



**Convention on the  
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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION**

**Second periodic report of States parties due in 1999**

**THAILAND\* \*\***

[7 June 2004]

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\* For the initial report submitted by Thailand, see CRC/C/11/Add.13; for its consideration by the Committee on 1 and 2 October 1998, see CRC/C/SR.493-495 and CRC/C/15/Add.97.

\*\* Annexes can be consulted in the files of the Secretariat.

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## Introduction

1. 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 February 1992. The Convention entered into force on 26 April 1992 and Thailand has implemented the provisions set forth in the Convention since then. Thailand's initial report on the implementation of the Convention (CRC/C/11/Add.13) was completed and submitted to the Committee on the Rights of the Child in August 1996 and the Thai delegation went to Geneva to answer the questions asked by the Committee in October 1998.
2. 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, which included 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 the 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.
3. 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 the United Nations Children's Fund (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 Committee on the Rights of the Child along with Thailand's second country report.
4. The contents of this report consist of the implementation of the Convention by the Government, the non-governmental sector, the business sector, local organizations and international organizations in Thailand such as UNICEF, the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM) and the International Labour Organization (ILO). This second report was prepared during the years 1999 to 2000, five years after the first report. There have been a lot of major changes concerning legal measures to comply with the Convention. 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 of age so that children can have more years to develop to 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, favourable 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 (subdistrict) Council and Tambon Administration Organization (TAO) of 1994, 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 aspiring 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. (The bill was passed by Parliament in August 2003 and will come into effect at the beginning of next year.) 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 any child below 18 years of age and increases the age of the child for the purposes of criminal punishment. The Regulations of the Ministry of Education of 2000 prohibited caning 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-centred 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-centred approach. The coverage was for all children, including children in especially difficult circumstances, ordinary children and especially talented children.

5. In addition to the establishment of plans and legal measures, the Government of Thailand has tried to implement these plans and measures by translating them into concrete actions. Many 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 for displaced children fleeing from war and for the children of minorities, enabling them to enjoy more rights; reducing the number of child smokers; eradicating malnutrition (at severe levels) through nutritional campaigns; reducing the number of births through family planning; and reducing the HIV-infected pregnancy rate through HIV prevention campaigns for pregnant women. In addition, it is likely that more children will have an opportunity to study. The Government has also publicized the Convention 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.

6. 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.

7. Thailand is also preparing to be a State party to other international conventions such as the Hague Convention on the Civil Aspects of International Child Abduction and the Hague Convention on Intercountry Adoption, the Refugee Convention of 1951, ILO Convention No. 138 (1973) concerning minimum age for admission to employment, the 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 the Convention in Thailand.

8. 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.

9. Lack of CRC awareness among some groups of people was one major obstacle in implementing the Convention. 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 sufficiently aware of them. 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 them and/or paid little attention to these laws. The problem of children in the sex business and transnational trafficking in children became more serious.

10. Forums for children to express their opinions 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. These loopholes lead to other types of problems concerning children. Neglected children are increasing in numbers, due to the economic crisis.

11. 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 centres 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, drug-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.

12. There are key changes concerning vital statistics such as an increase in the total population from 58.8 million people in 1993 to 61.7 million in 1999, whereas the number of children and youth decreased. For example, the number of children aged 0-14 years decreased from 18.5 million in 1992 to 16.10 million in 1999, while youth aged 15-24 declined from 12.27 million to 10.49 million for the same period; there were 16.85 million children in total aged 0-18 years in 1999. In general, the status of the children has improved. For example, regarding nutritional status, babies with birth weight of less than 2,500 grams decreased from 9.04 per cent in 1992 to 7.20 per cent in 1999 and there was a decrease of malnutrition at all levels. As for 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 also increased. In relation to educational status, the numbers of school enrols 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.

13. In conclusion, this report has been prepared with contributions from all stakeholders to the greatest extent possible and with strict consideration of the guidelines of the Committee on the Rights of the Child. One significant feature is preparing the children's report along with Thailand's second report. Overall, there have been changes in line with the Convention, 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 the economic crisis and other related problems. The Government of Thailand has a strong commitment to improving CRC implementation to the maximum extent possible. (For the purpose of simplifying the contents of the report which will appear in the subsequent chapters, a table of Thailand's response and follow-up to the recommendations and concluding observations made by the Committee on the Rights of the Child on Thailand's initial report (1992-1996) is hereby attached (see annex, table 4). The details of the contents then follow in the subsequent chapters. This report covers the period until 2000 only; updates will be prepared later.)

## I. GENERAL MEASURES OF IMPLEMENTATION

### General situation

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

15. 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 CRC. The meetings, held at both national and international levels, with wide participation from governmental organizations, non-governmental organizations, 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.

16. However, at the Consultative Meeting with related agencies held 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:

- Accept that the genuine objective of article 7 of CRC aims at encouraging States 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;
- Agree to review the withdrawal of the reservation to article 7 by implementing the following:
  - Examine proper procedures and approach to recommend the withdrawal of the reservation;
  - 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;
  - Thoroughly work out practical operational guidelines to ensure smooth and effective delivery of aimed results after Thailand's removal of the reservation;
  - 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.

17. As with Thailand's stand on the reservation to article 22, the general recommendation is that Thailand should withdraw the reservation. Such a 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 organizations, 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.

18. In addition, Thailand organized a regional conference on the same topic on 26-28 January 2000, with participation 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:

- 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;
- Displaced children should not be considered as criminals or offenders, but as victims instead;
- There should be public awareness and participation of all parts of the society to help and protect these children victims. States should set up extensive service units to provide assistance to these children;
- Preventive measures should be implemented. States should support and promote human rights, child rights, democracy, peace, sustainable development and environment protection.

### **Problems**

19. The reason why Thailand maintains its reservations to CRC is mainly the political unrest in neighbouring countries, which has pushed periodic flows of displaced persons into Thai territory, as well as a large influx of foreign labourers and illegal immigrants. Thailand has so far taken the responsibility of looking after the welfare of these people on humanitarian grounds, despite the strain on its budget in the midst of a long economic slump after the crisis. At the consultative meetings among related agencies to look at the pros and cons of withdrawing Thailand's reservations to CRC, there were arguments against the withdrawal. Yet the effort to work towards the withdrawal is still pursued.

### **Solutions**

20. Cooperation should be sought from international organizations in terms of budget and various forms of assistance to help bring about the withdrawal of the reservations. There should be further consultative meetings among related agencies to study plausible procedures and approaches that are favourable to the withdrawal of the reservations. A working group may be specially set up to review the reservations in detail.



### **Revision of national legislation**

21. A study has been undertaken to compare the provisions of 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 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 and 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 CRC.

### **Promulgation of new laws and amendment of existing laws to conform to the Convention**

22. Regarded as progress from what was stated in Thailand's replies to the list of issues sent to the Committee on the Rights of the Child, the following new laws came into force:

- The National Education Act of 1999 (see chapter VII);
- The Money Laundering Act of 1999 (see chapter VIII);
- The Modification of Criminal Procedure Code Act (No. 20) of 1999 on Investigation of Child Witness (see chapter VIII);
- The draft Child Protection Act could be considered as a “Code on Children”, since the Act covers provision for all forms of assistance to children and their families categorized 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. A referral system will be applied, from welfare to protection and behavioural development.

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

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\* In 2003, when this report was translated into English, the National Youth Bureau (NYB) was a part of the Office of Welfare Promotion, Protection and Empowerment of Vulnerable Groups (OPP). Due to the recent restructuring of government offices in Thailand, it 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.

24. Moreover, action was taken to draft a new law related to children and youth. A draft law to amend the Criminal Code attempts to modify 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**

25. 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 is still not in compliance with CRC, e.g. laws relating to displaced children, as suggested by the Committee on the Rights of the Child.

### **Solutions**

26. Further emphasis should be placed on the revision of laws on children and youth, to examine their compliance with CRC, and it should be disseminated to legislators and officers concerned, so that they will realize the importance of laws on child protection and assistance.

### **Thailand's Constitution and other laws on children**

27. 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 Parliamentary Ombudsman for Child, Youth and Family.

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

### **Applying the Convention directly in Thai courts**

29. It is not possible to apply the CRC provisions directly in Thai courts and 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 incompatibility with Thai laws**

30. Many parts of the Convention are in line with Thai legislation, but there are some laws that need to be improved to comply with it. There have already been attempts to amend such laws for stricter compliance with the Convention, as outlined earlier. However, there are some

laws, which were enacted after Thailand ratified 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 gear.

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

31. At present, very few Thai laws raise 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 schoolchildren to re-enter 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 Convention**

32. The Act Instituting the Juvenile and Family Courts and Juvenile and Family Procedures of 1991, which sets judicial proceedings for children, is amongst the 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 age and victimized by a corrupt 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 need not be charged, 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 offenders who have to undergo court proceedings like adults, especially in provinces where the Juvenile and Family Court does not exist.

33. Moreover, in the Thai legal system, it is not possible for the provisions of 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 that the child should live with his parents.

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

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

35. The assistance includes:
- A 24-hour hotline centre to receive reports of violations and to coordinate with the authorities concerned, both in the public and private sectors, for their assistance to the affected children;
  - A Special Task Force whose function is to provide prompt assistance to child and woman victims of violations;
  - Fact-finding investigations to determine the appropriate assistance to the child victim of violation:
    - In case of general physical abuse, the parents or guardian of the child will be warned and counselling will be given to them, so that the child can continue to live with them;
    - In case of serious physical 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;
    - In case of a child's rights 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 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 wages due, overtime payment, public holiday compensation, etc. Assistance will also be given to child workers who have been dismissed from their workplace, by providing a temporary shelter, repatriation, help in finding a new job, and providing further vocational training for better job opportunities.

### **Problems**

36. Child victims of violations, or persons who witness violations have no information about where and how to report and to get assistance. Lack of awareness and concern is common in the communities where violations occur; a number of violation cases go unreported. There is fear of offenders' influence. Authorities' assistance, cure and rehabilitation services are not extensive and effective enough.

### **Solutions**

37. Enforcement of the Child Protection Act should be promoted and training provided for all officers concerned to understand the spirit of the law and how to exercise it. Efforts should be made to stimulate and raise public awareness about child rights violations to get more

community participation in solving problems that affect children and their respective communities, as well as to enhance and expand the multidisciplinary 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 Convention**

38. 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 every five years. Implementation is currently being carried out under the “Eighth National Economic and Social Development Plan” of 1997-2001. This can be regarded as an implementation step to formulate a national agenda and strategies for children under the framework of 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, categorized in three groups, namely the children in especially difficult circumstances group, the general group and the talented group. The following set of objectives have been laid down in the Plan:

- To enhance children’s and youth’s potential to achieve desirable qualities;
- To improve on the social environment, making it conducive to the development of children and youth;
- To develop a multilateral system of administration and management to encourage collective participation from various parties.

39. 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 a 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 the administration and management of 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 Plan for Children and Youth Development 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.

40. Furthermore, the Ministry of Justice has come up with a Plan for the Protection of the Rights of Children, Youth and Family for 1997-2006. The plan aims to protect children both in and outside the juvenile court system, and their families. The children are categorized into three groups, namely child offenders, marginalized children at risk of breaking laws, and children who are victims of abuse, child labour and sexual exploitation. With this plan in place, equal

protection for 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.

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

### **Problems**

42. 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 a lack of specific national strategies for children directly under the framework of CRC.

### **Solutions**

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

### **Government agencies related with the Convention**

44. There are many relevant governmental bodies related with CRC: the Ministry of Justice, Central Juvenile and Family Court, the Ministry of Education, the Ministry of Public Health, the Ministry of Interior, the Ministry of Labour and Social Welfare, the National Security Council, the Office of the Attorney-General, the 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 realize the goals of CRC.

### **Effective cooperation**

45. Thailand has undergone major improvement in governmental administration by focusing on decentralization of power to rural areas, to empower them to look after their own affairs. The setting up of Tambon (subdistrict) 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 CRC.

46. In addition, there are 13 networks of youth, formed to carry out social service activities, e.g. the Pineapple Eyes radio news network featuring local youth news reporters to act as watchdogs 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**

47. 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:

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

### **Follow-up and monitoring**

48. Apart from the Sub-Committee on Child Rights, which has functioned to monitor the implementation of 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.

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

50. 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**

51. Referring to the 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 a mechanism to monitor progress**

52. Thailand's Eighth National Economic and Social Development Plan sets a strategy to promote civil society processes in every province. These will each 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 civil society. The civil society process was piloted in 16 provinces during 1995-1997, and has 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 ecotourism, drug prevention, etc. This civil society movement now evolves at every level, from the central administration down to provincial, district, subdistrict 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 regions.

53. Apart from these civil societies, there has been more cooperation among governmental organizations (GOs), NGOs and the communities. Through this cooperation, several pilot projects pertinent to the child and youth development work have been carried out, e.g. the pilot project to build and strengthen the community network to protect child abuse and sexual exploitation, and the Youth United for Community Services.

54. 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 and 13 youth networks, totalling 38 networks.

### **Coordination between economic and social policies**

55. 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 the International Monetary Fund have jointly mapped out macroeconomic targets to reduce the impact of the economic crisis on people and society.



56. In addition to this, the National Economic and Social Development Board has readjusted the conceptual framework of Thailand's Eighth National Economic and Development Plan (1997-2001), based on a people-centred development approach/philosophy. The four additional strategies then have been set out as:

- Economic recovery and maintenance of economic balance;
- Reduction of the impact of the economic crisis on people and society, in particular by helping the unemployed in rural and urban areas, development and provision of assistance for the disadvantaged who have less access to education and health services, prevention of social problems, and promotion of good values, etc.;
- Restructuring the economy, focusing on industrial and agricultural structures, promotion of service and tourism industry, etc.;
- 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**

57. The process of allocation of the national budget is as follows:

- Setting goals for national budget allocation, based on the Eighth National Economic and Social Development Plan (1997-2001);
- Comparison analysis of overall development plans, including the macro plans and programme structure;
- Prioritizing programmes/organizations/needs;
- Adjusting the proportion for budget allocation based on programme structure and economic circumstances.

