



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### Concluding observations on the initial report of Thailand

#### Addendum

#### Information received from Thailand on follow-up to the concluding observations\*, \*\*

[Date received: 24 April 2017]

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\* The present document is being issued without formal editing.

\*\* The annexes are on file with the Secretariat and are available for consultation. They may also be accessed from the web page of the Committee on the Rights of Persons with Disabilities.



1. The Committee on the Rights of Persons with Disabilities requested the Royal Thai Government to provide information, within 12 months of the adoption of the present concluding observations and in accordance with article 35 (2) of the Convention, on the measures taken to implement the Committee's recommendations contained in paragraphs 54 (c) (work and employment) and 68 (national implementation and monitoring).
2. "54. *The Committee recommends that the State party:*
3. (c) *Provide access to supported employment measures in the open labour market, ensure the transparent and accountable management of the National Fund for the Empowerment of Persons with Disabilities, and include persons with disabilities within its administration;*".

## **The Response of the Royal Thai Government**

### **Access to supported employment measures in the open labour market**

4. Supported employment aims to provide support for persons with all types of disabilities to receive appropriate training to be well-prepared for employment. The services under supported employment include vocational counseling and preparation before entering workplaces, based on specific needs of individuals with disabilities. In Thailand, employment under supported employment system has been promoted through various measures as follows.

#### *5. Vocational training and preparation for employment*

At present, there are 9 Vocational Promotion Centers and Capacity and Career Development Centers for Persons with Disabilities affiliated with Department of Empowerment of Persons with Disabilities. Each year, the Centers provide trainings to approximately 1,000 persons with disabilities. Some representative organizations of persons with disabilities also arrange vocational trainings. For example, the Redemptorist Foundation for People with Disabilities offers vocational trainings in 4 main areas namely computer programming, electrical appliances repair, computer program usage, and language and tourism.

#### *6. Job Coach training*

Under the job coach system, persons with disabilities receive advisory support before, during and after employment. Job Coach Thailand Center has been set up to provide services and access to labour market for persons with disabilities who are looking for jobs. The services provided include suitability evaluation, employment referral and facilitation according to their skills and interests, and promotion of employment continuation for employees with disabilities. Every year about 200 persons with disabilities receive support from the Center.

#### *7. Employment of persons with disabilities by government and private sectors*

As of March 2017, 3, 704 persons with disabilities are employed by the Government. This constitutes 25.59% of targeted number of persons with disabilities to be employed by the Government. This will need to be further promoted. On the other hand, 32, 675 persons with disabilities are employed by private sector, which is 51.00% of the targeted number. In order to support persons with disabilities, aside from providing employment opportunities, employers are also advised to: )1 (grant concessions; (2) arrange places for products or services of persons with disabilities; (3) employ persons with disabilities under sub-contracts with other agencies; (4) provide trainings; (5) provide needed facilities at work; (6) provide sign language interpreters; (7) provide any other supports for persons with disabilities or caregivers.

#### *8. Employment promotion under Civil State Policy (Pracharat Policy)*

To further promote employment of persons with disabilities, the Civil State Policy has been set up aiming that 10,200 persons with disabilities shall be employed by private enterprises in cooperation with and with facilitation by Government. Of which, 700 are assigned for persons with intellectual disabilities, 7,000 for persons with physical or mobility disabilities,

300 for persons with autism, 1,000 for persons with hearing or communication disabilities, 1,000 for persons with visual disabilities and 200 for persons with psychosocial disabilities.

#### 9. *Self-Employment*

Persons with disabilities also form their own groups and some have worked in self-employment. Currently, there are 120 of such groups with 3,000 members. Each group receives 5,000 Baht (150 USD) as financial support from Government for their business. Website for products of persons with disabilities was also created, which also provide information online about job market for employers and applicants with disabilities who may look for jobs.

