to give assistance in repatriating the children back to their homes and community safely. In connection to this, the authorities concerned in the countries of origins are invited to the meeting to work out an effective and concrete coordination. However, each country still has its own problems particularly on legislation measures and unprepared personnel. Each country then has yet to develop its own system based on best practices in Thailand where the governmental and non-governmental sectors are strongly cooperative in solving the problem.

One of the measures taken to ensure the effectiveness of birth registration system in Asian Region is the establishment of Asian Birth Registration Committee where there are 4 founding countries including the Philippines, India, Pakistan and Thailand. The responsibilities of the Committee are enhancing the effectiveness of birth registration system in Asia for a higher rate of birth

registration, implementing the CRC in the Region particularly articles 7,8, and 22, and following up the birth registration system in each country. In 2000, there was a regional meeting to develop the birth registration system in each country.

Thailand has received financial and technical support from other countries in terms of experts, scholarship, training, material, and funding. Most of the support goes to agriculture, community and social development, education and general administration. Those who have provided such supports are Japan, Canada, United States, Australia, New Zealand, European Union, private organizations, etc. In 1998, Thailand received funding totaling 4402.2 million baht.

There are also United Nations organizations giving support to Thailand such as UNICEF, UNHCR, IOM and ILO in terms of supporting for organizing seminars, training, study visits, research on child and youth, etc.

In regard to the measures taken to follow up the achievements in the implementation of Declaration and Program of Action of the World Summit for Social Development, Thailand has integrated some parts of the Declaration into its 8<sup>th</sup> National Economic and Social Development Plan (1997-2001). In addition, the Cabinet's resolution on 20 July 1998 stated that the National Committee on Social Welfare of which the Minister of Labour and Social Welfare is the lead agency on coordination and monitoring the implementation of the Plan of Action on Social Development made by concerned organizations.

The National Committee on Social Welfare has then appointed the Sub-Committee on Coordination and Follow-up the Implementation of the World Summit for Social Welfare. The Sub-Committee, chaired by the Deputy Minister of Labour and Social Welfare, appointed a working group to prepare the country report and organized the preparatory meeting for the UN General Assembly's Special Session to follow up the implementation of the World Summit for Social Welfare. This working group is responsible for reporting the outline of country report to be presented to the UN General Assembly and to explore the reaction made by agencies concerned from GO and NGO sectors which will be used for the full final report.

## **Dissemination of the CRC to the Public**

Three thousand copies and another 20,000 pocket copies in Thai version of the CRC have been made and published for distribution. The CRC has also been translated into northern dialect, in the forms of books; videos and pictures; and in Malayu and Yawi, as well as Braille for the blind.

The Federation of Trade Unions, Burma (FTUB) has made posters in Karennis and Mon languages for distribution to displaced persons living along Thai-Myanmar borders.

Thailand has disseminated the CRC in a wider extent and in various ways to raise awareness on child rights among the public including the children. Among these are seminars, training, public hearings at regional level, dissemination through printing material, television, radio, newsletter, CD-rom, etc.

Students in school system also have learned about the CRC. The CRC is integrated in a subject called 'life skills enhancement', as one issue of civic duty, for students grades 1-6 and integrated in school curriculum for students grade 1 up to lower secondary level in extension schools. In addition, the Office of National Primary Education Commission has printed 28,000 copies of the CRC in cartoon and simplified version, with participation of children, distributed nationwide. Child Rights and Educational Aid Centre, the Office of Permanent Secretary of Education Ministry has printed 10,000 copies of the CRC in pamphlets and has produced 3,000 copies of the CRC in cassette, distributed to schools nationwide. Some NGOs also help produce pamphlets to be distributed to the public as well.

### **The CRC Education for Professional Groups**

The followings are training courses conducted as a means to educate public officials and other professional groups working with and for children on the CRC:

- 1) training courses for junior officials working for youth and youth administrators by the National Youth Bureau;
- 2) two training courses for senior administrators by the Office of National Primary Education Commission which are: workshop on child rights protection network at provincial level and workshop on child rights protection;

- 3) training courses for judges and associate judges by the Ministry of Justice;
- 4) training courses for public prosecutors by the Office of the Attorney General;
- 5) training courses (with the CRC incorporated) for Sub-District Child Development Committees and in the training courses for child care officers by the Department of Community Development;
- 6) training courses for public welfare officials at all levels by the Department of Public Welfare

### **Participation of non-governmental organizations**

The non-governmental organizations in Thailand have continuously and actively participated in conducting awareness and education campaign. The training courses, awareness and education campaigns were conducted for their personnel. For example, the Foundation for Child Rights Protection Centre and the Foundation for Child Protection who work for abused and neglected children, conducted a project for protecting children from sexual abuse by using plays, videos, and other activities. The purpose was to encourage children to realize their inner feelings towards outer stimulus and respond to it appropriately. The children are expected to ask assistance from adult they trust. Meanwhile, adults are educated to give their appropriate assistance when asked. Moreover, the Task Force for Children organized training on the CRC for university students all over the country, including the Police Cadet Schools. The training is cooperated by NGOs such as the Foundation for Women, Child Rights ASIANET, the National Council for Child and Youth Development (NCYD), Holt Sahathai Foundation, Young People Development Center (YPDC), and the Foundation for the Better Life for Children. The Network for Street Children organized training for volunteer on child rights protection for the public.

### **Children's Participation**

Thai children are given an opportunity to take part in the implementation of the CRC. Child representatives, as the members of the CRC Preparatory Committee, are involved in preparing the second Thailand's country report on the CRC. Four regional meetings for children on the CRC implementation were convened at

four regions of Thailand namely: north; central; northeastern and south. There were 398 children from 76 provinces participated in the meetings. In addition, the national meeting was organized in Bangkok in which 85 child representatives across the country attended. In this particular meeting, the Task Force on Preparing the CRC Report (children's version) was established by which 27 representatives were elected to be the members of the Task Force. The children who attended the national meetings also had an opportunity to voice their opinion regarding the preparation of such report.

Apart from this, Thailand has organized "the Child Rights Forum" annually since 1989. The Forum provides an opportunity for children to send messages expressing their views and needs to adults and public. There are around 300 children attending the Forum every year.

The National Council for Child and Youth Development has supported the organization of training courses for child rights volunteers of the Foundation for Young Buddhists Development. The training aimed to enable child rights volunteers to have skills in providing assistance and helping the abused children solve their problems. The children, then, established their own organizations called "Pineapple Eyes Movement" and "Child Rights Network for Children", which were administered by the children themselves.

## **Problems**

The dissemination of the CRC does not cover some other relevant groups and lacks of monitoring and evaluation to assess the understanding and awareness of the targeted groups.

## **Solutions**

1. The dissemination of the CRC should be extended to a wider scope along with monitoring and evaluation process.
2. Children should be provided with more opportunities to participate in various meetings.

## **Report Preparation and Dissemination of the Convention**

The process of the preparation of the second report is as the following:

1. Appointing 8 working groups responsible for gathering information and data in relevant to the 8 chapters of the report in response to the general guidelines made by the UN Committee on the Rights of the Child on the Periodic Report;
2. Organizing the meetings for the Sub-Committee on Child Rights and all 8 working groups to consider the draft report and to give recommendations for further revision to the draft report;
3. Organizing the meetings among the Sub-Committee on Child Rights and representatives related governmental and non governmental organisations, the media, public, and youth from across the country to give comments and recommendations to the revised report;
4. Proposing the final report to the National Youth Commission for approval;
5. Translating the report into English to be submitted to the UN Committee on the CRC.

With the support from UNICEF, related agencies; school libraries and academic institutes nationwide were distributed with documents on the . Such documents include: Thailand's initial report on the CRC both in complete and summary version (in English and Thai); Thailand's Replies to the List of Issues sent by the UN Committee on the Rights of the Child on the first report; and Thailand's Answers to the Questions asked during meeting with the UN Committee.

Thailand puts great importance on the dialogue with the UN Committee on the Rights of the Child as well as the questions and concluding observations made by the Committee. The details were then taken into account during the meeting at implementing level and at national level so that the government and policy makers can work out an appropriate plan of action regarding this matter. The press conference was also organized to inform the public about the outcome of the meeting between the Thai delegation and the UN Committee regarding Thailand's initial report. Publicity on this matter to the media has been carried out periodically.

## **Conclusion**

After Thailand's initial report to the UN Committee on the Rights of the Child, Thailand has taken action in conformity with the World Declaration and the CRC in terms of implementing the CRC and revising its related laws and regulations and come up with the following progress:

**1.Education:** Children will be better taken care of as a result of education policy provisioned that every child shall receive basic education at least 12 years provided by the government in terms of quality and coverage.

**2.Law Reform:** It is considered that the highlight of Thailand's implementation of the CRC can be put on laws and justice for children. A number of laws related to children and youth have been revised and established with the emphasis on providing a wider scope of protection to children and youth, up to date, and be able to deal with more diversified and complex types of offences as at present.

**3.Administration:** Child networking and model of child and youth development to be carried out by governmental and non-governmental organizations have been established with an emphasis on society's cooperation. The locals are also encouraged to participate in the development process and voice their comments and suggestions on the matters relating to them. The formation of community networking, community organization, and civil society at provincial level are promoted. However, the most importance is placed on children's participation. Children and youth are encouraged to participate in various activities in terms of social protection, remedy and development. The main purpose is to enable them to develop themselves through the process of learning by practice and to be aware that they have vital roles to play for the betterment of their communities, societies and the country.

## **2. Definition of the Child**

In accordance with paragraph 24 of the general guidelines, the information provided in this chapter refers to the differences between Thai national legislation and the Convention with respect to the definition of the child, as well as the minimum legal age as defined in specific aspects of Thai laws and regulations.

Thailand's initial country report under the CRC includes the definition of the child as defined in the country's national laws and plans at the time. The age limits vary due to two factors: the social situation at the period of issuance and the intention of the legislation. The initial



report also provides information regarding the minimum age for the following: legal and medical counseling, medical treatment or surgery, marriage, sexual consent, voluntary enlistment in the armed forces and conscription into the armed forces - these remain unchanged (Thailand's initial report under the CRC, 1996: 33-46). The following information outlines matters whereby minimum age requirements have been changed or newly introduced.

## **1. Age of compulsory education**

### **General Situation**

The National Education Act came into force on 20 August 1999. Section 17 states:

“A nine-year compulsory education is provided to a child as soon as he enters the age of seven. His or her basic schooling lasts until the child reaches the age of sixteen, except where he or she has completed the ninth year of compulsory education.”

The compulsory education period has been extended from 6 years of primary education to 9 years, adding three years of compulsory lower secondary education and resulting in a minimum school leaving age of 15 years.

In 1990, Thailand participated in the World Declaration on Education for All and has since laid down policies and frameworks for basic education for all children in the National Education Plan of 1992. During 1990-1998, an evaluation of the effectiveness of this policy was conducted; it was found that the gross enrolment rate of 90 percent of the population of age range 6-11 years fluctuated between 89.16 to 94.18 percent. About 9-10 percent or 600,000 children were still lacking access to basic education, the majority of those belonging to under-privileged groups. It was also found that early school leavers numbered 31,294 and the percentage of children repeating a year of education was 2.73-3.73.

The percentage of the population in the age range 12-14 years entering lower secondary education has increased from 39.6 in 1990 to 72.6 in 1998, with an upwards tendency. The implementation of the basic education policy has effectively progressed with the hope that it will meet the target given in the National Education Act of 1999 which stipulates that the 9 year compulsory basic education period will be fully effected by 2002.

## **Problems**

Quantity-wise, the operation appears to be successful, but quality-wise, some problems have been defined:

- 1. Provision of education:* Some under-privileged children do not have access to educational services due to a lack of flexibility and diversity in the methodology of education is provided.
- 2. Efficiency of education:* The rate of students who drop out of school early or repeat a year of schooling is quite high.

## **Solutions**

1. Educational institutions should be able to provide education in various forms: formal, non-formal and informal methods. Continuing education should be promoted using a comparative system whereby credits gained in one system can be transferred to another.
2. Individuals, families, organizations, communities and institutions should be encouraged to provide more appropriate education that meets students' requirements. The state should provide benefits in terms of information on parenting skills, and education to children or persons under the government's care. Financial support in the form of rebates or tax exemptions should be introduced.
3. Special rights must be granted to the disadvantaged ensuring that they have equal access to schooling, and obtain the same level of education as other students.

## **2. Age of admission to employment**

### **General Situation**

The Labour Protection Act of 1998 was enacted to replace the Revolutionary Announcement No. 103, 1972 in order to upgrade the quality of life for workers and to set minimum standards in work conditions. Several changes have been made to the previous legislation particularly with regard to child labour. Major changes were introduced with regard to the age criteria set for employment, ensuring consistency with the age at which a child completes his or her compulsory education as specified in the National Education Act of 1999. Section 44 of the new Labour Protection Act raised the minimum age for employment to 15 years of age - formerly the minimum age was 13.

Specific legal duties of employers are outlined in the Act relating to the use of child labour. According to Section 45, if an employer employs a child aged less than 18 years, a report must be made to the labour inspector within 15 days of the child beginning work. Also, at cessation of the child's employment, the employer must report to the labour inspector within 7 days. Sections 47 and 48 state that the employer is prohibited from allowing child employees to work during the hours of 22.00-06.00, nor may they work overtime or during holidays. Sections 49 and 50 and the 6<sup>th</sup> regulations of the Ministry of Labour and Social Welfare (1998) specify the types and places of work for which child labour may not be employed. Section 52 states that a child employee has the right to attend training programs and seminars, allowing opportunities for professional and personal development (see details in Chapter 8).

## **Problems**

1. The Labour Protection Act of 1998 may have particular impact on children living in poverty, particularly if their families rely on the income generated by the child workers.
2. There are difficulties of enforcement; some illegal work establishments are very small, making inspections difficult.

## **Solutions**

1. For a poor and disadvantaged child not yet 15 years of age, in addition to further educational opportunities, vocational training should be provided before the child enters the work force. Financial support in terms of capital funding should be provided to assist them in developing their own business.

2. Create a network of local social mechanisms to investigate illegal establishments: for instance appoint voluntary village labour investigators nationwide and create a network of agencies and organizations, which inform the public on issues of child labour.

### **3. Age of participation in hostilities**

There is no stipulation in law on the age of participation in hostilities but according to Thai law, the minimum age for conscription into the armed forces is 21 years. Those who have completed their third year of military training in the reserves – the majority of whom are over 18 years of age – will be allowed to enter the military reserve corps.

### **4. Age of deprivation of liberty**

Most of these matters were addressed in Chapter 2 of Thailand's initial country report under the CRC (1996: 35-37). Additional information provided here refers to the age at which children with behavioural problems or children with problems in need of rehabilitation should receive institutional care. Reception homes will admit children aged 5-18 while child welfare homes will admit children aged 7-18 years (please see details in Chapters 5 and 6).

### **5. Age of criminal responsibility**

This issue was also addressed in Chapter 2 of Thailand's initial country report under the CRC. At present, studies and consultations are in process with academics, legal experts, governmental and non-governmental organizations working with children, with the aim of increasing the age at which criminal penalty is imposed, that is, from 7 to 10 years.

### **6. Age of capital punishment and life imprisonment**

#### **General Situation**

If a young person over the age of 17 commits a crime, he or she may be sentenced to capital punishment or life imprisonment depending on the severity of the offence. Thai law allows the court to exercise its discretion in imposing the penalty. Section 76 of the Criminal Code states, “For a person aged 17 years but not over 20 years...if the court deems fit, it may decrease the degree of penalty for that offence by one-third or by half of the total.”

## **Problems**

Article 37(a) of the Convention on the Rights of the Child forbids capital punishment or life imprisonment on a child. Therefore, the above criminal law is contradictory to the provisions in the Convention, as there is allowance for the court to impose the reduced penalty *or* the full penalty. In practice, the court normally exercises its discretion in favour of a reduced penalty if the offender is a child.

## **Solutions**

A new criminal law act is being proposed with the effect that capital punishment and life imprisonment can not be imposed on children aged below 18 years.

### **7. Giving testimony in court, in civil and criminal cases**

Thai law does not stipulate a minimum age for people giving testimony in court. However, according to Section 95 of the Civil and Commercial Procedure Code, the person giving testimony must be able to understand and answer the questions asked, and must be the person who saw, heard or knew about to which he or she is testifying. According to Section 108 of the above-mentioned law, it is not imperative that Buddhist monks and novices (under the age of 20) give testimony at all. Section 112 says that a child aged under 10 years does not have to swear an oath before testifying (see Chapter 8 for further detail).

### **8. Lodging complaints and seeking redress before a court or other relevant authority without parental consent**

In terms of lodging complaints, a child can do so without parental consent. However, in executing a judgement, parental consent is

needed, as mentioned in Section 21 of the Civil and Commercial Procedure Code.

In filing a case seeking redress before a court however, a child may do so only with prior consent from a parent or guardian, as stated in Section 56, Civil and Commercial Procedure Code.

In seeking redress from any relevant agencies in an action, the young person needs to comply with Section 22 of the Civil and Commercial Procedure Code. If a child wishes to take the case to court seeking redress, they must comply with Section 56 of the Civil and Commercial Procedure Code; that is, the child must first gain consent from his legal guardian.

## **9. Participating in administrative and judicial proceedings affecting the child**

In this respect, the Thai law stipulates in Sections 5(1) and 6 of the Criminal Procedure Code and Section 56 of the Civil and Commercial Procedures Code that a legal guardian is required to represent the child in court. The child will not take part directly in civil or commercial cases. If the child is the injured person and would like to set himself up as a witness, according to the Criminal Procedure Code he has to be sworn as a witness. This is the highest degree of involvement that a child under 18 can have in the practice concerning court procedure (see Chapter 8 for details).

## **10. Giving consent to change of identity, including change of name, modification of family relations, adoption, guardianship**

### **Change of identity including change of name**

The Civil Registration Act of 1991 Section 14 states that “ A person whose name appears in the population register - or their legitimate representative if the owner of the record is a child - may request the Registrar....(2) to add, erase or update any information contained in the data of the population register in order to render it correct and true.”

### **Modification of family relations**

The Civil and Commercial Code, Book 5, Code 2 on parents and children stipulates the specific age in connection with family relationships as follows:

1. In lodging complaints denying the status of lawful child, Section 1545 stipulates that, “If the fact becomes known to the child that he or she is not the biological child of the man who is the husband of his/her mother, the child may request the prosecutor to bring the case to court for the denial of his or her status as lawful child.

However, if this fact becomes known to the child before attaining sui juris (20 years of age in Thailand), the prosecutor shall not file the case in court until a period of one year has lapsed, starting from the day the child comes of age. If the child becomes aware of the truth after coming of age, the prosecutor must not file the case in court until one year has lapsed from that day. It is prohibited to file a case at all if a period of ten years has lapsed from the day the child knew the truth”.

2. Lodging complaints for adoption. Section 1556 states that “Regarding the action for adoption of a child, if the child in question is not yet 15 years of age, a legitimate representative shall act on behalf of the child. After the child reaches the full age of 15, he may enter into action *sua sponte* without consent from his legitimate representative”.

## **Adoption**

The Civil and Commercial Code, Book 5 on Family, stipulates the minimum age for adoption in Chapter 4 on Adoptive Children, in particular regarding consent to, and termination of, an adoption:

Section 1598/20 states, “If the adoptive-child-to-be is not less than fifteen years of age, he or she must give his or her consent.”

Section 1598/35 states, “Regarding the complaint for the termination of an adoption, if the adoptive child is less than 15 years old, his parents by birth are entitled to lodge complaint before the court. If the adoptive child is over 15 years of age, he can do so without consent from anyone.”

## **Guardianship**

The Civil and Commercial Code Section 1598/9 states that for a person aged over 15 years but under guardianship, his relative or a prosecutor can lodge a complaint before the court seeking termination of guardianship due to negligence or unfair execution of duty on the part of the guardian.

## **11. Having access to information concerning the biological family**

### **General Situation**

As described in answer no.10 in the Thailand's Replies to the List of Issues (1998: 19), a child wishing to obtain information regarding his or her biological family must have a legitimate representative submit the request on his or her behalf in order to gain access to information in the population registration history. In the case of an adoptive child, though the law does not stipulate any exact direction on this, Thailand has complied with international principles allowing such children to submit requests for information about his or her biological family with consent from the adoptive parents.

The procedures for requesting information on a child's biological family run as follows. As is stipulated in Section 14 of the Civil Registration Act of 1991, the owner of the bio-data pertaining to Section 12 of the Civil Registration Act or a legal guardian (if the owner of the bio-data is still a young child) may submit a request to the registrar. Then the latter may copy and certify the copy of the bio-data for the child. Section 25 of the Official Information Act of 1997 also states that a person has the right to know about private matters concerning themselves. If a person makes a request in writing, the government office in charge of record keeping must allow that person or their representative to inspect or access a copy of his or her personal information.

In addition, regulations established by the Service Unit, Local Administration Department requires that a person wishing to check his bio-data must show a copy of his or her identity card or house registration containing his or her name. If a child wishes to know about his or her biological parents, he or she may do so by themselves or through a legitimate representative at the Population Registration Office or the Service Unit of Local Administration Department in Bangkok and the provinces.



## **Problems**

Sometimes the adoptive family may not give consent for the child to learn about his biological parents for fear that the child may want to return to his or her natural family.

## **Solutions**

Efforts have been made by the Department of Public Welfare to rectify such problems. Training has been provided to adoptive families regarding permission to let the child know about his or her biological family in accordance with age-specific appropriateness and ability to accept the truth.

### **12. Legal capacity to inherit, to conduct property transaction**

The Constitution and the Civil and Commercial Code states that conducting personal property management depends on each individual's legal ability. That is to say, a person may conduct property transactions when he or she is no longer a child and has come of age at twenty years. While a child and not yet of age, property transactions can be conducted with the consent of parents and/or guardians. The minimum age for conducting property transactions is therefore twenty years or where majority is attained through marriage. Some exceptions do exist whereby a child can conduct property management, such as in making a will or receiving property.

### **13. To create or join associations**

Definitions under this area have been outlined in the Thailand's initial report and Thailand's Replies to the List Of Issues (1998: 20). The 8<sup>th</sup> National Children and Youth Development Plan (1997-2001) promotes the formation of groups/clubs/centres in accordance with the best interests of children, to be managed or run by the children themselves (please refer to Chapter 4).

Book 1 of the Civil and Commercial Code on the creation of associations and foundations does not mention the age requirement of the founder or members, leaving the matter to the discretion of the members of the founding team to decide upon the statute of the association or the foundation. In order to obtain permission to create

an association or foundation, the founder must be a person who has come of age, that is, 20 years of age. To be a member, however, does not require this age specification, and will depend on the rules and regulations of that association or foundation.

#### **14. Choosing a religion or attending religious school teaching**

Thailand does not impose minimum age specifications in upholding a religion. Usually, a child follows his parents' faith. The Constitution states, "A person has full rights in upholding any religion, sect or doctrine. He or she is free to comply with religious practices or rituals in accordance with his or her beliefs, as far as this is not contradictory to duty as a good citizen nor against the good moral or peaceful existence of the people." This is an affirmation of citizens' rights in Thailand.

#### **15. Consumption of alcohol and other controlled substances**

##### **General Situation**

In Article 20 of the 294<sup>th</sup> Announcement of the Revolutionary Party of 1972, it is prohibited to sell or provide alcohol or cigarettes and other addictive drugs to children (i.e. persons aged under 18 and not yet married). It is also prohibited to persuade children to drink or smoke or consume any addictive drugs, except for medication purposes. The Tobacco Product Control Act of 1972 also prohibits the sale of cigarettes to persons aged less than 18. Other addictive drugs are already considered illegal.

##### **Problems**

Despite the existence of the law prohibiting the sale or disposal of alcohol and cigarettes to minors, a great number of children are still addicted to alcohol and cigarettes as well as other drugs.

##### **Solutions**

Agencies responsible for law enforcement must ensure that strict and severe suppression is conducted.

## **16. Entering a boxing competition**

### **General Situation**

The Boxing Sport Act of 1999 was promulgated in Thailand with some provisions concerning children. The minimum age for registering as a boxer is 15 years. To organize a boxing sport competition for children under 15 years of age, it is imperative that full security equipment be provided. This is to protect children from possible injury. However, concerns have been expressed among people working for the welfare of children both in the governmental and non-governmental sectors, including academics and experts; it is thought that children may not have the psychological and physical maturity required for this type of sport, and that their development may be affected.

To fully understand the issues surrounding children in boxing, a survey was conducted at the end of 1999: it was found that a large number of children do participate in this sport. About 75 percent of the total number of boxers are aged under 18, with 51 percent aged under 15 years. These children enter boxing between the ages of 8-12 years; some child boxers enter the ring at the age of 12. Although their general standard of living and health is reasonably good in terms of welfare and safety, the majority do sustain injuries from the practice, and are affected physically and mentally; they may suffer general injuries, such as muscle pain, dizziness, vision blurring and chronic muscle inflammation. In addition, most children do not have health insurance.

Field doctors experienced in taking care of boxers feel that the sport is detrimental to child health in several ways: physical growth may be stunted; the children feel tired and weak as a result of weight control measures; head injuries may cause delays in terms of intellectual development and other areas of development. Such doctors propose that children should be at least 15 years before entering boxing. In terms of educational achievement, children engaged in boxing perform slightly worse academically. Some teachers, however, say that these children have accelerated development in terms of personality, discipline, courage and self-confidence. Other teachers differ in opinion, believing that boxing may have long-term negative affects in

terms of health, intellect and motivation to pursue their studies; that is, children seriously engaged in boxing may show less interest in lessons in the classroom.

## **Problems**

Boxing is an activity, which poses risks to the health, safety, and physical and intellectual development of children participating in the sport. There are currently limited legal provisions to protect young boxers, particularly for the age range under 15 years.

## **Solutions**

1. It is proposed that an amendment to the Boxing Act 1999 be made to increase the minimum age for registration as a boxer to 18 years.
2. While the changes to the Act are pending, special protective measures in welfare and safety should be provided to young boxers aged 15-18.
3. The above-mentioned law should be revised and amended to provide benefits and protection to children aged below 15 years serving as trainee boxers. This should begin at the initial stage where young boxers are selected to become trainees in the boxing training camps.

## **2. Definition of the Child**

In accordance with paragraph 24 of the general guidelines, the information provided in this chapter refers to the differences between Thai national legislation and the Convention with respect to the definition of the child, as well as the minimum legal age as defined in specific aspects of Thai laws and regulations.

Thailand's initial country report under the CRC includes the definition of the child as defined in the country's national laws and plans at the time. The age limits vary due to two factors: the social situation at the period of issuance and the intention of the legislation. The initial report also provides information regarding the minimum age for the following: legal and medical counseling, medical treatment or surgery, marriage, sexual consent, voluntary enlistment in the armed forces and conscription into the armed forces - these remain unchanged (Thailand's initial report under the CRC, 1996: 33-46). The following information outlines matters whereby minimum age requirements have been changed or newly introduced.

## **2. Age of compulsory education**

### **General Situation**

The National Education Act came into force on 20 August 1999. Section 17 states:

“A nine-year compulsory education is provided to a child as soon as he enters the age of seven. His or her basic schooling lasts until the child reaches the age of sixteen, except where he or she has completed the ninth year of compulsory education.”

The compulsory education period has been extended from 6 years of primary education to 9 years, adding three years of compulsory lower secondary education and resulting in a minimum school leaving age of 15 years.

In 1990, Thailand participated in the World Declaration on Education for All and has since laid down policies and frameworks for basic education for all children in the National Education Plan of 1992. During 1990-1998, an evaluation of the effectiveness of this policy was conducted; it was found that the gross enrolment rate of 90 percent of the population of age range 6-11 years fluctuated between 89.16 to 94.18 percent. About 9-10 percent or 600,000 children were still lacking access to basic education, the majority of those belonging to under-privileged groups. It was also found that early school leavers numbered 31,294 and the percentage of children repeating a year of education was 2.73-3.73.

The percentage of the population in the age range 12-14 years entering lower secondary education has increased from 39.6 in 1990 to 72.6 in 1998, with an upwards tendency. The implementation of the basic education policy has effectively progressed with the hope that it will meet the target given in the National Education Act of 1999 which stipulates that the 9 year compulsory basic education period will be fully effected by 2002.

### **Problems**

Quantity-wise, the operation appears to be successful, but quality-wise, some problems have been defined:

*1. Provision of education:* Some under-privileged children do not have access to educational services due to a lack of flexibility and diversity in the methodology of education is provided.

2. *Efficiency of education*: The rate of students who drop out of school early or repeat a year of schooling is quite high.

## **Solutions**

1. Educational institutions should be able to provide education in various forms: formal, non-formal and informal methods. Continuing education should be promoted using a comparative system whereby credits gained in one system can be transferred to another.
2. Individuals, families, organizations, communities and institutions should be encouraged to provide more appropriate education that meets students' requirements. The state should provide benefits in terms of information on parenting skills, and education to children or persons under the government's care. Financial support in the form of rebates or tax exemptions should be introduced.
3. Special rights must be granted to the disadvantaged ensuring that they have equal access to schooling, and obtain the same level of education as other students.

## **2. Age of admission to employment**

### **General Situation**

The Labour Protection Act of 1998 was enacted to replace the Revolutionary Announcement No. 103, 1972 in order to upgrade the quality of life for workers and to set minimum standards in work conditions. Several changes have been made to the previous legislation particularly with regard to child labour. Major changes were introduced with regard to the age criteria set for employment, ensuring consistency with the age at which a child completes his or her compulsory education as specified in the National Education Act of 1999. Section 44 of the new Labour Protection Act raised the minimum age for employment to 15 years of age - formerly the minimum age was 13.

Specific legal duties of employers are outlined in the Act relating to the use of child labour. According to Section 45, if an employer employs a child aged less than 18 years, a report must be made to the labour inspector within 15 days of the child beginning work. Also, at cessation of the child's employment, the employer must report to the labour inspector within 7 days. Sections 47 and 48 state that the employer is prohibited from allowing child employees to work during the hours of

22.00-06.00, nor may they work overtime or during holidays. Sections 49 and 50 and the 6<sup>th</sup> regulations of the Ministry of Labour and Social Welfare (1998) specify the types and places of work for which child labour may not be employed. Section 52 states that a child employee has the right to attend training programs and seminars, allowing opportunities for professional and personal development (see details in Chapter 8).