58. Although Thailand had been hit by an economic crisis, the budget allocated for child development, focusing on education, health and social services, was the first priority annually during 1993-2000. It can be seen that the proportion of the budget for social development, 34.73 to 45.14 per cent, was much higher compared with the budget allocated for other areas of development. For example, 17.63 to 22.69 per cent has been allocated for economic development; 16 to 20.43 per cent allocated for national security and internal peace and order; 11.19 to 15.51 per cent allocated for overall administration; and 11.17 to 14.59 per cent allocated for debt payment.

59. The budget allocation for social development continuously increased during 1993-1997. However, due to the economic crisis, the budget decreased to 44.63 per cent in 1998 and 44.30 per cent in 1999. In 2000, the budget increased once again to 44.32 per cent (see table 1 below).

**Table 1**  
**Budget allocation for plan structure (fiscal years 1993-2000, in millions of baht)**

Plan structure	Budget							
	1993	1994	1995	1996	1997	1998	1999	2000
A. Economic development (in per cent)	124 216.4 (22.18)	130 536.8 (20.89)	153 068.6 (21.41)	191 391.4 (22.69)	212 921.0 (21.64)	219 476.7 (22.35)	150 759.3 (18.27)	151 610.6 (17.63)
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. Social development (in per cent)	194 478.7 (34.73)	240 334.0 (38.45)	274 670.7 (38.42)	354 557.5 (42.05)	444 205.7 (45.14)	438 264.8 (44.63)	365 481.8 (44.30)	381 154.7 (44.32)
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 services	48 201.6	71 394.3	84 801.1	117 705.1	152 001.8	135 305.8	93 008.7	92 994.6
C. National security and internal peace and order (in per cent)	114 400.4 (20.43)	125 355.0 (20.06)	131 757.4 (18.43)	148 565.2 (17.62)	164 269.3 (16.69)	166 728.8 (16.98)	131 976.7 (16.00)	138 696.8 (16.13)
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
D. General administration (in per cent)	64 354.7 (11.49)	69 915.5 (11.19)	110 921.0 (15.51)	100 482.8 (11.92)	114 984.3 (11.68)	112 435.3 (11.45)	100 413.8 (12.17)	109 531.3 (12.74)
E. Debt payment (in per cent)	62 549.8 (11.17)	58 858.7 (9.42)	44 582.3 (6.23)	48 203.1 (5.72)	47 619.5 (4.84)	45 094.4 (4.59)	76 368.5 (9.26)	79 006.30 (9.19)
Total (in per cent)	560 000 (100)	625 000 (100)	715 000 (100)	843 200 (100)	984 000 (100)	982 000 (100)	825 000 (100)	860 000 (100)

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

60. The National Child and Youth Development Plan, under the Eighth National Economic and Social Development Plan, stipulated its goal as being that “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:

- 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;
- 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 a network of agencies for child rights; a plan for development of personnel for child rights protection; a plan for dissemination of related laws to children and youth to enable them to be aware of their own rights; and a plan for conducting research on how to develop laws on child rights protection.

61. In response to the measures taken to ensure that children, particularly those who 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 groups were put under protection of the Government. This can be seen in the budgetary allocation for education by which the Thai Government allocated 1,666 million baht to special education and educational welfare for children in especially difficult circumstances. Another 11,688.5 million baht was allocated for special target groups, i.e. children and youth, hill-tribe people, the five southern provinces, and HIV/AIDS prevention and care.

### **International cooperation**

62. There has been an effort from several sectors to push for international cooperation in assisting children and women from being exploited. In the governmental sector, for example, the National Commission on Women’s 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 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 made in 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 with this, the authorities concerned in the countries of origin are invited to the

meeting to work out an effective and concrete coordination. However, each country still has its own problems, particularly as regards 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.

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

64. 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 support include Japan, Canada, the United States of America, Australia, New Zealand, the European Union and private organizations. In 1998, Thailand received funding totalling 4,402.2 million baht.

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

66. With regard to the measures taken to follow up on the achievements in the implementation of the Declaration and Programme of Action of the World Summit for Social Development, Thailand has integrated some parts of the Declaration into its Eighth 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, would coordinate and monitor the implementation of the Plan.

67. The National Committee on Social Welfare then appointed the Sub-Committee on Coordination and Follow-up to the Implementation of the World Summit for Social Development. 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 General Assembly's special session to follow up the implementation of the World Summit for Social Development. This working group is responsible for reporting the outline of the country report to be presented to the 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 Convention to the public**

68. Three thousand (3,000) copies and another 20,000 pocket copies of the Thai-language version of CRC have been made and published for distribution. CRC has also been translated into northern dialect, in the forms of books, videos and pictures, and into Malayu and Yawi, as well as into Braille for the blind.

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

70. Thailand has disseminated CRC to a wider extent and in various ways to raise awareness about child rights among the public, including among children. This includes seminars, training, public hearings at the regional level, dissemination through print material, television, radio, newsletters, CD-ROMs, etc.

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

### **Education on the Convention for professional groups**

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

- Training courses for junior officials working for youth and youth administrators by the National Youth Bureau;
- Two training courses for senior administrators by the Office of National Primary Education Commission, including a workshop on child rights protection network at the provincial level and a workshop on child rights protection;
- Training courses for judges and associate judges by the Ministry of Justice;
- Training courses for public prosecutors by the Office of the Attorney-General;
- Training courses (with CRC incorporated) for Sub-District Child Development Committees and the training courses for childcare officers by the Department of Community Development;
- Training courses for public welfare officials at all levels by the Department of Public Welfare.

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

73. Non-governmental organizations in Thailand have continuously and actively participated in conducting awareness and education campaigns. Training courses and awareness and education campaigns have been conducted for their personnel. For example, the Foundation for Child Rights Protection Centre and the Foundation for Child Protection, which 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 about outer stimulus and respond to it appropriately. The children are expected to ask assistance from adults they trust. Meanwhile, adults are educated to give appropriate assistance when asked.

74. Moreover, the Task Force for Children organized training on CRC for university students all over the country, including at the Police Cadet Schools. The training was coordinated with NGOs such as the Foundation for Women, Child Rights ASIANET, the National Council for Child and Youth Development (NCYD), the Holt Sahathai Foundation, the Young People's Development Center (YPDC), and the Foundation for the Better Life for Children. The Network for Street Children organized training on child rights protection for the public.

### **Children's participation**

75. Thai children were given an opportunity to take part in the implementation of CRC. Child representatives, as the members of the CRC Preparatory Committee, are involved in preparing Thailand's second periodic country report on CRC. Four regional meetings for children on CRC implementation were convened at four regions of Thailand, namely north, central, north-east and south. There were 398 children from 76 provinces who participated in the meetings. In addition, the national meeting was organized in Bangkok, 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.

76. 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 the public. There are about 300 children who attend the Forum every year.

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

### **Problems**

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

### **Solutions**

79. The dissemination of CRC should be extended more widely, along with information on the monitoring and evaluation process. Children should be provided with more opportunities to participate in various meetings.

## **Report preparation and dissemination of the Convention**

80. The process of the preparation of the second periodic report was as follows:
- Eight working groups responsible for gathering information and data relevant to the eight chapters of the report were appointed in response to the general guidelines made by the Committee on the Rights of the Child on the first periodic report;
  - Meetings for the Sub-Committee on Child Rights and all eight working groups were organized to consider the draft report and to give recommendations for further revision to the draft report;
  - Meetings between the Sub-Committee on Child Rights and representatives of related governmental and non-governmental organizations were organized; the media, the public and youth from across the country to give comments and recommendations to the revised report;
  - The final report to the National Youth Commission was proposed for approval;
  - The report was translated into English to be submitted to the Committee on the Rights of the Child.

81. With support from UNICEF and related agencies, school libraries and academic institutes nationwide were sent documents such as Thailand's initial report on CRC, both in complete and summary versions (in English and Thai); Thailand's replies to the list of issues sent by the Committee on the Rights of the Child on the first periodic report; and Thailand's answers to the questions asked during meeting with the Committee.

82. Thailand puts great importance on the dialogue with the 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 the implementing and national levels, so that the Government and policymakers can work out an appropriate plan of action regarding this matter. A press conference was also organized to inform the public about the outcome of the meeting between the Thai delegation and the Committee regarding Thailand's initial report. Publicity on this matter is regularly sent to the media.

## **Conclusion**

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

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

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

**Administration.** Child networking and models 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. Local people 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 and organization, and civil society at the provincial level are promoted. However, the greatest 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.

## II. DEFINITION OF THE CHILD

84. 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.

85. Thailand's initial country report under the Convention included 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 provided information regarding the minimum age for the following: legal and medical counselling, medical treatment or surgery, marriage, sexual consent, voluntary enlistment in the armed forces and conscription into the armed forces - these remain unchanged. The following information outlines matters whereby minimum age requirements have been changed or newly introduced.

### 1. Age of compulsory education

#### General situation

86. 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 7. His or her basic schooling lasts until the child reaches the age of 16, except where he or she has completed the ninth year of compulsory education."



87. The compulsory education period has been extended from six years of primary education to nine years, adding three years of compulsory lower secondary education and resulting in a minimum school-leaving age of 15 years old.

88. In 1990, Thailand endorsed 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 per cent of the population of age range 6-11 years fluctuated between 89.16 to 94.18 per cent. About 9-10 per cent, or 600,000 children still lacked access to basic education, the majority of those belonging to underprivileged groups. It was also found that early school-leavers numbered 31,294 and the children repeating a year of education were 2.73-3.73 per cent of the school population.

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

### **Problems**

90. In terms of quantity, the operation appears to be successful, but quality-wise, some problems have been defined:

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

### **Solutions**

91. 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.

92. 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.

93. 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**

94. The Labour Protection Act of 1998 was enacted to replace Revolutionary Announcement No. 103 of 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; previously, the minimum age was 13.

95. 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 seven days. Sections 47 and 48 state that the employer is prohibited from allowing child employees to work during the hours of 10 p.m. to 6 a.m., nor may they work overtime or during holidays. Sections 49 and 50 and the sixth 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 programmes and seminars, allowing opportunities for professional and personal development (see details in chapter VIII).

### **Problems**

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

### **Solutions**

97. 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 workforce. Financial support in terms of capital funding should be provided to assist them in developing their own businesses.

98. A network of local social mechanisms could be created to investigate illegal establishments: for instance, voluntary village labour investigators nationwide and a network of agencies and organizations could inform the public on issues of child labour.

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

99. There is no stipulation in law for 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**

100. Most of these matters were addressed in chapter II of Thailand's initial country report regarding the Convention. As for 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 (see details in chapters V and VI).

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

101. This issue was also addressed in 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 old.

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

##### **General situation**

102. 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**

103. Article 37 (a) of the Convention on the Rights of the Child forbids capital punishment or life imprisonment for 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**

104. A new criminal law act is being proposed in order that capital punishment and life imprisonment cannot be imposed on children aged below 18 years.

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

105. 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 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 VIII for further details).

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

106. 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.

107. 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**

108. In this respect, 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 act 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 VIII 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**

109. 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**

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

- 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 10 years has lapsed from the day the child knew the truth”;

- 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**

111. The Civil and Commercial Code, Book 5 on the family, stipulates the minimum age for adoption in its 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 15 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**

112. 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**

113. As described in answer No. 10 in 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.

114. 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 biodata pertaining to section 12 of the Civil Registration Act or a legal guardian (if the owner of the biodata is still a young child) may submit a request to the registrar. Then the latter may copy and certify the copy of the biodata 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.

115. In addition, regulations established by the Service Unit, Local Administration Department, requires that a person wishing to check his biodata 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**

116. 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**

117. 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 and to conduct property transactions**

118. The Constitution and the Civil and Commercial Code state 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 20 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 20 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**

119. Definitions under this area have been outlined in Thailand's initial report and Thailand's replies to the list of issues (1998: 20). The Eighth 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 (see chapter IV).

120. 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 schoolteaching**

121. Thailand does not impose minimum age specifications for 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**

122. In article 20 of the 294th 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.

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

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

##### **General situation**

124. 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.

125. 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 per cent of the total number of boxers are under 18, with 51 per cent under 15 years. These children enter boxing between the ages of 8 and 12 years; some child boxers enter the ring at the age of 12. Although their general standard of living and health are 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.

126. 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 old 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**

127. Boxing is an activity that 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**

128. 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. While the changes to the Act are pending, special protective measures in welfare and safety should be provided to young boxers aged 15-18.

129. 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 when young boxers are selected to become trainees in the boxing training camps.

## **III. GENERAL PRINCIPLES**

### **A. Non-discrimination**

#### **General situation**

130. 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.

131. 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**

132. The Thai Government has established many provisions to ensure that 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 who have not been registered in a household 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 Programme” for supporting students in schools throughout the country.

133. 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 marginalized, such as hill-tribe children, orphans and children on parole (see chapters VII and VIII for further detail).

## **2. Health**

134. 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**

135. 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 of 1998 and in chapter V).

136. In addition, in order to systematize and upgrade the efficiency of care and protection for children in difficult circumstances, a new Act on 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 V.

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

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

- Elimination of discrimination against girl children in all forms and issuance and enforcement of appropriate legislation ensuring equality of children inheritance status, regardless of gender;
- Elimination of discrimination against girl children in education, development of skills and training;
- Elimination of discrimination against girl children in health and nutrition;
- Elimination of exploitative child labour and protection of young women needing employment;
- Strengthening the family role in upgrading the status of the girl child.

138. 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, at its meeting on 26 November 1996, the Cabinet 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 should be abolished.

139. 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 places for female 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 its classes, and two branches admitted only female students, stating that this was necessary due to the nature of the profession or the requirements of the labour market.

#### **5. Prevention and elimination of attitudes and prejudices due to society, race or ethnicity**

140. Thailand does not have 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 the basic rights accorded by law and will be granted 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.