#### 10. *Tax deduction*

The Revenue Department has introduced a tax deduction scheme for owners of buildings, workplaces, vehicles, public transport and any other public services that make their places or services accessible for and usable by persons with disabilities. Workplaces with over 60% of employees, who are persons with disabilities working more than 180 days per year, can file for deduction of 3 times of the actual salary paid for employees with disabilities from the companies' taxable income.

### **Management of the National Fund for the Empowerment of Persons with Disabilities**

11. The National Fund for Empowerment of Persons with Disabilities must be managed in a transparent manner. Members of representative organizations of persons with disabilities in Sub-Committee can monitor the Fund Administration. In order to further promote efficiency of the Fund's administration, limitations and obstacles that have been detected are subsequently addressed as follows.

<i>Limitations/Obstacles</i>	<i>Revisions/Measures taken</i>
1 Complicated process of the approval for projects or individuals' applications and delays in the reimbursement of the Fund.	<p>Decentralization</p> <p>Delegate the authority of Fund reimbursement by increasing the ceiling amount of money that can be approved by Sub-Committee from 10 million Baht (0.3 million USD) to 30 million Baht (0.9 million USD).</p> <p>Expedite reimbursement approval process by Provincial Sub-Committee on Empowerment of Persons with Disabilities to within 30 days instead of 60 days.</p> <p>Improve service by providing more than 12,000 branches for online payment where persons with disabilities can pay back the loan anywhere and anytime. Online payment now constitutes 60% of the total loan payment amount.</p> <p>Conduct feasibility study to authorize representative organizations of persons with disabilities as guarantors when applying for loans from the Fund.</p>
2 Unclear and difficult to understand Guideline on the Use of the Fund.	<p>Revise the Guideline while promoting access to the information, services and benefits pertaining to the Fund among practitioners, persons with disabilities and caretakers at the same time.</p>

Limitations/Obstacles	Revisions/Measures taken
<p>3 Imbalances in inflows and outflows of the Fund due to large accumulated fund but low rate and relatively small amount of spending.</p> <p><i>(Employers who do not employ persons with disabilities send approximately 2.5 billion Baht (0.07 billion USD) per year to the Fund. However, only about 2 billion is used each year. The Fund is accumulated year by year. Currently there is over 10 billion Baht (0.3 billion USD).)</i></p>	<p>The Ministry of Finance orders that 2 billion Baht (0.67 billion USD), which is the excess liquidity of the Fund, be allocated as Public Revenue.</p> <p>The Fund shall be used in accordance with related plans and strategies, which are 20-Year National Strategy, 5th National Plan on the Empowerment of Persons with Disabilities B.E. 2560-2564, Sustainable Development Goals (SDGs), Strategic Plan for the Empowerment of Persons with Disabilities, which targets 5 areas: )1 (empowerment of persons with disabilities with different ages and types of disabilities; )2 (support for independent living; )3 (promotion of comprehensive work on the empowerment of persons with disabilities; )4 (development of disability database;) 5 (follow up and monitor of the progress on the empowerment of persons with disabilities.</p> <p>The amount of reported excess 2 billion Baht (0.67 billion USD) from the Fund is planned to be used up within 3 years.</p>
<p>4 Revise structure of the Fund Administration</p>	<p>Arrange public hearings with stakeholders. According to suggestions from representative organizations of persons with disabilities, status of the Fund should be juristic person.</p> <p>These changes shall be incorporated in Persons with Disabilities Empowerment Act B.E.2550 and its Amendment (Vol..) B.E. expected to be completed by 2017.</p>

12. The Office of the Ombudsman of Thailand annually reports audited financial statements of the Fund. According to its 2016 report, the financial statement of the Fund is accurate and in compliance with Government financial standards and policies. Internal Audit Unit of Department of Empowerment of Persons with Disabilities also provides an annual audit report of the Fund. According to the latest report dated 30 June 2016, the financial internal control system and the accountancy transaction records of the Fund are correct and complete.