## **Problems**

1. The Labour Protection Act of 1998 may have particular impact on children living in poverty, particularly if their families rely on the income generated by the child workers.
2. There are difficulties of enforcement; some illegal work establishments are very small, making inspections difficult.

## **Solutions**

1. For a poor and disadvantaged child not yet 15 years of age, in addition to further educational opportunities, vocational training should be provided before the child enters the work force. Financial support in terms of capital funding should be provided to assist them in developing their own business.
2. Create a network of local social mechanisms to investigate illegal establishments: for instance appoint voluntary village labour investigators nationwide and create a network of agencies and organizations, which inform the public on issues of child labour.

### **3. Age of participation in hostilities**

There is no stipulation in law on the age of participation in hostilities but according to Thai law, the minimum age for conscription into the armed forces is 21 years. Those who have completed their third year of military training in the reserves – the majority of whom are over 18 years of age – will be allowed to enter the military reserve corps.

### **4. Age of deprivation of liberty**

Most of these matters were addressed in Chapter 2 of Thailand's initial country report under the CRC (1996: 35-37). Additional information provided here refers to the age at which children with behavioural problems or children with problems in need of rehabilitation should receive institutional care. Reception homes will admit children aged 5-18

while child welfare homes will admit children aged 7-18 years (please see details in Chapters 5 and 6).

## **5. Age of criminal responsibility**

This issue was also addressed in Chapter 2 of Thailand's initial country report under the CRC. At present, studies and consultations are in process with academics, legal experts, governmental and non-governmental organizations working with children, with the aim of increasing the age at which criminal penalty is imposed, that is, from 7 to 10 years.

## **6. Age of capital punishment and life imprisonment**

### **General Situation**

If a young person over the age of 17 commits a crime, he or she may be sentenced to capital punishment or life imprisonment depending on the severity of the offence. Thai law allows the court to exercise its discretion in imposing the penalty. Section 76 of the Criminal Code states, “For a person aged 17 years but not over 20 years...if the court deems fit, it may decrease the degree of penalty for that offence by one-third or by half of the total.”

### **Problems**

Article 37(a) of the Convention on the Rights of the Child forbids capital punishment or life imprisonment on a child. Therefore, the above criminal law is contradictory to the provisions in the Convention, as there is allowance for the court to impose the reduced penalty *or* the full penalty. In practice, the court normally exercises its discretion in favour of a reduced penalty if the offender is a child.

### **Solutions**



A new criminal law act is being proposed with the effect that capital punishment and life imprisonment can not be imposed on children aged below 18 years.

## **7. Giving testimony in court, in civil and criminal cases**

Thai law does not stipulate a minimum age for people giving testimony in court. However, according to Section 95 of the Civil and Commercial Procedure Code, the person giving testimony must be able to understand and answer the questions asked, and must be the person who saw, heard or knew about to which he or she is testifying. According to Section 108 of the above-mentioned law, it is not imperative that Buddhist monks and novices (under the age of 20) give testimony at all. Section 112 says that a child aged under 10 years does not have to swear an oath before testifying (see Chapter 8 for further detail).

## **8. Lodging complaints and seeking redress before a court or other relevant authority without parental consent**

In terms of lodging complaints, a child can do so without parental consent. However, in executing a judgement, parental consent is needed, as mentioned in Section 21 of the Civil and Commercial Procedure Code.

In filing a case seeking redress before a court however, a child may do so only with prior consent from a parent or guardian, as stated in Section 56, Civil and Commercial Procedure Code.

In seeking redress from any relevant agencies in an action, the young person needs to comply with Section 22 of the Civil and Commercial Procedure Code. If a child wishes to take the case to court seeking redress, they must comply with Section 56 of the Civil and Commercial Procedure Code; that is, the child must first gain consent from his legal guardian.

## **9. Participating in administrative and judicial proceedings affecting the child**

In this respect, the Thai law stipulates in Sections 5(1) and 6 of the Criminal Procedure Code and Section 56 of the Civil and Commercial Procedures Code that a legal guardian is required to represent the child in court. The child will not take part directly in civil or commercial cases.

If the child is the injured person and would like to set himself up as a witness, according to the Criminal Procedure Code he has to be sworn as a witness. This is the highest degree of involvement that a child under 18 can have in the practice concerning court procedure (see Chapter 8 for details).

## **10. Giving consent to change of identity, including change of name, modification of family relations, adoption, guardianship**

### **Change of identity including change of name**

The Civil Registration Act of 1991 Section 14 states that “ A person whose name appears in the population register - or their legitimate representative if the owner of the record is a child - may request the Registrar...(2) to add, erase or update any information contained in the data of the population register in order to render it correct and true.”

### **Modification of family relations**

The Civil and Commercial Code, Book 5, Code 2 on parents and children stipulates the specific age in connection with family relationships as follows:

1. In lodging complaints denying the status of lawful child, Section 1545 stipulates that, “If the fact becomes known to the child that he or she is not the biological child of the man who is the husband of his/her mother, the child may request the prosecutor to bring the case to court for the denial of his or her status as lawful child.

However, if this fact becomes known to the child before attaining sui juris (20 years of age in Thailand), the prosecutor shall not file the case in court until a period of one year has lapsed, starting from the day the child comes of age. If the child becomes aware of the truth after coming of age, the prosecutor must not file the case in court until one year has lapsed from that day. It is prohibited to file a case at all if a period of ten years has lapsed from the day the child knew the truth”.

2. Lodging complaints for adoption. Section 1556 states that “Regarding the action for adoption of a child, if the child in question is

not yet 15 years of age, a legitimate representative shall act on behalf of the child. After the child reaches the full age of 15, he may enter into action *sua sponte* without consent from his legitimate representative”.

## **Adoption**

The Civil and Commercial Code, Book 5 on Family, stipulates the minimum age for adoption in Chapter 4 on Adoptive Children, in particular regarding consent to, and termination of, an adoption:

Section 1598/20 states, “If the adoptive-child-to-be is not less than fifteen years of age, he or she must give his or her consent.”

Section 1598/35 states, “Regarding the complaint for the termination of an adoption, if the adoptive child is less than 15 years old, his parents by birth are entitled to lodge complaint before the court. If the adoptive child is over 15 years of age, he can do so without consent from anyone.”

## **Guardianship**

The Civil and Commercial Code Section 1598/9 states that for a person aged over 15 years but under guardianship, his relative or a prosecutor can lodge a complaint before the court seeking termination of guardianship due to negligence or unfair execution of duty on the part of the guardian.

## **12. Having access to information concerning the biological family**

### **General Situation**

As described in answer no.10 in the Thailand's Replies to the List of Issues (1998: 19), a child wishing to obtain information regarding his or her biological family must have a legitimate representative submit the request on his or her behalf in order to gain access to information in the population registration history. In the case of an adoptive child, though the law does not stipulate any exact direction on this, Thailand has complied with international principles allowing such children to submit requests for information about his or her biological family with consent from the adoptive parents.

The procedures for requesting information on a child's biological family run as follows. As is stipulated in Section 14 of the Civil Registration Act of 1991, the owner of the bio-data pertaining to Section 12 of the Civil Registration Act or a legal guardian (if the owner of the bio-data is still a young child) may submit a request to the registrar. Then the latter may copy and certify the copy of the bio-data for the child. Section 25 of the Official Information Act of 1997 also states that a person has the right to know about private matters concerning themselves. If a person makes a request in writing, the government office in charge of record keeping must allow that person or their representative to inspect or access a copy of his or her personal information.

In addition, regulations established by the Service Unit, Local Administration Department requires that a person wishing to check his bio-data must show a copy of his or her identity card or house registration containing his or her name. If a child wishes to know about his or her biological parents, he or she may do so by themselves or through a legitimate representative at the Population Registration Office or the Service Unit of Local Administration Department in Bangkok and the provinces.

### **Problems**

Sometimes the adoptive family may not give consent for the child to learn about his biological parents for fear that the child may want to return to his or her natural family.

### **Solutions**

Efforts have been made by the Department of Public Welfare to rectify such problems. Training has been provided to adoptive families regarding permission to let the child know about his or her biological family in accordance with age-specific appropriateness and ability to accept the truth.

## **12. Legal capacity to inherit, to conduct property transaction**

The Constitution and the Civil and Commercial Code states that conducting personal property management depends on each individual's legal ability. That is to say, a person may conduct property transactions when he or she is no longer a child and has come of age at twenty years. While a child and not yet of age, property transactions can be conducted

with the consent of parents and/or guardians. The minimum age for conducting property transactions is therefore twenty years or where majority is attained through marriage. Some exceptions do exist whereby a child can conduct property management, such as in making a will or receiving property.

### **13. To create or join associations**

Definitions under this area have been outlined in the Thailand's initial report and Thailand's Replies to the List Of Issues (1998: 20). The 8<sup>th</sup> National Children and Youth Development Plan (1997-2001) promotes the formation of groups/clubs/centres in accordance with the best interests of children, to be managed or run by the children themselves (please refer to Chapter 4).

Book 1 of the Civil and Commercial Code on the creation of associations and foundations does not mention the age requirement of the founder or members, leaving the matter to the discretion of the members of the founding team to decide upon the statute of the association or the foundation. In order to obtain permission to create an association or foundation, the founder must be a person who has come of age, that is, 20 years of age. To be a member, however, does not require this age specification, and will depend on the rules and regulations of that association or foundation.

### **14. Choosing a religion or attending religious school teaching**

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### **15. Consumption of alcohol and other controlled substances**

#### **General Situation**

In Article 20 of the 294<sup>th</sup> Announcement of the Revolutionary Party of 1972, it is prohibited to sell or provide alcohol or cigarettes and other addictive drugs to children (i.e. persons aged under 18 and not yet married). It is also prohibited to persuade children to drink or smoke or consume any addictive drugs, except for medication purposes. The Tobacco Product Control Act of 1972 also prohibits the sale of cigarettes to persons aged less than 18. Other addictive drugs are already considered illegal.

## **Problems**

Despite the existence of the law prohibiting the sale or disposal of alcohol and cigarettes to minors, a great number of children are still addicted to alcohol and cigarettes as well as other drugs.

## **Solutions**

Agencies responsible for law enforcement must ensure that strict and severe suppression is conducted.

# **16. Entering a boxing competition**

## **General Situation**

The Boxing Sport Act of 1999 was promulgated in Thailand with some provisions concerning children. The minimum age for registering as a boxer is 15 years. To organize a boxing sport competition for children under 15 years of age, it is imperative that full security equipment be provided. This is to protect children from possible injury. However, concerns have been expressed among people working for the welfare of children both in the governmental and non-governmental sectors, including academics and experts; it is thought that children may not have the psychological and physical maturity required for this type of sport, and that their development may be affected.

To fully understand the issues surrounding children in boxing, a survey was conducted at the end of 1999: it was found that a large number of children do participate in this sport. About 75 percent of the total number of boxers are aged under 18, with 51 percent aged under 15 years. These

children enter boxing between the ages of 8-12 years; some child boxers enter the ring at the age of 12. Although their general standard of living and health is reasonably good in terms of welfare and safety, the majority do sustain injuries from the practice, and are affected physically and mentally; they may suffer general injuries, such as muscle pain, dizziness, vision blurring and chronic muscle inflammation. In addition, most children do not have health insurance.

Field doctors experienced in taking care of boxers feel that the sport is detrimental to child health in several ways: physical growth may be stunted; the children feel tired and weak as a result of weight control measures; head injuries may cause delays in terms of intellectual development and other areas of development. Such doctors propose that children should be at least 15 years before entering boxing. In terms of educational achievement, children engaged in boxing perform slightly worse academically. Some teachers, however, say that these children have accelerated development in terms of personality, discipline, courage and self-confidence. Other teachers differ in opinion, believing that boxing may have long-term negative affects in terms of health, intellect and motivation to pursue their studies; that is, children seriously engaged in boxing may show less interest in lessons in the classroom.

## **Problems**

Boxing is an activity, which poses risks to the health, safety, and physical and intellectual development of children participating in the sport. There are currently limited legal provisions to protect young boxers, particularly for the age range under 15 years.

## **Solutions**

1. It is proposed that an amendment to the Boxing Act 1999 be made to increase the minimum age for registration as a boxer to 18 years.
2. While the changes to the Act are pending, special protective measures in welfare and safety should be provided to young boxers aged 15-18.
3. The above-mentioned law should be revised and amended to provide benefits and protection to children aged below 15 years serving as trainee boxers. This should begin at the initial stage where young boxers are selected to become trainees in the boxing training camps.

## **3. General Principles**

### ***Non-discrimination***

# General Situation

This section responds to the general guidelines paragraphs 25-47.

The Constitution of Thailand of 1997 is regarded as having provisions highly congruous with the Convention on the Rights of the Child in many areas, including non-discrimination, consideration for the best interests of the child, right to life, survival and development, and the right to express an opinion. Such principles have been implemented by the relevant agencies in terms of legal rights and practices.

The Constitution states in Section 30, that all people are equal according to the law and are equally protected by the law. It also states that discrimination based on age, sex, birthplace, race, language, physical condition or health, personal status, economic or social position, creed, education and political ideology not contradictory to the provisions in the Constitution, is unacceptable. In order to prevent and eliminate discrimination, as well as to reduce discrepancies in economic, social and geographical status, Thailand has undertaken the following measures:

## 1. Education

The Thai government has established many provisions to ensure all children are educated on a non-discriminatory basis. It has launched the National Education Act of 1999, which stipulates that 12 years of quality education must be provided free of charge to every child. Children without household registration can be enrolled in school. For impoverished children, in addition to scholarships and small grants, during the budget year of 1998, the government allocated 13,000 million baht to the “Loans for Education Program” for supporting students in schools throughout the country.

Support has been provided to bridge the gap in educational standards between rural and urban schools, using distance learning methods with lessons relayed by satellite from larger, well resourced, city schools to other schools, particularly those in remote rural areas. Non-formal education and methodologies of education have helped to improve the delivery of education to the underprivileged and marginalised, such as hill-tribe children, orphans and children on parole (see Chapter 7 and 8 for further detail)

## 2. Health



The Thai Constitution of 1997, Section 52, secures equal rights for everyone regarding access to basic health services. The poor have the right to receive free medical care from state health services on a universal and efficient basis. Thailand has launched several measures to provide primary health care to children and youth in both rural and urban areas. There are health centres all over the country and mobile health units provide services to communities in remote areas, including hill-tribe and minority communities as well as impoverished areas. Facilities provided include pre and post natal services; every mother and child is given a health record book containing information on immunization and child physical and mental development during different age periods, as well as a personal vaccination history.

### **3. Provision of welfare to children and youth**

The Thai Constitution of 1997, Section 53, states that children and youth with no parent/s or guardian are entitled to care and education from the State. The Department of Public Welfare, the government office responsible for the provision of services to children under 18 years living in difficult circumstances, undertakes three types of service – placing children in: institutions; with families; and in foster homes (further details are provided in Thailand's Replies to the List of Issues (1998: 34-5) and in Chapter 5.

In addition, in order to systematize and upgrade the efficiency of care and protection for children in difficult circumstances, a new act on the Child Protection, and a plan of operation for the solution of problems concerning children and youth in difficult circumstances has been proposed, as mentioned in Chapter 1.

### **4. Elimination of discrimination against girl children**

During the Fourth World Conference on Women in Beijing 1995, the following objectives were proposed for the Platform for Action to eliminate discrimination against girl children as follows:

- 1) Elimination of discrimination against girl children in all forms and issuance and enforcement of appropriate legislation ensuring child equality in inheriting status and properties regardless of gender.
- 2) Elimination of discrimination against girl children in education, development of skills and in training.
- 3) Elimination of discrimination against girl children in health and nutrition.

- 4) Elimination of child labour exploitation and protection of young women needing employment.
- 5) Strengthening the family role in upgrading the status of girl child.

Thailand's participation in the Convention on the Elimination of All Forms of Discrimination Against Women has resulted in a number of actions dealing with this matter. For example, the Cabinet Meeting on 26 November, 1996, agreed that restrictions on the percentage of female students and male students entering universities under the Ministry of University Affairs and other tertiary level institutes be abolished.

Nevertheless, discrimination still exists in education. The Ministry of University Affairs reported that in 1998, several state universities still imposed restrictions on the percentage of seats for female students versus male students. Of the 36 branches of study where discrimination still existed, 33 branches imposed restrictions based on percentages. One branch allowed only male students in their classes, and 2 branches admitted only female students, stating that the imposition was exercised due to the nature of the profession or the requirements of the labour market.

#### **5. Prevention and elimination of attitude and prejudice due to society, race or ethnicity**

Thailand does not uphold any laws that allow discrimination or prejudice based on membership of a religious group. Once a child is born on Thai soil, he or she is entitled to basic rights accorded by law and will be granted with basic social services regardless of sex, age and religion, without discrimination. Thailand has also granted hospitality to non-Thai persons in terms of the right to access basic services and to be treated with dignity, without discrimination.

In addition, the Thai Government has also established measures to preserve the identity of minority or ethnic groups. The Ministry of Education has set up a flexible program and timetable to suit the situation and conditions of each locality, allowing for the participation of community members in the development of appropriate curriculum and educational materials. Students have the opportunity to use local dialects and maintain traditional practices in preservation of their cultural identity - such as in wearing their local costumes which indicate their religion or tribe – to school.

#### **Problems**

1. The Constitution states that 12 years of education should be provided to all children, as well as standard health care and other government services, on an equal basis and without discrimination. In practice, however, the government is still not able to implement the said provisions efficiently due to the country's economic downturn.
2. Some groups of children, particularly children in difficult circumstances, do not have access to the same government services as children belonging to other groups in society. This is due to service inadequacy and inflexibility for some groups of children.
3. Some of the provisions in Thai legislation need to be amended for incongruity with the Constitution – for example, the law pertaining to granting nationality to children of aliens, refugees and displaced persons. Such a law imposes infringements on the rights of alien and Thai children.
4. Several governmental and non-governmental agencies are engaged in the compilation of data on children and youth. However, there is no networking amongst agencies, resulting in the duplication of work, and lack of cooperation in terms of information sharing leading to under-use of the collected data.

## **Solutions**

1. If the budget is not adequate, priorities should be set regarding the importance of each project (program), in order to provide guidelines for future budget allocation.
2. Widening the use of basic data on children in difficult circumstances and children in general in policy planning and guidelines for assistance. There should be a greater diversity of services for children.
3. Strengthening the dissemination of knowledge and awareness raising mechanisms regarding the significance of law enforcement to government officials.
4. Conduct a close follow-up of the law enforcement concerned.

## **Best Interests of the Child**

### **General Situation**

Thailand takes into account the principle of "the best interests of the child" in terms of relevant policy and legislative development. The

Constitution of Thailand of 1997 deems it the duty of the State to provide to the child facilities in education, health and protection in many areas without any discrimination.

In addition, the Thai Constitution and some Thai laws contain provisions aimed at providing special protection to the child, such as the Prevention and Suppression of Prostitution Act of 1996 which protects children under 18 years of age from sexual exploitation, and the Measures in Prevention and Suppression of Trafficking in Women and Children Act of 1997 which provides wide protective measures against the selling, buying, trafficking, luring or procurement of boys as well as girls. There are also measures against the trafficking of women and children, both locally and internationally: the 14<sup>th</sup> amendment of the Penal Code of 1997 concerning indecent acts committed on both girls and boys; the Labour Protection Act of 1998 increased the minimum age for employment from 13 to 15 years; and the 20<sup>th</sup> Amendment of the Criminal Procedure Code of 1999 regarding the testimony of a child aged below 18 who is either the injured person, the witness or the accused during the interrogation. Taking of evidence from a child must be conducted in an appropriate place in the presence of a psychologist, a social worker or a prosecutor.

However, most pieces of legislation do not explicitly mention that they were developed with the principle of “the best interests of the child” in mind. It is hoped, however, that if the Draft Act on Child Protection is implemented, it will become the single most effective legislative tool that directly pursuing the best interests of children in Thailand, without discrimination.

Besides the above legislation, other activities undertaken in the best interests of the child are:

## **1. Establishing the policy and plans**

### ***a. The policy and plans on development***

At present, Thailand is using the National Youth Policy of 1994 as its main guideline for effective operation in governmental and non-governmental offices in terms of activities on child development.

However, in order to bring the present national policy on youth in line with the current and constantly changing national and global situation, the government has taken a new direction and adjusted its strategy on child development, brainstorming for ideas from scholars, academics, people working in child development work and children and youth themselves. A new national policy on youth was implemented in 2002.

The National Plan on Children and Youth Development during the 8<sup>th</sup> National Economic and Social Development Plan 1997-2001 has established the major goal that all parties in society participate in child development based on the Convention, and that every group of children benefits equally.

The 8<sup>th</sup> National Plan, emphasizes human development, with the children and youth being placed at the centre of development. More services have been extended to cover the underprivileged groups in society. Child and youth participation at all levels of development is encouraged. Achievement has been seen at a certain level, although the impact of the unexpected economic crisis has affected children and young people in various ways regarding services from the State - budget allocation has been delayed and plans adjusted.

In the policy and plans for developing the institution of family, problems on child rearing are cited and policies aimed at benefiting the child have been enacted. Emphasis is now placed on the development of family, community and society's capacity to maximise child and youth development potential. Details can be seen in Chapter 5.

#### ***b. National Housing Policy***

The National Housing Authority does not have a direct policy on the promotion or development of the child. However, pre-school centres have been set up to provide day care to children whose parents have to be away at work. Various types of functions are organized during holidays and special occasions to promote unity in the community. Examples are activities on Children's Day and Mother's Day. Children are encouraged to form groups and launch activities beneficial to the community. Moreover, according to the Town and Country Planning Act of 1975, open spaces or multi-purpose areas must be provided in housing estates or commercial complexes. Such spaces can be transformed into public parks, recreation areas, sports grounds etc., in order that the residents of such places can make use of the areas. This will aid in the

enhancement of public spaces and as such provide an appropriate environment for child development.

***c. Policy on Transportation***

The government has arranged to provide benefits to the child in the family, school and society as follows:

1. The Automobile Act of 1979: Provisions are made in Section 46 (1) that in order to obtain a driving license, a person must be over 18 years of age and to obtain a license to drive a 30 cubic cm. Motorcycle the minimum age is 15 years.

2. The Land Transport Act of 1979: The Central Committee for the Control of Land Transport Fares has set up a fare reduction for students in school uniforms ranging from those studying in Grade 9 and below.

***d. Policy on Environment***

With regard to policies on the promotion and conservation of the environment, there is no direct policy or plan of operation guided specifically by the principle of “the best interests of the child”. However, there is support of activities for children through campaigns, which raise children’s awareness of the value of a clean and healthy environment so that they will help in terms of conservation based on principles of sustainable development. Some of the programs initiated are, for instance, the Children Love Northeast Forest project and the Youth Club for the Environment project. The Environment Promotion and Conservation Act of 1992 provided facilities for research and study in support of activities for the environment among children studying at various levels - primary, secondary and higher learning. This includes actions to encourage the building of more public parks serving as rest and recreational areas.

**2. Budget allocation**

In 1998, the year of the economic crisis, children and youth were affected by delays in allocation of the budget, and by the fact that many families were affected by job losses. The plan of operation for 1998, in accordance with the 8<sup>th</sup> National Child and Youth Development Plan, whereby child-centered development is the focus, is divided into 2 parts:

1) The children and youth development plan was developed in response to the economic crisis; a plan set up to meet the exigency of

the situation. In this plan, a total of 246,487.9 million baht was set up for the following:

- a. Opportunities for procurement of work for young people;
- b. Financial support for education;
- c. Development and assistance given to underprivileged children;
- d. Child rights protection.

2) Thirty-four plans of operation in line with the Children and Youth Development Plan for the fiscal year 1998 with a total budget of 35,187.94 million baht. For the budget year 1999, a total of 825,000 million baht was allocated, divided into 2 parts:

a. 157,464 million baht (19.09 percent of the national budget) was earmarked for education and social services.

b. 31,539 million baht (3.82 percent of the national budget) allocated not with any specific purpose but with children and youth as specific beneficiaries. The budget was intended to cover 6 areas: agriculture; trade and tourism; science, technology and energy; health; internal security; and the government's general administration.

From the above, it can be seen that the Thai Government deems it important to develop children and youth, bearing in mind the principle of "the best interests of the child". The Government has allocated 19.09 percent of the total budget for the year 1999 to lay the groundwork for development activities for the child. Opportunities in education have been extended to cover children of all groups. In addition, the government aims at developing the physical and mental well being of the child, with emphasis on health promotion and drug addiction prevention. It can be seen that, despite the economic crisis, the Thai government has not cut down on matters concerning child development, pursuing the best interests of the child and allowing the child to develop to his or her maximum potential.

### **3. Adoption and placement of children**

Several GOs and NGOs assist children in especially difficult circumstances and also children in institutional care. These agencies range from the Department of Public Welfare, the SOS Foundation, and the Foundation for the Better Life of Children. Two main services are delivered:

#### ***a. Children in Care***

The Department of Public Welfare has set up various homes to take care of neglected children, orphans, street children and other children who for one reason or another can no longer live with their families. This is meant to be a last resort for the children.

Services provided include the provision of the necessities of life, rehabilitation, medical care, education, occupational training, social welfare work, behaviour management, recreational facilities, disciplinary training, ethics and morality, job procurement, as well as follow-up when the child has left the institution. Some NGOs also provide similar services.

***b. Assistance to children and families within the community***

Services provided include counselling services to the child and the family, funds to start income generating activities, welfare to the family, child support money, assistance for medical treatment costs, education costs, and other forms of financial assistance which enable the child to remain living in the family.

In 1990, the Department of Public Welfare set up a pilot program to help foster families in land settlement areas under the department jurisdiction. Some members of the land settlement areas were prepared to serve as foster parents. Co-ordination, training, seminars, field trips on the theoretical and practical aspects were conducted. This helped to prepare all parties, and included a process of familiarisation for foster families and children prior to placement.

Follow-up is conducted through a home-visit to the foster parents; evaluations are conducted every two months.

**4. The administration of justice for children**

The Act Instituting the Juvenile and Family Courts and the Juvenile and Family Procedure of 1991 currently in force, is aimed at protecting and assisting children and youth, safeguarding the interests of the young, and setting up appropriate procedures in dealing with young people who have broken the law. The main principle is to allow the young to have an opportunity to redeem themselves, and undergo rehabilitation and self-reflection, which will increase self-knowledge and personal awareness. Emphasis is not placed on the severity of the penalty or punishment, as is the case with adults (details are in Chapter 8).

**5. Measures in dealing with displaced persons and migrants**



There are a large number of displaced persons from neighbouring countries living in Thailand. They can be divided into 2 groups; the first are those who have fled their own country due to internal unrest, fighting or political threat. The second group are those who have come to Thailand for economic reasons. Under Thai law, both groups are considered illegal immigrants. In practice, however, Thailand gives assistance for humanitarian reasons, to those seeking asylum. Temporary refuge is provided, along with assistance in terms of food and shelter, as well as basic health care and protection offered for their property and personal safety. Once the situation has stabilised enough to allow for a safe passage home, these people are repatriated to their own country under the supervision of UNHCR and NGOs under a joint agreement.

Thus, children accompanying their parents or unaccompanied children will be treated in the same way as their parents and other displaced persons. They will receive treatment based on humanitarian principles, and provided with accommodation, food, education, health and medical care. Such services are provided by non-government organizations under the close supervision of the government (see Chapter 8 for further details).

## **6. Mechanisms for follow-up**

The Constitution provides for the creation of independent bodies to handle the follow-up of national operations. They are: the Ombudsmen and the National Commission for Human Rights. Nevertheless, the mechanisms for follow-up of national policy implementation have not been working in concrete way yet.

## **7. The training curriculum for those working for children**

Governmental and non-governmental agencies have utilised the principles and substance of the Convention on the Rights of the Child as guidelines for operations concerned with children; training has been provided to create awareness about child rights in accordance with the Convention. Seminars on various topics concerning the Convention have been organized for people who work with children; such as academics, lawyers, physicians, judges, attorneys, prosecutors, teachers, social workers, psychiatrists, social welfare officials, representatives of the media, religious leaders and community leaders and others who work with matters pertaining to children to provide them with knowledge and an understanding of child rights.

## **Problems**

1. Despite the fact that several Thai laws have been amended and updated to bring them into line with the Convention, there are still a number of restraints on the enforcement of those laws and regulations, meaning that some groups of children are not treated appropriately.
2. Although Thailand has set up a number of policies and development plans to serve as guidelines for the agencies working for children, in practice, implementing agencies and some local people still lack thorough knowledge and understanding about child rights. This has resulted in discrepancies in practice, as well as discrimination.
3. In implementing activities for the maximum benefit of children in the family, school and community, not enough coverage is attained. Some groups of children are still lacking in services from the government, such as those living in remote rural areas and those suffering from physical abuse.
4. Many activities are not organized specifically to meet the needs of children.

## **Solutions**

1. Encourage law enforcement to treat children from all groups equally, bearing in mind the principle of “the best interests of the child”
2. Widen dissemination of the knowledge of child rights to agencies and organizations working in child-related fields.
3. Strengthen greater cooperation among government and non-government agencies and communities in conducting joint operations that result in the greatest benefits for children.
4. Encourage child participation in the organization of activities so as to truly meet the needs of children.

## **C. Rights to Life, Survival and Development**

### **General Situation**

The Constitution of the Thailand of 1997 guaranteed the provision and promotion of standard and effective health services for all. The health services operation as provided under the 8<sup>th</sup> National Social and Economic Development Plan (1997-2001) was found to have achieved many goals at a certain level. Maternal and child health problems were reduced to a certain extent. The service emphasized health promotion, disease prevention, access to standard health service and rehabilitation to enable people to achieve good physical and mental health and live happily in society.

The School Lunch Fund Act of 1992 operating in primary schools will continue, enabling children to receive adequate food, and to reduce the malnutrition rate among children. Scholarships and loans for education are provided to impoverished students so that they can continue their studies from primary level to university level, in addition to the free 12-year basic education (see Chapter 7 for further details).