141. 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 programme and timetable to suit the situation and conditions of each locality, allowing for the participation of community members in the development of appropriate curricula and educational materials. Students have the opportunity to use local dialects and maintain traditional practices in preservation of their cultural identity, such as wearing local costumes indicating their religion or tribe, to school.

## **Problems**

142. 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 those provisions efficiently due to the country's economic downturn.

143. 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 the inadequacy and inflexibility of the services with respect to some groups of children.

144. Some of the provisions in Thai legislation need to be amended because they are incongruent with the Constitution - for example, the law pertaining to granting nationality to children of aliens, refugees and displaced persons. Such a law infringes the rights of alien and Thai children.

145. 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 leads to under-use of the collected data.

## **Solutions**

146. If the budget is not adequate, priorities should be set according to the importance of each project (programme), in order to provide guidelines for future budget allocation:

- 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;
- Strengthening the dissemination of knowledge and awareness-raising mechanisms regarding the significance of law enforcement to government officials;
- Conduct a close follow-up of the enforcement of the relevant law.

## **B. Best interests of the child**

### **General situation**

147. 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.

148. 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 fourteenth amendment to the Penal Code of 1997 concerning indecent acts committed on both girls and boys; the Labour Protection Act of 1998 which increased the minimum age for employment from 13 to 15 years; and the twentieth amendment to 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.

149. 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 pursues the best interests of children in Thailand, without discrimination.

150. Besides the above legislation, other activities undertaken in the best interests of the child are described below.

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

### **(a) The policy and plans on development**

151. 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 into 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, profiting from brainstorming among scholars, academics, people working in child development work, and children and youth themselves. A new national policy on youth was implemented in 2002.

152. The National Plan on Children and Youth Development during the Eighth National Economic and Social Development Plan 1997-2001 has established the major goal that all parties in society should participate in child development based on the Convention, and that every group of children should benefit equally.

153. The Eighth National Plan emphasizes human development, with children and youth being placed at the centre of development. More services have been extended to cover the underprivileged groups in society. Participation by children and youth 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 in terms of services from the State; budget allocations have been delayed and plans adjusted.

154. In the policy and plans for developing the institution of the family, problems with child-rearing are cited and policies aimed at benefiting the child have been enacted. Emphasis is now placed on the development of the family's, the community's and society's capacity to maximize the development potential of children and youth. Details can be found in chapter V.

**(b) National housing policy**

155. The National Housing Authority does not have a direct policy on the promotion or development of the child. However, preschool centres have been set up to provide day care to children whose parents have to be away at work. Various types of activities 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 multipurpose areas must be provided in housing estates or commercial complexes. Such spaces can be transformed into public parks, recreation areas, sports grounds, etc. so 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**

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

- The Automobile Act of 1979: provisions are made in section 46 (1) that in order to obtain a driving licence, a person must be over 18 years of age and to obtain a licence to drive a 30 cc motorcycle, the minimum age is 15 years;
- The Land Transport Act of 1979: the Central Committee for the Control of Land Transport Fares has set up a fare reduction scheme for students in grade 9 and below travelling in school uniforms.

**(d) Policy on environment**

157. 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 for 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 programmes initiated are, for instance, the Children Love the 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 allocations**

158. In 1998, the year of the economic crisis, children and youth were affected by delays in allocations from the budget, and by the fact that many families were affected by job losses. The plan of operation for 1998, in accordance with the Eighth National Child and Youth Development Plan, whereby child-centred development is the focus, is divided into two parts:

(a) The Child and Youth Development Plan was developed in response to the economic crisis; a plan set up to meet the exigencies of the situation. In this plan, a total of 246,487.9 million baht was made available for the following:

- (i) Opportunities for procurement of work for young people;
- (ii) Financial support for education;
- (iii) Development and assistance to underprivileged children;
- (iv) Child rights protection;

(b) 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 two parts:

- (i) 157,464 million baht (19.09 per cent of the national budget), was earmarked for education and social services;
- (ii) 31,539 million baht (3.82 per cent of the national budget), allocated not with any specific purpose but with children and youth as specific beneficiaries. The budget was intended to cover six areas: agriculture; trade and tourism; science, technology and energy; health; internal security; and the Government's general administration.

159. From the above, it can be seen that the Thai Government deems it important that the development of children and youth bear in mind the principle of "the best interests of the child". The Government has allocated 19.09 per cent 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**

160. Several governmental and non-governmental organizations 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, as described below.

#### **(a) Children in care**

161. 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.

162. Services provided include the basic 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**

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

164. In 1990, the Department of Public Welfare set up a pilot programme to help foster families in land settlement areas under the Department's jurisdiction. Coordination, training, seminars and field trips stressing the theoretical and practical aspects of being a foster parent were conducted. This helped to prepare all parties, and included a process of familiarization for foster families and children prior to placement.

165. 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**

166. 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 for 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 penalty or punishment, as is the case with adults (details are in chapter VIII).

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

167. There are a large number of displaced persons from neighbouring countries living in Thailand. They can be divided into two 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 for their property and personal safety. Once the situation has stabilized enough to allow for a safe passage home, these people are repatriated to their own country under the supervision of the Office of the United Nations High Commissioner for Refugees and NGOs under a joint agreement.

168. 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 NGOs under the close supervision of the Government (see chapter VIII for further details).

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

169. 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 a concrete way yet.

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

170. Governmental and non-governmental agencies have utilized 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**

171. 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 constraints on the enforcement of those laws and regulations, meaning that some groups of children are not treated appropriately.

172. 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.

173. 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.

174. Many activities are not organized specifically to meet the needs of children.

### **Solutions**

175. Law enforcement should be encouraged to treat children from all groups equally, bearing in mind the principle of “the best interests of the child”.



176. Knowledge of child rights should be widely disseminated among agencies and organizations working in child-related fields.

177. Cooperation among governmental and non-governmental agencies and communities in conducting joint operations that result in the greatest benefits for children should be strengthened, and child participation in the organization of activities should be encouraged.

### **C. Rights to life, survival and development**

#### **General situation**

178. The Constitution of Thailand of 1997 guaranteed the provision and promotion of standard and effective health services for all. The health services operation as provided under the Eighth 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.

179. The School Lunch Fund Act of 1992 operating in primary schools will continue, allowing children to receive adequate food and reducing 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 VII for further details).

180. 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 the Interior, is responsible for the issuance of death certificates when such deaths are reported. The certificates will state the cause of death; however, in some cases, the death of a newborn infant is not always reported to officials. In case of death from 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**

181. 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, from January to 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 per cent and 43.04 per cent respectively of the total number (1,380) of suicides that year. The number of young women attempting suicide is much higher than that of males (further details can be found in Thailand's replies to the list of issues of 1998).

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

- Provision of health, psychiatric and other related services by hospitals under the Ministries of Public Health, Defence and University Affairs and the Bangkok Metropolitan Administration;
- Provision of training, guidance and assistance in crisis intervention by the Department of Mental Health, the Ministry of Public Health, the Ministry of University Affairs and the Hot Line Foundation;
- Provision of counselling, assistance and welfare by the Department of Public Welfare, the Department of General Education and the Social Welfare Council of Thailand;
- 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 a Better Life for Children;
- Reports on coordination and assistance can be made 24 hours a day to the Mental Health Department, the Office of the National Police, So Wo Pho 91 Radio Station, Television Channel 9, Ruam Duay Chauy Kan Radio programme and the Hot Line Foundation.

183. A plan for family guidance and counselling 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**

184. 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.

185. 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 modernizing Thailand.

### **Solutions**

186. These include plans to:

- 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;

- 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**

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

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

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

- **Judicial procedures regarding children.** The Civil and Commercial Code governing the 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; in revoking the status of guardianship; and in the registration and cancellation of adoption. A child can attend court, unless a case is deemed to be detrimental to him or her;
- **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;
- **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 teachers, police, immigration officers, judges, prosecutors, military personnel, physicians, health workers and social workers;
- **Listening to children's views.** Governmental and non-governmental organizations 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.

190. The “Child Participation on CRC” programme, supported by UNICEF, was launched at the local and national levels, 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 children’s continued interest in participating in activities on child rights can be summarized as follows:

- Children expressed interest in participating in the reports on the implementation of the Convention, and indicated that they would like to make a children’s report. Subject-matter proposed by them included problems and recommendations on child rights;
- Children proposed activities in connection with the Convention, such as campaigns and dissemination of knowledge in schools, communities and local areas;
- Children suggested that they should be networking together in order to inform, provide counselling and assistance and problem-solve regarding the violation of child rights.

191. On the tenth anniversary of the Convention, 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, “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**

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

### **Solutions**

193. Widespread campaigns could be organized to increase the acceptance of children’s opinions by the public. These could cooperate with agencies in the organization of forums for the child to express his or her opinions on a wide scale, at the local, national and international levels.

## **IV. CIVIL RIGHTS AND FREEDOMS**

194. 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, and are largely consistent with international principles on human rights and the Convention on the Rights of the Child. These rights are concerned with the protection of privacy, religious freedom, the expression of opinions, the rights 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.

195. 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 those operations that contribute to human rights violations, in particular, operations relating to policy proposals, dissemination of information on human rights, and promotion and coordination of civil rights among governmental and non-governmental organizations and other organizations working in human rights. As the broader issue of human rights measures encompasses the issue of child rights, legislation enacted pertaining to this matter also leads to progress in the protection of child rights.

196. In practice, provisions stipulated in the Convention are included in the Eighth National Plan on Children and Youth Development (1997-2001), which has led to the adoption of guidelines for implementation in judicial matters among 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. The details are described below:

#### **A. Name and nationality**

##### **General situation**

197. At present, Thailand has a broad national system in place covering child registration. In principle, each child is registered at birth with a 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 of or the benefits attached to birth registration; and problems arising from corruption among some officials. The Department of Local Administration, the Ministry of the Interior - the office responsible for central registration - is attempting to solve those problems through the mass media. Utilizing 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 the procedures and regulations are followed.

##### **1. Registration of birth**

198. The Civil Registration Act of 1991 and the regulations of the Central Registration Office on Civil Registration, 1992 stipulate the time frame 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 is issued to a child with Thai nationality and whose birth was reported outside of the time frame; and (3) a birth certificate called Tor. Ro. 3 is issued to a child without Thai nationality.

199. All three categories of birth certificate 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).

200. 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 - governmental and non-governmental - have taken measures to inform the public of their rights and responsibilities in connection with birth registration.

201. 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 are computerized, 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.

202. For displaced children fleeing armed conflicts and other displaced children, the Ministry of the Interior has set up a registration service for displaced persons residing in temporary 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**

203. Details relating to this matter were provided in Thailand's initial report and Thailand's replies to the list of issues of 1998, which addressed aspects related to the Nationality Act of 1992. This states that offspring of at least one parent holding Thai nationality acquire Thai nationality automatically. For those born in Thailand but without that 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 them 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.

204. Birth documents will be issued for children born to illegal immigrants in Thailand, and hence the child will not be deprived of 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**

205. There are two pieces of legislation supporting the child's right to 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 a child, may request the registrar to copy and certify his or her registration records.

206. 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, the SOS Foundation, the Centre for the Protection of Children's Rights Foundation and the Slum Infants Foundation (see chapter V for further details).

#### **Problems**

207. Some people, Thai and non-Thai, especially hill-tribe people, are not familiar with the law and the procedures involved in registering a birth. Some people are unaware of the importance and benefits of reporting a birth in terms of access to health care and education. Some people, due to poverty or a nomadic lifestyle, relocate to other towns or regions to find work, and may not have time to complete the registration process.

208. Lack of professional service, corruption and discriminatory treatment from officials may cause difficulties for some people wishing to register a birth. For example some officials may require an unofficial “fee” or request more papers than are actually necessary in order to register a birth.

### **Solutions**

209. The public must be informed 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. Information regarding the procedures must be disseminated for registering a birth. Consciousness-raising training of officials must be organized so that they can comply with the Ministry’s directives and regulations, and offer a better service to the public. And evaluations must be conducted, with a view to the continuous improvement of the accessibility of the nationwide population registration system, especially with regard to the registration of the highland people living in 20 provinces.

## **B. Preservation of identity**

### **General situation**

210. 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 Thailand’s replies to the list of issues of 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.

211. The Government has implemented a new policy (1999-2003) with a special focus on the five 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.

212. 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 VIII of Thailand’s initial report and this report).



### **C. Freedom of expression**

#### **General situation**

213. 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 III).

214. 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 thereby be able to express a fully informed opinion on government matters; this is a significant step 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**

215. Despite changes in the methods and ideas by which a child is raised in Thailand, Thai families retain some core traditional values, such as 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**

216. 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, should be conducted.

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

217. This issue was addressed previously in Thailand’s initial report, chapter VIII, and Thailand’s replies to the list of issues of 1998. Section 38 of the 1997 Constitution 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.

218. 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 recognized 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**

219. This was reported in chapter III of Thailand's initial report. Section 44 of the 1997 Constitution 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.

220. The National Plan for Children and Youth Development of the Eighth 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:

- 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;
- 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;
- 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;
- 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.

221. Besides the promotion of activities among children and youth at community and local levels, governmental and non-governmental organizations 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 suggestions regarding policy to be conveyed to the Government and concerned agencies.

### **Problems**

222. National forums for children and youth provide the opportunity for children to present their own problems and 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**

223. Governmental and non-governmental organizations 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**

224. 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 as a violation of the right to privacy. A person is protected against prying, snooping, spying and any other annoyance, providing, however, that such protection does not amount to infringement on other people's rights or violates law and order and the proper conduct of the people.

225. The Official Information Act of 1997 contains a provision giving protection to personal rights; personal information cannot be used by the State without the consent of the person concerned. Exceptions are made for gathering routine population data, statistics or household registration information, or in connection with legal cases and court matters. The twentieth 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 video 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.

226. 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**

227. 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 children's privacy.