13. Follow-up and monitoring of the Fund are carried out through following mechanisms:

(a) Self-Evaluation and external evaluation covers the criteria including efficiency of programs/projects, maximum benefit/outcome for persons with disabilities, compliance with the value/breakeven point, and best interest of the target groups;

)b) Committee for Follow Up and Evaluation on the Operation of the Fund consists of experts on evaluation, finance and accountancy, empowerment of persons with disabilities, and members of representative organizations of persons with disabilities. Annual report on follow up and evaluation of the Fund is issued every fiscal year. Committee members also pay regular visits to the project sites to evaluate the outcomes and benefits received by target groups.

14. Regarding the participation of persons with disabilities in management and administration of the Fund, measures are being taken as follows:

Out of 23 members of the Sub-Committee on the Administration of the Fund, 7 are set for representatives from organizations of persons with disabilities, which account for 30%;

(a) Out of 33 members of the Provincial Sub-Committee on Empowerment of Persons with Disabilities, who are representatives from government and private sectors in the province, 7 must be representatives from regional branches of organizations of persons with disabilities and 5 are members nominated by official representative organizations of persons with disabilities. This makes 36% of total;

(b) 3 representatives from 7 representative organizations of persons with disabilities also serve as members of the Working Group on screening of projects and loans.

15. *(Please refer to Annex Table 1 — 7 for statistical information related to the Fund).*

16. *“68. The Committee recommends that the State party ensure that the Department for the Empowerment of Persons with Disabilities closely consults with organizations representing persons with disabilities nationwide to standardize the selection of “disability experts”, to ensure the quality of the experts and an adequate representation of the interests of persons with disabilities, especially women and girls with disabilities. The Committee also recommends that the State party develop a national action plan that incorporates a formal system of monitoring to ensure the implementation of the Persons with Disabilities Empowerment Act and other laws and policies relating to persons with disabilities. The State party is further encouraged to ensure the participation of persons with disabilities and their representative organizations in the monitoring of the implementation of the Convention. It calls on the State party to ensure that the National Human Rights Commission of Thailand fulfills the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).”.*

## **The Response of the Royal Thai Government**

### **Selection of “disability experts”**

17. The Department of Empowerment of Persons with Disabilities has been in close consultation with representative organizations of persons with disabilities all over the country to make the recruitment of “disability experts” transparent with standards in order to guarantee that such experts are keen on disability work and can advocate persons with disabilities especially women and girls with disabilities.

18. In order to ensure the quality of the “disability experts” and an adequate representation of the interests of persons with disabilities, Persons with Disabilities Empowerment Act B.E. 2550 and its Amendment (Vol...) B.E.... is being revised in the following areas:

(a) Standardize recruitment process for experts and distinguished persons as members of the National Committee on Empowerment of Persons with Disabilities and other relevant sub-committees to ensure that members of such committees have different areas of expertise encompassing education, employment, accessibility, women and children with disabilities, access to justice, laws, international relations, healthcare, and include experts on different types and age groups of persons with disabilities. The experts also have to meet the criteria of having at least 5-year experience in disability work or having attended Disability Equality Training (DET);

(b) Set up standards and qualification of the experts to cover the field of protection of the rights of women and girls with disabilities, and allocate at least 1 seat for women with disabilities in Sub-Committee on each type of disabilities as well as the Provincial Sub-Committee on Empowerment of Persons with Disabilities and other Sub-Committees.

### **National action plan**

19. The 5th National Plan on the Empowerment of Persons with Disabilities B.E. 2560-2564 has been approved by the Cabinet on March 7, 2017. The Plan serves as one of the monitoring frameworks to strengthen the implementation of Persons with Disabilities Empowerment Act as well as the laws and policies related to persons with disabilities. The

Plan is in accordance with other laws and policies related to persons with disabilities i.e. the Constitution of the Kingdom of Thailand B.E. 2560, Persons with Disabilities Empowerment Act B.E. 2550 and its Amendment (Vol. 2) B.E. 2556, 20-Year National Strategy, 12th National Economic and Social Development Plan B.E. 2560-2564, 3rd National Human Rights Plan B.E. 2557-2561, Sustainable Development Goals (SDGs), Convention on the rights of persons with disabilities (CRPD), Incheon Strategy: To Make the Right Real for Persons with Disabilities, Sendai Framework for Disaster Risk Reduction 2015-2030, and ASEAN Decade of Persons with Disabilities 2011-2020.