Regarding the measures undertaken to ensure the registration of the deaths of children, including the causes of death, the Department of Local Administration, Ministry of Interior is responsible for the issuance of death certificates if such deaths are reported. The certificates will mention the cause of death, however, in some cases, the death of a newborn infant is not always reported to officials. In case of death by unnatural causes, investigation by a team of government officials, comprising the police, health or medical workers and local administration officials will be undertaken.

### **Measures to prevent children from committing suicide**

In Thailand, suicide is on the rise. Suicide rates have increased from 6.3 deaths per 100,000 persons in 1992 to 8.1 deaths per 100,000 persons in 1996. Regarding children and youth, during January-June 1998, 38 children aged 10-14 (9 boys and 29 girls) and 594 young people (189 males and 405 females) aged 15-24 committed suicide or 2.75 percent and 43.04 percent of the total number of the 1,380 suicides which took place that year. The number of young women attempting suicide is much higher than that of male rates (further details can be found in Thailand's Replies to the List of Issues, 1998: 5).

Conscious of the gravity of the problem, governmental and non-governmental agencies have launched the following strategies to prevent suicides:

1. Provision of health, psychiatry and other related services by hospitals under the Ministries of Public Health, Defense, University Affairs and Bangkok Metropolitan Administration.
2. Provision of training, guidance and assistance in crisis interventions by the Department of Mental Health, Ministry of Public Health, Ministry of University Affairs and Hot Line Foundation.
3. Provision of counseling, assistance and welfare by the Department of Public Welfare, Department of General Education and the Social Welfare Council of Thailand.

4. Provision of temporary accommodation by governmental and non-governmental agencies such as the Association for the Promotion of Women's Rights, the Hot Line Foundation, the Child Protection Foundation, The Centre for the Protection of Children's Rights Foundation, the Child Foundation and the Foundation for Better Life of Children.
5. Reports on coordination and assistance can be made 24 hrs a day to the Mental Health Department, Office of National Police, So Wo Pho 91 Radio Station, Television Channel 9, Ruam Duay Chaui Kan Radio program and Hot Line Foundation.

A plan for family guidance and counseling services at the national level is being formulated to promote the strengthening of family, society and human rights protection. Such a plan should help to reduce the rate of suicide and strengthen families, making children and youth stronger in body and mind.

### **Problems**

1. Despite the fact that policy and planning for development is focusing on the child, some groups of children, especially children in difficult circumstances, are not receiving the assistance and services required to allow them to develop to their full potential.
2. The fast changing pace of society is causing confusion in the minds of the young. Families have less time for their children, widening the generation gap between family members with the result that young people may be less able to cope with the pressures of today's rapidly modernising Thailand.

### **Solutions**

1. Further develop and extend child-focused activities to enable all groups of children to access services and assistance with cooperation from everyone concerned, such that all children will reach their full developmental potential.
2. Strengthen the emotional and psychological well being of the child, providing him or her with the necessary problem solving and coping skills required to live successfully in society. Advice and parenting skills should be provided to the family.

## **D. Respect for the Views of the Child**

### **General Situation**

Thailand's initial report outlines the policy, legislation and procedures which allow the child to express his or her views in school, court and community by promoting the establishment of clubs, associations and youth centres, and to arrange for child forums to allow the child the opportunity to express their views on themselves and society.

With that in mind, the Constitution of Thailand of 1997 stipulates that a person has the right to express their views, through freedom of speech, entailing written publications and communication via other means. Every person reaching 18 years by the 1<sup>st</sup> of January of an election year has the right to vote.

Other measures supporting the child's right to express his or her views and opinions:

**1. Judicial procedures regarding children.** The Civil and Commercial Code governing family stipulates that the court takes into consideration the happiness and best interests of the child if the parents divorce. There are some provisions that allow the child to participate in legal procedures: in the case of an adoption by a man the consent of the child must be sought; in revoking of the status of guardianship; and the consent of the child is required in the registration and cancellation of adoption. A child can attend court, with the exception being when a case is deemed to be detrimental to him or her.

**2. Social measures** have been implemented including raising family and public awareness through campaigns regarding the rights of the child, particularly the child's right to express his or her views. There has also been dissemination of the principles and provisions of the Convention to institutions and organizations concerned with children, especially among various branches of the mass media.

**3. Raising an understanding of the Convention:** The Convention has been incorporated into the law curriculum of institutes of higher learning. Training and education regarding the Convention has been provided to professionals working with children such as teacher, policemen, immigration officers, judges, prosecutors, military personnel, physicians, health workers and social workers.

**4. Listening to children's views.** GOs and NGOs are aware of the importance of children's views, and measures are promoted to allow the child to express views about self and society. Forums for children to express their opinions are organized every year both in central Thailand and the provinces. Activities for the promotion of youth clubs in and out of schools are supported.

The “Child Participation on CRC” program, supported by UNICEF, was launched at the local and national level, with several meetings attended by children, enabling them to understand and gain knowledge about the Convention. Opinions and views of the young were sought for the report on the implementation of the Convention, and the childrens’ continued interest in participating in activities on child rights can be summarized as follows:

1) Children expressed interest in participating in the reports on the implementation of the CRC, and indicated that they would like to make a children's report. Subject matter proposed by them included problems and recommendations on child rights.

2) Children proposed activities in connection with the CRC, such as campaigns and dissemination of knowledge on CRC in schools, communities and local areas.

3) Children suggested that they should be networking together in order to inform, provide counseling and assistance and problem-solve regarding the violation of child rights.

On the 10<sup>th</sup> anniversary of CRC, Child Rights ASIANET, the National Youth Bureau and the National Council for Child and Youth Development, under the auspices of UNICEF, held a national conference on “Promotion and Protection of Child Rights in Thailand: A Challenging Lesson” to provide a forum and opportunity for children to express their views and needs to the rest of society.

### **Problems**

1. Some aspects of Thai culture obstruct the expression of opinions by children. Some people are not willing accept of children’s views. This makes the child afraid to express any views that contradict with those of adults.
2. Activities allowing the child to express his or her views are still limited with inadequate publicity.

### **Solutions**

1. Organize widespread campaigns to increase the acceptance of children’s opinions by the public.
2. Cooperate with agencies in the organization of forums for the child to express his or her opinions on a wide scale, from the local, national and international level.

#### 4. Civil Rights and Freedoms

This section responds to the general guidelines paragraphs 48-61.

The Thai Constitution of 1997, Chapter 3, Sections 26-65 secures the rights and freedoms of the Thai people, largely consistent with international principles on human rights and the UN Convention on the Rights of the Child. These rights are concerned with: the protection of privacy, religious freedom, expression of opinions, the right to a basic education, to health care, to protection against violence and discrimination, and also the right of the child to be protected and cared for by the State, as specified in Section 53.

Chapter 6, Sections 7 and 8 of the Constitution provide for the creation of independent, monitoring bodies, that is, the Ombudsmen and the National Human Rights Commission, to monitor and evaluate operations and activities by government agencies, offices or officials and state enterprises concerning the above-mentioned rights and liberties. Also in the 'watchdogs' mandate is the power to investigate in terms of such operations contributing to human rights violations. In particular, relating to: policy proposals, dissemination of information on human rights and also promotion and coordination of civil rights among GOs and NGOs and other organizations working in human rights. As the broader issue of human rights, measures, encompasses the issue of child rights or legislation enacted pertaining to this matter also lead to progress in the protection of child rights.

In practice, provisions stipulated in the Convention are included in the 8<sup>th</sup> National Children and Youth Development Plan (1997-2001) which has led to the adoption of guidelines for implementation in judicial matters amongst agencies at the local, provincial, regional and national levels. The Juvenile and Family Court, as well as other courts have adopted the Convention as a framework for legislation-related matters concerning children with the following details:

### **A. Name and Nationality**

#### **General Situation**

At present, Thailand has a broad, national system in place covering child registration. In principle, each child is registered at birth with name and birth certificate whether the child is of Thai nationality or not; there are,

however, large numbers of children without birth registration. This is due to several reasons, the main ones being: Unawareness of the law and process for birth registrations; lack of awareness of the significance or the benefits attached to birth registration; and problems arising from corruption amongst some officials. The Department of Local Administration, Ministry of Interior- the office responsible for central registration is in an attempt to solve those problems through the mass media. Utilising public information announcements and knowledge dissemination campaigns, the government is attempting to inform the public about the process of birth registration, and its' importance in terms of the civil benefits. Annual training for personnel engaged in providing registration services is provided to ensure knowledge and understanding of the issues surrounding birth registration, and that procedures and regulations are followed.

## **1. Registration of birth**

The Civil Registration of 1991 and the regulations of the Central Registration Office on Civil Registration, 1992 stipulate the timeframe and process for registering a birth in the home and outside of the home of any child with or without Thai nationality. The report of the birth must be made to the registration officer of that locality within 15 days of the birth. Upon registration, the registrar will issue a birth certificate as evidence of the birth. Birth certificates are classified into three categories: (1) a birth certificate called Tor. Ro. 1, is issued to a child with Thai nationality and whose birth is reported within the time stipulated; (2) a birth certificate called Tor. Ro. 2 issued to a child with Thai nationality and whose birth was reported outside of the timeframe, and; (3) a birth certificate called Tor. Ro. 3 issued to a child without Thai nationality.

All three categories of birth certificates give specific details about the child: identity number, given name, surname, gender, time and date of birth, nationality, birthplace, name of parents, address of parents and name of the reporter of the birth. The steps for registering the birth of a child either in or outside of a hospital are as follows:

**(a) Birth in a hospital.** A paper certifying the birth is issued by the hospital to the parents and then submitted to the local registrar with the request for a birth certificate. The local registration office will issue the birth certificate and add the name of the child to the house register.

**(b) Birth outside the hospital.** The father, mother or house owner must report the birth to the village headman or the kamnan. A birth report will



be issued and forwarded to the local registrar who will issue a birth certificate as in (a).

Hospital doctors or directors of health stations can issue papers certifying a birth, which can be used as evidence to obtain a birth certificate. Thai nationals and aliens with birth report evidence can use such documents in contacting government offices. Such agencies – government and non-government – have taken measures to inform the public of their rights and responsibilities in connection with birth registration.

Since December 1995, the Civil Registration Service has been updating the birth registration system, and currently 505 provincial registration offices in 75 provinces and the Bangkok Metropolis have been computerized since thus expediting the registration process. All district and local registration offices will be computerized in the near future. Mobile services for remote communities and areas will also be provided.

For displaced children fleeing armed conflicts and other displaced children, the Ministry of Interior has set up a registration service for displaced persons residing in temporarily displaced persons camps along the borders in Mae Hong Son, Tak, Kanchanaburi and Ratchaburi. Details of each family are listed as follows: size of family, names, nationality, sex, dates of birth, dates of death, and photographs. The data contained therein will be updated monthly. A newly born infant will be added to the family registration.

## **2. The acquisition of Thai nationality**

Details relating to this matter were provided in Thailand's initial report and the Thailand's Replies to the List of Issues (1998: 30), which addressed aspects related to the Nationality Act of 1992. This states that offspring with at least one parent holding Thai nationality acquire Thai nationality automatically. For those born in Thailand but without the above prerequisite for Thai nationality - such as children of illegal immigrants or persons temporarily residing in the country and children of displaced persons or minority groups - Section 2 of the Nationality Act of 1992 allows such persons to apply for Thai nationality on an individual basis. However, some Thai children still face problems relating to lack of birth documents, leading to an inability to register, and subsequent non-recognition as Thai nationals.

In terms of children born to illegal immigrants in Thailand, birth documents will be issued, and hence, the child will not be deprived from

basic benefits such as health, a basic standard of living, and education in particular, as this contributes to improving the quality of life for all people. The Thai government also provides educational assistance to children in neighbouring countries adjacent to the Thai border. Cambodian children can attend schools in border areas in Thailand and will be equally treated without discrimination. This is based on the principle of peaceful co-existence among people in the same country, neighbouring countries, and the same and neighbouring regions in the world.

### **3. The child's right to know and be cared for by his or her parents**

There are two pieces of legislation supporting the child's right to gain information relating to the identity of his or her parents. Section 25 of the Official Information Act of 1997 states that a person has the right to access personal information held in government records. Once that person makes a request in writing, the government office in charge of that information must allow access to those documents or a copy thereof. In ensuring that the child knows his or her parents, Section 14 of the Civil Registration Act of 1991 stipulates that the person who appears in the records, as in Section 12, or a representative of that person if still a child, may request the registrar to copy and certify his or her registration records.

Regarding the child's right to be cared for by his or her parents, the Civil and Commercial Code, Part 5 on Family stipulates that parents are responsible for providing adequate care and education to their children, and that it is the right of the parents to have guardianship of their children. Section 53 of the 1997 Constitution of Thailand stipulates that children without any guardian have the right to be cared for and educated by the state, more specifically, by the Department of Public Welfare. Some of the non-governmental agencies providing alternative care for children include: The Holt Sahathai Foundation, SOS Foundation, The Centre for the Protection of Children's Rights Foundation and the Slum Infants Foundation. (See Chapter 5 for further details).

## **Problems**

1. Some people, Thai and non-Thai, especially hill-tribe people, are not familiar with the law and procedures involved in registering a birth.
2. Some people are unaware of the importance and benefits of reporting a birth in terms of access to healthcare and education.
3. Some people, due to poverty or a nomadic life-style, re-locate to other towns or regions to find work, and may not have time to complete the registration process.
4. Lack of professional service, corruption and discriminatory treatment from officials may cause difficulties for some people to register a birth. For example some officials may require an unofficial "fee" or request more papers than actually necessary in order to register a birth.

## **Solutions**

1. Inform the public of the importance and benefits of the registration of the births of their children, including the rights and entitlements derived from the registration. Information must be provided to the village heads and the kamnan so that this can be passed on to the villagers.
2. Disseminate information regarding the procedure for registering a birth.
3. Organize conscience-raising training of officials so that they comply with the Ministry's directives and regulations, and facilitate a better service to the public.
4. Conduct evaluations, working towards continuous improvement in the accessibility of the nationwide population registration system, but especially with regard to the registration of the highland people living in 20 provinces.

## **B. Preservation of Identity**

### **General Situation**

Thailand has no law governing the preservation of identity but at the same time people are not deprived of their right to preserve their identity and culture. This was reported in the initial report and the Thailand's Replies to the List of Issues (1998). The Official Information Act of 1997, Section 23 specifies governmental agencies' practice on the management of personal data. Article (2) states, "An attempt must be made to obtain direct information from the owner, particularly if such information bears a direct effect on that person." Article (5) states,

"Appropriate security systems must be provided to safeguard such personal information to prevent inappropriate usage or usage which may negatively affect the owner". This also includes the protection of the personal rights of the child about whom the information refers.

The government has implemented a new policy (1999-2003) with a special focus on the 5 southern provinces in terms of strengthening human and social development alongside the preservation of local culture and identity and the local way of life. Support has been given to encourage public participation in the development of the locality, as well as cooperation with the Muslim population. Islamic schools teach a general mainstream curriculum in conjunction with Islamic religious education; the curriculum and the systems of learning and teaching have been adjusted to be congruous with the Islamic way of life and culture, for children and adults at all levels, be it school, vocational or higher learning.

The government is aware of the significant vulnerability of hill-tribe minority groups who live in 20 different provinces in the central north and west of Thailand. A policy on the implementation of development and assistance to hill-tribe people was formulated in 1951 with the Department of Public Welfare serving as the core implementation agency (details in Chapter 8 of Thailand's initial report and this report).

## **C. Freedom of expression**

### **General Situation**

Regarding freedom of expression, the Thai Constitution, Section 39 states, "A person shall enjoy the liberty to express his or her opinion, make speeches, write, print, publish, and make expression by other means". There are provisions in Thai legislation and other measures in place which support public and family awareness regarding the child's right to freedom of expression as well as the promotion of opportunities to exercise this right in school and out of school, including those children under the care of institutions. Opportunities are open for young people to form groups or clubs, which can express representative views or thoughts freely (refer also to Chapter 3).

In addition, the main intention of the Official Information Act is to allow the people access to information concerning the work of the government, and hence express a fully informed opinion on government matters; this is significant in support of an accountable and transparent democracy.

Access to official information is crucial in providing support to the child in his or her quest for knowledge and the receipt of this knowledge without prejudice.

## **Problems**

Despite changes in the methods and ideas by which a child is raised in Thailand, Thai families retain some core, traditional values, such as the demonstration of respect for elders - the young must be obedient, grateful and humble, and not demonstrate aggression. Such an attitude can work against the child's right to freedom of expression, with children afraid to act in a way that adults might consider disrespectful.

## **Solutions**

Campaigns to sensitize families and the public about the child's right to freedom of expression, as a valued member of the family and society, with the right to express opinions and feelings on matters affecting them.

### **D. Freedom of thought, conscience and religion**

This issue was addressed previously in Thailand's initial report, Chapter 8 and Thailand's Replies to the List of Issues (1998: 64-6). Section 38 of the 1997 Constitution of the Kingdom of Thailand states that a person has the right to follow any religion, sect or creed. A person has the right to perform religious rites in accordance with his or her beliefs as long as such actions are not contrary to his or her duty as a citizen or to the law and order and ethics of the people.

At present, government policy allows religious teaching to be conducted side by side with general and vocational subjects. Qualifications obtained from religious classes can be considered equivalent to the qualifications obtained in general education, and are recognised by employers when applying for jobs. Some workplaces provide space for religious rituals, such as prayer rooms for Muslim employees.

### **E. Freedom of association and peaceful assembly**

#### **General Situation**

This was reported in Chapter 3 of Thailand's initial report. Section 44 of the 1997 Constitution of the Kingdom of Thailand states that a person is free to join a peaceful and unarmed assembly. Section 45 states that persons have the freedom to assemble together and form an association, union, federation, farmers' group, non-governmental organization or other kind of group.

The Child and Youth Development Plan of the 8<sup>th</sup> National Economic and Social Development Plan 1997-2001 promotes the formation of groups according to the interests of young people, to be administered by young people themselves. Governmental and non-governmental organizations have continuously undertaken the task of promoting and establishing groups, youth centres and assemblies for children and youth of all age groups in schools, in the community and in institutions of learning as can be seen in the following:

1. There are 6,987 rural youth centres with 1,122,381 (as of September 1998) members aged 15-25 under the Department of Community Development. Activities include leadership training and income generation training.
2. There are 100 youth groups supported by the Department of Accelerated Rural Development with 3,000 members aged 15-25 each year. Activities and promotional functions include the provision of basic knowledge in assembly and short courses in occupational training.
3. Young farmers groups supported by the Department of Agricultural Extension number 7,039 with 136,857 members (December 1998) aged 10-35. Activities conducted include leadership training and income generation for youth.
4. Bangkok Metropolitan youth centres number 26 with 232,152 members (December 1998) aged below 25. Activities include recreation and sports, occupational training and development service to the community.

Besides the promotion of activities among children and youth at community and local levels, GOs and NGOs have joined forces in organizing annual national forums such as the child rights forum, the youth forum and the youth federation with attendance by children from all over the country. They share and exchange views and ideas, as well as presenting the outcomes of their local community activities, the problems and obstacles encountered, and made suggestions regarding policy to be conveyed to the government and agencies concerned.

## **Problems**

National forums for children and youth provide the opportunity for children to present their own problems, related opinions and exercise their right to freedom of expression in a democratic way. Nevertheless, most of the time, such activities are initiated not by children themselves but by adults or people engaged in child-related work. There is no organization run solely by young people, making it difficult for them to carry on this work on a continuous basis.

## **Solutions**

GOs and NGOs have proposed the creation of a national child and youth council, which would serve to promote and implement the principle of the 'best interests of the child'. Such a body would be responsible for initiating the organization of a forum by children, for children.

## **F. Protection of privacy**

### **General Situation**

With regard to the right to protection of privacy of the Thai people, including children, the Thai Constitution of 1997, Section 34 states that "...a person's family rights, dignity, reputation or the right to privacy shall be protected." Personal information disseminated to the public, whether in words or in pictures, is prohibited on the strength of violating the right to privacy. A person is protected against prying, snooping, spying and any other annoyance. This, however, provides that it does not amount to infringement on other people's rights or contradiction to the law and order and proper conduct of the people.

The Official Information Act of 1997 contains a provision giving protection to personal rights; personal information cannot be used by the State without consent of that person. Exceptions are made for gathering routine population data, statistics or household registration information, or in connection with legal cases and court matters. The 20<sup>th</sup> amendment to the Criminal Procedure Code of 1999 provides protection to the child during the process of investigation in that the investigating official may use an audio or visual recording of the witness. This would be set up in a special place for the interrogation of a child witness or plaintiff, with the attendance of a psychologist or a social worker during the trial.

With regard to children in institutional care, the Observation and Protection Centre under the Central Juvenile and Family Court, has established regulations governing the operation of training centres, under which there are no special measures for the protection of the privacy of the child. Officials closely supervise the time and the number of visitors, as well as contact with outsiders either in person or by post. This is thought to be in the best interests of the child or for the trial.

## **Problems**

The issue of rights and freedoms, especially the right to privacy, is something quite new to Thai society. Many officials do not realize the importance of the matter; agencies do not have regulations promoting and protecting child privacy.

## **Solutions**

Training and information dissemination regarding the rights and freedoms outlined in the Constitution, especially the right to privacy, should be provided to agencies, organizations, institutions and members of the public responsible for the care and protection of children.

# **G. Access to appropriate information**

## **General Situation**

### **1. The production and dissemination of information, books and materials for children**

The Ministry of Education is the major government agency responsible for the publication and distribution of children's books in promotion of peace and happiness in society and the physical and mental health of the child. Operations range from the following:

**a. The promotion of the production of children's books.** The National Book Development Committee organizes an annual book fair and competition. In 2000, the 38<sup>th</sup> year of the book fair, 338 titles of books published in 1999 entered the competition: 6 were for children aged 3-5; 29 for children aged 6-11; 97 for children aged 12-14; 43 were beautiful books for children and 5 were cartoons.



In 1999, the committee launched a competition for the best translated books. The source languages of the books ranged through English, French, German, Chinese and Japanese and the target language was Thai. They were printed in 1996-1999. A total of 107 titles entered the competition: 9 were for children aged 3-5; 18 for children aged 6-11; and 54 were for the 12-14 year old group.

**b. Supplementary reading books.** The Department of Curriculum and Instruction Development has produced and selected a number of external reading books to enable students at all levels to supplement their education and learning on various subjects. There are about 20-30 books for each subject. The school is responsible for the selection and procurement of books under each subject title for the school library; the students should not need to buy them.

**c. Community learning center.** The Non-Formal Education Department has set up 8,601 community learning centres all over the country to assist people in the community to gain education and training opportunities. Knowledge from outside the community will be integrated with the knowledge inside the community, encouraging members of the community to continue life-long learning. The centres are staffed with qualified teachers who provide a diversity of learning materials and mediums such as documents, books, textbooks, newspaper, periodicals and electronic media such as radio, television and equipment for receiving satellite programs.

The writers and publishers hold prime place when it comes to the production and distribution of children's books. Some Thai books have been published but the number is not large, due to financial constraints in the production and sale. This has given rise to an influx of Japanese cartoons some of that contain pictures and stories portraying violence or pornography. These are on sale in kiosks or shops in the streets. Their price is not high as the printers do not have to spend a large sum of money on them.

## **2. National cooperation in the production, exchange and dissemination of information and materials**

There has been some cooperation among Asian-Pacific countries in this respect in several programs such as the project for cooperation in the production and dissemination of children's books. Members of UNESCO joined forces in producing books of good quality and of interest to children. These were used for culture and value exchanges, as well as to enhance better understanding among children and people within the same region. The original versions were written in English, with a total of 28 titles produced in January 2000. These books have been translated into 37 languages with a total production of 4 million copies. Each member country is responsible for the translation and production into their own language.

### **3. Developing appropriate guidelines to protect children from exposure to media and information harmful to them**

The legislation currently applied, such as the Printing Act of 1941, the Penal Code Section 287 and the Revolutionary Announcement No.3, 1976 are rather obsolete and unable to adequately address crimes associated with modern communication technologies such as the internet. A large number of pornographic pictures, films and magazines are in circulation with the mechanisms for justice unable to catch up with them.

Some agencies, such as the Foundation for Child Development are aware of the impact exposure to harmful information through the media might have on children. The foundation, in cooperation with academics and others interested in the issue of the media and children have organized several activities such as a study of the impact of the mass media on the child. Aside from forums regarding these issues – allowing professionals and members of the public to raise concerns - a series of workshops have been organized to create knowledge and understanding as to appropriate selection and supervision of material for parents and teachers in the Bangkok metropolitan and rural areas. The Foundation also supports the development of suitable material for children, such as production of radio programs by children, for children, and public awareness campaigns regarding the importance of the issue and impact of media on children.

In addition, UNICEF has consulted with academics, the media, agencies and organizations working with children, to plan and formulate programs of operation to sensitize the mass media to the significance of their role in providing knowledge for child development, without violation of child rights. In 1999, a media awareness-raising conference was held to sensitize the media to child rights issues.

## **Problems**

1. In terms of entries in the book contest each year, the number of cartoons aimed at the 3-11 year age group is quite small.
2. The production and sale of children's books still face some financial constraints, resulting in a comparatively small number of such books being produced for general sale.
3. Legislation and regulations governing the media are somewhat obsolete and do not cover modern communication technologies.
4. Children lack judgement in selecting appropriate and useful information.

## **Solutions**

1. Encourage promotion of various categories of writers, particularly writers of children's books that are very much in demand.
2. Search for sources of funding to support the sale and production of children's books.
3. Update relevant legislation particularly in terms of penalties, and components of criminal fault.
4. Campaign to provide knowledge to parents regarding the supervision of children in accessing age-appropriate materials, particularly mechanisms - such as computer programs - which prevent internet access to pornography or other indecent material.

## **H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment**

### **General Situation**

The Constitution of Thailand of 1997 protects the right to human dignity, human rights and personal privacy. Slavery cannot be imposed on adults or children. People may not participate in unethical laboratory or medical experiments. According to criminal law, penalties involving severe torture or punishment on children are forbidden, and such treatment is not a procedure in the Thai judicial system.

#### **1. Awareness campaigns**

In Thailand, awareness campaigns to prevent torture or other inhuman punishment of the children have been conducted on a continuous basis in families, schools and communities. Regulations are in force prohibiting the use of children in experiments, which may affect the physical and

mental well being of the children. In 2000, the Ministry of Education regulations on the promotion and protection of child rights in schools were issued. Other regulations prohibiting severe punishment of pupils and students were also issued in that year. A “Forum for Children” is organized annually by governmental and non-governmental organizations to publicize this issue and to campaign for awareness among people who are engaged in child-related work at all levels.

## **2. Educational and training activities**

Attempts have been made to increase the knowledge and skills of people who are engaged in child-related work such as social workers, physicians, lawyers and others in the judicial system involved in the care of children, as well as youth leaders in schools and clubs nationwide. With increased knowledge and capacity, the mechanisms and processes in place for the protection for children, will become more effective. Training has also been provided for government officials and non-government staff. Manuals have also been printed and distributed, such as, the Manual on the Provision of Assistance and Protection to Children, published by the Department of Public Welfare for their staff and the general public. The Child Rights Protection Network was established, with collaboration from GOs and NGOs to provide protection to children. There are child rights protection centres staffed by multi-disciplinary teams of volunteers willing to work for children. A Child Rights Network was also established, run by children themselves, to provide knowledge on the Convention on the Rights of the Child, and follow up on cases of violation of child rights in communities and localities.

## **3. Cases where children have been victims of such acts**

Torture or other cruel, inhuman or degrading treatment or punishment of children is an offence in accordance with criminal law. Children can lodge complaints against the offenders and cases can be tried with penalties imposed on the violators. Governmental and non-governmental organizations are ready to provide assistance in dealing with such cases.

## **4. Measures adopted to prevent the impunity of perpetrators.**

Generally, in law, the offenders are held responsible, but in practice, some problems do occur in law enforcement due to some officials' dishonesty.

### **5. Measures adopted to ensure the physical and psychological recovery and reintegration of children**

Many GOs and NGOs are ready to provide assistance. These include: the Department of Public Welfare, the Centre for the Protection of Children's Rights Foundation and many other organizations working to protect child rights on a multi-disciplinary basis. Sessions of periodic training are provided to create awareness, knowledge and understanding of integrated approaches to child protection work in metropolitan and rural areas. Legal assistance and rehabilitation is provided, and children subjected to torture or violence receive treatment from medical doctors and psychologists. There are permanent and emergency homes for children, where they can be admitted for such treatment. The eventual aim of the treatment program is eventual reintegration of children with their own families – where appropriate - when they are physically and psychologically ready.

### **6. Independent monitoring system**

The Constitution of Thailand of 1997 states that an independent body called the Ombudsmen be responsible for the acceptance and investigation of complaints regarding the impunity of perpetrators who are government officials, whether such impunity is based on their jurisdiction or not. An Ombudsmen Act accompanying the Constitution was enacted with enforcement effective from September 15, 1999. The committee selecting the Ombudsmen has searched through GOs and NGOs agencies for highly qualified appointees. Two of such persons have already been appointed. The constitution stipulates that the number of ombudsmen must not exceed three. The service was formally announced and began accepting complaints at the beginning of 2000.

The Constitution, however, does not specify that one of the three ombudsmen should bear particular responsibility to child-related matters. This has been a source of disappointment among people engaged in child welfare related work, and attempts have been made to persuade the committee to select at least one inspector with a specific and proven interest in child-related issues.

In addition to the independent body of parliamentary inspectors, the 1997 Constitution also stipulates that a human rights commission be established, that is, an independent body to investigate and report on violations of human rights. The commission's additional functions would be to monitor and evaluate policy and legislation development, and to put forward proposals to parliament, Cabinet and the public, regarding amendments for the improvement of law, rules and regulations in the promotion and protection of human rights.

The Human Rights Commission Act was promulgated and became effective on 26 November 1999. The commission comprises 11 members including the chairperson; selection from the 22 nominees short-listed from the initial list of 200 eligible and suitable persons is underway. It has been stipulated that commission members must demonstrate a remarkable performance in protecting human rights, with particular consideration for gender cooperation. Commission members should represent both governmental and non-governmental organizations. From the 22 nominees, several are well known in the field of child-related work, particularly those from the non-governmental sector; it is hoped that this committee will be effective in dealing with the investigation of child rights abuses.