### **Solutions**

228. 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**

229. The Ministry of Education is the major government agency responsible for the publication and distribution of children's books in the promotion of peace and happiness in society and the physical and mental health of the child. Activities include 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 thirty-eighth year of the book fair, 338 titles 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 printed between 1996 and 1999. The source languages of the books included English, French, German, Chinese and Japanese and the target language was Thai. 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- to 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 centre. The Non-Formal Education Department has set up 8,601 community learning centres all over the country to assist people in the community to take advantage of 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 lifelong learning. The centres are staffed with qualified teachers who provide a diversity of learning materials and mediums such as documents, books, textbooks, newspapers, periodicals and electronic media such as radio, television and equipment for receiving satellite programmes.

230. 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. This has given rise to an influx of Japanese cartoons, some of which 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**

231. There has been some cooperation among Asian-Pacific countries in this respect in several programmes 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 cultural 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 in their own language.

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

232. The legislation currently applied, such as the Printing Act of 1941, the Penal Code, section 287, and 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 of justice unable to catch up with them.

233. 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 programmes by children and for children, and public awareness campaigns regarding the importance of the issue and impact of media on children.

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

### **Problems**

235. 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. 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.

236. Legislation and regulations governing the media are somewhat obsolete and do not cover modern communication technologies. Children lack judgement in selecting appropriate and useful information.

## **Solutions**

237. Various categories of writers, particularly writers of children's books, are very much in demand. Sources of funding to support the sale and production of children's books need to be found. The relevant legislation needs updating, particularly in terms of penalties and the components of criminal liability. A campaign should be undertaken to provide knowledge to parents regarding the supervision of children in accessing age-appropriate materials, in particular mechanisms - such as computer programmes - 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**

238. 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 of children are forbidden, and such treatment is not a procedure in the Thai judicial system.

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

239. In Thailand, awareness campaigns to prevent torture or other inhuman punishment of 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 their physical and mental well-being. In 2000, the Ministry of Education issued regulations on the promotion and protection of child rights in schools. 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**

240. 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-governmental 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 its staff and the general public. The Child Rights Protection Network was established, with collaboration from governmental and non-governmental organizations, to provide protection to children. There are child rights

protection centres staffed by multidisciplinary 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**

241. 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 impunity for perpetrators**

242. 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**

243. Many governmental and non-governmental organizations 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 multidisciplinary 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 programme is eventual reintegration of children with their own families - where appropriate - when they are physically and psychologically ready.

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

244. The Constitution of Thailand of 1997 states that an independent body called the Ombudsmen is responsible for the receipt and investigation of complaints regarding impunity for perpetrators who are government officials. An Ombudsmen Act accompanying the Constitution was enacted with effect from 15 September 1999. The committee selecting the Ombudsmen has searched through governmental and non-governmental organizations for highly qualified appointees. Two 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.

245. The Constitution, however, does not specify that one of the three Ombudsmen should bear particular responsibility for 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.

246. 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, the Cabinet and the public regarding amendments for the improvement of laws, rules and regulations in the promotion and protection of human rights.

247. The Human Rights Commission Act was promulgated and came into effect on 26 November 1999. The commission comprises 11 members including the chairperson; selection from the 22 nominees shortlisted from the initial list of 200 eligible and suitable persons is under way. 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**

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

### **Solutions**

249. Awareness-raising campaigns regarding the prevention of torture and violence to children, especially in the family and community, should be strengthened. Periodic and continuous training should be organized for people in child-related work to ensure awareness of their role in the development and care of children, particularly in terms of applying non-violent methods of punishment. The law should be strengthened to make it more effective in practice, and independent assistance mechanisms for children should also be strengthened. Child assistance networks in communities should be expanded to provide more systematic assistance to children subject to abuse, torture and violence.

## **V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

### **A. Parental guidance**

#### **General situation**

250. The majority of Thai families have three to five family members, most of whom 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.

251. The family survey conducted by the Department of Public Welfare in 1999 targeting 69,463 communities showed that 9.11 per cent of families were composed of father, mother and children. Results showed, inter alia, that 23.51 per cent of children under 10 years lived with their parents; 55.62 per cent of the families had no child with a disability; 95.64 per cent of children never sought to escape from home; 73.61 per cent of family members were aware of their fundamental rights and responsibilities; and 87.02 per cent had knowledge about social service providers.

252. Consistently, surveys on the health condition of Thais (1996-1997) showed with respect to domestic violence that 10.5 per cent of 6- to 12-year-old children had experienced the problem; 6.6 per cent were violently abused; 0.2 per cent experienced sexual abuse. The statistics revealed a trend in the family problems of Thais.

253. Consequently, Thailand has adopted measures to guide family responsibilities in the regard:

- The Constitution of Thailand of 1997 stipulates that children and young people are entitled to protection of their fundamental rights and liberties. These include basic services from the State such as education, health care, etc.;
- Section 1564 of the Civil and Commercial Code states that “parents are bound to maintain their children and to provide proper education for them during their minority”;
- The National Plan for Children and Youth Development under the Eighth National Plan (1997-2001) was the framework for the strategy on facilitating an environment for the proper development of children, embracing the family and community approach.

254. Furthermore, counselling services are provided by governmental and non-governmental organizations regarding parenting and family problems, as well as education programmes for parents and children to raise awareness of child rights.

255. 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 governmental and non-governmental organizations 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 governmental and non-governmental organizations, civil organizations and the media.

## **Problems**

256. 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. The solidarity of the community has decreased, which adversely affects the way community members care for one another.

257. There is an inadequate/disproportionate number of skilled personnel in both governmental organizations and NGOs to address the increasing severity of the problems: due to the economic crisis, funding from both governmental organizations and NGOs has decreased, meaning that many development programmes and projects have been discontinued. Furthermore, budgetary allocations have not always been distributed in terms of need, and therefore have not always reached the most vulnerable groups.

258. Guidance and counselling services for families lack direction, are unsystematic and inadequate, as well as understaffed. The local administrative councils have so far not received support for their work to develop programmes for children and families.

259. The Eighth National Economic and Social Development Plan is facing a budgetary crisis, and therefore not all projects can be implemented. Evaluation focuses on the work undertaken instead of the impact on the children, and the approach is not holistic.

## **Solutions**

260. Governmental organizations and NGOs should aim to concretely, continuously and effectively implement policies and plans for child and family development programmes without reducing the budget.

261. The competent institutions and agencies should provide education that improves workers' skills in child and family counselling and community development in order to produce enough skilled personnel.

262. Government programmes should aim to provide knowledge, create understanding and offer appropriate guidance on parenting skills to parents, people involved in children's upbringing, and local administrative organizations.

263. Family activities focusing on child development should be organized and promoted by local government administrations and community organizations. Community-initiated projects should be implemented, with local management that is integrated and cooperative representing governmental organizations and NGOs, with a budget that is coherent and transparent. Plans should be based on increasing self-reliance within the family and the community. There should be specified indicators to gauge the success of a project by measuring the outcomes and the benefits to the target group.

264. 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**

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

- The Civil and Commercial Code, Book 5 regarding the family, stipulates that parents should look after and provide adequate education for their children;
- 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;
- 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 prostitution.

266. 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: childcare services, assistance and development for children and academic institutions.

### **1. Childcare services**

267. Childcare 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**

268. Various programmes are targeted towards assistance and development for children from impoverished families, including those by Government at national, regional and local levels.

269. Various programmes are targeted towards assistance and development for children in welfare centres, including those by Government at national, regional and local levels.

### **3. Academic institutions**

270. The National Institute for Child and Family Development has been established within the structure of Mahidol University as a centre of expertise for the issue. Its mission and responsibilities are to develop a body of new knowledge, personnel training, networking, information and knowledge dissemination, to be a supportive body for children and family development, capacity-building for children and youth, as well as coordinate with organizations working in the field at community, provincial and national levels.

271. Awareness-raising of basic principles of the Convention on the Rights of the Child, e.g. non-discrimination, best interests of the child, respect for the opinions of the child, the right to survival, life and development and so on. Activities under this category included training of personnel in the agencies working for children and youth and projects on family development.

272. Family counselling services are available at both private and public institutions, e.g. hospitals, medical schools in the provinces, provincial offices, mental health centres, public welfare centres. There are also some philanthropic entities making the service available for underprivileged children such as children with disabilities, drug addicts, HIV/AIDS-infected children, etc.

### **Problems**

273. There are no universal standards for data collection agencies working with children. The private sector minimally cooperates in providing assistance, especially to working parents employed in the private sector.

274. Due to the economic crisis, NGOs have not received subsidies and the number of children and families who are suffering financially has increased, meaning that welfare services have been inadequate. State measures and mechanisms that require high numbers of skilled staff and are time-consuming, such as family guidance and counselling services, cannot be effectively realized because of lack of skilled personnel.

275. Sexual inequality and double standards lead to problems such as the sexual exploitation of women, the stigmatization of women becoming pregnant outside marriage, and child abandonment.

276. Enforcement of laws against alcohol consumption, tobacco smoking and pornography is not yet effective. There is no integrated approach among agencies and some problems with the decentralization of power to the community level.

### **Solutions**

277. The State should encourage the private sector to participate in assisting their employees with the provision of subsidized childcare. The State should expedite the strict enforcement of laws on alimony and child support for the single parent.

278. The State should support the establishment of adequate family counselling services, with emphasis placed on quality and ease of access to the services. The State should encourage kinship networks in order to address the problem of child abandonment by providing financial and other necessary assistance.

279. The State should create a social security net for children and young people. The State should effectively enforce laws related to children. 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**

280. Legal measures and the law stipulate that the child has to stay with his/her parents. If the child is to be separated from them, it must be done within legal procedures and by order of the courts.

281. 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.
282. In cases of child rights abuse, 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.
283. Concerning divorce, the law stipulates in section 1502 that a divorcing couple between themselves state in writing who will be the custodial parent. If agreement cannot be reached, the courts decide based on who is deemed to be the most suitable guardian, and the best interests of the child.
284. 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 reissue a custody order taking into account the best interests and happiness of the child.
285. 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.
286. There have been amendments to and the introduction of new laws and regulations that benefit the child (see Introduction). 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**

287. 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.

288. The rehabilitation system is inefficient and ineffective due to many problems. For example, there are no means by which to help families rehabilitate 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**

289. A fund for the temporary release of young offenders has been established so that they can take part in appropriate community activities. 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.

290. Alternative options should be considered in some cases, such as transferring young offenders from correctional facilities to observation and protection centres so that the child can engage in community service. Training regarding the spirit of the law under the temporary release scheme should be provided to administrative personnel of the observation and protection centres.

## **D. Illicit transfer and non-return**

### **General situation**

291. 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.

292. Legal measures that Thailand presently employs to protect and address these 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.

293. In terms of administrative measures, a subcommittee 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 utilized by both governmental and non-governmental organizations, to expand assistance for women and children of both Thai nationality and other nationalities alike.

## **Problems**

294. 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. Kidnapping children for the purpose of exploitation involves complex methods and procedures; this makes the crime difficult to combat.

## **Solutions**

295. 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 that the laws are strictly enforced by police. The Government should create local community networks to monitor this problem.

### **E. Recovery of maintenance for the child**

296. 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.

297. The following progress has been made:

- 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;
- 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;
- A study is presently under way in order to help parents and children with problems arising from single parenting.

### **F. Children deprived of their family environment**

#### **General situation**

298. The State currently runs programmes and initiatives covering the following areas:

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

299. The following progress has been achieved in welfare homes:
- The quality of life for children in welfare homes has improved through various projects such as promoting educational opportunities through the Thai Com Satellite;
  - 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**

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

### **Solutions**

301. Kinship networks should be developed to prevent child abandonment. The law should make it mandatory to report any violation of child rights to the proper agencies. 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. Employers should consider the quality of life of their employees and their families in terms of scheduling and adequate leave.

## **G. Adoption**

302. At present, Thailand has no bilateral or multilateral agreements in accordance with article 21 of the Convention. However, consideration is currently being given to the ratification of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption and a working committee has been appointed to study the advantages and disadvantages of this convention.

303. The follow-up of intercountry adoption is based on the principle of the Convention on the Rights of the Child that entitles children to receive information about their original families so that they may establish ties with them. Furthermore, a Native Land Visit Programme 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.

304. 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:

- Direct paternal or maternal blood relatives and the person the child was left with are exempt from a trial period;



- The law is being amended to allow a foreigner who is single to be able to adopt children so those children with special needs may have improved opportunities to be adopted;
- 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**

#### **1. Welfare homes**

305. Welfare homes are designed:

- To provide and promote education, both formal and vocational, 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;
- To provide specialist staff to help children with learning problems and to develop quality educational programmes;
- To find temporary and permanent replacement families (foster and adoptive families);
- To provide care for children similar to that of a family.

#### **2. Children and youth observation and protection centres**

306. 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.

307. Governmental and non-governmental organizations responsible for finding a place to look after the children include:

- Governmental organizations 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;
- Non-governmental organizations 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.

308. 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.

### **Statistical data**

309. The number of children under the care of the 21 government welfare homes is increasing every year, i.e. 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, i.e. from 20,419 in 1997 to 41,704 in 1999.

### **Problems**

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

### **Solutions**

311. The Government should increase the funding allocated to Observation and Protection Centres, as well as seek donations domestically and overseas. Vocational training projects for children and youth should be promoted. The local community and NGOs should take part in looking after the children to prevent repeated offences.

#### **I. Abuse and neglect, including physical and psychological recovery and social reintegration**

312. Legislative and other measures relating to article 19 of the Convention are:

- Thai criminal and family laws;
- Other laws related to child protection under this article, 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;
- Regulations for filing complaints by children themselves;
- Intervention by authorities in the case of child abuse, neglect and abandonment;
- Parenting programmes and other measures that promote non-violence in the discipline and rearing of children;
- A public campaign to prevent violence, abuse and abandonment;

- 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 measures to improve their quality;
- There is no holistic approach to the collection of data due to the sensitive nature of the information.

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

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

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

- 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;
- 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**

315. Thailand has issued a Plan of Action for the Prevention and Eradication of Commercial Sexual Exploitation, 1996, as well as issuing two pieces of legislation 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 subcommittee was appointed in February 1998 to address the issues surrounding the international trafficking of women and children.