20. The main vision of the 5th National Plan is to “Make the Right Real for Persons with Disabilities towards Independent Living in Sustainable, Inclusive Society”. It encompasses 5 strategies: Empowerment, Quality Management, Understanding, Accessibility, and Linkage (EQUAL); namely empowering persons with disabilities and their representative organizations, developing quality management system, eliminating discrimination and promoting proper understanding and positive attitudes towards persons with disabilities and disabilities, promoting access to the rights of persons with disabilities and creating environment and public services that are “Accessible for All”, and promoting inclusive network and full participation for sustainable empowerment of persons with disabilities.

21. To ensure the effective implementation of the Plan, the follow-up and evaluation mechanism will be set up to monitor the progress and results of the Plan. The related database will also be further developed. Under the Article 13 of Persons with Disabilities Empowerment Act B.E. 2550 and its Amendment (Vol. 2) B.E. 2556, Department of Empowerment of Persons with Disabilities shall monitor whether there is violation of the rights of persons with disabilities under the Law. Furthermore, as a party to the Optional Protocol of CRPD, direct communication procedure between CRPD Committee and persons with disabilities is also available.

22. Monitoring mechanism of the national plan covers both national and provincial levels in cooperation with the civil society organizations. National Committee on Empowerment of Persons with Disabilities, Sub-Committee on the Implementation and Follow Up of National Plan work as a part of national mechanism. Provincial Sub-Committee on Empowerment of Persons with Disabilities, provincial disability service centers, and general disability service centers also work at provincial level. For civil society organizations, there are representative organizations of persons with disabilities, associations of persons with disabilities, volunteers to follow up, monitor, and support implementation of related laws. The National Assembly of persons with disabilities is also organized to collect opinions and suggestions from stakeholders and submit to the National Committee on Empowerment of Persons with Disabilities for further consideration.

23. Additional laws and policies to compliment the National Action Plan include:

a) The Cabinet, on 28 February 2017, approved Strategy on Development of Facilities for Persons with Disabilities and Elderly. Ministry of Transport and Ministry of Social Development and Human Security are assigned to make action plans based on the concept of “Universal Design”;

b) The National Council for Peace and Order issued Order No. 58/2559 on Access to Public Health Services of Persons with Disabilities according to the Laws related to National Health Assurance and Social Security. Main objective of the Order is to ensure that persons with disabilities receive prosthetics and orthotics including medicines and medical care based on their needs on an equal basis with others;

c) Efforts have been made for the revision of relevant laws and plans namely Mental Health Act B.E...., 2nd Health Development Plan and the preparation for the draft of 1st Disaster Management Plan regarding Medical and Public Health B.E. 2560–2564 ;

d) Measures have also been taken to promote access to insurance scheme for persons with disabilities and families, organize trainings on self-advocacy for persons with disabilities, and put in place support system for persons with disabilities who are not registered citizens according to Civil Registration Act;

(e) The Cabinet, on 19 April 2016, approved in principle the signing of Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled. On March 28, 2017, the Cabinet approved in principle draft of amended Copy Right Act (Vol...) B.E...., which is proposed to the National Legislative Assembly for approval.

24. *(Please refer to Annex Table 8 for information regarding the 5th National Plan on Empowerment of Persons with Disabilities and Other Related Legislations).*

#### **Participation of persons with disabilities and their representative organizations in the monitoring of the implementation of the Convention**

25. Representatives from 7 national organizations of persons with different types of disabilities (physical or mobility disabilities / hearing or communication disabilities / visual disabilities / mental or behavioral disabilities / intellectual disabilities / autism) are included in committees and sub-committees to ensure the promotion and monitoring of the implementation of the Convention; such as National Committee on Empowerment of Persons with Disabilities, Sub-Committee on the Promotion of CRPD Implementation, Provincial Sub-Committee on Empowerment of Persons with Disabilities, and other Sub-Committees on specific purposes i.e. Sub-Committee on the Provision of Facilities to Persons with Disabilities, Sub-Committee on Sign Language Interpreters Development, Sub-Committee on Welfare for Persons with Disabilities, Sub-Committee on each type of disabilities.