## **Problems**

1. Some people still lack respect for child rights.
2. Problems exist in law enforcement.
3. Independent mechanisms for direct assistance to children is inadequate.
4. Many victimized children are afraid of lodging complaints, as most offenders are members of their own family or people close to them.

## **Solutions**

1. Strengthen awareness raising campaigns regarding the prevention of torture and violence to children, especially in the family and community. Periodic and continuous training should be organized for people in child-related work to ensure self-awareness of their role in the development and care of children, particularly in terms of applying non-violent methods of punishment.
2. Strengthen the actual enforcement of the law to make it more effective in practice.
3. Strengthen independent assistance mechanisms for children.

4. Further expand child assistance networks in communities to provide more systematic assistance to children subject to abuse, torture and violence.

## **5. Family Environment and Alternative Care**

## A. Parental Guidance

### General Situation

The majority of Thai families have 3-5 family members, most of who are farmers or employees. In general, both the father and mother seek employment outside the home out of financial necessity. Increasingly, the family and local community have been less able to take care of children due to economic constraints, social conditions, culture, tradition and changing values. This has led to increasing problems for children, especially for the underprivileged, including those of child abuse, child labour, child prostitution and HIV infection. At the same time, some children may have behavioural and psychological problems due to inappropriate child rearing – either raised too strictly or suffering due to neglecting.

Department of Public Welfare conducted families' survey "The Indicators of Healthy and Well-being Family" in 1999 targeted 69,463 communities showed that 9.11 percent of families that housed with father, mother and children. While 23.51 percent of children under 10 years accompany with their parent, 55.62 percent of targeted families are without children with disabilities. 58.08 percent of respondent families were never let their children abandoned. For the children side: 95.64 percent never escape from home. 73.61 percent of family members well aware their fundamental rights and responsibilities, and 87.02 percent have knowledge on social service provider.

Consistently, survey on health condition of Thais (1996-1997) with respect to domestic violence showed that 10.5 percent of 6-12 years old children experienced the problem, 6.6 percent were violently abused, 0.2 percent experienced sexual abuse. The statistics revealed is well witnessed the trend in family problem of Thai.

Consequently, Thailand has measures to guide familial responsibilities stipulated in laws and plans, namely:

1. The Constitution of Thailand of 1997 stipulated that children and young people are entitled to protection, liberties and other fundamental rights. These include basic services from the State such as upbringing,



education, health care etc. Through decentralisation laws and plans Tambon (Sub-district) Administration Organization would take charge on the issues.

2. Provision of Section 67 of the 1994 Tambon (Sub-district) Council and Tambon Administration Organization (TAO) Act stated that TAO is bound to promote women, children, youth and elderly people development.

3. Section 1564 of Civil and Commercial Code state that “parent are bound to maintain their children and to provide proper education for them during their minority”.

4. Children and Youth Development Plan under the Eighth National Plan 1997-2001 was the framework on the strategy on facilitative environment for proper development of children while family and community approach are embraced.

Furthermore, services are provided to offer counselling regarding parenting and family problems by the GOs and NGOs, as well as education programs for parents and children to raise awareness of child rights.

At the national level, policies have been set to develop guidance and counselling networks for families, to improve the quality of services, and to enable GOs and NGOs to collaborate efficiently in offering counselling and family therapy to families and communities. Five plans have been established to facilitate the policies: Prevention of Family Problems Plan, Guidance and Counselling Services for Families Plan, Personnel Development Plan, Research Plan, and Development of Surveillance Systems Plan. Those responsible include GOs and NGOs, civil organizations and the media.

#### Problems

1. Some families and communities still lack knowledge and understanding regarding child rights, and may not view raising and educating children to develop to their full potential as a priority.

2. The solidarity of the community has decreased which adverse affects the way community members care for one another.

3. Inadequate/disproportionate of skilled personnel in both GOs and NGOs to address the increasing severity of the problems.

4. Due to the economic crisis, funding from both GOs and NGOs has decreased, meaning that many development programs and projects have been discontinued. Furthermore, budget allocation has not always been

distributed in terms of need, and therefore has not always reached the most vulnerable groups.

5. Guidance and counselling services for families lack direction, are unsystematic and inadequate, as well as understaffed.

6. The local administrative council has so far not received support for their work to develop programs for children and families.

7. The Eighth National Economic and Social Development Plan is facing a budgetary crisis, and therefore not all plans can be implemented.

8. Evaluation focuses on the work undertaken instead of the impact on the children and there is no holistic approach.

#### Solutions

1. GOs and NGOs should aim to concretely, continuously and effectively implement policies and plans for child and family development programs without reducing the budget.

2. Institutions and agencies involved should provide education that improves workers' skills in child and family counselling and community development in order to produce enough skilled personnel.

3. Government programs should aim to provide knowledge, create understanding and offer appropriate guidance on parenting skills to parents, people involved in their upbringing, and local administrative organizations.

4. Family activities focusing on child development should be organized and promoted by local government administrations and community organizations.

5. Community initiated projects should be implemented, with local management that is integrated and cooperative representing GOs and NGOs, with a budget that is coherent and transparent.

6. Plans should be based on increasing self-reliance within the family and the community.

7. There should be specified indicators to gauge the success of a project by measuring the outcomes and the benefits to the target group.

8. The State should encourage local administrative organizations to carry out their duties as indicated in the Local Council and Local Administrative Council Acts of 1994.

#### B. Parental Responsibilities

#### General Situation

In order to raise public awareness about parental responsibilities to children and their development, legal measures have been established as follows:

1. The Civil and Commercial Code, Book 5 regarding the 'Family' stipulates that parents should look after and provide adequate education for their children.
2. The Act Instituting the Juvenile and Family Courts and the Juvenile and Family Procedures of 1991 were aimed at the rehabilitation of children and juveniles.
3. The Prevention and Suppression of Prostitution Act of 1996 has a clause that punishes guardians who play a role in luring children and teenagers into the prostitution trade.

Nevertheless, at present there is no systematic data collection to reflect how effective these legal measures are.

In addition, there are three measures that assist parents in the upbringing of their children, namely:

### **1. Child Care Services**

Child care centres have been established to relieve the burden of working parents or guardians and provide the child with appropriate activities in a stimulating environment to prepare the child for school.

### **2. Assistance and development for children**

- Various programs are targeted towards assistance and development for children from impoverished families, including those by government at national, regional and local levels.
- Various programs are targeted towards assistance and development for children in welfare centres, including those by government at national, regional and local levels.

### **3. Academic Institution**

National Institute for Child and Family Development has been established under the structure of Mahidol University as centre for expertise for the issue concerned. Its missions and responsibilities are to develop body of new knowledge, personnel training, networking, information and knowledge dissemination, to be supporting unit for children and family development, capacity building for children and

youth as well as coordinate with organization working in the field at community, provincial, and national levels.

Awareness raising of basic principles of the Convention on the Rights of the Child e.g. non-discrimination, best interest of the child, respect of opinion of the child, survival right, right to life, right to development and so on. Activities done under this category were training of personnel in the agencies working for children and youth, project on family development, project of warm and healthy family

Family counselling services available at both private and public institutions concerned e.g. hospital, medical school in the provinces, provincial offices, mental health centres, public welfare centres. There are also some certain philanthropic entities make the service available for underprivileged children such as children with disabilities, drug addicted, HIV/AIDS infected etc.

#### Problems

1. There are no universal standards of data collection agencies working with children.
2. The private sector minimally cooperates in providing assistance, especially to working parents employed in the private sector.
3. Due to the economic crisis, NGOs have not received subsidies, which in turn, has increased the number of children and families who are suffering financially, meaning that welfare services have been inadequate.
4. State measures and mechanisms that require high numbers of skilled staff and are time consuming, such as family guidance and counselling services, can not be effectively realized because of lack of skilled personnel.
5. Sexual inequality and double standards lead to problems such as the sexual exploitation of women, the stigmatization of women becoming pregnant out of wedlock, and child abandonment.
6. Enforcement of laws against alcohol consumption, tobacco smoking, pornography and other is not yet effective.
7. There is no integrated approach among agencies and some problems on decentralization of power to the community level.

#### Solutions

1. The State should encourage the private sector to participate in assisting their employees' with the provision of subsidised childcare.

2. The State should expedite the strict enforcement of laws on alimony and child support for the single parent.
3. The State should support the establishment of adequate family counselling services, with emphasis placed on quality and ease of access to the services.
4. The State should encourage kinship networks in order to address the problem of child abandonment by providing financial and other necessary assistance.
5. The State should create a social security net for children and young people.
6. The State should effectively enforce laws related to children.
7. The State should produce, develop and motivate people to join the profession of family guidance counsellors and therapists.

### C. Separation from, and Reunification with Parents

#### General Situation

1. Legal measures and the law stipulate that the child has to stay with their parents. If the child is to be separated from his or her parents it must be done within legal procedures and by order of the courts.
2. There are many agencies responsible such as:
  - The Office of the Royal Thai Police
  - The Office of the Attorney General
  - The Division for the Protection of Child Welfare, the Department of Public Welfare
  - The Central Juvenile and Family Court
  - Other private agencies
3. If cases of child rights' abuses, the following legal measures can be taken:
  - Report to the police or the Department of Public Welfare to investigate and seek legal action against the violators, as well as to provide appropriate assistance and protection for the child; or
  - Report to the non-governmental agencies involved to coordinate with the police and the Department of Public Welfare to help the child.

4. In terms of divorce, the law stipulates in Section 1502 that a consenting divorced couple form a written agreement between themselves, as to who becomes the custodial parent. If an agreement cannot be reached, a resolution is reached through the courts, whereby a decision is made based on who is deemed the most suitable guardian, and the best interests of the child.

5. In separating the child from his or her guardian, the court will allow all parties, including the child, to participate and express an opinion. There are measures that guarantee the rights of the child to maintain personal relationships with both parents, and to be able to directly and continuously communicate with the non-custodial parent. If a guardian should behave inappropriately, the court may re-issue a custody order taking into account the best interests and happiness of the child.

6. The Constitution of Thailand of 1997 stipulates the right to freedom to travel; this enables a child to maintain a personal relationship with parents who live in another province or abroad.

7. There have been amendments and the introduction of new laws and regulations that benefit the child (see Introduction).

8. Because Juvenile and Family Courts are not yet universally operational throughout Thailand, some children are incarcerated in correctional facilities during court proceedings and after sentencing.

#### Problems

1. If a child has been separated from his or her parents because of criminal behaviour, the court usually releases the child to the care of his or her guardians, contingent upon whether the guardian provides bail, even though no bail may be required. This is to avoid further problems and accusations of discriminatory treatment. Temporary release is only granted after careful consideration of the best interests of the child.

2. The rehabilitation system is inefficient and ineffective due to many problems. For example, there are no means by which to help families rehabilitate the young offenders, and the family may not perceive its role as important in the rehabilitation process. A network has recently been established for the community and other related local agencies to participate in monitoring the child's behaviour.

## Solutions

1. A fund for the temporary release of young offenders has been established so that they can take part in appropriate community activities.
2. Existing problems in the detention system should be further examined in order to improve the quality of rehabilitation provided, and to ensure that child rights abuses decrease.
3. Alternative options should be considered in some cases, such as transferring young offenders from correctional facilities to Observation and Protection Centres in order that the child engages in community service.
4. Training regarding the spirit of the law under the temporary release scheme should be provided among administrative personnel of the Observation and Protection Centres.

### ***D. Illicit Transfer and Non-return***

#### General Situation

Due to the economic crisis and the present social situation, children have become more vulnerable to being lured into prostitution, international human trafficking, illegal labour and kidnapping.

Legal measures that Thailand presently employs to protect and address the aforementioned problems are the Prevention and Suppression of Prostitution Act of 1996, the Measures in Prevention and Suppression of Trafficking in Women and Children Act of 1997 and the Labour Protection Act of 1998. The Money Laundering Control Act of 1999 stipulates that the trafficking of women and children is illegal.

In terms of administrative measures, a sub-committee has been appointed to investigate the problems surrounding international human trafficking in order to create action plans, and to seek cooperation nationally, bilaterally and multilaterally. In addition, an agreement of common guidelines has been drawn up, to be utilised by both GOs and NGOs, to expand assistance for women and children of both Thai nationality and other nationalities alike.

#### Problems

1. In practice, it has been difficult to arrest offenders - that is, the traffickers and people smugglers. This would indicate that the policies designed to protect women and children from exploitation have only limited effectiveness in practice.
2. Kidnapping children for the purpose of exploitation involves complex methods and procedures; this makes the crime difficult to combat.

#### Solutions

1. The government should rapidly act to amend laws to eliminate loopholes, and issue tighter laws to prevent the illegal removal and non-return of children, while ensuring the laws are strictly enforced by police.
2. The government should create local community networks to monitor this problem.

#### E. Recovery of Maintenance for the Child

The decision on child support payments rests solely with the court, and is usually based on the following factors: the financial status of the child support payer, the status of the recipient and the circumstances.

The following progress has been made:

1. An amendment has been made to Section 114 of the Instituting Juvenile and Family Court and the Juvenile and Family Court Procedures Act of 1991, in order that the best interests of the child are taken into consideration first and foremost. Due to this, larger sums of child support are being negotiated through the courts.
2. A system for the collection of the relevant data is being developed, classifying the data by sex, age, nationality, profession and the education levels of both children and parents to secure the recovery of maintenance for the child.
3. A study is presently underway in order to help parents and children with problems arising from single parenting.



## F. Children Deprived of Their Family Environment

### General Situation

The State currently runs programs and initiatives covering the following areas:

1. The promotion of family stability, to strengthen the family's ability to bring up their offspring without State intervention or assistance.
2. The location of temporary (foster families) and permanent (adopted families) families for children as quickly as possible, when necessary.
3. The provision of welfare homes and care, in terms of the four basic needs for survival.

The following progress has been achieved in welfare homes:

1. The quality of life for children in welfare homes has improved through various projects such as promoting educational opportunities through Thai Com Satellite.
2. Welfare and vocational centres for children and young people have been established for training in agriculture and for those with learning disabilities or other special needs.

### Problems

1. The number of abandoned children is increasing every year and legal measures are not conducive for giving protection and assistance to abandoned children.
2. It is difficult to locate their records, which unnecessarily delays the arrangement of a foster family placement or adoption for them.

### Solutions

1. Kinship networks should be developed to prevent child abandonment.
2. The law should make it mandatory to report any violation of child rights to the proper agencies.
3. An independent agency should evaluate various institutions and be given the authority to take appropriate action when any misconduct has occurred which leads to child rights' abuses.
4. Employers should consider the quality of life of their employees and their families in terms of rostering and adequate leave.

#### G. Adoption

At present, Thailand has no bilateral or multilateral agreements in accordance with the Convention, article 21. However, there is current consideration of the ratification of the Hague Convention on Inter Country Adoption and a working committee has been appointed to study the advantages and disadvantages of the Convention.

The follow-up of inter-country adoption is based on the principle of the Convention on the Rights of the Child, which entitles children to receive information about their original families so that they may establish ties with them. Furthermore, a Native Land Visit Program has been created to give children the opportunity to learn about their homelands. Progress has been achieved in finding adoptive families for many orphans including those who may be infected with HIV and children with disabilities.

Ministerial regulations regarding child adoption have been amended in accordance with the Constitution and the present situation. At present, the Office of the Council of State is considering them. The amendments are:

1. Direct paternal or maternal blood relatives and the person the child was left with are exempt from a trial period.
2. The law is being amended to allow a foreigner who is single to be able to adopt the children so those children with special needs may have improved opportunities to be adopted.
3. To expedite adoption, the clause specifying that a foreigner must reside in Thailand or in a third country, for not less than a year, before filing for adoption has been eliminated.

#### H. Periodic Review of Placement

##### General Situation

Thailand has measures for various agencies that look after children.

### *1. Welfare Homes*

- To provide and promote education, both formal and vocational education, according to potential and intellectual ability.
- To assist, rehabilitate and facilitate development, physically, mentally, socially, spiritually and emotionally, through individual or group counselling and careers guidance.
- Specialist staff to help children with learning problems and to develop quality educational programs.
- To find temporary and permanent replacement families (foster and adopted families).
- To provide care for children similar to that of a family.

### *2. Children and Youth Observation and Protection Centres*

Children under the care of these centres are raised separately according to gender and age. In addition, officials need to demonstrate compassion, forgiveness and tolerance, to imbue virtue, to show understanding and to be positive role models for the young people.

**GOs and NGOs** responsible for finding a place to look after the children.

- GOs such as the Department of Public Welfare, the Ministry of Labour and Social Welfare, the Children and Youth Observation and Protection Centres and the Ministry of Education
- NGOs such as the Foundation for Children, the Holt Sahathai Foundation and the Centre for the Protection of Children's Rights Foundation.
- Independent Organizations such as the National Human Rights Commission, the Ombudsmen, the Administrative Court, and the media.

Each organization has its own procedures and criteria for accepting children, depending on each organization's objectives. In accepting children, the following issues are given consideration: the circumstances of the child and the status of the family, for example, orphans, abandoned children, poor children, vagrant children, HIV infected children and abused children.

- The number of children under the care of the 21 government welfare homes is increasing every year, e.g. from 4,508 in 1998 to 4,550 in 1999.
- The number of children and juveniles sent to Observation and Protection Centres is sharply increasing, e.g. from 20,419 in 1997 to 41,704 in 1999.

#### Problems

1. The number of child and juvenile offenders is more than the Observation and Protection Centres can accommodate.
2. The budget allocated to promote vocational training and physical and mental health is substandard.

#### Solutions

1. The government should increase the funding allocated to Observation and Protection Centres, as well as seeking donations domestically and overseas.
2. Vocational training projects for children and youth should be promoted.
3. The local community and non-governmental organizations should take part in looking after the children to prevent repeated offenses.

### I. Abuse and Neglect, including Physical and Psychological Recovery and Social Reintegration

**Legislative and other Measures** relating to the Convention, article 19 are:

1. Thai Criminal and Family Laws.
2. Other Laws related to child protection under the Convention, Section 19 such as regulations on the Protection of the Rights of the Child, the Youth and the Family issued by the Office of the Prime Minister and the draft for the Child Welfare and Protection act.
3. Regulations for filing complaints by children themselves.
4. Intervention by authorities in the case of child abuse, neglect and abandonment.

5. Parenting programs and other measures that promote non-violence in the discipline and rearing of children.
6. A public campaign to prevent violence, abuse and abandonment.
7. Systems to monitor and prevent family violence in its various forms have been established. For example, counselling services for the family have been established as well as measure to improve their quality.
8. There is no holistic approach toward the collection of data due to the sensitive nature of the information.

The following steps have been taken to comply with the Convention article 19, paragraph 2:

1. To increase effectiveness in implementing the social development project, Thailand has developed the Third National Social Welfare Development Plan, 1997-2001.
2. Other types of preventive measures undertaken:
  - 1) Indicators have been set for basic social welfare needs.
  - 2) Opportunities have been provided for minorities to actively develop appropriate services for their communities.
  - 3) Agencies have been established to protect people including under-privileged and marginalised groups.
  - 4) Centres have been set up for filing complaints, and for receiving counselling and basic assistance.
  - 5) Social welfare and assistance in areas such as health, housing, insurance and recreation has been provided.
3. Children are now protected by the court during trial processes.
4. The law stipulates that personnel working with children must report suspicions of abuse to the proper authorities for legal action
5. A Help Line has been created to provide counselling for children who are victims of violence, exploitation and abandonment
6. Special training has been provided for professionals working with children

To comply with the Convention article 39, the following steps have been taken:

1. Legislative measures have been enacted to suppress child abusers such as the Measures in Prevention and Suppression of Trafficking in Women

and Children Act of 1997 and the Prevention and Suppression of Prostitution Act of 1996.

2. Practical measures have been implemented to rehabilitate and return children to their families. Such measures include the provision of comprehensive assistance and counselling for children rescued from prostitution, shelters for vagrant and sexually exploited children, and allowing the NGOs to operate certain types of shelters to help with vocational training for women and children.

## **Progress and Future Plans**

Thailand has issued a Plan of Action for the Prevention and Eradication of Commercial Sexual Exploitation, 1996, as well as issuing two pieces of law about the trafficking of women and children, namely the Measures in Prevention and Suppression of Trafficking in Women and Children Act of 1997 and the Act Amending the Penal Code (No.14) 1997. Furthermore, a sub-committee was appointed in February 1998 to address the issues surrounding the international trafficking of women and children.

National and regional conferences were organised in order to seek guidelines and cooperation to protect and assist children seeking refuge from war, displaced children and children who are victims of international trafficking.

## 6. Basic Health and Welfare

### A. Children with Disabilities

#### General Situation

At present, data on children with disabilities is still neither comprehensive nor complete. Surveys from different agencies such as the Ministry of Education and the Health Promotion Fund reveal different figures and lack consistency.

A summary of the relevant laws, policies and regulations, as well as various services, are as follows:

### **Laws and Regulations**

#### **1. The Constitution of Thailand of 1997**

According to Section 55, a person with a disability is entitled to receive access to public services and other types of assistance from the State. In addition, Section 80 Paragraph 2 indicates that the State must assist the elderly, the poor, the disabled and underprivileged to enable them to achieve quality of life, to be self-sufficient, and to live in harmonious society.

#### **2. Regulations of the Ministry of Labour and Social Welfare of 1994 and 1999**

The Ministry of Labour and Social Welfare issued four regulations about the rights of people with disabilities, for example, for every 200 employees there must be at least one disabled employee. In the case that employment is not offered to a disabled person, that business must contribute to the Rehabilitation Fund for the Disabled. Furthermore, the regulations categorized the various levels of disability and specified the services a disabled person should receive. Finally, the regulations also specified the types of buildings, places, transport, or other public services that must have facilities for the disabled.

### **3. Emergency Decree on Customs**

There has been an amendment to make all types of equipment for the disabled exempt from import duty including Value Added Tax.

### **4. National Education Act of 1999**

Section 10 indicates that everyone has equal rights and opportunities to receive quality and free basic education for at least 12 years. People with physical, mental and emotional disabilities have the right and the opportunity to receive free, special education from birth or from the day of diagnosis.

### **5. Resolution of Council of Ministers**

The cabinet has resolved that people with disabilities be given the opportunity to receive vocational training at any training center and are eligible to sit for examinations to become a government official or state enterprise employee, and to establish facilities for disabled access to every office providing services to people.

### **6. Government Policy**

It is government policy to take care, rehabilitate and to enhance the abilities of the disabled through education, vocational training, employment, and recreation so that they may live as independently as possible in society.

### **7. Regulations and Practices**

People with disabilities have identification cards, and can borrow up to 20,000 baht from the Rehabilitation Fund to be used for the purpose of establishing their own business. Those who cannot earn a living and are indigent are entitled to 500 baht per month.

### **8. Declaration on the Rights of People with Disabilities of 1998**



The purpose of the Declaration is to serve as a guide for the public and private sector, as well as the disabled themselves, with regard to their rights and access to services.

## Services

### ***1. Medical rehabilitation***

Medical rehabilitation is offered in hospitals at the community, district, and provincial levels with emphasis placed on the effectiveness of the rehabilitation. Medical rehabilitation of the disabled follows these guidelines:

- emphasis on resources and knowledge (mobilisation people centred / holistic approach)
- emphasis on prevention of disabilities (prevention approach)
- development of liaison between agencies (referral service)
- professional development of medical staff

### ***2. Education for the disabled***

During the past year the provision of education to children with disabilities has had an extremely high profile in Thailand. The year 1999 was proclaimed “The Year of the Thai Disabled” in order to promote education for disabled Thai children. Children with disabilities have been educated in increasingly dramatic numbers, from 17,646 in 1996 to 30,625 in 1997.

1) Action plans for education for the disabled promote effective education at all levels of disability, as well as the integration of the disabled into mainstream classes.

2) Curriculum has been developed to address the learning needs of the disabled. An example of this is the curriculum development for autistic students under the cooperation of parent and educational agencies. It has also been introduced into informal education since 1999.

3) Emphasis has been placed on the decentralization of education to the provincial levels focusing on the integration of the disabled into the mainstream classrooms in the best interests of the disabled.

4) Training has been provided to staff engaged in special education, although there is still a lack of qualified teaching staff.

### ***3. Occupation***

1) Vocational training- The disabled may enroll in special vocational training centers and other training centers.

2) Employment- Efforts have been made to promote employment in independent enterprises, government agencies and state enterprises, as well as liberal professions.

### ***4. Social Aspects***

1) Social attitude- The public is educated about the abilities of the disabled through the media.

2) Participation of the disabled- According to the Rehabilitation of the Disabled Act of 1991, in the appointment of committee or sub-committee members, a disabled person must be included in order that people with disabilities may take part in all types of activities at all levels, and that their views are represented, in particular in the drafting of the Constitution of Thailand of 1997 and policy and plan formulation.

3) Facilities for the disabled- Based on the aforementioned cabinet resolution, today various agencies have built or adjusted infrastructure in order to accommodate the needs of the disabled. For example, the Telephone Organization of Thailand has designed public phone booths for the disabled.

### ***5. Exchange of information***

An information centre for the disabled has been established in the Department of Social Welfare in cooperation with the National Electronics and Computer Technology Centre (NECTEC) to collect and distribute information domestically and internationally. NECTEC is also looking at the types and availability of communications equipment for people with disabilities in Thailand.

### ***6. Cooperation between international organizations***

In terms of cooperation with the many international organizations that work in this field, one of the most important is the World Health Organization (WHO).

#### Problems

- 1.Data on the disabled differs and lacks coherence because it is collected from various agencies, and is not standardised.
- 2.There is no central agency to liase between the public and the private sectors to meet the objectives in serving the needs of the disabled.
- 3.At the community level, people with disabilities have difficulty in accessing services provided by the State, and in obtaining information about their rights and entitlements.
- 4.Medical rehabilitation services are not always integrated and comprehensive.
- 5.Emphasis is often placed on services that rely on technology and highly skilled staff, rather than on the role of the family and community.

#### Solutions

- 1.Agencies responsible for academic cooperation need to develop a system for information collection about the disabled so that centralised data systems are coherent, and in accordance with the Rehabilitation of the Disabled Act of 1991.
- 2.Further research about the disabled should be supported.
- 3.There is a need to improve the infrastructure of the agencies involved, as well as to give support in terms of resources and academic training.
- 4.It is also necessary to expedite the fostering of positive attitudes and equal opportunity guidelines regarding disabilities in relation to the family, the community, society at large, and the relevant authorities.
- 5.Focus should be placed on the development of the potential of the family of a disabled person, in order that family members are aware of their potential and ability, so that they can feel confident that they will have equal access to the services provided by the State.

### ***B. Health and Welfare Services***

The Constitution of Thailand of 1997, Section 82 stipulates that the State must provide health services and care for every person as a constitutional right. The Seventh and Eighth National Economic and Social Development Plans promote access to standard health care services to enable people to live physically and mentally healthy lives.

Today Thailand has just completed the stage of basic health care development in accordance with the Eighth National Economic and Social Development Plan and is about to embark on the next stage, which will aim to combat diseases stemming from social and economic conditions.

**The infant mortality** rate has rapidly decreased during the past three decades and it is expected that this rate will continue to decrease to a ratio of 21:1000 by 2001 in accordance with the Eighth National Economic and Social Development Plan.

In terms of the care provided to **pregnant women**, the mortality rate has rapidly decreased since 1990 to a ratio of 17.6: 100,000. A major cause of death among pregnant women is hemorrhaging. In 1998, about 88 percent of pregnant women nationwide received pre-natal check-ups four times during their pregnancy as standard.

Thailand has always been concerned about **malnutrition** amongst children and has taken steps to prevent this by follow-up height and weight checks every three months until the age of five. If a child is found to be malnourished, the child will receive assistance from health care personnel. This intervention has been tremendously successful. Details of malnutrition in Thai children is as follows:

1. Protein Energy Malnutrition
2. Iron Deficiency Anemia (mostly found in children and pregnant women from the South and Northeast)
3. Iodine deficiency Disorder (IDD)

It is expected that IDD problem will be eliminated due to a campaign to use salt with iodine for consumption.

Since 1979, the Department of Health has promoted **breast feeding** in order to encourage the bond between mother and child, and to decrease the risk of infant mortality or contracting infectious diseases, as consistent with campaigns by UNICEF and WHO.

Diseases that pose major problems for children are the genetic condition **Thalassemia** and HIV, whereby infection is transmitted through mothers. A 1996 report revealed that one percent of the total population suffers from Thalassemia, and about 50,000 married couples are at risk of giving birth to a child with severe Thalassemia. Each year about 12,125 newly born children are at risk of contracting this disease. At present, medical tests are provided to detect patients with Thalassemia and pregnant women who may be carriers of Thalassemia in order to offer consultation.

The rate of children with **HIV** infected through their mothers is about 3,000 per year. The prevention program for this disease is through the administration of Zidovudine (AZT) medication and the abstention of breast feeding. These measures have helped to decrease the number of infected children from 25 to 7.5 percent.

Thailand has always prioritised **immunization** programs and with the decrease in the rate of illness and mortality of children aged 0-5, the Ministry of Public Health has included this in its policy. Child immunization has increased and this, in turn, has decreased the number of mortalities and illnesses associated with tetanus, polio, measles, and other acute respiratory infections, and diarrhoea.

During the past two decades, Thailand has offered integrated health services in the prevention, treatment and rehabilitation of serious diseases. Furthermore, the State has promoted healthy behaviour amongst the population including integrated health care in hospitals, communities and homes. These measures have contributed to a certain level of success for the health care provided for children.

## **Problems**

1. Economic and social changes have impacted on behaviour and health.
2. Less than 90 percent of the migrant population such as hill tribe people and those living along the southern border have received vaccinations.
3. Provision of education to some groups of citizens is hampered due to a lack of knowledge in the local dialect and a limited budget.

## **Solutions**

1. There should be a campaign to raise awareness among the population about the health problems caused by not following some simple changes in behaviour.