316. National and regional conferences were organized 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.

## **VI. BASIC HEALTH AND WELFARE**

### **A. Children with disabilities**

#### **General situation**

317. At present, data on children with disabilities are 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.

#### **Laws, policies and regulations**

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

318. 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, says 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**

319. 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**

320. 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**

321. Section 10 states 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 the Council of Ministers**

322. The Cabinet has resolved that people with disabilities should be given the opportunity to receive vocational training at any training centre 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**

323. It is government policy to take care, rehabilitate and 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**

324. 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**

325. 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**

326. 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 (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**

327. 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.

328. 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.

329. Curricula have been developed to address the learning needs of the disabled. An example of this is the curriculum developed for autistic students with the cooperation of parents and educational agencies. It was also introduced into informal education in 1999.

330. 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.

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

## **3. Occupation**

332. The disabled may enrol in special vocational training centres and other training centres. Efforts have been made to promote employment in independent enterprises, government agencies and State enterprises, as well as the liberal professions.

## **4. Social aspects**

333. The public is educated about the abilities of the disabled through the media. Regarding participation of the disabled, according to the Rehabilitation of the Disabled Act of 1991, a disabled person must be included in committees or subcommittees 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. 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**

334. 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**

335. 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**

336. Data on the disabled differ and lack coherence because they are collected from various agencies and are not standardized. There is no central agency to liaise between the public and the private sectors to meet the objectives in serving the needs of the disabled.

337. 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. Medical rehabilitation services are not always integrated and comprehensive. 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**

338. Agencies responsible for academic cooperation need to develop a system for information collection about the disabled so that centralized data systems are coherent, and in accordance with the Rehabilitation of the Disabled Act of 1991. Further research about the disabled should be supported. 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.

339. 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. Focus should be placed on the development of the potential of the family of a disabled person, so that family members can become aware of their potential and ability, and that the disabled can feel confident that they will have equal access to the services provided by the State.

## **B. Health and welfare services**

### **General situation**

340. 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.

341. 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.

342. 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 21:1,000 by 2001 in accordance with the Eighth National Economic and Social Development Plan.

343. 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 haemorrhaging. In 1998, about 88 per cent of pregnant women nationwide received prenatal check-ups four times during their pregnancy as standard.

344. Thailand has always been concerned about malnutrition among children and has taken steps to prevent this by follow-up height and weight checks every three months until the age of 5. 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:

- Protein Energy Malnutrition;
- Iron deficiency anaemia (mostly found in children and pregnant women from the south and north-east);
- Iodine deficiency disorder (IDD): it is expected that the IDD problem will be eliminated due to a campaign to iodize salt.

345. Since 1979, the Department of Health has promoted breastfeeding 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.

346. Diseases that pose major problems for children are the genetic condition thalassaemia and HIV, contracted by mother-to-child transmission. A 1996 report revealed that 1 per cent of the total population suffers from thalassaemia, and about 50,000 married couples are at risk of giving birth to a child with severe thalassaemia. Each year about 12,125 newborn babies are at risk of contracting this disease. At present, medical tests are provided to detect patients with thalassaemia and pregnant women who may be carriers of thalassaemia in order to offer consultation.

347. The number of children born with HIV who have been infected through their mothers is about 3,000 per year. The prevention programme for this disease comprises the administration of zidovudine (AZT) medication and the abstention from breastfeeding. These measures have helped to decrease the percentage of infected children born of infected mothers from 25 to 7.5 per cent.

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



349. 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 among the population and have included 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**

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

### **Solutions**

351. There should be a campaign to raise awareness among the population about the health problems caused by not following some simple changes in behaviour. Suitable infrastructure should be developed to ensure as much as possible that those with less opportunity have access to vaccination programmes provided by the State. 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, childcare services, and facilitation**

352. 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.

### **1. Laws and regulations**

353. 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 laws and regulations are as follows:

- 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**

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

- Illness;
- Childbearing;
- Invalidity;
- Death;
- Child support;
- Old age.

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

## **3. Childcare services for working parents**

355. The State has supported the establishment of preschool 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 neighbourhood of a school whom the school has to admit;

(b) Encouraged schools to provide insurance against accidents to all students, the parents contributing to the insurance;

(c) An entitlement of 150 baht per month will be paid for two children under 6 whose parents' workplace has more than 10 employees and whose father or mother has contributed to the social insurance fund for 12 months.

356. 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, an invalid, disabled, old or pregnant.

## **Problems**

357. Social security does not cover small workplaces that have less than 10 employees. 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. 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.

358. 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. Children in single-parent families are still neglected by the State. There is no follow-up, evaluation and reporting system in order to assist parents with childcare.

## **Solutions**

359. Social security should also cover workplaces that have fewer than 10 employees, including irregular work and the agricultural sector. 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. There should be follow-up and evaluation of social security projects to make them more efficient and comprehensive.

## **D. Living standards**

### **General situation**

360. 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.

361. 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.

362. The fact that Thailand has ratified international agreements such as the Convention on the Rights of the Child and ILO Convention No. 182 has led to improvements and the implementation of laws and regulations meeting international standards in accordance with those agreements.

### **1. Indicators for living standards**

363. Living standard 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 parents or guardians**

364. 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 parents or guardians.

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

365. The Department of Public Welfare has set up branches in the provinces, village assistance centres and mobile units to offer emergency assistance in cases such as fire, flooding and the threat of war.

366. 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**

367. Concerned governmental organizations and non-governmental organizations have put in place the following measures:

- Volunteer teachers for homeless children projects;
- Emergency shelters;
- Assistance and rehabilitation for victims of natural 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;
- Development projects for hill-tribe people.

## **5. Projected success in living standards progress**

368. At present Thai people have more security in life. Every child is entitled to 9 years of free compulsory education and 12 years of basic education. Thailand has become more experienced in creating instruments to measure and improve living standards.

## **Problems**

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

## **Solutions**

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

## **VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

### **A. Education, vocational training and guidance**

#### **General situation**

371. 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 12 years of education provided free of charge by the Government. The implementation is scheduled for completion within five 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.

372. In 1999, the Ministry of Education was able to provide education to at least 80 per cent (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 per cent) of the 3,192,000 preschool children aged 3-5 years were enrolled in school; about 6,100,000 (94 per cent) primary schoolchildren, aged 6-11 years, receive some education out of a total numbering 6,497,000; of the 3,364,000 lower secondary schoolchildren in the age range of 12-14 years, some 2,685,000 (80 per cent) receive education and of the 3,440,000 upper secondary school (in general and vocational streams of education) aged 15-17 years, a total of 1,990,000 or 58 per cent receive some education.

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

374. 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.

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

### **1. Legislative measures**

376. These include: the Constitution of Thailand of 1997, the National Education Act of 1999 and 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 and disabled children and children with special talents.

### **2. Administrative measures**

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

(a) The Ministry of Education, the Ministry of University Affairs and the Office of the National Education Commission will merge into one ministry under the name of the Ministry of Education, Religious Affairs and Culture, in order to create unity and eliminate duplication and waste in personnel and resources. This will be beneficial to future policy planning and implementation;

(b) 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 and improve quality and the ability to fulfil 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;

(c) 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 communities.

### **3. Budgetary measures**

378. 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 programmes. 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 in education**

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

379. 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. A systems development research project is being conducted in cooperation with the Asian Development Bank and UNESCO.

380. The National Education Act states in chapter 6 that there must be a system to ensure and standardize 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:

- Quality control. This is a process whereby teachers utilize fixed standards and preparation plans in various aspects of the curriculum. It is arranged in conjunction with continuous follow-up;
- 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;
- 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.

381. 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**

382. 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 right to development without discrimination. In some sections of the Thai Constitution, although no direct mention is made of 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**

383. During the past decade, a high percentage of the national budget has been earmarked for education, that is, about 3.5 per cent of GNP, or 25 per cent of the annual budget. During the years 1990-1999, the annual budget allocation to education has increased by 15 per cent, with the

highest allocation occurring in 1997, with an amount of 202,864 million baht or about 4.3 per cent of GNP. After the economic slowdown, a cut of 0.57 per cent was imposed in 1998, which was the first time the education budget had been cut.

384. Primary education is allocated the highest percentage of the education budget, about 44 per cent during 1990-1999. This trend is continuing: 30,589.6 million baht were spent in 1990, increasing to 81,662.4 million baht in 1999, or a 18.33 per cent increase per head per annum.

385. From 1997 to 1999, the Government spent an equal amount for preschool 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: 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 for students at the tertiary level, with an increase of 11 per cent, that is 24,060 baht, 22,835 baht and 25,433 baht per head per year.

386. The above data demonstrate the Government's attempts to allocate budget according to necessity. In comparing the budgets for economic measures, security and education, during the past nine years (1992-2000) a larger amount was paid for 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**

387. Efforts have been made by the Government to provide free education. In the area of government subsidies, the present Government has provided exemptions for 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 students at each level. Other expenses are allocated depending on goals and necessities, including special costs incurred such as for health care, textbooks, uniforms, supplementary food (milk), lunches (as in the School Lunch Fund Act of 1992) and transportation. 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.

388. 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.

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



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

390. 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 Committee on the Rights of the Child in 1998.

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

391. 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 sectors, 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 communities where children live. The same standards apply to the non-formal as to the formal systems of education. Centres for the protection of and assistance to children in education are provided. Other forms of assistance are: street teachers, welfare schools, village schools, provision for 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**

392. 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**

393. 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

394. 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 programme 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. Teaching and learning activities stress accessibility of facilities to students under the following three methods: (i) distance learning using the Thai Com distance communication learning by satellite provided by the Department of General Education (Klai Kangwon School) to provide an opportunity to schools in remote and inaccessible areas with few teachers; (ii) self-study; and (iii) classroom learning in which the learners choose the method of learning they like. 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 school system can choose either of the following two curricula: (i) non-formal education curriculum No. 30 - lower secondary level, 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; (ii) the curriculum for vocational certificate (Po. Or. 33) for people engaged in independent vocations in their own locality. The students pay a 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, to solve national problems, particularly unemployment, and environmental problems, and to equalize 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 his/her capacity, readiness and opportunities. 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 lifelong learning are formed by the Non-Formal Education Department in governmental organizations and non-governmental organizations and other organizations;
  - 2.3. Dissemination of knowledge via various systems of communication media. Various forms of educational technologies are brought in to supplement lessons. These include education through television and radio;
  - 2.4. Education Science Centre. This is an open and lifelong education centre with interactive media, films, videos, computers and training programmes.

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

395. 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 the 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**

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

- **Below 18 years:** the illiteracy rate among the 6-11 age group is 21.6 per cent; in the 12-14 age group it is 1.5 per cent; and among the 15-17 year age group it is 1.7 per cent;
- **Over 18 years:** the illiteracy rates for the 18-24 age group is 2.2 per cent; for the 25-29 age group, 3.1 per cent; and for the 30-39 age group, 4.0 per cent. (School registration rates at the national level are not available. Therefore enrolment rates are used.)

## **12. Enrolment rates**

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

398. The net enrolment rate in primary education, however, remains at 77.0. About 23.2 per cent enrolled in the wrong group, meaning that 23.2 per cent of children who do not belong to the primary school group (6-11 years) have come to study with this group; most of these pupils are older.

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

## **13. Non-enrolment and dropout rates**

400. An improved situation is found regarding non-enrolment rates of preschool children (3-5 years). This rate has decreased from 83.1 per cent in 1992 to 64.2 per cent in 1997, representing a reduction of 2,950,000, meaning that the total number of children not enrolled is 2,050,000. This can be deemed a success in terms of quantity; however, the Eighth National Economic and Social Development Plan aims at a 90 per cent enrolment rate of preschool children by the year 2001.

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

## **14. Literacy rates**

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

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

403. 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, the entrance examinations are open to all. Under the Open University system, the candidate may enrol in any faculty on the basis of his or her own interests and choice.

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

404. Thailand has long provided 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 earmarked for career guidance. Personnel improvement is carried out in the form of training and workshops, and further research to develop guidance work.

405. 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 second plan (1997-2001) is now in operation.

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

406. 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:

(a) Funds for education. The Government obtained loans from the Asian Development Bank during the economic crisis. From these funds, 1,000 million baht have been allotted to help prevent students from dropping out of primary, lower secondary, Buddhist, general education and lower secondary schools. A total of 328,593 students have received scholarships in a total amount of 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, bringing the budget to 470.6 million baht more than the amount estimated. Additionally, 13,000 million baht had been allotted as loans 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);

(b) Lunch programme. In 1992, the Government set up a school lunch programme, allocating 5 baht per lunch per child per day throughout the 200 days of the school year. The amount was increased to 6 baht in 1999.

407. For the lunch programme during fiscal year 1998 or academic year 1997 (October 1997-March 1998), a total of 642,628 pre-primary students received 321,309,000 baht and 1,539,235 primary school students received 769,617,500 baht. In academic year 1998 (May-September 1998), 844,302 preschool students received 422,151,000 baht and 2,024,565 primary school students received 1,012,262,500 baht. In fiscal year 1999 and academic year 1998 (October 1998-March 1999) 412,764,000 baht were allotted to 687,940 preschool students and 1,008,475,800 baht to 1,680,793 primary school students. In academic year 1999 (May -September 1999), 687,943 preschool children were allotted 412,765,800 baht and 1,885,864 primary school students were allocated 1,131,518,400 baht. For fiscal year 2000

and academic year 1999, the 738,542 children enrolled in preschool 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 programmes.

408. 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 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 the Royal Thai Police.

409. **Supplementary food (milk) programmes.** The Government provides milk to 5.3 million children ranging from preschool to primary 4 throughout the school year. Efforts have been made to continue providing this supplementary food despite the economic crisis. Each child is provided with at least 200 cc of milk, costing 5 baht per day. Schools under this programme include those administered by the Office of the 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, other government agencies such as the Bangkok Metropolitan Administration, the Department of Local Administration, the Border Patrol Police Command and young child development centres under the Department of Community Development also provide supplementary milk for children.