26. In some cases, members from representative organizations of persons with disabilities who join the above-mentioned Committees and Sub-Committees are from support organizations, not the organizations of persons with disabilities. The representatives of organizations of persons with disabilities may, therefore, include persons without disabilities from support organizations, which results the underrepresentation of persons with disabilities in these Committees and Sub-Committees. This is in line with the past practice when the United Nations accepted parents' organizations as representative organizations of persons with disabilities. However, nowadays parents' organizations are considered "support organizations", not representative organizations of persons with disabilities. Representatives from these organizations should, therefore, not be counted as representatives of persons with disabilities. This will then need further consideration and review.

27. *(Please refer to Annex Table 9 for information regarding Committees/Sub-Committees on Disability Issues and the Number of Persons with Disabilities Representatives).*

#### **National Human Rights Commission of Thailand**

28. The National Human Rights Commission of Thailand (NHRC) was founded under the 1997 Constitution from the driving force and the demands of the people to have an independent mechanism to promote and protect the rights and liberties of the people, according to the guarantee of the right to freedom in this constitution. NHRC has been able to handle an increasing number of cases, from 112 cases during its inception in 2001 to around 600-700 cases per year at the present. Each year, the Government allocates budget deemed as sufficient for the NHRC to cover its administrative cost as well as carry out its mandates effectively and within its autonomy.

29. The Government recognizes the importance of a strong and active NHRC that carries out its mandate in promotion and protection of human rights effectively, up to accreditation standard by the International Coordinating Committee on National Human Rights Institution (ICC), and in compliance with the Paris Principles. Due to concerns about its structure and functions after modification under the 2007 Constitution, in particular the selection process, immunity to the commissioners, prompt responses to reports on human rights situations in the country, and its impartiality and independence, ICC recommended in October 2014 that the NHRC be downgraded from "A" to "B" after one year of grace period.

30. His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun bestowed the new Constitution of the Kingdom of Thailand to the Thai people on 6 April 2017. The said Constitution lays down new provisions relating to NHRC's qualifications and mandates to be more consistent with the Paris Principles and for the enhanced efficiency of NHRC. The draft Organic Law, once adopted, will further enhance the efficiency of the NHRC as it intends to address remaining concerns including the establishment of regional offices to increase efficiency of work on the ground.

31. Regarding the selection process, selection of Commissioners must take into account the candidates' ample knowledge and experiences on human rights protection and political neutrality. Representatives from the human rights related NGOs and academic institutions, which offer human rights education and are registered with the NHRC, are also included in the selection committee. A legislation to grant immunity to the commissioners has been initiated under the draft Organic Law in order to protect from any external influence or threat and ensure the impartiality and independence of the commissioners.

32. Another important point is the due response to NHRC inquiries. The new Constitution also stipulates that the Cabinet must take appropriate action after receiving recommendations from NHRC. In fact, the Cabinet usually gives due attention to NHRC inquiries and consistently instruct agencies concerned to investigate, report and provide recommendations in a definite time frame. In March 2016, the Ministry of Justice (MOJ) set up the Coordination Committee between the Ministry, NHRC and various sectors as a mechanism for following up implementations of NHRC recommendations by relevant agencies. The Committee is also expected to enhance coordination between these agencies and to jointly push forward necessary human rights related policies and infrastructure, as well as review process. The last Committee meeting was organized in April 2016 chaired the Permanent Secretary of the Ministry of Justice. Since then, there have also been small group meetings between MOJ and NHRC on various issues for further cooperation in provinces such as awareness on community rights, and right to nationality.

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