2. Suitable infrastructure should be developed to ensure as much as possible that those with less opportunity, have access to vaccination programs provided by the State.
3. There should be mobile health units to provide health care services for people in remote areas, the migrant population, and people in slums.

### ***C. Social Security, Child Care Services, and Facilitation***

Thailand has three systems to ensure social stability, namely, the provision of social welfare services offered by the State using the national budget, social assistance given to those in need, and social insurance whereby people with income have to contribute to a central fund.

The social stability system that Thailand uses emphasizes the potential and the environment of the child and the benefits that the child's guardian should receive. The measures are as follows:

#### **1. Law and regulations**

- The Social Security Act of 1990 and the amending Acts of 1994 and 1999.
- The Compensation Fund Act of 1994.
- The Remuneration and Pension Fund for Government Officials and Permanent State Employees.
- Funds for Victims of Car Accidents
- Funds for Health Insurance Cards
- Provident Funds
- Village Assistance Centres
- Regulations of the Department of Social Welfare

#### **2. Social Security**

The Social Security Acts of 1990, 1994 and 1999 have included provisions for the following cases:

- Illness
- Infant bearing
- Invalidism
- Death
- Child Support
- Old Age

Once employees have resigned from work, they are still protected for six months in the following cases: illness, invalidism, childbirth, and death.

### **3. Child Care Services for Working Parents**

The State has supported the establishment of pre-school services both in rural areas and overcrowded urban communities. In assisting working parents, the State has taken the following steps:

- a. Determined the ratio of students living in the neighborhood of a school that the school has to admit.
- b. Encouraged schools to provide insurance against accidents to all students whereby parents contribute to the insurance
- c. For children under six whose parents' workplace has more than 10 employees and either the father or mother has contributed to the social insurance fund for 12 months, an entitlement of 150 Baht per month will be paid for 2 children.

The policies and measures implemented thus far have enabled children to receive better care, as well as increasing stability for families where the father, mother or guardian is ill, invalid, disabled, old or pregnant.

#### **Problems**

1. Social security does not cover small workplaces that have less than ten employees.
2. The Fund for Health Insurance Cards lacks effective income testing procedures, allowing those who are better off to receive greater benefits than those who are not.
3. Health care provision for those in need such as the elderly, war veterans and the disabled tends to be less adequate. This indicates an injustice in public health care services.
4. Funds to assist villagers may be blocked by administrative problems due to a lack of systematic analysis; those who are in need of real assistance may not receive their entitlements.
5. Children in single parent families are still neglected by the State.
6. There is no follow up, evaluation and reporting system in order to assist parents with childcare.

#### **Solutions**

1. Social security should also cover workplaces that have less than ten employees, including irregular labour and labour in the agricultural sector.
2. In order to set up a system of income testing, it is suggested that the Poverty Line proposed by the National Economic and Social Development Board be used.
3. There should be follow up and evaluation of social security projects to make them more efficient and comprehensive.

#### ***D. Living Standards***

##### General Situation

In principle, every child is entitled to a reasonable standard of living. In accordance with the Constitution of Thailand it is the responsibility of the State to create laws and regulations to realize this.

At present under the Eighth National Economic and Social Development Plan, people are considered central to, and the benefactors of, all social and economic development. In addition, the public has a role to play in the determination of economic, social and political policies.

The fact that Thailand has ratified international agreements, such as the CRC, ILO Convention 182, has lead to improvements and the implementation of laws and regulations meeting international standards in accordance with those agreements.

#### **1. Indicators for Living Standards**

Living standards indicators for Thais have been developed at the family, community and national levels according to the Eighth National Economic and Social Development Plan. These indicators include (1) the basic needs of the family, (2) social indicators, (3) child and youth development indicators and (4) child rights indicators.

#### **2. Criteria to evaluate the financial status of the parents or guardians**



Thailand has no criteria to determine the level of salary necessary for ensuring child development. However, a poverty line, a minimum wage, and the targeted salary for the rural population have been determined; and these are used as guidelines to evaluate the financial status of the parents or guardians.

### **3. Assistance rendered to families for child rearing**

The Department of Public Welfare has taken the following steps; namely, it has set up:

- branches in the provinces
- village assistance centres
- mobile units to offer emergency assistance in cases such as fire, flooding and threats of war

In offering assistance to families, authorities will base the aid on the needs of the family so that the needs of the child can be met adequately. Financial assistance is given to cover education and basic needs.

### **4. Measures for other assistance**

GOs and NGOs concerned have put in place the following measures:

- Volunteer teachers for homeless children project
- Emergency shelters
- Assistance and rehabilitation for victims of natural disasters and man-made disasters
- Donation centres of the Department of Public Welfare to assist those in need
- Assistance for people in distress in public places
- Assistance for the elderly
- Assistance for the homeless, beggars and formerly incarcerated prostitutes
- Encouraging participation of the private sector in offering assistance to society
- Creating settlements and a sense of self-sufficiency for people who are landless
- Hill tribe people development projects

### **5. Projected Success in Living Standards Progress**

At present Thai people have more security in life. Every child is entitled to nine years of free compulsory education and twelve years of basic education. Thailand has become more experienced in creating instruments to measure and improve living standards.

#### Problems

1. Services by the State, rehabilitation and social participation are not universal.
2. Various agencies lack cooperation in data collection resulting in ineffective use of the budget.

#### Solutions

1. The State should provide social welfare services to all groups of people by prioritising overcrowded communities and rural areas.
2. All agencies, both at the national and local level, should have a common plan for data collection.

## 7. Education, Leisure and Cultural Activities

## **A. Education, Vocational Training and Guidance**

### **General Situation**

The Constitution of Thailand of 1997 places a strong emphasis on education. Sections 42, 43 and 81 specifically refer to the right to education and training, as well as the academic freedom of the people. The National Education Act of 1999 was proclaimed to advance educational reform, and guarantees access for all to at least twelve years of education provided free of charge by the government. The implementation is scheduled for completion within 5 years of the proclamation of this act. A royal decree on the setting up of the Office of Educational Reform was issued to pave the way for the provisions Stated in the National Education Act of 1999.

In 1999, the Ministry of Education was able to provide education to at least 80 percent (13,179,000 persons) of school age children in the age range of 3-17 (total 16,493,000). Those who remain without access to education number about 3,314,000. The detailed figures are as follows: 2,404,000 (75 percent) of the 3,192,000 pre-school children aged 3-5 years were enrolled in school; about 6,100,000 (94 percent) primary school children, aged 6-11 years, receive some education out of a total numbering 6,497,000; of the 3,364,000 lower secondary school children in the age range of 12-14 years, some 2,685, 000 (80 percent) receive education and of the 3,440,000 upper secondary (in general and vocational streams of education) aged 15-17 years, a total of 1,990,000 or 58 percent receive some education.

With the above statistics in mind, the Ministry of Education is aiming to increase pre-school attendance rates by 6-7 percent each year, until full attendance is achieved by 2002. At primary school level, an increase of 2 percent per year is planned, for lower secondary a 5 percent increase per year, while an 11-12 percent improvement in attendance per annum for upper secondary level students will be aimed for.

In 1999, increases of over 100,000 students in the disabled and disadvantaged children category were enrolled in schools; this figure is expected to increase further. Basic curriculum, manuals, teaching and learning tools were updated in 2001, and are now in use at primary levels 1 and 4, and secondary levels 1 and 4. The materials will be available for primary 2 and 5, and secondary levels 2 and 5 in 2003, and then at every level in 2004.

The following legislative, administrative and budgetary, measures were adopted in order to recognize and secure the child's right to education, and to progressively realise this right on a non-discriminatory basis.

## **1. Legislative measures**

These include: The Constitution of Thailand of 1997, the National Education Act of 1999, a royal decree establishing the Office of Educational Reform. These have given rise to major changes, allowing the extension of six years compulsory education to nine years. Chapter 2, Section 10 contains a clause on child rights including the rights of children who are physically and mentally handicapped, underprivileged, disabled and with special talents.

## **2. Administrative measures**

The administration of the Thai education system is undergoing extensive reform:

- 1) The following ministry, bureau and department levels in charge of education will amalgamate: the Ministry of Education, Ministry of University Affairs and the Office of the National Education Commission. These three offices will merge into one ministry under the name of the Ministry of Education, Religious Affairs and Culture in order to create unity, eliminate duplication and waste in personnel and resources. This will be beneficial to future policy planning and implementation.
- 2) Government decentralization will shift administrative power to schools, educational regions and institutions allowing increased autonomy for local administration. This will increase the speed of administrative procedures, improve quality and the ability to fulfill the needs of the local area and community. Resource and budget allocation for education will be distributed to various educational institutions on an equal basis and in an appropriate manner.
- 3) Societies, communities and families will begin to take responsibility for education by working with their local government administrations resulting in the development of diversified, area-specific curricula. It will also provide the impetus to increase awareness about the importance of

education, and the responsibility of society to participate in meeting the educational needs of their own community.

### **3. Budgetary Measures**

Chapter 8, Section 60 of the National Education Act of 1999 upholds education as a matter of the highest priority for the sustainable development of Thailand and an extremely generous budget has therefore been allocated to various educational programs. Examples include the general subsidy for individuals in compulsory education, basic education in both government and private sectors, educational loans, low-interest loans for private institutions and the creation of a pool of funds earmarked for education development by the government and private sector.

#### Progress on Education

### **1. Guaranteed quality education**

The Office for the Standardization and Evaluation of Education was set up as a public agency mandated to develop the criteria for external evaluation of educational quality and management. Every five years, at least one quality evaluation will be conducted. Teachers and educational personnel will have to undergo some reforms; basic frameworks have been developed, for example in the areas of the licensing of the teaching profession, salaries, welfare and development funds. Four institutions out of a total of 24 have left the management jurisdiction of the Ministry of University Affairs. More will follow suit. A systems development research project is being conducted in cooperation with the Asian Development Bank and UNESCO.

The National Education Act states in Chapter 6 that there must be a system to ensure and standardise the quality of education. The Ministry of Education has ensured that the quality of education in Thailand will be a major target in educational reform, using three main processes:

- 1) Quality Control. This is a process whereby teachers utilise fixed standards and preparation plans in various aspects of the curriculum. It is arranged in conjunction with continuous follow-up.

- 2) Checking, revision and improvement of the quality of education by the institutions themselves with the assistance of the regional offices or head offices for monitoring from a holistic point of view.
- 3) Evaluation and certification of the quality of education. This process is conducted by external public agencies to evaluate and certify the quality of education in such institutions.

The Department of Curriculum and Instruction Development is responsible for the evaluation, using the testing formula in all subjects of Primary 6, Secondary 3 and Secondary 5.

## **2. The measures adopted to ensure respect for the general principles of the Convention**

Along with the Constitution and the acts on education as mentioned above, provisions are also made to guarantee the general principles of the Convention. Children and youth are mentioned in Articles 53 and 80. The National Education Act of 1999 also guarantees the child's rights for development without discrimination. In some sections of the Thai Constitution, although no direct mention is made about children and youth, sections 4,5,53,86 and 190 provide wide coverage of protection to people of all age groups.

## **3. The proportion of the budget earmarked for education**

During the past decade, a high percentage of the national budget has been earmarked for education, that is, about 3.5 percent of GNP, or 25 percent of the annual budget. During the years 1990-99, the annual budget allocation to education has increased by 15 percent, with the highest allocation occurring in 1997, with an amount of 202,864 million baht or about 4.3 percent of the whole GNP. After the economic slowdown, a cut of 0.57 percent was imposed in 1998, which was the first time the education budget had been cut.

Proportion-wise, primary education is allocated the highest percentage at about 44 percent of the education budget during 1990-1999. This direction is continuing: 30,589.6 million baht was spent in 1990 increasing to 81,662.4 million baht in 1999 or 18.33 percent per head per annum for each student.

From 1997 to 1999, the government paid an equal amount of expenses for pre-school and primary school students. The money allotted to them has been increased on a yearly basis during these three years: 11,259 baht, 12,257 and 12,582 baht per head respectively. For secondary school students, the amount is less than the above: 8,415 baht, 8,913 baht and 8,645 baht per head per year respectively. Expenses for vocational students are higher than general stream students; that is 14,445 baht, 14,070 baht and 12,715 baht per head per year respectively. The highest expense is paid to the students at the tertiary level with an increase of 11 percent; that is 24,060 baht, 22,835 baht and 25,433 baht per head per year.

The above data demonstrates the government's attempts to allocate budget according to necessity. In comparing the budgets for economics, security, and education, during the past 9 years (1992-2000) a larger amount was paid to education: 86,576.9 million baht in 1992, 207,316 million baht in 1999 and 222,416.1 million baht in 2000.

#### **4. The government's awareness of the cost of education**

Efforts have been made by the government to provide free education. In the area of government subsidies, the present government has provided exemptions to basic costs, such as tuition fees for primary education in government schools, and tuition fees in lower secondary classes in government extension schools. Funds have also been allocated to provide teaching and learning materials for learners in each level. Other expenses are allocated depending on goals and necessities including special costs incurred such as health care, textbooks, uniforms, supplementary food (milk), lunches (as in the School Lunch Fund Act of 1992) and transportation for students' travel to and from school. The expenditure is allotted in accordance with necessity and target groups classified by the level of education. The Government also provides total expenses to impoverished students in private schools.

There are other forms of government subsidy in education such as student loans. Since 1996, impoverished students have been able to obtain loans for education. There is also an Asian Development Bank loan available for students suffering from the impact of the economic downturn. However, some problems arise such as corruption, delays in delivering the loan causing some students to quit school, and the misuse of loaned money by some students.

In terms of governance, the most outstanding problem, especially for the Ministry of Education, is the centralization of budget allocation. Inequality and inefficiency is frequent, caused by the complexity of bureaucratic processes. It is therefore appropriate that budget allocation powers should be decentralized.

### **5. Measures adopted to ensure that children can be taught in local, indigenous or minority languages**

The language of central Thailand is the official school language both in the formal and non-formal systems of education. However, local dialects such as hill-tribe and Yawi are also allowed. Teachers with knowledge of local dialects are assigned to teach students in those areas. Details can be found in Thailand's Replies to the List of Issues sent by the United Nations Committee on the Rights of the Child (1998).

### **6. Mechanisms developed to ensure all children access to education**

Section 10 of the National Education Act of 1999 states that every person has equal rights and opportunity in obtaining 12 years of quality education, although this is not operative for every child due to the inadequacy of the budget and its' management. In the past, the Ministry of Education, and other agencies responsible for the provision of education, both in the government and private sector, as well as non-governmental organizations working with children have provided assistance to children in especially difficult circumstances. A bilateral provision of education to children is encouraged. Children are sent to study or train at general schools or adult schools. Some personnel are dispatched to teach in the community where children live. The same standards apply to the non-formal, as well as formal systems of education. Centres for the protection and assistance of children in education are provided. Other forms of assistance are: street teachers, welfare schools, Village Schools, provision of education in the homes for boys and girls and the Sema for Life project.

### **7. The steps taken to ensure and assess the quality and sufficiency of teaching staff**



Currently, the average student-teacher ratio is 20:1 and there are teacher shortages for subjects such as mathematics, science, physics, chemistry, foreign languages and computer science. The Ministry of Education is encouraging teacher recruitment for these subjects, yet that has not been enough. In 1998, out of a total of 70,164 graduates, only 2,245 teachers were qualified to teach the target subjects. Nevertheless, the number of teachers qualifying seems to be increasing. The draft plan of criteria and methodology for the development of teachers as civil servants in three areas - namely teaching, administration and demonstration - has been developed. The upgrading of teacher capacity is done in various ways: training, field trips, research for development, brainstorming sessions and public hearings on a regular and continuous basis.

## **8. The measures adopted to provide adequate educational facilities, accessible to all children**

Generally, textbooks are produced at reasonable cost by the Ministry of Education. Some are distributed free of charge or issued on loan to every student in primary and lower secondary level, amounting to quite a saving for the parents. These books are delivered before the beginning of the school term. Price rises for textbooks are curbed and some are sold at reduced prices.

## **9. Non-formal education**

Section 15 of the National Education Act of 1999 states that Thai education includes non-formal and informal education to allow more choices for the public. The patterns for these two types of education are:

**1) Non-formal education:** This involves a great deal of flexibility. The substance and curriculum varies to meet the requirements and problems of each individual group. Activities include:

**1.1) Literacy promotion:** The learner will be able to think, act and solve problems in a self-taught program under the guidance and supervision of volunteer teachers who can teach both youngsters and adults.

**1.2) Continuing education:** This is a service in general education prescribed by the Ministry of Education. The curriculum is divided into three levels: primary, lower secondary and upper secondary. Teacher and learning activities place stress on accessibility of facilities to students under the following three methods: 1) distance learning using the

Thai Com distance communication; learning by satellite provided by the Department of General Education (Klai Kangwon School). This is to provide an opportunity to schools in remote and inaccessible areas with few teachers. 2) self-study and 3) class-room learning in which the learners choose the method of learning according to their liking. Credits obtained can be transferred to general and vocational streams of education.

**1.3) Non-formal learning opportunity extension:** This provides education for all in compliance with the learning opportunity extension policy set up by the Ministry of Education. Those who are not covered by the formal schooling system can choose any of the following two curricula: 1) Non-formal Education Curriculum No. 30 – lower secondary level. This is a distance learning system. Two subjects in each course will be provided free of charge per semester until graduation. This is to provide education to civilians and military men on duty. 2) The curriculum for vocational certificate (Po. Or. 33) for people engaged in independent vocations in their own locality. The students pay just 20 baht registration fee and all books and equipment necessary will be provided by the Department of Non-Formal Education.

**1.4) Education to further occupational skills:** This aims to upgrade the standard of living of people and solve national problems, particularly unemployment, environmental problems and to equalise income distribution.

**1.5) Education to provide information:** Services come in the form of libraries for the province/district/tambon/village reading centre, study centre and audio-visual centre.

**2) Informal Education:** The learner takes the subject he or she is interested in, in accordance with capacity, readiness and opportunity. The credits can be transferred. At present, an education network has been set up under the following categories:

**2.1) Community-based education:** This takes the form of public libraries and village reading centres.

**2.2) Learning centres:** Centres for life-long learning are formed by the Non-Formal Education Department in GOs and NGOs and other organizations.

**2.3) Dissemination of knowledge via various systems of communication media:** Various forms of educational technologies are brought into supplement lessons. These include education through television and radio.

**2.4) Education Science Centre:** This is an open and life-long education centre with interactive media, films, video, computer, multimedia, actualities, replica, contest, invention and training programs.

## **10. System or initiatives to provide early development education services**

The Cabinet's resolution allows for the provision of basic education from primary to upper secondary level. However, the Government has placed emphasis on early childhood education (0-5 years). Communities or local organizations are encouraged to take part in the management of this level of education. The Ministry of Interior and the Ministry of Labour and Social Welfare, in particular, have collaborated with community committees and the private sector in setting up early childhood development centres and nurseries for young children. Children aged 2-6 years attending these centres will participate in age-specific development activities, and will be well cared for while their parents go out to work. Government support is provided in terms of remuneration for personnel, supplementary food and developmental equipment for disadvantaged children.

## **11. Illiteracy rates in children**

According to a comprehensive study by the National Economic and Social Development Board, illiteracy rates as classified by age among children in Thailand are as follows:

**1) Below 18 years:** the illiteracy rate amongst the 6-11 year age group is 21.6 percent; in the 12-14 age group it is 1.5 percent; and among the 15-17 year age group it is 1.7 percent.

**2) Over 18 years:** the illiteracy rates for the 18-24 year group – 2.2 percent; for 25-29 years of age - 3.1 percent; and for 30-39 years old – 4.0 percent.

Registration rates at the national level are not available. Therefore enrolment rates are used.

## **12. Enrolment rates**

The survey of children and youth by the National Statistical Office during 1992-1997 found that enrolment into primary education was 100.1 percent and increased to 105.8 percent in 1997.

The indices for the net enrolment in primary education, however, remain at 77.0. About 23.2 percent enrolled in the wrong group, meaning that 23.2 percent not belonging to the primary school group (6-11 years olds) have come to study with this group. Most of these pupils are older than those in the 6-11 age group.

For lower secondary students, during 1992-1997, enrolment rates have increased from 59.3 percent in 1992 to 91.7 in 1997. The net enrolment rate is not as high, although it increased to 55.1 in 1997 from 36.5 percent in 1992, possibly due to the rapid implementation of the policy extending the level of compulsory education. Enrolment into the wrong age group has also increased, from 22.8 percent in 1992 to 36.5 percent in 1997.

### **13. Non-enrolment and drop-out rates.**

An improved situation is found regarding non-enrolment rates of pre-school children (3-5 years old). This rate has reduced from 83.1 percent in 1992, to 64.2 percent in 1997, representing a reduction of 2.95 million, meaning the total number of children not enrolled is 2.05 million. This can be deemed a success in terms of quantity, however, the 8<sup>th</sup> National Economic and Social development Plan, set targets aiming for a 90 percent enrolment rate of pre-school children by the year 2001.

During 1992-1997, the rate of school dropouts among lower secondary students decreased, from 18.7 percent in 1992 to 6.6 percent in 1997. During the same period, the rate of dropouts from upper secondary levels also decreased from 58.2 to 29.6 percent.

### **14. Literacy rates**

The average literacy rate among the population aged 14-50 increased from 93.19 percent in 1990, to 97.8 in 1999.

### **15. Making higher education accessible to all.**

Each child has the right to receive higher education depending on his or her ability regardless of gender, age, religion, colour, race or urban/rural area, both in the Open University and the formal university system. In the formal university system, entrance examinations are open to all. Under the Open University system, the candidate may be enrolled in any faculty depending on his or her own interests and choice.

## **16. Mechanisms to make educational and vocational information and guidance available and accessible to all children**

Thailand has long been providing an educational and vocational guidance service. At present, the ratio of careers teachers to students is 1:300. A committee for the improvement of guidance to educational institutions has been formed. Improvement has been made in the areas of vocational tools, equipment for guidance, and funds allocation earmarked for career guidance. Personnel improvement is conducted in the form of training and workshops, and further research to develop guidance work.

Children receiving the service will obtain information and guidance services on tertiary education and vocational choices from the public information activities of the agency. Guidance units provide information dissemination services during outside, learning sessions, and children are encouraged to come and visit the service, which provides counselling, and information technology access. However, the number of students benefiting from the service is small, as students are reluctant to use the service, possibly for cultural reasons. There are counselling and guidance units in various agencies and institutions; development plans have been formulated, with the first plan (1992-1996) having ended, the 2<sup>nd</sup> plan (1997-2001) is now in operation.

## **17. Measures to encourage regular attendance at school and to reduce dropout rates.**

Thailand has always been aware of the importance of school attendance; this is reflected in the increasing education budget and also in moves towards regular school attendance of all children, and the reduction of dropout rates. The following are examples of incentives provided to students to encourage them to attend school:

**1) Support in terms of funds for education.** The Government obtained loans from the Asian Development Bank (ADB) during the economic crisis. From this, 1,000 million baht has been allotted to help prevent students dropping out of study at primary levels, lower secondary levels, Buddhist religious schools, general education streams and lower secondary levels. A total of 328,593 students have received these scholarships which account for 1,356, 805,000 baht. At the end of the 1998 school year (31 March 1999), 136,593 students in excess of the estimated number, applied for student loans, thus causing the budget to be 470.61 million baht in excess of the amount estimated. Additionally, 13,000 million baht had been allotted as loans for education to educational institutions nationwide. (Those under the jurisdiction of the Ministry of Education and other agencies with the exception of the Ministry of University Affairs).

**2) Lunch program.** In 1992, the Government set up a school lunch program for students, stating that each child will receive 5 baht per lunch per day throughout the 200 days of the education year. The amount was been increased to 6 baht per day in 1999. Further details follow:

During the fiscal year 1998 or education year 1997 (October 1997 – March 1998) a total number of 642,628 pre-primary students received 321,309,000 baht and 1,539,235 primary school students received 769,617,500 baht. In the education year 1998 (May-September 1998), 844,302 pre-school students 422,151,000 baht and 2,024,565 primary school students received 1,012,262,500 baht.

In the fiscal year 1999 and education year 1998 (October 1998-March 1999) 412,764,000 baht was allotted to 687,940 pre-school students and 1,008,475,800 baht to 1,680,793 primary school students. In the school year 1999 (May -September 1999), 687,943 pre-school children were allotted 412,765, 800 baht and 1,885,864 primary school students allocated 1,131,518,400 baht.

For the fiscal year 2000 and the education year 1999, the 738,542 enrolled pre-school students were allotted 886,224,700 baht; 1,848,662 primary students were allotted 2,221,763,700 baht plus an additional amount of 470,000,000 baht from other sources. This was for the formation of school lunch funds in primary schools, and revolving funds for the promotion of products to be used in lunch programs.

Children in the non-formal system, including rural children in the 3-6 year age group attending the young child centres run by the Department

of Community Development, were allotted 5 baht a day towards the cost of their lunch. In the fiscal year 1996, 231,000 children received assistance in this form. In 1999, the number increased to 310,000. Other government agencies also provided school lunches such as the Department of Religious Affairs, the Department of Public Welfare and Royal Thai Police.

**3) Supplementary food (milk) programs.** The Government provides milk to 5.3 million children ranging from pre-school to Primary 4 levels throughout the 200-250 days of the education year. Efforts have been made to continue providing this supplementary food despite the economic crisis. Each child is provided with at least 200cc milk, costing 5 baht per day. Schools under this program include those administered by the Office of National Primary Education Commission, the Department of General Education, the Department of Religious Affairs and the Office of the Private Education Commission under the Ministry of Education. In addition, there are other government agencies such as the Bangkok Metropolitan Administration, the Department of Local Administration, Border Patrol Police Command and young child development centres under the Department of Community Development who also provide supplementary milk for children schemes.

The Ministry of Education has designed its budget in support of the supplementary food program as follows:

3.1) The Department of Religious Affairs. In 1998 and 1999, milk was provided to 219,000 and 211,000 children respectively, in pre-school centres in temples and mosques.

3.2) The Department of General Education. In 1998, milk was provided to 15,898 children in nursery schools and Primary levels 1-4 in welfare and special schools, and in 1999 this increased to 23,905 children.

3.3) The Office of the National Primary Education Commission. All children studying in pre-school and primary levels 1-3, numbering 4,053,894, were given free milk. This number increased in 1999 to 4,845,330, to include students in pre-school and primary levels 4. In 2000, a budget of 5,002,723,800 baht was allocated to supply milk to 1,749,888 pre-school and 3,268,400 primary school students.

Contributions and assistance have been provided by the private sector in terms of scholarships, luncheon funds and donations of school materials to children and schools. This has helped improve opportunities for children to be educated.

## **18. Information on children who do not enjoy the right to education.**

The right to an education is a constitutional right in Thailand, however some children do not have access to any schooling. This group includes children in especially difficult circumstances - namely the disabled, the poor, the slum-dwellers, street children, child labourers, children living in remote areas, children in institutions and children from the hill tribes. GOs and NGOs, for instance the Ministry of Education, the Department of Public Welfare, the Royal Thai Police, the Foundation for Children and the Wat Sakaeo Foundation, have extended their services to cover such children.

During 1990-1996, the number of children assisted has been on the increase, from 33,199 in 1990 to 59,908 in 1996 - an increase of about 80 percent. If classified by level of education, at pre-school level the increase is from 2,179 in 1990 to 9,002 in 1996 or an increase of 313 percent; at the primary school level from 38,539 in 1990 to 40,348 in 1996 or an increase of 5 percent; in the lower secondary level from 3,181 in 1990 to 11,230 in 1996, representing an increase of 253 percent.

The above figures show that every year more and more CEDC children are able to gain access to education at various levels, although there are some particular groups of children still lacking this opportunity. Examples are: street children, children who live near the bus terminals, under fly-overs and in construction sites. Several NGOs have lent a hand in providing education for them, managing this in three ways: provision of optional education; pro-active education and informal education.

Some duplication is found among the target groups of the NGOs as there is no central database. The exact numbers of children cannot, therefore, be confirmed. Children, who miss out the opportunity to be educated, can be enrolled in non-formal education schools, particularly at the basic education stage.

## **19. School Discipline**

### **1) Legislation**

Legislation related to discipline applying to public and private schools conforms to the general principles of the Convention and most particularly the provisions of the Convention art. 19 and 37 (a).



Punishing children by beating is prohibited, according to the Ministry of Education's Regulations, 2000.

## **2) Monitoring systems**

The monitoring system of the administration of school discipline is conducted through scheduled meetings where a team of administrators develops and evaluates the regulations at regular intervals. Each student must be informed of the rules of the school, as laid out in the school handbook or code of conduct, as a protection of their rights and the rights of others. The students and student committees must have a participating role in defining some rules and regulations for the school.

The mechanisms for reporting complaints are via meetings with the administrators of the school. Problems and solutions are recorded, and parents are informed at the parent-teacher association meetings or the annual school meetings. If any violation of child rights is made by the school administration, teachers, parents and students may file complaints against the school or its supervisory agencies. The Ministry of Education has also set up a centre to protect and assist children in education, and complaints can be filed at this centre.

## **3) Independent monitoring mechanisms.**

Parents and students are able to pursue any unresolved complaints or dissatisfactory procedures through education columns or programs in the media allowing public scrutinisation, and an opportunity for the relevant authority and the school to respond. Opinions and comments may be delivered in writing to the comments boxes in existence in most schools.

## **20. Administrative or judicial proceedings relating to education**

Legislation providing for opportunities for the child to participate in administrative or judicial proceedings relating to education - such as contributing to the rules and regulations of the school, college or university - is made through the election of the board or committees of the school.

The Ministry of Education provides the opportunity to students to enroll in the school of their choice, whether that be close to home, or otherwise. There is no policy to exclude students from schools, except in cases of drug addiction. Penalties, however, are imposed in stages to allow students the opportunity for self- improvement. If a case comes to the

final stages, instead of expulsion from school, the Ministry may order that the student be transferred to another school.

## **21. International cooperation**

Thailand is open to providing rights and opportunities for education and cooperation and sharing of knowledge, as can be seen in the Constitution of Thailand of 1997, Sections 42 and 43. Thailand has been a member of ASP (UNESCO Associated School Project) since 1958. Cooperation in the study of science and culture is conducted on a continuing basis. Special agreements in certain areas have been made, enabling the Ministry of Education to supervise scholarships and funds for training on a continuous and yearly basis.