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

- The Department of Religious Affairs. In 1998 and 1999, milk was provided to 219,000 and 211,000 children respectively, in preschool centres in temples and mosques;
- The Department of General Education. In 1998, milk was provided to 15,898 children in nursery schools and primary grades 1-4 in welfare and special schools; in 1999 this increased to 23,905 children;
- The Office of the National Primary Education Commission. All children studying in preschool and primary grades 1-3, numbering 4,053,894, were given free milk. This number increased in 1999 to 4,845,330, to include students in preschool and primary 4. In 2000, a budget of 5,002,723,800 baht was allocated to supply milk to 1,749,888 preschool and 3,268,400 primary school students.

411. 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**

412. 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, slum-dwellers, street children, child labourers, children living in remote areas, children in institutions and children from the hill tribes. Governmental organizations and non-governmental organizations, 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.

413. 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 per cent. If classified by level of education, at preschool level the increase was from 2,179 in 1990 to 9,002 in 1996, or an increase of 313 per cent; at the primary level it went from 38,539 in 1990 to 40,348 in 1996, or an increase of 5 per cent; at the lower secondary level it went from 3,181 in 1990 to 11,230 in 1996, representing an increase of 253 per cent.

414. The above figures show that every year more and more children in especially difficult circumstances are able to gain access to education at various levels, although there are some particular groups of children still lacking this opportunity. Examples are children who live in the street, near the bus terminals, under flyovers and in construction sites. Several NGOs have lent a hand by providing optional education, proactive education and informal education for these children.

415. 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 on the opportunity to be educated can be enrolled in non-formal education schools, particularly at the basic education stage.

## **19. School discipline**

### **(a) Legislation**

416. Legislation related to discipline applying to public and private schools conforms to the general principles of the Convention and most particularly the provisions of articles 19 and 37 (a). Punishing children by beating is prohibited, according to the Ministry of Education's Regulations, 2000.

### **(b) Monitoring systems**

417. The administration of school discipline is monitored 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 participatory role in defining some rules and regulations for the school.

418. 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.

**(c) Independent monitoring mechanisms**

419. Parents and students are able to pursue any unresolved complaints or unsatisfactory procedures through education columns or programmes in the media, allowing public scrutiny 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**

420. 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 promulgated by school boards or committees, the members of whom are elected.

421. The Ministry of Education provides the opportunity to students to enrol in the school of their choice, whether it 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**

422. 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 Schools 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.

423. Bilateral and regional projects have been organized, 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**

424. 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.



425. With the advent of child-centred 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.
426. Communities and societies are not yet aware of their participatory role in education management along with educational institutions. Parents do not bring their children to be enrolled in schools despite the service provided.
427. The non-proactive character of education makes it difficult for some children in especially difficult circumstances to obtain an education. 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.
428. The 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 to become unable to attend school at all.
429. Fixed timetables and semesters do not agree with the time available to some groups of children, such as street children and children living in building sites.
430. The number of teachers who directly deal with students is diminishing for 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.
431. Regarding the quality of the teachers, problems arise because of a lack of commitment on the part of 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 as teachers; this has resulted in less time for their work with students.
432. It has been found that despite a higher budget for 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.
433. There exist a high number of discrepancies in the quality of education in different areas, particularly in subjects such as mathematics and science. There is a lack of equipment and education materials, for instance in science and technology.
434. Attendance in the wrong age group has caused a delay in graduation for 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.
435. 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.

436. 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 classes, causing them greater stress. 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**

437. The National Education Act and its related laws and regulations should be made known to the public, in order to create understanding and awareness of the rights and duties as described in the Act and related regulations. Education reforms should be further publicized, alongside a greater degree of decentralization of power for the benefit of the local people.

438. Knowledge and information should be provided to personnel in educational management to enhance understanding of their role and duty so that they can work effectively. A proactive 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.

439. There is also a need to:

- Prioritize provinces with education problems, in order to define targets, distribute further resources and improve service to needy target groups;
- Set up emergency support measures such as provision of subsidies or assistance to target groups of poor families and children. This is to ensure educational access for all;
- Improve educational systems and management;
- Build up efficiency in compulsory education;
- Allow children the opportunity to study at any time.

440. The manpower in the teaching profession must be evenly and appropriately distributed. The recruitment system must be adjusted to encourage people with a positive attitude to join the profession. Emphasis must be placed on the policy that teaching is of great importance.

441. 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.

442. The Government should consider providing extra funds for teachers in addition to the usual remuneration. The standards in every school should be standardized and improved until they are equal or nearly equal. Retired teachers should be encouraged to participate in the

administration of education. Information should be disseminated to parents regarding the importance of education for their children. 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**

443. The Constitution of Thailand of 1997, section 81, stipulates that the State must provide education, training and support for 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: lifelong education for all; education administration with participation by all; and continuing development of the process of learning.

444. The school has become the administrator of student-centred learning, aiming to facilitate the realization of every student's full potential in terms of intelligence, knowledge, morality, physical health with a long-term vision in work and in coexistence, as well as lifelong 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 programme.

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

445. 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**

446. With regard to sections 23 and 27 of the National Education Act of 1999 and the plan for a policy on the development of man, society, 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, the publication of testing and evaluation handbooks for use in institutions, and the printing and distribution of textbooks on Subjective Emotion;
- A project entitled “Major dimensions of 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 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 and visual arts.

447. 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 the vocational level (1998).

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

448. 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 towards 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**

449. 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 the need to preserve nature. At pre-primary 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. 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**

450. 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 programme for “full potential development” and “life-skill training” for preschool, secondary and vocational students. Manuals and exercises for self-learning were produced to enable the child to learn how to think, 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 were 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”.

451. 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 four levels of preparation for teachers:

- A council of deans of education was created, incorporating teachers from 50 institutes of higher learning nationwide;
- Teachers with expertise in the following three categories were recognized 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;
- Strengthening the promulgation of legislation on licences for the teaching profession and teaching administrators;
- Honouring good teachers through awards.

452. 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.

453. The Community Development Department held seminars among tambon administration organizations and women’s development committees at 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**

454. Policy and curricula for the development of the school and the formulation of programmes 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 twenty-first century, the results serving as relevant data in the formulation and adjustment of education policy for children.

455. Regarding the implementation of activities to update various aspects of the curriculum, the Ministry of Education has introduced several programmes, such as the general education stream through distance learning, which is taking place in 119 schools. Another programme involves the extension of basic education at secondary level through distance learning, which is currently utilized by 170,000 students. Another 10,680 students received vocational education certificates through this programme. Learning and teaching activities for 53,669 target groups were developed. In addition, there are programmes for the disabled who can participate in occupational training in 8 special schools and 12 educational regions. Tapes are produced for four compulsory subjects and manuals are developed for the administration of general, non-formal education for the disabled.

## **8. Relevant programmes and materials used**

456. The Ministry of Education has provided support in the procurement and production of materials used, for instance, in the programme 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 style and effective networking of learning. These activities have resulted in many changes in education.

457. 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 officially in operation. There have been 632 district public libraries established. Another programme develops the teaching of science, applied science, mathematics, technology and the environment. There is also a programme 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**

458. Under peer counselling programmes, 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 NGOs. The essence of counselling lies in education and counselling on matters relevant to the development of fellow students. Usually, the networks are formed among students at the secondary level and above.

459. An example is the “language doctor” group at Satri Witthaya School, helping younger students with language proficiency. A move that is quite progressive in terms of Thai education is the formulation, apart from groups within the school, of inter-school groups. Since 1997, 97 schools have run this type of network.

460. Benchamabopit School is a leader of one such network. Students manage the group while teachers act as advisers. Activities are divided into five areas:

- Friends in study (help coaching in academic work);
- Buddies (close friends to bare one's heart to);
- Leadership building within the group;
- Helping on family matters (providing help if the friend has family problems);
- Safeguarding the community (organizing activities to create awareness on various matters in order to prevent problems in schools).

461. In addition, there are networks specializing in certain areas, both at the national and international levels, and their activities are widely recognized. These include: 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 five-province youth network in the south; the child-protecting-home network; the grannies and granddads group; the Andaman youth group and the Samila youth promotion group.

## **10. Conformity with standards of administration**

462. 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 a regular basis. Services provided are usually dental health checks, and immunization or vaccination shots for 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.

463. 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**

464. 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 about religion, art and culture.

465. 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 participation in recreational and cultural activities. Programmes and plans to promote and support the 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.

466. There are three types of activities: (1) services by the State which are provided free of charge or at 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 Eighth 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.

467. 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 and 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 among children. In conclusion, the outcomes of education reform implementation can be summed up as follows.

### **1. Organizations of leisure within the formal education system**

468. The State has declared that primary school students must attend classes 180 days per year and secondary school students, 200 days. There are two terms a year, and schools hold classes five days per week. Saturdays and Sundays are holidays. There are five to six classroom hours in a day. At primary school level, classes for each subject last from 20 to 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 1 of 15 activities provided by the school, as selected by the student depending on his/her interest. These activities range from art, culture and recreation to other intelligence-stimulating activities. The children themselves may request other subjects that interest them in addition to these 15 activities.

469. 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, attend camps and engage in other activities they like.

### **2. Organizations established for recreation, leisure, resting and art**

470. The Study on Models of Youth Centres found that there are three categories of youth centre in the country: urban/rural, formal/non-formal (education) and private (volunteers for development).



471. Recipients of services provided by these centres range 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, dance, the arts, or special activities of interest to the children such as computers, languages and the environment. These centres are named in accordance with the office that 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.

472. 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.

473. Moreover, many private and business organizations are currently taking part in organizing facilities for recreation, entertainment, art and culture, counselled 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 parks in urban areas, temple grounds and sports grounds in urban and rural areas.

474. 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 terms of sports and recreation. Since 1997, however, the Government has set up core agencies and allocated funding for such activities.

475. The Ministry of Education has set up six schools for sports in the provinces. These schools are open to students at the 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**

476. 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 and tambon administration organizations all have plans for the promotion of tourism and field trips for children every five years. In addition, there are programmes 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**

477. The Government has supported campaigns and programmes 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 trend is on the increase and is evident in the areas of sports and recreation, and art and culture.

##### **1. Sports and recreation**

478. 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.

479. This is an important move in support of the search for excellence in children. Children of varying backgrounds 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**

480. 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 programmes in continuation of the Thai Culture Year programme (1996). Other regular programmes 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**

481. Places to hold activities are limited in number; venues cannot be found in most urban and rural areas. And there is:

- Lack of personnel to conduct these activities on a continuous basis;
- Lack of public information for children who constitute the target group;
- Obsolete material and equipment that lack continuous maintenance.

## **Solutions**

482. Allocation of funding by the Government should create new venues for the activities, as well as:

- Production and acquisition of sufficient quality personnel for the work;
- More information disseminated to children about places where events and activities are held;
- Regular maintenance and acquisition of diverse and modern equipment and materials;
- More quality participation from the private sector in activities in sports and recreation on a continuous rather than a short-term basis.

## **VIII. SPECIAL PROTECTION MEASURES**

### **A. Children in emergency situations**

#### **1. Children and refuge**

##### **General situation**

483. 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 international agencies as well as local officials and Thai NGOs. Education assistance was provided to the displaced children, using Cambodian textbooks provided by UNICEF. When the situation normalized, the displaced persons were gradually repatriated voluntarily with the assistance of UNHCR. By early April 1999, all displaced persons were successfully repatriated.

484. Regarding displaced persons from Myanmar, who have entered Thailand since July 1999, UNHCR has set up field offices in Mae Hong Son, Tak and Kanchanaburi provinces to monitor their situation. Ninety-seven thousand, seven hundred and sixty refugees, of whom 83,784 are Karens and 13,976 are Kannis (as of 31 December 1999), were given temporary refuge in 12 camps along the western border of Mae Hong Son, Tak, Kanchanaburi and Ratchaburi provinces.

485. 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 the Na Pho site.
486. 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.
487. During the period 1986-1994, Thailand adopted a Comprehensive Plan of Action (CPA) to determine the status of displaced persons and asylum-seekers from Indo-China. Since its termination in 1994, there have been no 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 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.
488. 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 the Interior, in cooperation with UNHCR, completed the registration of all asylum-seekers who had been 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 death. The computerized data system makes possible classification by age group. The Ministry of the Interior and UNHCR registered 99,657 displaced persons from Myanmar in all nine shelters along the Thai-Myanmar border from March to May 1999. Data on unaccompanied minors will be compiled in the near future.
489. Based on UNHCR figures, as of December 1999, there were a total of 48,914 displaced children, of whom 28,931 were boys and 19,983 were girls. Most of them were of Burmese nationality.
490. 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 whom 12,297 were boys and 12,056 girls.
491. 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 health care, immunization and medicines. They also have access to education, organized by committees in the temporary shelters. NGOs provide support in regard to teaching personnel, learning materials and stationery. There are also centres providing care and assistance to unaccompanied minors with support from NGOs.
492. 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**

493. Since the first report was submitted, there have been several new developments as follows:

- 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 Centre. Previous practice involved separation of the children from their parents and detention in observation and protection centres for an average duration of three to six 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 the care of the head of the temporary shelter;
- 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 details, including names and addresses of their relatives. The information has greatly facilitated the family tracing and reunification process;
- Consideration of withdrawing the reservation made to the Convention on the Rights of the Child and becoming a State party to other related conventions. Additionally, national and regional consultations on “Challenging the new millennium: the rights of the child and the issue of displacement” held in October 1999 and January 2000 respectively, recommended, inter alia, that countries should withdraw reservations made to the Convention and that countries that had not signed the 1951 Refugee Convention and the 1967 Protocol should do so.

### **Problems**

494. Thailand is not a party to the Convention relating to the Status of Refugees and has no other domestic laws related to refugees. As Thailand made reservations to articles 7 and 22 of the Convention, the protection for displaced children is not officially or legally covered by this international law in the country.