Bi-lateral and regional projects have been organised, such as the Young People's World Heritage Forum in Bangkok in 1995. Youth representatives were sent to attend the World Heritage Youth Project in 1997 in China. This has received the support of UNESCO.

## **Problems**

1. The provision of such a diversity of student-focused educational management means that concerned personnel and teachers will have to improve and harmonize various aspects of teaching and learning objectives.
2. Educational reform: with the advent of child-centered education, new teaching methodologies need to be introduced and need to be understood by administrators, teachers, communities and parents. This will not be accomplished in a short period of time.
3. Communities and societies are not yet aware of their participatory role in education management with educational institutions.
4. Parents do not bring their children to be enrolled in schools despite the service provided.
5. The non-proactive characteristic of education makes it difficult in obtaining education for some children in especially difficult circumstances (CEDC). Inequality in obtaining education among children of diversified groups exists despite the government's policy of education for all. Not all children are able to be in school.

6. Family situation and the economic environment still play an important role in the educational achievement of children. Even regarding basic education, financial problems pose obstacles causing students to leave school early or become unable to attend school at all.
7. Fixed timetables and semesters do not agree with the time available among some groups of children, such as street children and children living in building sites.
8. Teacher/pupil ratios: the number of teachers who directly deal with students is diminishing due to various reasons including civil service reform, allowing teachers to seek early retirement with special benefits. A number of teachers have taken up this opportunity, thus causing an abrupt shortage of manpower in the school system, severely affecting educational standards.
9. Regarding the quality of the teachers. Some problems arise because of a lack of commitment among some people entering the teaching profession, resulting in the fact that they later ignore their proper duties and tasks. Teachers are also expected to be leaders in other projects of the community in addition to their role of teachers; this has resulted in less time for their work with students.
10. It has been found that despite a higher budget in education than in other fields, the greatest portion of the funds is spent on salaries for teachers; these are nevertheless much lower than those of other professions.
11. There exist a high number of discrepancies in the quality of education in different areas, particularly in subjects such as mathematics and science.
12. There is a lack of equipment and education materials, for instance in science and technology.
13. Attendance in the wrong age group has caused a delay in graduation from their education of these students, making them enter the labour market later than usual. It also affects their overall standard of education, which then affects the overall standards of the labour force of the country.
14. The government sometimes cannot arrange for educational facilities in remote areas with small numbers of people. Children from such areas have to travel to nearby communities thus causing them difficulties in travelling to and from schools.
15. Parents prefer to have their children studying in well-known schools although there may be other perfectly adequate schools closer to home. The children themselves have to devote much of their free time studying in 'cram' schools or 'cram' classes, causing greater stress to them. At the same time, some schools may have vacancies but the parents do not want

their children to go there. Such schools are then left with smaller numbers of students than expected.

### *Solutions*

1. The National Education Act and its related laws and regulations should be made known to the public, in order to create understanding and awareness about the rights and duties as described in the Act and related regulations.
2. Education reforms should be further publicized, alongside a greater degree of decentralization of power for the benefit of the local people.
3. Knowledge and information should be provided to personnel in educational management to enhance understanding of their role and duty in order that they can work effectively.
4. A pro-active style of educational management should be introduced with more emphasis on participation in order to provide greater access to children in especially difficult situations such as street children and children in various Homes for Children.
5. Prioritise provinces with education problems, in order to define targets, distribute further resources, and to improve service to needy target groups.
6. Set up emergency support measures such as provisions of subsidies or assistance to target groups comprising poor families and children. This is to ensure educational access for all.
7. Improve educational systems and management.
8. Build up efficiency in compulsory education.
9. Allow children the opportunity to study at any time.
10. The manpower in the teaching profession must be evenly and appropriately distributed.
11. The recruitment system must be adjusted to encourage people with a positive attitude to teaching to join the profession. Emphasis must be placed on the policy that teaching is of great importance.
12. Vehicles must be provided for in order to facilitate the flow of work. Another option is to arrange for a mobile teaching unit. Various groups of underprivileged children may be placed in boarding schools rather than in day schools.
13. The government should consider providing extra funds for teachers in addition to the usual remuneration.

14. The standards in every school should be standardised and improved until equal or near equal.
15. Retired teachers should be encouraged to participate in the administration of education.
16. Information should be disseminated to parents regarding the importance of education for their children.
17. The government should amend tools measuring the emotional quotient (EQ) and the morality quotient (MQ) in a way that conforms to Thai traditions and culture.

## **B. Aims of basic Education**

### **1. Respect for the child**

The Constitution of Thailand of 1997, section 81 stipulates that the State must provide education, training and support of the acquisition of knowledge in conjunction with good ethics. Therefore, the National Education Act of 1999 has defined three core characteristics for education in Thailand, namely: life-long education for all; education administration with participation by all; and continuing development of the process of learning.

The school has become the administrator of student-centred learning, aiming to facilitate the realisation of every student's full potential in terms of intelligence, knowledge, morality, physical health with a long-term vision in work and in co-existence, as well as life-long learning. The State is now supporting services in educational institutions to enable this concept to materialize. Schools address the educational needs of the child and encourage the child to explore his or her own abilities, aptitudes and interests so that he or she can later use these skills in the development of the quality of his or her life. At the same time, students should be happy while in school. Several schools, such as Triam Udom Sueksa (Pre-University) School and St. John College, are implementing this program.

### **2. Teaching human rights in schools**

The current curriculum has incorporated the teaching and learning of the rights and duties of citizens in a democracy, as well as the current political situation, problems and development of neighbouring countries in terms of human rights. Although the concept of human rights may not

be directly defined, knowledge of such matters is being introduced into the teaching and learning process under that title. Some agencies, for instance the Office of the National Primary Education Commission, have conducted comprehensive surveys of teachers' understanding on child rights. A 'Teacher-Protecting-Children-Network' and a survey of children on child rights issues have been instigated.

### **3. Cultural identities, respect and values**

With regard to sections 23 and 27 of the National Education Act of 1999 and the plan of policy on the development of man, society and religion, art and culture, several agencies have implemented policies on the development of strengthened cooperation among families, communities, educational institutions and religious organizations, in order to impart to students knowledge and understanding of religion and ethics. The National Culture Commission of Thailand has implemented several projects such as the project on the development of subjective emotion in Thai society for teachers in Thai educational institutions. Activities include:

- The organization of academic seminars, publication of testing and evaluation handbooks for use in institutions and the printing and distribution of textbooks on Subjective Emotion.
- A project in Major Dimension in Personnel Development in Educational Institutions;
- Projects promoting the handing down of knowledge of Thai music in schools, with teacher seminars and printing of handbooks on the teaching of Thai music;
- A project on handing down Thai heritage and ethics creation along with the production of materials for use in connection with the project at the primary school level;
- A project to train children in the performing arts and visual art.

The Department of Curriculum and Instruction Development of the Ministry of Education has created a handbook on the promotion of learning and skill development for life to youngsters both at the pre-primary, primary and secondary levels (1997) and vocational level (1998).

### **4. Responsibility, friendship, peace and equality.**

The National Education Act of 1999 sections 7 and 24 are fundamental measures to prepare the child for a free society with an awareness of peace. Knowledge must go side by side with good ethics especially with regard to living in Thai society without discrimination toward different communities, religions or ethnicities. There is the freedom to accept and learn from each other's religious practices.

## **5. The development of respect for the natural environment.**

The Constitution of Thailand of 1997, section 79, the Environment Act of 1992 and the National Education Act of 1999 sections 7 and 23, have legislated for the promotion, protection, maintenance and awareness of nature preservation. In nursery level up to secondary classes and in every educational institution, efforts have been made to encourage children to learn and get involved in environmental activities both on a qualitative and quantitative scale. Youth groups and clubs are engaged in activities in the study and preservation of the environment in schools and communities. The networking of such activities has been launched among students at university level with cooperation from the private and business sectors. Activities held are diverse, such as arranging exhibitions and debates.

## **6. Training provided to teachers.**

During 1997-1998, the Ministry of Education organized a professional development project for teachers working in government schools. Standards and criteria were set as well as the techniques for potential analysis of teachers in government service. The Department of Instruction and Curriculum Development organized training sessions for administrators and teachers in many educational institutions under the program for 'full potential development' and 'life-skill training' for pre-school, secondary and vocational students. Manuals and exercises for self-learning were produced to enable the child to learn how to think, to act and solve problems and equip themselves with qualities such as perseverance and restraint. Follow-up and evaluation on the use of the manual and exercises was conducted in a study entitled, "The results of activities on quality promotion and value creation instrumental to the development of concepts in ethics, such as honesty".

The Office of the National Education Commission announced that 1999 was the year of implementing the National Education Act of 1999, and

that the year 2000 was the year of the glory of Thai Education. There were 4 levels of preparation for teachers:

1. The production of teachers: the council of deans of education was created, incorporating teachers from 50 institutes of higher learning nationwide.

2. Looking for and honouring teachers of excellence: teachers with expertise in the following 3 categories were recognised for their achievements - prototype teachers who emphasize student-centred learning (126 teachers were named in that category in the years 1998-1999); national teachers who have conducted valuable research; and teachers with expertise in folk wisdom (30 teachers). This category represents experts on issues concerning their communities.

3. Strengthening the promulgation of legislation on licenses for the teaching profession and teaching administrators.

4. Honouring good teachers through awards.

Moreover, since 1997, some government agencies not directly dealing with education, have organized training for teachers and other relevant professionals, in order to better facilitate the personal development of the capacities of children in various ways. The Office of Local Administration held a seminar of Islamic committees nationwide to impart knowledge - as prescribed in the policy for the promotion and development of mental values and ethics as well as aesthetics - to children and the general public. Also held were: a seminar of the Assembly for the Land of Dharma and the Golden Land, Buddhism promotion week, training for youngsters in the Land of Dharma and the Golden Land project.

The Community Development Department held seminars among tambon administration organizations and women development committees of all levels (tambon, district and province), with about 5,398,553 attending across rural areas, in order to increase knowledge about ethics, peaceful coexistence in the same society, and kindness to children and the young. The Department of Religious Affairs held seminars for chief monks (abbots, provincial chiefs of abbots, provincial education officers, mentor monks and chief tambon monks in all provinces). These participants will, in turn, share their knowledge when they serve as members of the teaching team of monks giving ethical instruction to students and people in the communities. The Department of Fine Arts organized short-term



and long-term courses on dances, music and art to teachers and the public. The National Youth Bureau formulated a training course for those who work with young people, regarding the development of their potential, personality and capacity, both as a whole and in particular areas.

## **7. Revision of school policies and curriculum**

Policy and curricula for the development of the school and the formulation of programs of learning have been adjusted following examination in light of article 29. In 1999, for instance, a study was undertaken concerning the trend of youth development in the 21<sup>st</sup> century, the results serving as relevant data in the formulation and adjustment of education policy for children.

Regarding the implementation of activities to update various aspects of the curriculum, the Ministry of Education has introduced several programs, such as the general education stream through distance learning, which is taking place in 119 schools. Another program involves the extension of basic education at secondary level through distance learning, which is currently utilised by 170,000 students. Another 10,680 students received vocational education certificates through this program. Learning and teaching activities for 53,669 target groups were formed. In addition, there are programs for the disabled who can participate in occupational training in 8 special schools and 12 educational regions. Tapes are produced for 4 compulsory subjects and manuals are developed for the administration of general, non-formal education for the disabled.

## **8. Relevant programs and materials used**

The Ministry of Education has provided support in the procurement and production of materials used, for instance, the program for the development of books in education. This is to develop teaching materials in various ways, such as in the presentation of new styles of books, multimedia, references, library development, management format, and effective networking of learning. These activities have resulted in many changes in education.

Examples of this can be seen in the establishment of the “Chaloem Ratcha Kumari” public libraries. According to the plan, 71 libraries will open; at present, 52 are in operation officially. There have been 632 district, public libraries established. Some other programs are: a program for the development of teaching science, applied science,

mathematics, technology and the environment. There is also a program for establishing science centres and networks for education, a project to establish a research institute in chemistry, the Phra Chomklao Science Park at Wa Ko project, and a project to promote gains in students' capacity.

## **9. Peer education and peer counselling**

Under peer counselling programs, networks of clubs are formed in educational institutions at the regional, national and international levels, with the encouragement of government agencies, educational institutions, teachers, and local and international non-government organizations. The essence of counselling lies in education, and counselling on various matters relevant to the development of fellow students. Usually, the networks are formed among students at the secondary education level and above.

An example is the language doctoring group at Satri Witthaya School (helping fellow students in language proficiency), whereby older students who have already finished their studies come in to help younger students. A move that is quite progressive in terms of Thai education, is that, apart from groups within the schools, there are also inter-school groups. At present, 97 schools run this type of network (1977-now).

Benchamabophit School is a leader of one such network. Students manage the group while teachers act as advisors. Activities are divided into 5 areas:

- 1) Friends in study (help coaching in academic work)
- 2) Buddies (close friends to bare one's heart to)
- 3) Leadership building within the group
- 4) Helping on family matters (providing help if the friend has family problems)
- 5) Safeguarding the community (organizing activities to create awareness on various matters in order to prevent problems in schools)

In addition, there are networks specializing in certain areas, both at the national and international levels, and their activities are widely recognized, such as: AIESEC Thailand; T-CARP (Thailand Collegiate Association for the Research of Principle); YFWP (Youth Federation for World Peace Thailand); the "YPLE" (Youth Centre for the Promotion of Better Life and Environmental Awareness); the 5-province youth network

in the south, the child-protecting-home network, the grannies and granddads group, Andaman Youth group and Samila youth promotion group.

## **10. Conformity with standards of administration amongst schools**

At present, the Ministry of Education has stipulated in the ministerial regulations that educational institutions are to provide services in areas of safety and health. Support is given in terms of recruitment of doctors and nurses to undertake health checks on the child on a regular basis. Services provided are usually dental health checks, and immunization or vaccination shots to primary students. Minor illness or injuries are attended to in coordination with nearby health stations or hospitals. Children attending school may receive yearly health insurance against accidents - although not all schools are covered, more and more schools are joining the scheme.

As a safety precaution, educational institutions hire security guards or set up rosters for officials to check on visitors to the school.

### **C. Leisure, recreation and cultural activities**

#### *General Situation*

The Constitution of Thailand of 1997 states in section 4 that human dignity, personal rights and freedom shall be protected, and in chapter 5 that Thai nationals, regardless of origin, sex or religion shall be equally protected by this Constitution. Chapter 4 of the National Education Act of 1999 states that the people will be provided with knowledge of religion, art, culture, sports and Thai folk wisdom. In chapter 9, it is stated that the State will provide infrastructure for the transmission of radio, television, telecommunications and other forms of communication for use in formal, non-formal and informal education, and other forms of learning, such as for religion, art, and culture.

In terms of legislation, an example is the National Youth Act of 1978, which supports and provides children with the right to rest, leisure, play, and participate in recreational and cultural activities. Programs and plans to promote and support physical, mental and intellectual development of children have been implemented. The promotion of activities in sport and culture beneficial to children has been initiated and strengthened by both government and private sectors.

There are 3 types of activities: 1. Services by the State which are provided free of charge or with a small charge; 2. Services provided by clubs or organized by individuals who wish to contribute to public service in sports, recreation or art; 3. Services provided by business enterprises with fees charged. The Ministry of Education has also included this issue in the 8<sup>th</sup> Plan for the Development of Education, Religion and Culture (1997-2001) with the Office of the National Culture Commission in charge of the organization and promotion of national culture activities.

Moreover, the reforms in the arts, culture and religion will be inclusive of education reform; offices of education, religion and culture will be established all over the country to link their work with that of educational institutions, religious and cultural offices. These will, in turn, be linked with district and tambon cultural councils in various educational areas, creating wide opportunities for the promotion of cultural activities to children. In conclusion, the outcomes of education reform implementation can be summed up as follows:

## **1. Organizations of leisure within the formal education system**

The State has declared that primary school students must attend classes 180 days per year and 200 days for secondary school students. There are two terms a year, and schools will hold classes five days per week. Saturdays and Sundays are holidays. There are 5-6 classroom hours in a day. At primary school level, classes for each subject last from 20-50 minutes (depending on the subject) while a class session at secondary level lasts 50 minutes for each subject. Each day the school will set aside 50 minutes as a period for relaxation. During this period students participate in one of 15 activities provided by the school, as selected by the student depending on interest. These activities range from art, culture, recreation and other intelligence stimulation activities. The children themselves may request for other subjects that interest them in addition to these 15 activities.

Every day, three breaks are provided: morning recess, the lunch hour and an afternoon break - a total of about 1.5 hours per day. Long vacations are provided twice per year, the first being from mid-October to early-November (20 days) and the second from early-April to mid-May (45 days). During these vacations, children may read comic books, watch television, listen to the radio, travel upcountry, return to their hometowns, take field trips, join camps and engage in other activities as they like and according to field their ability.

## **2. Organizations established for recreation, leisure, resting and art**

The 'Study on Models of Youth Centres' found that there are three categories of youth centres in the country: urban/rural, formal/non-formal (education) and private (volunteers for development).

Recipients of services provided by these centres are aged from very young to 25 years of age. A diversity of activities are provided taking into consideration the needs and interests of the recipients. The activities organized range from play, sports, reading centres, home economics, dances, the arts or special activities of interest to the children such as computers, languages and environment. These centres are named in accordance with the office which supervises them, or the name of the area, such as BMA youth centres (numbering 26), Municipality Youth Centres (numbering 146) and tambon youth centres (numbering 5,531 with 499, 258 members), inclusive of 6,270 tambon sports centres.

In conclusion, related agencies usually have legislation, measures, plans, projects and activities to support children in their leisure time. There is time for recreation, play and fun without any obligations. Both officials and parents look after them and support them in both the formal and non-formal education systems. The government is supporting further study and research into leisure activities for young people in order to improve these services in areas such as management, decentralization and responsiveness to the needs of the children.

Moreover, many private and business organizations are currently taking part in organizing facilities for recreation, entertainment, art and culture, counseled by the government sector. Shopping centres are arranging forums for children to express their acting talents. Art contests are held.

The government has also arranged for more public or health parks in urban areas, temple grounds, and sports grounds in urban and rural areas.

The government has also laid the foundations for sustainable support of leisure, recreation, art and culture in a way that provides quality to such ventures. Formal education in these activities has been conducted. Before 1996, the results were few, particularly in term of sports and recreation. Since 1997 however, the government has set up core agencies and allocated funding for such activities.

The Ministry of Education has set up 6 schools for sports in the provinces. These schools are open to students in upper primary level (Primary 4 –Primary 6), lower secondary (Secondary 1 – Secondary 3) and upper secondary (Secondary 4 – Secondary 6). Application and selection are based on natural ability in sports and the government covers all costs until the students complete the course. The Education Office, Bangkok Metropolitan Administration has undertaken an experiment by establishing a special school for children gifted in sports. Subjects relating to sports are taken side by side with general subjects. The government has also encouraged government education institutions to set aside certain public spaces as rest areas with recreational facilities for children and the community.

### **3. Funding of cultural, artistic, recreational and leisure activities**

The government has set up and provides funding to agencies responsible for the above-mentioned activities. In 1999, the Department of Physical Education, for instance, was allotted a budget of 2,307.3 million baht, an increase of 1,968 million baht from 1998. The Department of Fine Arts, in 1999 received 1,258.7 million baht. The Office of the National Culture Commission, in 1999, received 258.2 million baht. Other government agencies, such as the Tourism Authority of Thailand, the Bangkok Metropolitan Administration, the Department of Community Development, the Sports Authority of Thailand, local municipalities, tambon administration organizations, all have plans for the promotion of tourism and field trips for children every five years. In addition, there are programs for sports and recreation for children. This indicates that the government has allotted funding for recreation, leisure, sports, culture and art with an upward trend.

#### **4. Cultural, artistic, recreational and leisure activities**

The government has supported campaigns and programs in support of activities in the arts, in culture, recreation and leisure both at regional and local levels. This is to ensure that child rights awareness will spread from the family, to the school to the community. This pattern is on the increase and is evident in two areas: Programs in sports, recreation, art and culture.

##### **1) Sports and recreation**

Besides support to sports and recreation as discussed above, the government also provides support to develop young peoples' abilities and to assist them in achieving excellence, such as in top-level international tennis and golf tournaments. In 1998, Thailand hosted several international sports activities, such as the ASEAN Games, the SEA Games and the Fespac Games.

This is an important move in support of the search for excellence in children. Children of varying back-grounds and abilities, including gifted children and children in especially difficult circumstances, all participated in the activities and spent their time in a beneficial way. The recruitment of volunteers for physical education is currently a pilot project initiated by the government (the Department of Physical Education). The 3,627 graduates of this project went on to serve as volunteers teaching sports in 21,938 villages and village primary schools with financial support from the government.

##### **2) Art and Culture**

The government, with the cooperation of the business sector, has strengthened and supported the organization of art and culture activities on a continuous basis, such as the Thai Heritage campaign (1997) and the Culture for Development decade (1997-1998). Both are the programs in continuation of the Thai Culture Year program (1996). Other regular programs conducted by the government are: the formal and informal integration of culture into educational processes, using Thai national artists as instructors or through the mass media; learning; culture-related work contests at the national and local levels; displays and exhibitions of regional culture at the National Culture Centre; cultural shows by famous artists with free admission to children; support to children with special talents in cultural arts to work or be trained with outstanding artists; cultural exchange activities at the local, national and international levels;

the preservation and propagation of a Thai national identity and the propagation of that identity to the world; the promotion of Thai culture envoys and Thai culture centres in foreign countries.

### *Problems*

1. Places to hold activities are limited in number; venues cannot be found in most urban and rural area.
2. Lack of personnel to conduct these activities on a continuous basis.
3. Lack of public information for children who constitute the target group.
4. Materials and equipment are obsolete and lack continuous maintenance.

### *Solutions*

1. Allocation of funding by the government to create new venues for the activities.
2. Production and acquisition of sufficient quality personnel for the work.
3. More information disseminated to children about places where events and activities are held.
4. Regular maintenance and acquisition of diverse and modern equipment and materials.
5. Campaign for more quality participation from the private sector in activities in sports and recreation on a continuous rather than a short-term basis.

## **8. Special Protection Measures**

### **A. Children in Emergency Situations**

#### **1. Children and Refuge**

#### **General Situation**

Political unrest during 1997-1998 in **Cambodia** led to renewed influxes of some 60,000 displaced persons into Thailand. They were allowed temporary refuge in Surin, Trat, and Sisaket provinces. Initial relief



assistance was provided by such agencies as UNHCR, UNBRO, WFP, ARC, IRC, MSF, ZOA, as well as local officials and Thai NGOs. Education assistance was provided to the displaced children, using Cambodian text books provided by UNICEF. When the situation normalised, the displaced persons were gradually repatriated voluntarily with the assistance of UNHCR. By early April 1999, all displaced persons were successfully repatriated.

Regarding displaced persons from **Myanmar**, entered Thailand since July 1999, UNHCR has set up field offices in Mae Hong Son, Tak and Kanchanaburi provinces to monitor their situation. 97,760 refugees, of whom 83,784 are Karens and 13,976 are Kannis (as of December 31, 1999), were given temporary refuge in 12 camps along the western border of Mae Hong Son, Tak, Kanchanaburi, and Ratchaburi provinces.

Following the tripartite meeting held in July and August 1999, displaced persons from **Laos**, were given assistance towards repatriation during September-December 1999. As of 31 December 1999, only 53 Lao displaced persons remained at Na Pho Site.

Although Thailand is not a signatory to the Convention relating to the Status of Refugees of 1951 and the Protocol relating to the Status of Refugees of 1967, in practice, the Royal Thai Government provides protection to displaced persons based on humanitarian principles. Details will be described in subsequent passages.

During the period of 1986-1994, Thailand adopted a Comprehensive Plan of Action (CPA) to determine status of displaced persons and asylum seekers from Indo-China. Since its termination in 1994, there have not been national procedures directly relevant to granting refugee status to asylum seekers. However, the screening of displaced persons for status determination has been carried out instead by the UNHCR.

In practice, all aliens (including displaced children) entering Thailand without official documents are classified as 'illegal immigrants' under Thai law and are subject to arrest, prosecution, detention and deportation. This practice, unfortunately, is still not in conformity with the principles of family reunion.

Although displaced persons and asylum seekers have no legal status in Thailand, effectively barring them from enjoyment of their civil and political rights, in 1999 the Ministry of Interior, in cooperation with the UNHCR, completed registration of all asylum seekers who were given temporary refuge at special camps. Personal data, including date of birth,

names of relatives, etc., were computerized, allowing for further addition of other information, such as date of decease. The computerized data system makes possible classification by age group. The Ministry of Interior and UNHCR registered displaced persons from Myanmar in all nine shelters along the Thai-Myanmar border, totaling 99,657 persons from March to May 1999. Data on unaccompanied minors will be compiled in the near future.

Based on UNHCR figures as of December 1999, there were a total of 48,914 displaced children, of which 28,931 were boys and 19,983 were girls. Most of them were of Burmese nationality.

All displaced children in camps had access to primary education and health care services. The total number of Karen children enrolled in school was 24,353, of which 12,297 were boys and 12,056 girls.

Children born in the temporary shelters receive no official certificates, even though they were born at local hospitals. However, these children are allowed access to basic necessities, such as healthcare, immunization, and medicines. They also have access to education, organized by committee of the temporary shelters. NGOs, provide support in regards to teaching personnel, learning materials and stationary. There are also centres providing care and assistance to unaccompanied minors with support from NGOs.

There are seminars and field visits to temporary shelters in Tak Province were organized for senior government officials. National and regional conferences on Displacement and the Rights of the Child were organized in October 1999 and in January 2000 to exchange information on the current situation of displaced children and to put forward concrete recommendations for better protection of these children. This report in itself is part of the evaluation mechanisms. It is expected that complete mechanisms will be developed following discussions with concerned agencies.

## **New Progress**

Since the first report was submitted, there have been several new developments as follows:

**1. Faster entry procedures:** The Royal Thai Government has recently set up special procedures to deal with displaced children seeking refuge at temporary shelters. It is required that all displaced children stand trial for illegal entry before being allowed refuge at the Maneeloy Center. Previous practice involved separation of the children from their parents and detention in Observation and Protection Centres for an average duration of 3-6 months before being allowed to stand trial. With the new procedures, displaced children only need to be dealt with at the police station level and are released within a matter of hours to be in the care of head of temporary shelters.

**2. Registration:** Displaced persons from Myanmar in refugee camps were officially registered. This practice has made it possible to obtain correct figures of the displaced persons and to disaggregate data of accompanied and unaccompanied minors, along with other personal detail, including names and addresses of their relatives. The information has greatly facilitated the family tracing and reunification process.

**3. Consideration of withdrawing the reservation made to the Convention on the Rights of the Child and being a state member of other related conventions:**

Additionally the organizing a national and regional consultation on “Challenging the New Millennium: the Rights of the Child and the Issue of Displacement” in October 1999 and January 2000 respectively, among recommendations made were that countries withdraw reservations made to the CRC and countries which have not signed the 1951 Refugee Convention and the 1967 Protocol do so.

## **Problems**

1. Thailand is not a party to the Convention relating to the Status of Refugees 1951 and has no other domestic laws related to refugees.

2. As Thailand made reservations to articles 7 and 22 of the CRC, therefore the protection for displaced children is not officially and legally covered by this international law in the country.

3. Displaced persons/asylum-seekers in Thailand do not enjoy any economic rights due to their lack of legal status.

4. Displaced children are not eligible to enroll in school in Thailand. However, for those who are allowed temporary refuge in temporary shelters are provided with primary school education tailored to suit their particular context.

5. Currently there is no official registration at birth for children born at the temporary shelters, even if they were born at hospitals in town and their births are reported to the provincial authorities. Thus displaced children lack identity papers/official documents.

## **Solutions**

As has been noted, the main obstacle to providing proper and timely protection to displaced children emanates from the fact that Thailand has not acceded to any of the international instruments concerning refugees. At present, the Ministry of Foreign Affairs is placing a considerable importance on this matter. The Ministry has therefore set up a committee to consider the possibility of accession to the 1951 Convention on Refugee Status.

## **Illegal entry to Thailand due to economic reasons**

Apart from displaced persons fleeing from internal armed conflicts or political instabilities, there are illegal immigrants from neighbouring countries who enter Thailand due to economic reasons. This group is a major problem confronted Thailand and one, which tends to become more serious. This section will focus on displaced children in general situation, primary assistance given to them, problems and recommendations.

## **General Situation**

According to the statistics of the National Security Council 1997, it was found that there were 740,000 alien workers in Thailand mostly from Myanmar. The estimation made by Population and Social Institute, Mahidol University, found that 25 % of this number was child labour. It was estimated that about 100,000 child workers scattered in 43 provinces, which are authorized to accept alien workers during the years 1992-1996. In the years 1995-1997 there were 14,525 illegal migrant children under the care of the Immigration Office. Most of them were Myanmar, Cambodian and Laos. In the years 1997-1998, there were 530 child beggars, of which 496 were from Cambodia and 34 from Myanmar.

Most of child immigrants who have entered Thailand illegally are unskilled labour working in sex industry, services, construction, fishery, agricultural sector and small factory. Young female sex workers could earn as much as 6,000 Baht or over per month whereas some small children earn only 20-30 Baht per day for about 10-14 hours of hard labour under unsuitable and hazardous conditions.

Different people, starting with agents exploit these children in various ways. They are not able to ask for justice and have no other alternatives. If they are abused, tortured or exploited while in Thailand, they are assisted by police, NGOs or GOs concerned. Collaboration efforts are made by these organizations including police, Immigration Office, Department of Public Welfare, and NGOs both national and international, in providing assistance to victims in terms of interrogation, repatriation, recreation activities and mental rehabilitation and other.

However, it is necessary for the Immigration Office to return these children back to their home countries, as they do not have legal status in Thailand. In addition, the number of detainees exhausts the budget and capacity of the Thai government to accommodate them in the Immigration Centre. Insufficient cooperation from origin countries also poses another difficulty for the repatriation.