495. Displaced persons/asylum-seekers in Thailand do not enjoy any economic rights due to their lack of legal status. Displaced children are not eligible to enrol in school in Thailand. However, those who are allowed temporary refuge in temporary shelters are provided with primary school education tailored to suit their particular context.

496. 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**

497. 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 considerable importance on this matter. The Ministry has therefore set up a committee to consider the possibility of accession to the 1951 Refugee Convention.

### **Illegal entry into Thailand for economic reasons**

498. Apart from displaced persons fleeing from internal armed conflicts or political instability, there are illegal immigrants from neighbouring countries who enter Thailand for economic reasons. This group is a major problem confronting Thailand and one that is becoming more serious. This section will focus on displaced children in general, primary assistance given to them, problems and recommendations.

### **General situation**

499. 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 the Population and Social Institute, Mahidol University, found that 25 per cent of them were children. It was estimated that about 100,000 child workers were scattered throughout the 43 provinces that were 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 or Laos. In the years 1997-1998, there were 530 child beggars, of whom 496 were from Cambodia and 34 from Myanmar.

500. Most of child immigrants who have entered Thailand illegally are unskilled labour working in the sex industry, the services, construction, fisheries and agricultural sector, and small factories. Young female sex workers could earn as much as 6,000 baht or more 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.

501. 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 or governmental or non-governmental organizations. These organizations collaborate in providing assistance to victims in terms of interrogation, repatriation, recreation activities, mental rehabilitation and others.

502. 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 the countries of origin also poses another difficulty for the repatriation.

## **Problems**

503. As mentioned in the previous report, illegal immigrants are considered to be a burden on the national administration, politics, economy and security. They are seen as competing with the Thai people for employment and being linked to the drug problem in the country.

## **Solutions**

504. The effective measures in assisting displaced persons in Thailand must be based on humanitarian principles and clear policies of all stakeholders concerned. 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. All returnees must be ensured of their total safety upon their departure from the destination country and arrival in their home country.

505. Development of an economic zone along the borders facing the problems should be initiated in order to accommodate more labour.

## **2. Children in armed conflicts**

506. As Thailand has neither internal nor external armed conflicts, there have not been children in armed conflicts or children in recovery and social reintegration pursuant to the general guidelines, paragraphs 123-131.

507. In regard to paragraph 125: the minimum age by law for conscription, 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 article 38.

## **B. Children involved with the system of administration of juvenile justice**

### **1. The administration of juvenile justice**

508. 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.

509. 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 Courts 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 the Juvenile and Family Courts 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.

510. 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.

511. 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 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 or more, or if the crime committed carries a penalty of less than three years' 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.

512. Upon the arrest of a child or young person alleged to have committed what the law considers to be an offence, the public prosecutor shall file charges 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 crime carrying a maximum sentence of between six months and five years, then the public prosecutor shall submit a motion to the Court for a postponement of the filing deadline. Each postponement cannot exceed a period of 15 days and postponement cannot be granted more than twice. If the sentence 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.

513. If the case has not been brought to trial, bail can be granted at the Observation and Protection Centre. If the case is already at trial, bail shall be requested at the court.

514. 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 years' 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 years' imprisonment, the public prosecutor must bring in a witness for interrogation in support of the confession. If the offender denies the charge, both the public prosecutor and the offender have 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.

515. 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. In addition, article 13 also stipulates that, if necessary, a sign-language interpreter shall be arranged.



516. 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 camera. In addition, article 98 of this Act prohibits publicizing messages related to the judgements or court proceedings, either orally or in writing, in any way that may disclose the identity of the accused child, unless this is done with the permission of the court.

517. However, in practice, there have been occasional violations of the child's rights in this regard by some media practitioners. Efforts have been made by concerned agencies to curb these violations.

518. Thailand has adopted the Act Instituting Juvenile and Family Courts and Juvenile and Family Procedures of 1991 specifically to oversee the juvenile judicial process. The court can either admonish and release the accused child, or let the parents, or concerned authorities take care of the child under prescribed conditions. The child may also be sent to a training centre. 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.

519. 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 services, 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.

520. In addition, section 55 stipulates that 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 deemed 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, 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.

521. 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 the 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 sufficient general education for at least reading and writing, occupational or vocational

training suitable to their characters, and appropriate health care. 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 another place to live, the court has the authority to extend the child's stay until the child finishes his or her studies.

522. The number of children and young persons in the centres is rapidly increasing, making it difficult for the centres to accommodate all juveniles properly. This has put a 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 conditions and standards of the juveniles under their supervision. New provisions include occupational training and better physical and mental health care.

### **Training activities developed for relevant professionals**

523. 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 course for its officers who 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.

524. In addition, Thailand has adopted a model of multidisciplinary teams that is becoming increasingly widespread and recognized. A multidisciplinary team consists of professionals specializing in different fields who come together to work on a specific area. This practice was outlined in the Criminal Procedure Code Amendment Act (No. 20) of 1999.

525. Even though direct training is not provided to concerned practitioners, Thailand recognizes the importance of international instruments, such as the Beijing Rules, as reflected through its integration of the principles of the Rules into its National Women Development Plan under the Eighth National Economic and Social Development Plan (1997-2001). Thailand has also taken action, in line with the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, 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 multidisciplinary 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**

526. Lack of manpower, funding and equipment continues to be a factor inhibiting progress in this regard. A large number of cases each year effectively delayed the court proceedings, prolonging the time 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

527. The number of children who were deprived of their liberty pursuant to court judgements between 1993 and 1997 totalled 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.

528. 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 the 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 releasing him or her to the custody of the 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 to training or counselling sessions. Efforts are being made to improve the understanding of concerned agencies regarding these alternative measures through a memorandum of understanding.

529. Ensuring that 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 fetters on the juvenile offender are prohibited, unless the crime committed carries a maximum sentence of more than 10 years' imprisonment. The safety and future of the accused child are taken into account when the court passes judgement on a case involving a 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 juvenile offenders when the court passes judgement. Public release of the personal information of juvenile offenders 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 that do not yet have Juvenile and Family Courts, there are unfortunately some juvenile offenders who receive the same treatment as adults.

530. Where a case involves a juvenile offender who is not granted temporary release during the trial and is sentenced to training, the court is authorized to send the child to other rehabilitation and counselling institutes. However, in practice, it is unlikely that the child will be sent to other rehabilitation or counselling institutes due to the lack of supervisory 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.

531. 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 behaviour, funding, and essential facilities. The efforts to encourage children to become good citizens are therefore unsatisfactory.

532. 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 unless the accused does not want one, or the court deems it unnecessary.

533. Currently, no data have 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 background, society or ethnic origin.

534. 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 offender shall not be kept in custody in the same area or in the same room with adult offenders. However, in practice, this is not always possible. Child inmates are allowed to make contact with their families through written correspondence and visits. Officials shall check all incoming documents, visitors and other means of contact.

535. In Thailand, the ability to standardize and evaluate the 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, lacks basic data and facts for formulating policies and plans for future centres. However, in an attempt to improve the system, Thailand has appointed an Ombudsman and adopted the Act on the National Human Rights Commission to standardize and evaluate the work performances of such institution/centres.

## **Problems**

536. 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 measures through the Criminal Procedure Code that can be applied anywhere, regardless of whether those areas have Juvenile and Family Courts.

## **Solutions**

537. In addition to the progress regarding the revision of 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 in the Act Instituting Juvenile and Family Courts and Juvenile and Family Procedures of 1991. Thus, children outside the jurisdiction of the Juvenile and Family Courts can be equally protected.

### **3. The sentencing of children**

#### **General situation**

538. The details regarding capital punishment and life imprisonment have already been mentioned earlier in this report. In addition, 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 the Act stipulates that the court shall have the power to take other such measures as are provided by the law, such as training at an Observation and Protection Centre, or any other training or counselling institutes, or probation.

539. Children and young people will not be sentenced to death nor to 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.

540. In addition, Thailand has been a State party to the International Covenant on Civil and Political Rights of 1946 since January 1997. One significant provision of the Covenant stipulates that a “sentence of death shall not be imposed for crimes committed by persons below 18 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”.

541. In Thailand, there have never been cruel punishments inflicted on children by the courts. Instead of severe penalties, the court is more likely to exercise its power to use 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 the private sector are encouraged to take a role in taking care of these children as well.

#### **Problems**

542. 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 penalty although in practice, the court has never imposed the death penalty on anyone below 18 years of age. 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**

543. The amendment and implementation of laws to prohibit capital punishment in relation to juvenile offenders should be expedited and community networks and the private sector encouraged to participate in probation programmes 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**

544. A child victim may be adversely affected if the court sentences to prison an offender who is the primary caregiver 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 favourable conditions for the successful reintegration of the child. In the past, protection measures for a child victimized by abuse, whether by persons within or outside the child's family, focused only on physical and psychological treatment. The surrounding environment, which is a breeding ground for the violations, was rarely addressed.

545. For the child offender, physical and psychological rehabilitation are equally important. Proper rehabilitative measures applied without causing depression or stigmatization will greatly facilitate successful reintegration of the child into society. The surrounding environments of the child must be taken into account in designing appropriate rehabilitative measures for the best interests of the child.

546. 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 the Director of the Observation and Protection Centre, stating facts about the child, including his or her age, family background, mental state, education and related social environments.

547. In the case where the court orders a juvenile offender to undergo training, the Observation and Protection Centres are the ones 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 his/her individual interests. However, the Centres still have some difficulties with providing educational services, such as lack of qualified teachers and flexible and appropriate school curricula to suit the needs and levels of development of the children, who have failed in the normal school system.

##### **The mechanisms established and programmes and activities developed**

548. The Observation and Protection Centres, in collaboration with other relevant agencies, provide several programmes 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; a training course to promote self-discipline and moral and physical health; and job placement.

##### **Problems**

549. Occupational training is not fully implemented due to the unclear internal structure of the Centres. There are no interpreters for local dialects in any of the Centres, due to budgetary constraints. A shortage of physicians and psychologists limits opportunities for juvenile offenders to receive treatment.

550. There is no systematic data collection system, either qualitative or quantitative and a lack of financial and personnel resources, as well as teaching and learning materials. Some of the Centres are overcrowded.

### **Suggestions**

551. Vocational education institutes should be encouraged to develop common plans and directions for the provision of occupational training. An adequate budget should be allocated for local interpreters in the jurisdiction of the court. Children in the juvenile justice system should have access to treatment and recovery services from psychologists. Collection of quantitative and qualitative data should be systematized. The focus should be on strategies to encourage children to become good citizens and reintegrate them into society to prevent repeat offences. The number of children in the already crowded Centres should be reduced by encouraging categorizing juvenile offenders and early release programmes based on good behaviour.

## **C. Children in situations of exploitation**

### **1. Economic exploitation of children**

#### **General situation**

552. As Thailand evolved from an agricultural to a semi-industrial nation, there has been an increase in internal migration, of farmers and rural people moving to Bangkok and other industrial big cities. Some of the push and pull factors contributing to this migration to the cities include the low prices of agricultural products, increased demand for labour and higher wages in the industrial sector.

553. When adults move 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, become vulnerable to exploitations of various forms.

554. 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**

555. 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:

- Compulsory education was extended from six to nine years, to delay entry into the labour market;
- The minimum age for employment was raised from 13 to 15 years of age, making it possible to keep children in school longer and preventing early entry into the labour market;

- An employer must notify labour inspectors of the employment of a child below 18 years of age within 15 days of hiring. 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 seven days of the last working day;
- 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;
- 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, obtain education or training, or leave for another activity that is arranged by an academic institute or a government or private agency;
- An employer is prohibited from demanding or accepting guarantee money for any purpose from a child worker and from paying the wages of a child worker to any other person;
- Sexual harassment is prohibited.

556. The Labour Protection Act also has provisions specifying the scale of punishment for offences, as follows:

- Sexual harassment of a child worker below 15 years carries a maximum penalty of a 20,000 baht fine;
- Employment of a child below 15 years carries a penalty of up to one year's imprisonment, or a fine of up to 200,000 baht, or both;
- Failure to notify a labour inspector of the employment of a child under 18 years carries a penalty of a fine of up to 20,000 baht;
- Failure to grant leave of up to 30 days per year to a child worker to attend meetings, seminars or training programmes carries a penalty of a fine of 10,000 baht;
- 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 wages 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 six months or a fine not exceeding 100,000 baht, or both. Forcing a child to work during prohibited hours that leads to harm to the child's physical or mental health or the child's death carries a prison term of up to one year or a fine of up to 200,000 baht.



557. In relation to foreign child workers, the Labour Protection Act of 1998 provides protection for employees working on Thai territory, including foreign labour, regardless of sex or age. The law provides for equal protection in relation to work contracts, working conditions and safety at work.

558. 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.

### **Work harmful or hazardous to the child**

559. 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:

- Smelting, blowing, casting or rolling of metal;
- Metal stamping;
- 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;
- Work connected with hazardous chemicals as prescribed in the ministerial regulations;
- Work connected with micro-organisms, which could be viruses, bacteria, moulds or other germs as prescribed in the ministerial regulations;
- Work connected with poisonous materials, explosives or inflammable materials, except for work in fuel oil service stations as prescribed in the ministerial regulations;
- Driving or controlling of forklifts or cranes as prescribed in the ministerial regulations;
- Work which uses electric or motorized saws;
- Work which must be done underground, underwater, in a cave, in a tunnel or in a shaft;
- Work connected with radiation as prescribed in the ministerial regulations;
- Cleaning of machinery or engines while the machinery or engines are in operation;

- Work which must be performed on a scaffold more than 10 m from the ground;
- Other work as prescribed in the ministerial regulations.

### **Hours and conditions of employment**

560. A child under 18 years of age is prohibited from working during the period between 10 p.m. and 6 a.m., 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 one year, or fined an amount not exceeding 200,000 baht, or both, in conformity with the principles of ILO Minimum Age Convention, 1973 (No. 138).

### **Preventive and remedial action**

561. Knowledge is disseminated 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 governmental organizations and non-governmental organizations. The Ministry of Education has prepared a textbook on child labour for integration into the school curricula at all levels.