## **Problems**

As mentioned in the previous report, illegal immigrants are considered as a burden on national administration, politics, economy and security. They are seen as competing with the Thai people for employment and being linked to drugs problem in the country.

## **Solutions**

1. The effective measures in assisting displaced persons in Thailand must be based on humanitarian principles and clear policies of all stakeholders concerned.
2. It is necessary to encourage the countries of origin to take responsibility in accepting their citizens back home and to set up measures, which can be put into practice, to deal with the problem and to ensure implementation accordingly.
3. All of returnees must be ensured of their total safety upon their departure from the destination country and arrival to their home country.
4. Development of economic zone along the borders facing the problems should be initiated in order to accommodate more labor.

## **2. Children in Armed Conflicts**

As Thailand has neither internal nor external armed conflicts, there have not been such children in armed conflicts or children in recovery and social reintegration in pursuant to the general guidelines paragraphs 123-131.

In regard to paragraph 125: the minimum age by law for conscription, in pursuant to Military Service Act (1954), indicates that every Thai man who has attained the age of 20 years will be recruited into the armed forces or can volunteer to do so. This practice is thus in line with the provision of art. 38.

### **B. Children involved with the System of Administration of juvenile justice**

#### **1. The administration of juvenile justice**

The number of juvenile offenders put on trial at the juvenile and family court increased from 10,061 in 1993 to 30,669 in 1997. The children involved with the juvenile justice system gained more protection with the promulgation of the 1997 Thai Constitution. More details are outlined in the following sections.

Major laws, such as the Criminal Procedure Code have been revised to provide more protection for children. In areas where there are Juvenile and Family Courts or Provincial Juvenile and Family Courts or Juvenile and Family Sections, child offenders are protected by the Act Instituting Juvenile and Family Court and the Juvenile and Family Court Procedures of 1991. At present there are 24 Juvenile and Family Sections and 10 Juvenile and Family Courts. Expansion of Juvenile and Family Court is planned to cover all provinces throughout the country. In the provinces where there is no Juvenile and Family Section, efforts are made to apply similar proceedings.

In Thailand, a juvenile offender shall be immediately **informed of the charge** against him or her and an investigation shall be completed within 24 hours. His or her parents or legal guardians shall be informed about the arrest promptly.

In addition, Thailand has revised the Amended Criminal Procedures Code (No.20) of 1999, which came into effect in September 2000, concerning the notification of charges. If an offender is below 18 years of age, the investigator must ask the offender whether he or she has his a lawyer. If the offender does not have his or her own lawyer, the government shall provide one (art. 134 bis.). Moreover, article 133 bis is also applied if the crime committed carries a penalty of imprisonment of three years upward, or if the crime committed carries a penalty of less than three year imprisonment and the injured child or child witness requests a lawyer, or if the crime committed involves an assault on a child below 18 years of age. The investigation of the child as an injured party or witness shall be done separately and appropriately taking into account his or her age. In such an investigation, either a psychologist, social welfare officer, or another person requested jointly by the child and prosecutor shall be present at the investigation.

Upon the arrest of a child or young person alleged to have committed what the law considers to be an offense, the public prosecutor shall file charge/s with the Juvenile and Family Court within 30 days. If the charge cannot be entered into the court system within 30 days, and the child is charged with a maximum sentence between six months and five years, then the public prosecutor shall submit a motion to the Court for a postponement of the filing charge. Each postponement cannot exceed a period of 15 days and cannot be granted more than twice. If the sentencing term facing the child or young offender is more than five years of imprisonment, the petition for a 15 day postponement cannot be granted more than four times.

If the case has not been put on trial, the **bail** can be granted at the Observation and Protection Center. If the case is already on trial, the bail shall be requested at the court.

According to the Criminal Procedure Code, article 172 paragraph 2, the child or young offender is free to decide whether to confess or to deny any charges against him or her in his or her testimony to the court. To aid in this **testimony**, the court provides the child with a legal adviser if the child does not have one. The court shall pay the full costs of the legal adviser. In the case where the child or youth offender confesses to having committed the crime and the crime carries the penalty of less than five-year imprisonment, if the parents or guardians of the child are present, the court will pass its judgement immediately. If the crime committed carries a penalty of over five year imprisonment, the public prosecutor shall bring in a witness for interrogation in support of the confession. If the offender denies the charge, both the public prosecutor and the offender has the right to bring in witnesses to support the testimony.

The Juvenile and Family Section of either the appeal court or the Supreme Court has the authority to **review a verdict** made by a lower judicial body.

The Criminal Procedure Code, article 13, stipulates that the proceedings or investigation pertaining to the case shall be performed in Thai. However, if necessary, an interpreter will be hired for **translating Thai to a foreign language**, or vice versa. In addition, article 13 also stipulates that, if necessary, a sign-language interpreter shall be arranged.



Protection of a **child's right to privacy** is embodied in many Thai laws, including the Act Instituting Juvenile and Family Courts and Juvenile and Family Procedures of 1991 and in the draft act on Child Protection

Article 97 of the Act Instituting Juvenile and Family Courts and Juvenile and Family Procedures stipulates that sentence shall be read in confidence. In addition, article 98 of this Act prohibits publicising messages related to judgment or court proceedings either orally or in writing in anyway that may disclose the identity of the accused child, unless this is done with the permission of the court.

However, in practice, there have been occasional violations of the child rights in this regard by some media practitioners. Efforts have been made by concerned agencies to curb these violations.

Thailand has adopted the Act Instituting Juvenile and Family Courts and Juvenile and Family Procedures of 1991 to specifically oversee **the juvenile judicial process**. The court can either admonish and release the accused child, or let the parents, personnel, or authorities concerned take care of the child under prescribed conditions. The child may also be sent to a training center, if a child is under 14 years old and is sentenced, the sentence may be reduced by half of an adult sentence for the same crime. For a child who is over 17 but not over 20 years old, the court may order a reduction in the scale of punishment by one-third to one-half of an adult sentence for the same crime.

The Act Instituting Juvenile and Family Courts and Juvenile and Family Procedures of 1991 enacted provisions regarding **the care of the child**, consultation, monitoring, advisory service, and rehabilitation and integration into society. Under this Act, Section 67 stipulates that the court overseeing the juvenile and family case can order the juvenile to be kept in custody at the Observation and Protection Centre or a similar location pending trial, if the court deems this fit.

In addition, Section 55 stipulates the Director of the Observation and Protection Centre has certain responsibilities upon gaining custody of a child or young person if the child or young person is not temporarily released or is not entrusted to a person or an institution deems suitable under Section 50. The Director of the Observation and Protection Centre shall proceed to give the child or young person a bath and a change of clothes and ensure that the child undergoes physical and mental examinations conducted by a physician and psychiatrist respectively as appropriate. If the child is ill and needs medical treatment before entering

into proceedings, the child is guaranteed such treatment in the Observation and Protection Centre or in a suitable hospital. The inquiry official or the public prosecutor shall be informed of such an occurrence.

In regard to social work services provided to the child both before and after the trial, Section 46 stipulates that the social worker has the power to provide social work services and treatment to the child or young person when he or she is in custody of the Observation and Protection Centre. Upon release, the social worker can still advise the parents, guardian, or person deemed fit for custody on social work services and appropriate treatment for the child. In addition, Section 38 (1) stipulates that while the child or young person remains under the supervision of the Observation and Protection Centre, the Director shall ensure that the child has access to general education enough for at least reading and writing, occupational or vocational training suitable to their characters and health status. The education programme provided at the Centre includes vocational, general and physical education. Moreover, even if the specified custodial period ends and the child or young person does not have other places to live, the Court has the authority to extend the child's stay until the child finishes his or her study.

The number of children and young persons in the centres is rapidly increasing rendering it difficult for the centres to accommodate all juveniles properly. This has put strain on the system and the children resulting in some of the children attempting escape from some centres. However, efforts have been made by some centres, such as those in Phuket and Rajaburi, to improve the living condition and standards of the juveniles under their supervision. New provisions include occupation training and better health and mental care.

### **Training activities developed for relevant professionals.**

The Thai juvenile justice system involves many professionals, including, but not limited to: policemen, investigators, public prosecutors, court officers, and probation officers. The government as well as other authorities have

regularly organized training on aspects of juvenile justice for these professionals. For example, the National Police Bureau organized a training for its officers that specialize in cases involving children. Moreover, public prosecutors, judges and associate judges who are only responsible for juvenile cases, including those holding positions in

Provincial Juvenile and Family Courts, are trained on children's rights before taking their positions.

In addition, Thailand has adopted a model of **multi-disciplinary teams** that is becoming increasingly widespread and recognized. A multi-disciplinary team consists of professionals specializing in different fields that come together to work on a specific area. This practice was outlined in the Criminal Procedure Code Amendment Act (No. 20) of 1999.

Even though direct training is not provided to concerned practitioners, Thailand recognises the importance of **international instruments**, such as Beijing Rules, as reflected through its integration of the principles of the Rules into its National Women Development Plan under the 8th National Economic and Social Development Plan (1997-2001). Thailand has also taken action in line with the UN Rules for Protection of Juveniles which involves children affected by the justice system, such as temporary release during trial and the establishment of a Legal Advisory Centre for children and families that focuses on rehabilitation for children on probation. Moreover, children at the Observation and Protection Centres are provided with general education or occupational training by a multi-professional team. This team can include vocational instructors, nurses, psychologists, and social workers. For drug addiction cases, the children will be sent to live in a new environment.

## **Progress achieved and targets for the future**

Lack of manpower, funding, and equipment continues to be a factor inhibiting the progress in this regard. A large number of cases each year effectively delayed the court proceedings, prolonging the duration that the children remained in custody during trial. However, since 1999, the LAN computer system has been used in the Juvenile and Family Court enabling more speedy proceedings and shortening the period of custody during trial.

## **2. Children deprived of their liberty**

### **General Situation**

The number of children who were deprived of their liberty due to court judgments between 1993 and 1997 totaled 11,481. In 1997, 3,755 children were found guilty. Of these children, 2,612 were sent to training, 1,055 were imprisoned and given training, and 88 were imprisoned without access to any kind of training.

**Legislative and other measures** -While the laws guarantee that the liberty of children is protected, in practice there are some difficulties with the treatment of children of displaced persons or illegal immigrants who are in detention. However, in some provinces, NGOs will take the children out to be cared for during daytime. If the child commits an offence, efforts will be made by concerned authorities to process the case as swiftly as possible. The Court or the Observation and Protection Centre may decide to take **alternative measures** of releasing the juvenile offender temporarily without bail and consigning him or her to his or her parents or guardians or the person that the child is living with, or other individuals or agencies as deemed appropriate. The court may also exercise its discretion of changing the penalty into training or counseling sessions. Efforts are being made to improve the understanding of concerned agencies regarding these alternative measures through a memorandum of understanding.

**Ensuring young offenders are treated with respect and humanity**-The Act Instituting Juvenile and Family Courts and Juvenile and Family Procedures of 1991 has provisions to ensure that measures provided under this law will be strictly applied to any juvenile who comes into contact with the justice system. Under this law, detention of accused juvenile offenders with adults and the use of fetter on the juvenile offender are prohibited, unless the crime committed carries the maximum sentence of more than 10 year imprisonment. The safety and future of the accused child are taken into account when the court passes judgement on the case involving juvenile offender, which focuses more on training and rehabilitation rather than severe punishment. Consideration is also given to the characteristics, health and mental status of the juvenile offenders, when the court passes judgement. Public release of the personal information of juvenile offender is also prohibited. If a juvenile offender is in detention, he or she is allowed to receive food from outside, to wear his or her own clothes on weekends or holidays, to write and receive letters which will be first screened by an officer, and to perform a job that is not against the Ministry's regulations. However, since there are provinces, which do not yet have Juvenile and Family Court, there are

some juvenile offenders who receive the same treatment as that applied to an adult, unfortunately.

Where a case involved a juvenile offender who is not granted a temporary release during the trial and is sentenced to training, the court is authorised to send the child to other rehabilitation and counseling institutes. However, in practice, it is unlikely that the child will be sent to other rehabilitation or counseling institutes, due to the lack of supervising and monitoring mechanisms for these services. Therefore, most of the children end up at the Observation and Protection Centres, more than any other training institutes.

There are some difficulties in providing a favourable environment in these centres for the children, due to limitations concerning competent personnel with expertise in human behavior, funding, and essential facilities. The efforts toward encouraging children to become good citizens are therefore unsatisfactory.

**Legal assistance**-The Act Instituting Juvenile and Family Courts and Juvenile and Family Procedures of 1991 stipulates that the accused can have a legal adviser to act as an advocate whose costs the court will pay. If the accused does not have a legal adviser, the Court shall appoint one for him or her unless the accused does not want one, or the court deems it unnecessary.

Currently, no data has been collected on the number of children and youth that have received legal assistance or other types of assistance. Evidence shows that most children already have their own adviser and do not require that one be appointed by the Court. In addition, the legal adviser's services will be provided without discrimination as to the child's age, sex, urban/rural area, society, and ethnic origin.

**Contact with family**-According to Article 54 of the Act Instituting Juvenile and Family Courts and Juvenile and Family Procedures of 1991, an alleged child or young person shall not be kept in custody in the same area or the same room with adults offenders. However, in practice, this is not always possible. Child inmates are allowed to make contact with their family through written correspondences and visits. Officials shall check all incoming documents, visitors, and other means of contact.

In Thailand, the ability to standardize and evaluate performance of institutions/centres involved in the justice system are limited to each state agency. There is no systematic evaluation of the effectiveness of

rehabilitation strategies provided for juvenile offenders across the country. Thailand, therefore, lack basic data and facts for formulating policies and plans for future centres. However, in an attempt to improve the system, Thailand has appointed an Ombudsmen and adopted the Act of the National Human Rights Commission to standardize and evaluate the work performances of such institution/centres.

## **Problems**

At present, budgetary constraints do not permit nationwide coverage of Juvenile and Family Courts. If a province has no Juvenile and Family Court, the same procedures as applied to adults will be used. However, efforts have been made to impose more lenient measure through the Criminal Procedure Code which can be applied anywhere regardless of whether or not those areas have Juvenile and Family Courts.

## **Solutions**

In addition to the progress regarding the revision the Criminal Procedure Code, Thailand should strive to encourage the courts in the provinces where there are no Juvenile and Family Courts or Juvenile and Family Sections, to apply the procedures stipulated under the Act Instituting Juvenile and Family Courts and Juvenile and Family Procedures of 1991. Thus, children outside of the jurisdiction of the Juvenile and Family Courts can be equally protected.

### **3. The sentencing of children**

#### **General Situation**

The details regarding capital punishment and life imprisonment have already been mentioned earlier in this report. In addition to this, the Act Instituting Juvenile and Family Courts and Juvenile and Family Procedures of 1991 focuses also on giving an opportunity to juvenile delinquents to improve themselves to become good citizens in lieu of punishment. Article 104 of this Act stipulates that the court shall have the power to take such other measures as are provided by the law, such as training at an Observation and Protection Centre, or any other training or counseling institutes, or probation.

Children and young people will be sentenced to neither death, nor life imprisonment, and no additional prison terms will be imposed when more than one crime is committed. Further details were covered in the first report.

In addition, Thailand has been a member state of the International Covenant on Civil and Political Rights of 1946 since January 1997. One significant provision of this covenant stipulates that a “sentence to death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women”. Thailand is thus amending its Criminal Procedures Code to be in line with this provision of the Covenant. Previously, provisions of the Criminal Procedures Code stipulated that when “persons below 17 years of age but not yet over 24 years of age commit what the law considers to be a criminal act, the court shall reduce the scale of punishment imposed for such an offence by one-third or by one half”.

In Thailand, there have never been cruel punishments inflicted on children by the courts. In stead of severe penalties, the court is more likely to exercise its power to use other alternative measures as provided by the law, such as probation orders, giving advice, or ordering the child to do community work. Both the community and private sectors are encouraged to take their role in taking care of these children as well.

## **Problems**

1. According to the Criminal Code, article 76, it is stipulated that “if a person below 17 years of age but not yet over 24 years of age commits a criminal act, the court has the power to reduce the scale of punishment”. This means that technically juvenile offenders aged 17-18 years old could be subject to the death sentence, although, in practice, the court has never imposed the death penalty on anyone below 18 years of age.
2. In practice, there are still problems concerning the treatment and care of juvenile delinquents on probation, due to the budgetary and personnel constraints as well as the increasing number of juvenile offenders.

## **Solutions**

1. Expedite the amendment, and implementation, of laws to prohibit capital punishment in relation to juvenile offenders.
2. Encourage community networks and the private sector to participate in probation programs for juvenile offenders, which in turn helps bridge the gap between adults and children.

#### **4. Physical and psychological recovery and social reintegration of the child**

##### **General Situation**

A child victim may be adversely affected, if the court passes judgement to inflict a penalty to imprison an offender who is the primary care giver of the child, leaving him or her without proper care. Therefore, it is necessary to provide physical and psychological rehabilitation for both the adult offender and the child victim, to create favorable conditions for successful reintegration of the child. In the past, protection measures for a child victimised by abuse, whether by persons in or outside the child's family, focused only physical and psychological treatment. The surrounding environment that is a breeding ground for the violations was rarely addressed.

For the child offender, physical and psychological rehabilitation is equally important. If proper rehabilitative measures are applied, without causing depression or stigma on the child, it will greatly facilitate successful reintegration of the child into society. The surrounding environments of the child must be taken into account to design appropriate rehabilitative measures for the best interests of the child.

According to the Thai juvenile justice system, in passing judgement inflicting punishment on a child offender, the court will take into account the report of Director of Observation and Protection Centre, stating facts about the child, including his or her age, family background, mental state, education and related social environments.

In the case where the court orders a juvenile offender to training, the Observation and Protection Centres are the responsible for providing care and training for the child. At the Centre, the child will receive health care, education and vocational training in line with their individual interests. However, the Centres still have some



difficulties with providing educational services, such as lack of qualified teachers and flexible and appropriate school curriculum to suit the needs and level of development of the children, who have failed in normal school system.

### **The mechanisms established and programs and activities developed**

The Observation and Protection Centres, in collaboration with other relevant agencies, provide several programs for occupational training, rehabilitation and treatment for the juvenile offenders, such as joint projects on non-formal education; provision of education and occupational training; development of the centres based on a child friendly concept in collaboration with the Department of Health; training course to promote self-discipline, moral and physical health; and job placement.

### **Problems**

1. Occupational training is not fully implemented due to unclear internal structure of the centres.
2. There are no interpreters for local dialect in any of the centres, due to budgetary constraints.
3. Shortage of physicians and psychologists, limiting opportunity for juvenile offenders to receive treatment.
4. No systematic data collection system, both qualitative and quantitative;
5. Lack of financial and personnel resources, as well as teaching and learning materials.
6. Some of the centres are overcrowded.

### **Suggestions**

1. Encourage agreement among vocational education institutes on common plans and direction for the provision of occupational training.
2. Allocate adequate budget for local interpreters in the jurisdiction of the court.
3. Ensure that children in the juvenile justice system have access to treatment and recovery services from psychologists.
4. Systematize data collection, quantitatively and qualitatively.
5. Focus on strategies of encouraging children to become good citizens and reintegrate them into society to prevent repeating offences.

6. Reduce the number of children in the already crowded centres by encouraging categorising juvenile offenders and early release programs based on good behaviour.

## **C. Children in situations of exploitation**

### **1. Economic exploitation of children**

#### **General Situation**

As Thailand evolved from an agricultural to a semi-industrial nation, there has been an increase in internal migration, of farmers and rural population moving to Bangkok and other industrial big cities. Some of the push and pull factors contributing to this migration to the cities include the fallen prices of agricultural products; increased demand for labour and higher wages in the industrial sector.

When adults moved to work in the cities they often bring their families along, effectively disrupting the children's studies. These children are forced to enter the labour market prematurely, and as a result, making them vulnerable to exploitations of various forms.

The economic crisis of 1997 had significant impacts on employment including the closure of many businesses and widespread job losses. Many children, as well as their parents, lost their jobs. Some families were unable to continue sponsoring the children's schooling.

Measures protecting against the economic exploitation of the child

***Article 86 of the Thai Constitution of 1997 stipulates that the State shall promote employment for people of working age; protect workers - especially children and women - and provide a system of labour relations, social security and fair wages in accordance with the Labour Protection Act of 1998. Changes to relevant legislation and policy are as follows:***

***1) The extension of compulsory education from six to nine years, to delay entry to the labour market;***

*2) The minimum age for employment was lifted from 13 to 15 years of age, making it possible to keep children in school longer and preventing early entry into the labour market;*

*3) An employer must notify labour inspectors of an employment of a child below 18 years of age within 15 days of employment. The employer must also record any changes in the employment conditions and keep the record at the workplace ready for official inspection during working hours. Lastly, the employer must notify labour inspectors of the termination of a child's employment within 7 days of final employment day;*

*4) An employer shall provide a child worker with a continuous rest period of no less than one hour per day after four hours of work, and the child employee shall be provided with some additional rest periods as specified by the employer;*

*5) A child worker under 18 years of age shall be entitled to take leave of not more than 30 days per year with pay to attend meetings or seminars, obtaining education or training, or leave for another matter, which is arranged by an academic institute, or a government or private agency;*

*6) An employer is prohibited from demanding or accepting a guarantee money for any purposes from a child worker and from paying the wages of a child worker to any other;*

*7) Sexual harassment is prohibited.*

*The Labour Protection Act also has provisions specifying the scale of punishment for the offences, as follows:*

*1) Sexual harassment of a child worker below 15 years carries a penalty of maximum 20,000 Baht fine;*

*2) Employment of a child below 15 years carries a penalty of up to 1 year imprisonment, or a fine of up to 200,000 Baht or both;*

*3) Failure to notify a labour inspector of the employment of a child under 18 years carries a penalty of up to 20,000 Baht fine;*

*4) Failure to grant leave of up to 30 days per year to a child worker to attend meetings, seminars, or training programs, carries a penalty of 10,000 Baht fine;*

***5) Failure to provide rest periods as prescribed by law, or forcing a child worker to perform tasks prohibited by law, or paying the child's wage to persons other than the child, or demanding or accepting a deposit from a child worker, will result in a jail term of not more than 6 months or a fine not exceeding 100,000 Bht., or both. Forcing a child to work during prohibited hours, which leads to damages in the child's physical or mental health or the child's death, carries a prison term of up to 1 year or a fine of up to 200,000 Baht.***

***In relation to foreign child workers, the Labour Protection Act of 1998 provides protection for employees working on Thai territory, including alien labour, regardless of sex or age. The law provides for equal protection in relations to work contracts, working conditions, and safety at work***

***In situations where foreign workers are employed without official permission, the Department of Labour Protection and Welfare will coordinate with the relevant agencies, including the Department of Employment, the main agency responsible for granting work permits for foreign workers, and with the Immigration Office or the police, to render assistance and to take action towards repatriating these workers to their home countries.***

***Harmful or hazardous to the child***

***The Labour Protection Act of 1998, article 49 sets forth the types of work which an employer shall be prohibited from permitting a child employee under the age of 18 to perform. These provisions are in line with the Convention on the Rights of the Child regarding the minimum age for employment. The types of work that are prohibited are as follows:***

***1) Smelting, blowing, casting or rolling of metal;***

***2) Metal stamping;***

***3) Work connected with heat, cold, vibration, noise and light the levels of which are different from normal levels, which could be hazardous, as prescribed in the ministerial regulations;***

***4) Work connected with hazardous chemicals as prescribed in the ministerial regulations;***

*5) Work connected with microorganisms, which could be viruses, bacteria, moulds or other germs as prescribed in the ministerial regulations;*

*6) Work connected with poisonous materials, explosives or inflammable materials, except for work in fuel oil service stations as prescribed in the ministerial regulations;*

*7) Driving or controlling of forklifts or cranes as prescribed in the ministerial regulations;*

*8) Work which uses electric or motorised saws;*

*9) Work which must be done underground, under water, in a cave, in a tunnel or a shaft;*

*10) Work connected with radiation as prescribed in the ministerial regulations;*

*11) Cleaning of machinery or engines whilst the machinery or engines are in operation;*

*12) Work which must be performed on a scaffold more than ten meters from the ground;*

*13) Other work as prescribed in the ministerial regulations.*

#### *Hours and Conditions of Employment*

*Prohibition of a child under 18 years of age to work during the period of 22.00 hours to 06.00 hours, unless permission is granted by the Director General or the child is an actor in a movie or a play or other similar work. In such a case, the employer shall provide the child with appropriate rest time. If an employer violates these rights as defined by the law, leading to a child's physical or psychological harm or death, the employer shall be sentenced to imprisonment for not more than 1 year, or fined an amount not exceeding 200,000 Baht or both, in conformity with the principles of the ILO Convention No.138 concerning minimum wage for employment.*

#### *Preventive and remedial action*

*1. Dissemination of knowledge on the prevention and resolution of child labour problems through public campaigns and the media. Issues covered include labour laws, child rights and also services available for children provided by both GO and NGO. The Ministry of Education has prepared a textbook on child labour for integration into the school curriculum at all levels.*

*2. Establishment of Village Labour Volunteer Programs by organizing training for community leaders, such as teachers and village chiefs, regarding local action in addressing child labour problems in their communities.*

*3. Preparing children with knowledge and life skills before entering the labour market by providing them with vocational and life skills training to meet work-place demands, especially for young people who do not continue beyond the compulsory level of education.*

*4. Establishment of child labour networks among relevant agencies from GO and NGO, employer organizations, employee organizations, academics, media, and local communities.*

*The Labour Protection Act of 1998 also provides for some protective measures for home-based workers. These include prohibition against sexual harassment, entitlement for paid annual leave for not more than 10 days per year after one year of employment, and equal pay for men and women for the same type of work with payment made in Thai Baht at least once a month.*

*For child workers in the agricultural sector, the Labour Protection Act of 1998 authorises the Minister of the Ministry of Labour and Social Welfare to issue special regulations, which are pending approval, to protect the rights of workers in this sector.*

*Coordinating and monitoring mechanism established for that purpose*

*Thailand has mechanisms in place for monitoring child labour situation and for protection. At present there are approximately 650 labour inspectors nationwide. Labour inspectors are authorised to monitor employers' compliance to the labour laws and to ensure that employees receive their full entitlements and basic rights, as provided by the laws. Inspections are carried out in two ways: one is a general*

*inspection focusing on small and medium sized enterprises, which employ a lot of child workers; and the other is conducted upon receiving complaints made either in writing, by the hot line, or by walk-in.*

*The following are the findings of labour inspections in the year 1999:*

*1) Of the total of 44,462 workplaces inspected throughout the country, 1,335 enterprises or 3 % were found to have employed child workers;*

*2) The total number of employees of these enterprises was 2,268,936, of which 11,987 or 0.52 % of the total number were child employees (decreasing from the first report which indicated that there were 95,184 child employees). When classified by age and sex it was found that there were 14 employees under 13 years of age and 140 employees aged 13-14 years, of which 64 were male and 76 were female. The total number of 15-17 year olds employed was 11,833 of which 3,618 persons were male and 8,215 persons were female;*

*3) Of the total number of enterprises employing child workers, 525 operated in compliance with the Labour Protection Act;*

*4) Of the total number of enterprises employing child workers, 810 violated the Labour Protection Act;*

*5) Actions taken by government officials against unlawful enterprises ranged from offering advice to 716 enterprises, to issuing orders to 14 enterprises, to giving warnings to 14 enterprises, and to legal action against 4 enterprises.*

*The Thai Constitution of 1997, section 334 provides for the establishment of the National Human Rights Commission which has the power to: a) monitor the enforcement of labour law or other laws, b) propose solutions and measures as appropriate to individuals or agencies concerned, and c) propose policies and suggestions to the National Assembly and the Council of Ministers, for the amendment of laws and regulations to promote and protect human rights.*

*The relevant indicators identified and use*

*Thailand has defined five indicators for the collection of baseline data regarding Child labour in the Plan of Action for the National Declaration on Children as the following:*

- 1) Number of child labour under 15 years of age;*
- 2) Number of child labour under 15 years of age as a percentage of the total population of children of the same age;*
- 3) Number of child labour receiving ill treatment;*
- 4) Percentage of child labour having accidents or injured as a result of their work, out of the total child labour population;*
- 5) Percentage of child labour receiving occupational training and skills development and being able to continue their education in a non-formal system.*

*International conventions and other instruments*

*Thailand has ratified the following conventions concerning child labour:*

- 1) The ILO Convention No. 29, 1930 regarding Forced Labour;*
- 2) The ILO Convention No. 123, 1965 on the minimum age for working underground;*
- 3) The ILO Convention No. 127, 1967 on the maximum weight;*
- 4) The ILO Convention No.182 on the elimination of all worst forms of child labour; and*
- 5) The Covenant on the Principles and Basic Rights for Employment of 1998 which prohibits employing a child employee under 15 years of age.*

*Thailand is yet to ratify the ILO Convention No. 138, which has provisions regarding child labour in the agricultural sector. Therefore, the Thai government needs to conduct a survey to gather some statistics regarding child labour in the agricultural sector. The results will be used as a database for setting up some standards for the protection of labourers in the agricultural sector, including a minimum age for employment, and defining hazardous work for children.*



*Technical cooperation and international assistance*

***Thailand has organized programs on child labour with technical and financial support from the ILO (ILO/IPEC) and UNICEF, which can be summarized as follows:***

*International Programs aimed at preventing and combating child labour:*

***1. ILO (ILO/IPEC) provided financial support to both GOs and NGOs for implementing 36 projects during the years 1994-1998 which can be classified into 4 main areas:***

***1.1 Policy and planning, such as the development of non-formal education curriculum for child labour in urban areas and capacity-building activities for the Ministry of Labour and Social Welfare in terms of preventing and combating child labour problems;***

***1.2 Training, such as seminars for employees and labour unions to improve their knowledge of the laws and protection measures against exploitation;***

***1.3 Provision of services and assistance to special target groups, such children working in the ready-made clothes industry in Chiang Mai, or young girls in the North who are at risk of being lured into forced labour, etc;***

***1.4 Research and Evaluation: such as action research on the development of educational modules for children of construction workers, and survey of child labour in cottage industry.***

***2. UNICEF has provided financial support to the Ministry of Labour and Social Welfare for a project on development of systems and tools for systematic collection of data on child labour. The database will be***

*utilised for mapping out effective planning and programming assistance to child labour.*

### *Problems*

*The Labour Protection Act 1998 prohibited an employer from hiring a child employee under 15 years of age and defined conditions for employment of a child employee. For alien child workers, although they are protected by the law, in practice they faced certain difficulties. Due to their illegal status and/or language barrier, these children have difficulty in filing complaints to authorities.*

### *Solutions*

*The Royal Thai Government has adopted measures and programs to assist child labourers. Types of assistance include scholarship, educational loan, occupational and skills training, occupational training for local people to cushion the impact of economic-crisis on children who had been laid-off as a result of the crisis. In addition, there are programs aimed at preventing early employment of children aged between 13-15 years old who have completed compulsory education but have not continued their education by providing them with intensive general education or vocational education for a period of one and a half year to prolong the entry into the labour market. Another measure is the promotion of self-employment through counseling and guidance on capital, market information and job placement. There are services to receive complaints and provide assistance, such as temporary shelter and rehabilitation services to homeless children. There are also activities to promote children's learning and development, such as mobile library, youth centres, sports centres and other.*

*Cooperation is also sought from private sector in regards to skill development training, in conformity with the Occupation Development Act of 1995. A private company can provide a training programme of its own but the training curricular must be approved by Department of Skills Development. Currently there were 41 private enterprises registered as provider. To encourage greater cooperation from the private sector, the law has been amended to improve tax benefits as an incentive for the companies. The Council of State has approved the amendment, which is pending the parliament's consideration.*

## *2. Drug Abuse*

### *General Situation*

*The drug situation in Thailand has become more serious and drugs networks have been expanding, along with circulation of both new and old types of drugs. Among these, Methamphetamine is the most severe form as it is widespread among students at all levels. The number of children and youth arrested in connection with methamphetamine abuse sharply increased from 973 in 1995 to 8,235 in 1997. Whereas the number of children and youth involved in other drugs, such as heroin, volatile substance, opium and marihuana, has decreased. Therefore, methamphetamine abuse is a major drug problem in Thailand.*

### *Legislative and other measures*

*Legislative taken to prevent the use by children of alcohol, tobacco and other substances include:*

- 1. The Revolutionary Announcement No. 132 on inappropriate behavior of students on alcohol, tobacco and drug use;*
- 2. The Tobacco Control Act of 1972, prohibiting that the sale of tobacco to persons under 18 years old;*

*Relevant international instruments to which Thailand is a state party include: the Single Convention on Narcotic Drugs 1961, the Convention on Psychotropic Substance 1971, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988.*

*In 1998, the Royal Thai Government issued an order of the Prime Minister's Office on 'Policy on Prevention and Suppression of Drug Abuse'. The order outlines various measures aiming at the following: (1) limiting the expansion of drug abuse, 2) reducing the widespread use of drugs with a clear target areas, 3) preventing drug abuse at all levels, from family, educational institutes, down to the community level, 4) treating drug addicts as patients, 5) imposing punishment to dealers, importers, exporters, and influential supporters, 6) strictly enforcing the sentences passed by the court, 7) information-based suppression and psychological operation to reduce, eradicate, and destroy drug syndicates, 8) promoting self-sufficiency through income generation*

*activities and ensuring protection, 9) multilateral collaboration among countries, 10) putting drugs prevention and suppression on top of the agenda of all government agencies, 11) providing protection to state officials and other persons involved in drug prevention and suppression, and 12) imposing severe punishment on state officials who support, protect, seek for, and receive benefits from drug related crimes.*

*Raising awareness*

*1) Educating children and youth about the prevention, and the danger of, drugs abuse and drugs offences, by disseminating information through all forms of media;*

*2) Training all stakeholders including children, youth leaders, and teachers;*

*3) Providing life skills education to develop creative and positive behaviour;*

*4) Conducting seminars/meetings for students and student inspectors on preventing and combating drug abuse*

*5) Conducting different kinds of activities for children to use their free time more wisely such as awareness campaigns, youth camps, counseling service, etc.;*

*6) Conducting meetings between police officers and school administrators to have a school police monitoring and combating drug problems in schools;*

*7) Establishing prevention and suppression centre in every province, to coordinate the work of governmental and non-governmental organizations, in conformity with the order of the Office of the Prime Minister No. 141/1998;*

*8) Establishing mobile unit to serve as a centre for life skills education for students at primary level, supported by the government of Australia*

*9) Establishing drug clinic at the community level, supported by the private sector, to prevent drug abuse;*

*10) Establishing 21 Drug Units in Bangkok;*

***11) Initiating "White Zones School Project" or "Drug-Free School", under the Ministry of Education; and***

***12) Promoting clinics to develop and improve personality.***

*Assistance to children and their families*

***Measures adopted in terms of remedy and rehabilitation can be summarized as follows:***

***Remedial measure:***

- 1. Promoting alternative activities to improve the quality of life of students;***
- 2. Providing counseling services to addicted students; and***
- 3. Providing treatment to drug addicts.***

*Rehabilitative measure:*

- 1. Improving the quality of life of students;***
- 2. Providing continuing care and treatment;***
- 3. Promoting rehabilitative activities, such as youth camps, to help them recover from trauma and prevent them from returning to drugs;***
- 4. Assisting addicts with mental rehabilitation through trained personnel to help them cope with withdrawal syndrome;***
- 5. Organizing rehabilitative activities in schools;***
- 6. Providing counseling service for students to help them to successfully reintegrate into society and finish their studies;***
- 7. Encouraging drugs addicts who have gone through the withdrawal process to enroll in behavioural change program in hospitals;***
- 8. Supporting job placements to strengthen their income earning capacity and prevent them from returning to drug; and***
- 9. Using religious principles to help remedy the addicts.***

*The Royal Thai Police has the duty to provide support to schools in their drugs prevention and suppression efforts to achieve the ultimate goal of 'White Zone School Project' (no selling, no taking and no supplying of drugs in schools). Information gained, in turn, will be use to support the efforts of the police to tackle the organized networks of drugs dealers.*

*Implementation process:*

- 1. Analyze and evaluate the magnitude of the drug problem in each academic institution;*
- 2. Chief of each police station prioritizes and selects target schools/institutions;*
- 3. Chief of police station consolidates information from various sources, including students, teachers, parents or school personnel;*
- 4. Chief of police station, in collaboration with the school administrator, selects one police officer to act as project coordinator;*
- 5. Chief of police station, in collaboration with the school administrator, organizes an orientation meeting with teachers, parents, and community leaders;*
- 6. Plan of action and programmes/activities will be designed based on the nature and severity of the problems, which can be categorised as follows:*
  - 6.1 if there are producing houses and distributors nearby the school, actions taken will focus on suppression and awareness raising;*
  - 6.2 in case of drugs selling in schools, if the drug pushers are students, they will be warned, but if they are teachers and other school personnel, they will be arrested;*
  - 6.3 if there are drug problems in school, rehabilitative measures will be adopted;*
  - 6.4 if the schools are aware of the drug problems but the problems are of a limited scale, efforts will focus on prevention and public education on the dangers of drugs.*

*7. Chief of police station prepares a monthly progress report to be submitted to the Prevention Centre, detailing implementation, obstacles and recommendations.*

#### *Problems*

- 1. Some of the state officials are involved in drug trafficking and some are afraid of the influence of the drug trafficking ring.*
- 2. Suppression is not seriously taken.*
- 3. Punishment process is slow.*
- 4. Public education targeting children and youth has not been continuously taken.*

#### *Solutions*

- 1. Raising awareness of the state officials to be more responsible of their duty.*
- 2. Speeding up the punishment process.*
- 3. Intensive and widespread public education campaign.*
- 4. Encouraging community to organise and implement livelihood activities to supplement income.*
- 5. Focusing on timely remedy and preventive measures, such as organizing field sports and other recreational activities for children and youth.*

### *3. Sexual exploitation and abuse*

#### *General Situation*

*There is no consensus over the number of child victims of sexual abuse, due to different estimation made by various organizations. The estimates of child victims of sexual abuse in 1995 ranged from 16,276 (the Ministry of Public Health) to 20,000 (the Department of Social Welfare) to 30,000-40,000 (the National Commission of Women's Affairs).*

*The number of offenders who were arrested on charges relating to prostitution during the period of 1992-1996 was 51,532 of which 478 persons were children. During the period of 1997-June 1998, the*

*Foundation for Child Protection rescued 415 children who had been sexually abused, exploited and tortured.*

*The legislative measures to protect the child from sexual exploitation and other indecent acts area) the Prevention and Suppression of Prostitution Act of 1996 (already mentioned in Chapter 1); b) the Measures in Prevention and Suppression of Trafficking in Women and Children of 1997, c) the Penal Code Amendment Act (No. 14) of 1997; the Criminal Procedure Code Amendment Act (No. 20) of 1999; and d) the Money Laundering Control Act of 1999.*

*Thailand has incorporated the principle of extraterritoriality into the Penal Code, which has been revised as the Penal Code Amendment Act No. 14 of 1997. This is followed by the Money Laundering Control Act of 1999.*

*The Money Laundering Control Act 1999 prohibits and sets forth sanctions for money laundering which includes transferring, receiving, or changing the form of assets for the purpose of concealing or covering up the source of these assets, or for assisting other persons to avoid penalty or receive lesser penalty for the predicate offense, including offenses relating to prostitution, child prostitution and trafficking in persons, as prescribed under the Prevention and Suppression of Prostitution Act of 1996 and measures for Prevention and Suppression of Trafficking in Women and Children Act of 1997. Even if the crime is committed abroad, punishment will be done in Thailand according to Thai law, if either one of the offender or conspirator is Thai or has a residence in Thailand; or if the offender is an alien and took an action in order to commit the offense in Thailand and/or the Royal Thai Government is the injured person; or the offender is an alien whose action is considered an offense in the State where the offense is committed under its jurisdiction, and if that person appears in the Kingdom and is not extradited in accordance with the Extradition Act.*

*The Criminal Procedure Amendment Act No. 20 of 1999 prescribes the conditions to make the child interrogation proceedings more favourable to the child who is an injured party, a witness or an offender. This Act was amended in conformity with article 12 of the Convention on the Rights of the Child and article 4 of the Thai Constitution of 1997 concerning the right of children to be protected by the State against violence and unfair treatment. The Act requires a child to be interrogated in a private and appropriate setting, to allow the injured*



*child or the child witness to avoid face-to-face confrontation with an offender, with the presence of psychologist, social workers, or persons that are requested by the child. The Act also calls for audio-visual recording of the child's testimony, which can later be used in court. There are also provisions concerning pre-trial investigation of a child witness and duty of the State to provide the accused child with a lawyer. This Act came into effect since 15 September 2000.*

*The Plan of Action on Preventing and Combating Commercial Sexual Exploitation was developed and implemented by national and provincial agencies. Actions adopted under this Plan of Action can be categorised into four main components, as follows:*

- 1. Prevention of children and women from entering commercial sex business;*
- 2. Suppression through legislative, enforcement, and judicial process measures;*
- 3. Assistance and Protection to victims; and*
- 4. System building, involving development of mechanisms to supervise, monitor, follow-up and expedite the implementations of policies and programmes, with a focus on building mechanisms and linkages at all levels.*

*Strategy to ensure protection of children*

- 1. The resolution of the Council of Ministers 29 June 1999 ordered the establishment of crisis centres in emergency units of both state and private hospitals to provide assistance to women and children who are victims of violence, equipped with a multidisciplinary team of professionals. Through these centres, children and women can receive physical treatment and psychological counseling from medical doctors, nurses, psychologists and social workers within 24 hours. At the same time the centers will coordinate with the police, public prosecutor, lawyer and NGOs to provide further assistance including the referral of the victims, provision of temporary shelter, and rehabilitation and other remedial services.*

*This multi-disciplinary approach was adopted in conformity with measures prescribed under the Criminal Procedure Code Amendment*

*Act No. 20 of 1999, which places an emphasis on the provision of assistance to children and women who are victims of crimes and violence. It also focuses on providing medical treatment as well as physical and psychological rehabilitation to prepare the victims for legal procedures.*

*2. Provisions of 24-hour free-calling hotlines by some government agencies and NGOs, such as hotline 1507 run by the Department of Social Welfare, to give advice and assistance to victims of violence.*

*3. Establishment of a centre for protection and educational assistance to help children who are victims of abuse, especially by personnel in the educational system. The centre also deals with cases taken place at educational institutes to render immediate assistance and protection to child victims.*

*4. Centres for the Protection of Children and Women, established by the National Police Bureau serves as a centre for dealing with investigation, interrogation and rehabilitation. The centre works in collaboration with NGOs.*

#### *Relevant activities and programs*

*The programs and activities organized to ensure the recovery and reintegration of the child victim of sexual exploitation or abuse included:*

*1. A seminar to prepare for the enforcement of the Criminal Procedure Amendment Act No. 20 of 1999, which came into force on September 15, 2000;*

*2. Development of a crisis centre in the state and private hospitals to provide assistance to child and women victims of violence, with a multi-disciplinary team comprising public health officers, social workers, and law enforcement officers, in conformity with the resolution of the Council of Ministers adopted on 29 June 1999;*

*3. A seminar to integrate plan of actions of agencies concerned, as the preparation for the enforcement of the new law on interrogation of child witness, which is multi-disciplinary in nature.*

### *Coordinating and monitoring mechanism*

***There are committees/organizations at local, regional and national levels to act as mechanisms for coordination and evaluation of the performance of the above-mentioned centers.***

***There is a special unit to take care of the child victims of sexual abuse and exploitation, staffed with officials of the Ministry of Labour and Social Welfare and police officers. Regular training is provided to these officials.***

### *The relevant indicators identified and used*

***Indicators used for monitoring the situation of child abuse include: 1) percentage of child victims of indecent act and/or rape per total child population, 2) percentage of children who became pregnant due to rape, by age and province of total number of raped children, 3) percentage of raped children, 4) percentage of child victims of indecent act and/or rape who received physical and psychological rehabilitation, 5) percentage of offenders who were arrested on the charge of indecent act or rape of a child, 6) percentage of offenders on charge of indecent act and/or rape of a child who were arrested for repeated crimes; and 7) percentage of police station that have female officers or investigators who have been trained on the Convention on the Rights of the Child.***

### *Relevant international cooperation and assistance to foster the prevention of all forms of sexual abuse and exploitation*

***There have been bilateral, regional and multilateral agreements concluded or acceded to foster the prevention of all forms of sexual abuse and exploitation of children, and to ensure effective protection of the child victims, with cooperation from the court and law enforcers.***

***Relevant programs of technical cooperation and international assistance developed with United Nations bodies and other international organizations, are, among others, as follows: national workshop on enhancing capacity of social welfare and public health officers; and pilot project on strengthening community networks in preventing child abuse and exploitation, with support of ESCAP.***

### *Problems*

- 1. The enforcement of the laws is ineffective to some extent due to the fact that relevant officials lack understanding and are not aware of the importance of such laws;*
- 2. Shortages of professionals such as psychologists, social workers and female policewomen.*

#### *Solutions*

- 1. Promote more intensive public relations and dissemination of the laws to enhance the understanding of relevant officials on the importance of the laws and evaluation of the enforcement.*
- 2. Improve welfare benefits for, and production of, relevant professionals.*

#### *4. Sale, trafficking and abduction*

## *General Situation*

*Thailand and its neighbouring countries in the lower Mekong Sub-Region are confronted with the problem of trafficking in, and sexual exploitation of, children, using Thailand as a transit country. Although there have been serious efforts on suppression over the past few years, the problems has continued unabated. Efforts of Thailand included the revisions of relevant laws and policies; organization of national and international conferences; and implementing various projects and activities to strengthen networks for combating the problems. However, there is little progress in terms of enforcement as some police officers do not understand the whole process and are unable to enforce the law effectively. Although there exists a Memorandum of Understanding on Common Guidelines of Practices for Agencies concerned with Cases where Women and Children are Victims of Human Trafficking of 1999, adopted by the Office of the Permanent Secretary under the Prime Minister's Office, the National Police Bureau, Department of Social Welfare, and various NGOs, achievements in this regards are still limited, due to inadequate understanding of the MOU among some sections of the enforcers.*

*During 1990-1997, the number of foreign prostitutes was estimated to be around 80,000. They came mostly from countries in the Mekong Region. Out of this number, approximately 30 percent were children under 18 years old.*

*The measures adopted, including those of legislative and educational natures, to prevent the abduction of and the sale of or traffic in children are as follows:*

- 1. The Prevention and Suppression of Prostitution Act of 1996;*
- 2. The Measures in the Prevention and Suppression of Trafficking in Women and Children Act of 1997;*
- 3. The Penal Code Amendment Act No. 14 of 1997;*
- 4. The Money Laundering Control Act of 1999.*

*In addition to this, there are also the Criminal Procedure Code Amendment Act No. 20 of 1999 concerning investigation of child witness; and the Memorandum of Understanding on Common*

***Guidelines of Practices for Agencies concerned with Cases where Women and Children are Victims of Human Trafficking of 1999.***

***There were public education and public relations campaigns aimed at preventing children and women from falling victim to commercial sexual exploitation, which includes the sale, trafficking and abduction of children. Information disseminated included list of organizations, which can provide assistance. The campaigns focused on encouraging public participation in the prevention and in finding solutions to the problem to protect and prevent such problems; promoting new values and behaviors which respect human dignity and gender equality; promoting family education and understanding of gender roles in respect to different stages of life; discouraging sex-tourism; promoting collaboration among concerned agencies; and awareness raising on relevant laws and policies.***

***Implementation in regards to prevention and suppression follows the Memorandum of 'Understanding on Common Guidelines of Practices for Agencies concerned with Cases where Women and Children are Victims of Human Trafficking of 1999'. According to this MOU, relevant agencies can request for budgetary support from the Bureau of the Budget.***

***There have been a number of committees/organizations/agencies at national, regional and local levels which function as coordinating and monitoring bodies.***

***The Sub-Committee on Combating Cross-Border Trafficking in Women and Children organized workshops on combating trafficking in children and women for police officers (commissioner and assistant commissioner levels), the officials from the Department of Social Welfare and other relevant officials from Bangkok and the provinces.***

***The resolution of the Council of Ministers of 29 June 1999 ordered the establishment of a crisis centre for women and children, administered by a multi-disciplinary team, in all state and private hospitals. The main responsibility of the centres is to provide assistance for the women and child victims of violence.***

***The relevant indicators identified and used***

*There are five indicators relating child prostitution, these are:*

- 1. Number of children in commercial sex business by sex and province;*
- 2. Number of child victims by sex, age and province;*
- 3. Number/percentage of at risk children who received scholarships to continue their studies or to attend skills training;*
- 4. Number of the girls who receive a scholarship for their studies;*
- 5. Percentage of controlled zones supervised by local police stations where there still exist entertainment places, which are involved in child prostitution.*

#### *Problems*

- 1. There tends to be more people involved in trafficking in women and children as trafficking in women and children is considered less risky business than drugs trafficking.*
- 2. The countries of origin and countries of destination have no clear roles in ending the problems of trafficking in women and children and tend to punish victims rather than the organized networks.*
- 3. Victims in the countries where prostitution is not illegal received greater assistance than those in the countries where prostitution is illegal.*
- 4. When arrested, the trafficked persons will be repatriated by the State. This, inadvertently, helps the traffickers to focus on procuring new victims, without having to bear the burden of repatriation.*
- 5. Some officials do not understand and are not aware of the importance of relevant laws.*

#### *Solutions*

##### *1. Community Level*

###### *1.1 communities of countries of origin should:*

- 1) Establish Information Centre at the community level managed by a committee;*
- 2) Train community leaders or volunteers to work on the problems;*
- 3) Organize special projects for the children in the villages emphasizing informal education aimed at improving their knowledge and occupational skills;*

4) *Organize projects to support victim who have returned home;*

5) *Provide legal advisers in community for advice.*

1.2 *communities of the countries of destination should:*

1) *Establish hotline/ emergency home to receive notification of cases and to provide needed and timely assistance;*

2) *Establish mechanisms to link up with authorities at a higher level and embassies;*

1.3 *communities of the countries of origin and destination should:*

1) *Organize public education activities to disseminate knowledge on relevant laws and on human rights;*

2) *Organize study visits or exchange programs to learn from each other's good practices;*

2. *National Level:*

2.1 *focusing on punishing the traffickers and networks rather than the trafficked victims;*

2.2 *organize national project for the prevention and suppression of trafficking in women and children;*

2.3 *foster closer collaboration between governmental and non-governmental organizations in both the countries of origin and countries of destination;*

2.4 *establish national office to act as focal point for coordination;*

2.5 *increase awareness of concerned officials on the importance of the problem;*

2.6 *monitor and evaluate implementation.*

## *5. Other forms of exploitation*

*Both governmental and non-governmental organizations have taken actions seriously and continuously in protecting the child from all forms of exploitation. However, the provisions under the related acts provisions, which are currently in force do not provide adequate protection of various forms of child exploitation. Therefore, the Act on Child Protection has been drafted by taking due account of the principles of the best interests of the child and non-discrimination, emphasizing on rehabilitation rather than imposing punishment (as has been mentioned in Chapter 1). It is expected that this bill, which currently considered by the parliament, can contribute to the following key results:*



*1. Appropriate and updated perspective on prevention, protection and good care of the social welfare of the child and promotion of the child behavior, which would lead to practical actions in line with the provisions of this Bill, including the principles of protecting the child from domestic violence and strengthening the capacity of family and community. This is in line with the Thai Constitution of 1997 and other international standards;*

*2. Effective mechanisms on combating the problems related to child welfare and safety and promotion of good behaviors in the forms of national and provincial committees comprising representatives and experts from relevant agencies. These committees are responsible in planning and monitoring policies and regulations related to children.*

*3. Direct participation of society, including families, schools, communities, NGOs, and civic groups in providing welfare and safety for children and encouraging good behaviours.*

*In addition, the draft act outlined prohibitions of harmful and exploitative activities towards children. This provisions are intended to protect children from being exploited and tortured, or being lured into inappropriate behaviors. It also prohibits any forms of publicity which may be harmful to, and not in the best interests of children. The dignity and privacy of the children are protected in conformity with the principles of the Thai Constitution of 1997 and the Convention of the Rights of the Child.*

*The draft act also prescribes the duties and responsibilities of officials and individuals in reporting suspected acts of child abuse and exploitation and in providing needed assistance and protection to the child.*

#### *D. Children belonging to a minority or an indigenous group*

##### *Hilltribes*

##### *General Situation*

*The biggest population group classified as minority or indigenous groups in Thailand is the hilltribes. Most of them lived in remote and mountainous areas in twenty provinces of the northern region.*

*According to the data collected by the Department of Social Welfare in 1997, the total number of highland people in 20 provinces throughout the country was 774,316, of which 392,383 were male and 381,933 were female. Karen was the largest ethnic group, numbering at 353,574, followed by Hmong at 126,300, Lahu at 85,845, Akha 56,616 and the rest were Yao, Lawa, Thins, Mlabri and Chao Leh (seafarers).*

*According to the 1997 survey conducted in 17 provinces under the jurisdiction of the Department of Social Welfare, there were a total of 161,023 hilltribe children, of which 82,336 were boys and 78,687 were girls.*

*The small group of ethnic minorities known as 'Chao Leh' or seafarers. According to the survey of Social Research Institute, Chulalongkorn University in February 2000, there were only 161 of Chao Leh and out of these 76 were children (33 boys and 43 girls).*

*According to the 1996 study on Social Trend of Highland Community in the Next Century, it was found that the number of hilltribe children and youth had a tendency to rise and that they faced some difficulties in accessing basic services, including:*

- 1. Education, about 23 percent of the total population of the hilltribe children in school age did not have access to study in the primary level provided by the government;*
- 2. Health care, most of the newborn babies had low birth weight (below 3,000 grams). Parents of infants under 1 year of age did not bring their children to be vaccinated. Malnutrition in children under five remained high. Most of the 5-14 years lacked certain nutrients and suffered from various types of illnesses, such as malaria; skin diseases; tuberculosis; parasitic infection; respiratory and intestinal infections; and other common epidemic diseases caused by unhealthy living conditions and lack of hygienic latrine.*

*Apart from educational and health problems, other problems faced by hilltribe people included poverty, child abandonment, commercial sexual exploitation, worst forms of child labour, drug addiction and juvenile delinquency.*

*The measures*

*1. Education:*

*1.1 Provision of early childhood care in child care centres and in schools; provision of formal and non-formal primary education;*

*1.2 Provision of occupational training for hilltribe children to enable them to be self-reliant and to have desirable values for employment in decent occupations appropriate to their age and maturity;*

*1.3 Provision of scholarships to continue their study.*

*2. Health:*

*2.1 Provision of primary health care/epidemic disease control and prevention;*

*2.2 Supporting mobile health care unit for medical check-up and dissemination of knowledge on health care to hilltribe people, particularly women and children, providing immunization services, first-aid kit and basic medication and referral of the patients who are seriously ill;*

*2.3 Provision of lunch and supplementary food for child care centres and temporary schools, by seeking support from the government and private sector;*

*2.4 Provision of clean drinking water for children;*

*2.5 Provision of welfare and livelihood support for families;*

*2.6 Promotion of participation of family and community in child development;*

*2.7 Organization of child activities to enable them to express their point of view with social and public conscience and take part in social activities;*

*2.8 Organization of occupational training for heads of the family and housewives to enable families to be self-reliant financially, so that they do not have to leave the village to seek for employment elsewhere.*

*3. Granting of Thai citizenship: by improving the process of recording Thai nationality in the house registration of the highland people, in compliance with the regulations of the Central Registration Bureau on recording personal status in the house registration for highland people of 2000.*

*Ensuring the enjoyment of rights*

*In relation to development, the Thai Government has adopted a two pronged strategies of promotion and conservation of culture combined with social development and environmental and natural conservation.*

*In 1976, the Policy of Integration was initiated based on the principle of respect and tolerance to cultural and ethnic differences, as has long been a practice among the hilltribe groups. Moreover, hilltribe children have been encouraged to participate in and to have the right to enjoy and maintain their ancient traditions, local wisdom, art and culture. However, there are also other measures that include:*

*The national policy: According to the Eighth National Economic and Social*

*Development Plan (1997-2001), hilltribe people are referred to as Thai indigenous group who are less privileged and who should be developed in order to sustain their lives with dignity and to play a greater role in national development, by providing them with equal protection and access to all basic services.*

*Granting of Thai nationality: Currently there are 504,523 hilltribe people or about 60.21 percent of the total hilltribe population who were listed for Thai nationality. Those who are not listed also have the right to obtain Thai nationality but the procedures will have to follow the regulations of the Central Registration on nationality acquisition, under the House Registration for Hilltribe People of 1992 and its 1996 Amendment.*

*Currently, more than half of the hilltribe population has Thai nationality and actions are being taken by the government to expedite the process of granting nationality to the remaining population. In relation to the child's identity, the government has promoted participation and the rights of hilltribe children on to enjoy and uphold their own traditions and customs.*

*Thailand treats its people in a non-discriminatory manner. Hilltribe children who have obtained Thai nationality are entitled to social welfare services provided by the Thai Government the same as other Thai citizen. For those who have not yet obtained Thai nationality, they are still entitled to study in both formal and non-formal systems in the educational institutes under the supervision of the Ministry of Education from primary to tertiary levels. They also have access to healthcare services from any state hospitals as well as to participate in social activities organised by governmental and non-governmental organizations, including recreational groups, youth groups for self and community development and agricultural and non-agricultural occupational training.*

*In addition, the government has established 1,232 welfare village centers covering 2,000 hilltribe villages. The centers help the hilltribe children to overcome their hardship to some extent. However, there are some pockets of hilltribe children living in very remote areas where government services have not reached. In this case, assistance is given by the NGOs.*

*The measures adopted as has been mentioned earlier in this chapter have brought huge benefits to hilltribe children. Amongst these are better quality of life; greater social welfare; community participation; proper and hygienic living conditions; unpolluted environment; loving and caring environment in the families; and opportunity to enjoy and maintain their own ethnic and cultural beliefs and customs without discrimination.*

*In the light of family environment and alternative care, the government established child care centres and encourage families and communities to take part in child development. Activities are also organized for the child to play his/her role, express opinions and to be soundly developed. In addition to this, occupational training is organized for heads of families and housewives to be self-reliant.*

*The progress achieved*

- 1. The expedition of granting Thai nationality to hilltribes;*
- 2. The 1997 surveys made it possible to obtain accurate data of hilltribe children by sex and province, as well as existence of state agencies providing services to these people. With the funding under Miyasawa Plan, the Department of Local Administration employed 16 graduate volunteers to establish database of hilltribe population, on the basis of which appropriate development assistance will be designed;*
- 3. Continuation of studies on the impacts of national policy on hilltribe development and on socio-economic changes in the hilltribe communities, for developing future plans and actions;*
- 4. Promotion of greater participation of hilltribe children and youth in social and economic activities, particularly occupational training for youth, lifeskills education for protection against drug abuse and HIV/AIDS, cultural and environmental conservation;*

***5. The preparation of the document entitled "Hilltribe Development under the Thai Constitution of 1997", is to be used as a conceptual framework and guidelines for future development, in conformity with the Constitution, and as a means to educate and disseminate knowledge and understanding of duties and responsibilities as enshrined in the Constitution.***

#### *Problems*

- 1. Demographic data of hilltribes are incomplete, particularly in relations to those who remain unreached.***
- 2. The quality of education provided by some state institutes for the hilltribe people are not up to acceptable standards.***
- 3. There are still some pockets of hilltribe children who are without a nationality, due to lack of knowledge on relevant laws and regulations, on the parts of both the hilltribes themselves, the government officials and NGO staff. Thus this is causing difficulties in proving the legal status of a person who does not have official documents.***

#### *Solutions*

***The Thai Government has adopted the following measures to resolve the above-mentioned problems:***

- 1. Conducting a demographic survey of the hilltribe population, disaggregating data by sex, age, and province.***
- 2. Improving the quality of education for highland people to meet the national standards as applied to other Thai people.***
- 3. Expedite the process of granting Thai nationality to all hilltribe children which is expected to be completed soon.***