562. Village labour volunteer programmes have been established to provide training for community leaders, such as teachers and village chiefs, regarding local action in addressing child labour problems in their communities.

563. Children are provided with knowledge and life skills before entering the labour market through training, especially of young people who do not continue beyond the compulsory level of education.

564. Child labour networks have been established among relevant governmental organizations and non-governmental organizations, employers' organizations, employees' organizations, academics, the media and local communities.

565. The Labour Protection Act of 1998 also provides for some protective measures for home-based workers. These include prohibition against sexual harassment, entitlement to 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.

566. The Labour Protection Act of 1998 authorizes the Minister of Labour and Social Welfare to issue special regulations, which are pending approval, to protect the rights of child workers in the agricultural sector.

### **Coordinating and monitoring mechanism established for that purpose**

567. Thailand has mechanisms in place for monitoring child labour situations and for protection. At present there are approximately 650 labour inspectors nationwide. Labour inspectors are authorized to monitor employers' compliance with 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 hotline, or in person.

568. The following are the findings of labour inspections in the year 1999:

- Of the total of 44,462 workplaces inspected throughout the country, 1,335 enterprises, or 3 per cent, were found to have employed child workers;
- The total number of employees of these enterprises was 2,268,936, of whom 11,987, or 0.52 per cent, were children (a decrease 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 whom 64 were male and 76 were female. The total number of 15- to 17-year-olds employed was 11,833, of whom 3,618 were male and 8,215 were female;
- Of the total number of enterprises employing child workers, 525 operated in compliance with the Labour Protection Act;
- Of the total number of enterprises employing child workers, 810 violated the Labour Protection Act;
- Actions taken by government officials against unlawful enterprises ranged from offering advice (716 enterprises), to issuing orders (14 enterprises), to giving warnings (14 enterprises), and to legal action (4 enterprises).

569. 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 concerned individuals or agencies; 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 used**

570. 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:

- Number of child workers under 15 years of age;

- Number of child workers under 15 years of age as a percentage of the total population of children of the same age;
- Number of child workers receiving ill-treatment;
- Percentage of child workers having accidents or injured as a result of their work, out of the total child labour population;
- Percentage of child workers receiving occupational training and skills development and being able to continue their education in a non-formal system.

### **International conventions and other instruments**

571. Thailand has ratified the following conventions concerning child labour:

- The ILO Forced Labour Convention, 1930 (No. 29);
- The ILO Minimum Age (Underground Work) Convention, 1965 (No. 123);
- The ILO Maximum Weight Convention, 1967 (No. 127);
- The ILO Elimination of the Worst Forms of Child Labour Convention, 1999 (No. 182);
- The ILO Declaration on Fundamental Principles and Rights at Work of 1998, which prohibits employing a child under 15 years of age.

572. Thailand has yet to ratify the ILO Minimum Age Convention, 1973 (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**

573. Thailand has organized programmes on child labour with technical and financial support from the ILO (ILO/IPEC) and UNICEF, which can be summarized as follows.

### **International programmes aimed at preventing and combating child labour**

574. ILO (ILO/IPEC) provided financial support to both governmental organizations and non-governmental organizations for implementing 36 projects during the years 1994-1998 which can be classified into four main areas:

- Policy and planning, such as the development of non-formal education curricula for child workers in urban areas and capacity-building activities for the Ministry of Labour and Social Welfare in terms of preventing and combating child labour problems;

- Training such as seminars for employees and labour unions to improve their knowledge of the laws and protection measures against exploitation;
- Provision of services and assistance to special target groups, such as children working in the ready-made clothing industry in Chiang Mai, or young girls in the north who are at risk of being lured into forced labour, etc.;
- Research and evaluation, such as research on the development of educational modules for children of construction workers, and a survey of child labour in cottage industry.

575. 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 utilized for mapping out effective planning and programming assistance to child workers.

### **Problems**

576. The Labour Protection Act 1998 prohibited an employer from hiring a child employee under 15 years of age and defined conditions for the employment of a child. For foreign child workers, although they are protected by the law, in practice they faced certain difficulties. Due to their illegal status and/or language barriers, these children have difficulty in filing complaints to authorities.

### **Solutions**

577. The Royal Thai Government has adopted measures and programmes to assist child labourers. Types of assistance include scholarships, educational loans, occupational and skills training, and occupational training for local people to cushion the impact of the economic crisis on children who had been laid-off as a result of the crisis. In addition, there are programmes aimed at preventing the employment of children aged between 13 and 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 1½ years to delay their entry into the labour market. Another measure is the promotion of self-employment through counselling 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 libraries, youth centres, sports centres and other.

578. Cooperation is also sought from the private sector in regard 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 curriculum must be approved by the Department of Skills Development. Currently there are 41 private enterprises registered as providers. 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

579. The drug situation in Thailand has become more serious and drugs networks have been expanding, along with the circulation of both new and old types of drugs. Among these, methamphetamine is the most serious 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 substances, opium and marihuana has decreased. Therefore, methamphetamine abuse is a major drug problem in Thailand.

### Legislative and other measures

580. Legislative measures taken to prevent the use by children of alcohol, tobacco and other substances include:

- Revolutionary Announcement No. 132 on inappropriate behaviour of students with regard to alcohol, tobacco and drug use;
- The Tobacco Control Act of 1972, prohibiting that the sale of tobacco to persons under 18 years old.

581. Relevant international instruments to which Thailand is a State party include: the Single Convention on Narcotic Drugs 1961, the Convention on Psychotropic Substances 1971, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988.

582. In 1998, the Royal Thai Government issued an order of the Prime Minister's Office on the "Policy on the 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 clear target areas; (3) preventing drug abuse at all levels, from family, educational institutions, down to the community level; (4) treating drug addicts as patients; (5) imposing punishment on dealers, importers, exporters and influential supporters; (6) strictly enforcing the sentences passed by the court; (7) information-based suppression and psychological operations 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 at the 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 and receive benefits from drug-related crimes.

583. Measures to raise awareness could include:

- Educating children and youth about the prevention, and the danger, of drugs abuse and drugs offences, by disseminating information through all forms of media;
- Training all stakeholders including children, youth leaders and teachers;

- Providing life skills education to develop creative and positive behaviour;
- Conducting seminars/meetings for students and student inspectors on preventing and combating drug abuse;
- Conducting different kinds of activities for children to use their free time more wisely such as awareness campaigns, youth camps, counselling services, etc.;
- Conducting meetings between police officers and school administrators to have a school police monitoring and combating drug problems in schools;
- Establishing prevention and suppression centres 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;
- Establishing a mobile unit to serve as a centre for life skills education for students at primary level, supported by the Government of Australia;
- Establishing a drug clinic at the community level, supported by the private sector, to prevent drug abuse;
- Establishing 21 drug units in Bangkok;
- Initiating the “White Zones School Project” or “Drug-Free School Project” , under the Ministry of Education; and
- Promoting clinics to develop and improve personality.

#### **Assistance to children and their families**

584. Remedial measures adopted can be summarized as follows:

- Promoting alternative activities to improve the quality of life of students;
- Providing counselling services to addicted students; and
- Providing treatment to drug addicts.

585. Rehabilitative measures can be summarized as follows:

- Improving the quality of life of students;
- Providing continuing care and treatment;
- Promoting rehabilitative activities, such as youth camps, to help them recover from trauma and prevent them from returning to drugs;

- Assisting addicts with mental rehabilitation through trained personnel to help them cope with withdrawal syndrome;
- Organizing rehabilitative activities in schools;
- Providing counselling services for students to help them to successfully reintegrate into society and finish their studies;
- Encouraging drug addicts who have gone through the withdrawal process to enrol in behavioural change programmes in hospitals;
- Supporting job placements to strengthen their income-earning capacity and prevent them from returning to drugs; and
- Using religious principles to help cure the addicts.

586. 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 the “White Zone School Project” (no selling, no taking and no supplying of drugs in schools). Information gained, in turn, will be used to support the efforts of the police to tackle the organized networks of drugs dealers.

587. Its implementation process includes the following:

- Analyse and evaluate the magnitude of the drug problem in each academic institution;
- The chief of each police station prioritizes and selects target schools/institutions;
- The chief of each police station consolidates information from various sources, including students, teachers, parents or school personnel;
- The chief of each police station, in collaboration with the school administrator, selects one police officer to act as project coordinator;
- The chief of each police station, in collaboration with the school administrator, organizes an orientation meeting with teachers, parents and community leaders;
- Plans of action and programmes/activities will be designed based on the nature and severity of the problems, which can be categorized as follows:
  - If there are production facilities and distributors near the school, actions taken will focus on suppression and awareness-raising;
  - If drugs are sold in schools and if the drug pushers are students, they will be warned, but if they are teachers or other school personnel, they will be arrested;
  - If there are drug problems in schools, rehabilitative measures will be adopted;



- 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;
- The chief of each police station prepares a monthly progress report to be submitted to the Prevention Centre, detailing implementation, obstacles and recommendations.

### **Problems**

588. Some State officials are involved in drug trafficking and some are afraid of the influence of the drug trafficking rings. Suppression is not seriously taken, and the punishment process is slow. Public education targeting children and youth has not been undertaken in a sustained manner.

### **Solutions**

589. Some solutions include:

- Raising awareness of State officials to be more responsible;
- Speeding up the punishment process;
- Intensive and widespread public education campaigns;
- Encouraging communities to organize and implement livelihood activities to supplement income;
- Focusing on timely remedial and preventive measures, such as organizing field sports and other recreational activities for children and youth.

## **3. Sexual exploitation and abuse**

### **General situation**

590. There is no consensus on the number of child victims of sexual abuse, due to different estimates made by various organizations. The estimates of child victims of sexual abuse in 1995 ranged from 16,276 (Ministry of Public Health) to 20,000 (Department of Social Welfare), to 30,000-40,000 (National Commission of Women's Affairs).

591. The number of offenders who were arrested on charges relating to prostitution during the period 1992-1996 was 51,532, of whom 478 were children. During the period 1997 to June 1998, the Foundation for Child Protection rescued 415 children who had been sexually abused, exploited and tortured.

592. The legislative measures to protect the child from sexual exploitation and other indecent acts are: (a) the Prevention and Suppression of Prostitution Act of 1996 (already mentioned in chapter I); (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 and the Criminal Procedure Code Amendment Act (No. 20) of 1999; and (d) the Money Laundering Control Act of 1999.

593. 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 was followed by the Money Laundering Control Act of 1999.

594. 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 of assisting other persons to avoid penalties or receive a lesser penalty for the predicate offence, including offences relating to prostitution, child prostitution and trafficking in persons, as prescribed under the Prevention and Suppression of Prostitution Act of 1996 and Measures in Prevention and Suppression of Trafficking in Women and Children Act of 1997. Even if the crime is committed abroad, the offender will be punished in Thailand according to Thai law if either the offender or a conspirator is Thai or has a residence in Thailand; or if the offender is an alien and committed an action in order to commit the offence in Thailand and/or the Royal Thai Government is the injured person; or the offender is an alien whose action is considered an offence in the State where the offence was committed and if that person appears in the Kingdom and is not extradited in accordance with the Extradition Act.

595. The Criminal Procedure Amendment Act No. 20 of 1999 prescribes the conditions for making the child interrogation proceedings more favourable to the child who is an injured party, a witness or an offender. The 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, in the presence of a psychologist, social worker, or persons whose presence is 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 pretrial investigation of a child witness and the duty of the State to provide the accused child with a lawyer. This Act came into effect on 15 September 2000.

596. 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 have four main components, as follows:

- Prevention of children and women from entering the commercial sex business;
- Suppression through legislative, enforcement and judicial process measures;
- Assistance and protection to victims; and
- System-building, involving development of mechanisms to supervise, monitor, follow-up and expedite the implementation of policies and programmes, with a focus on building mechanisms and linkages at all levels.

### **Strategy to ensure protection of children**

597. In its resolution of 29 June 1999 the Council of Ministers 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 counselling from medical doctors, nurses, psychologists and social workers within 24 hours. At the same time the centres will coordinate with the police, public prosecutors, lawyers and NGOs to provide further assistance including the referral of the victims, provision of temporary shelter, and rehabilitation and other remedial services.

598. This multidisciplinary 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.

599. Some government agencies and NGOs have set up 24-hour free hotlines, such as Hotline 1507 run by the Department of Social Welfare, to give advice and assistance to victims of violence.

600. A centre for protection and educational assistance helps children who are victims of abuse, especially by personnel in the educational system.

601. Centres for the Protection of Children and Women, established by the National Police Bureau, deal with investigation, interrogation and rehabilitation. The centres work in collaboration with NGOs.

### **Relevant activities and programmes**

602. The programmes and activities organized to ensure the recovery and reintegration of the child victim of sexual exploitation or abuse included:

- A seminar to prepare for the enforcement of the Criminal Procedure Amendment Act No. 20 of 1999, which came into force on 15 September 2000;
- Development of a crisis centre in the State and private hospitals to provide assistance to child and women victims of violence, with a multidisciplinary 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;
- A seminar to integrate the plans of actions of the concerned agencies, as preparation for the enforcement of the new law on the interrogation of child witness, which is multidisciplinary in nature.

### **Coordinating and monitoring mechanism**

603. There are committees/organizations at the local, regional and national levels to act as mechanisms for coordination and evaluation of the performance of the above-mentioned centres.

604. 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.

### **Relevant indicators identified and used**

605. Indicators used for monitoring the situation of child abuse include: (1) percentage of children who are victims of indecent acts and/or rape; (2) percentage of raped children who became pregnant, by age and province; (3) percentage of children who have been raped; (4) percentage of child victims of indecent acts and/or rape who received physical and psychological rehabilitation; (5) percentage of offenders who were arrested on the charge of an indecent act against or the rape of a child; (6) percentage of persons arrested on charges of indecent acts against and/or rape of a child who were previously arrested for this crime; and (7) percentage of police stations 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**

606. 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 enforcement.

607. Relevant programmes of technical cooperation and international assistance developed with United Nations bodies and other international organizations include a national workshop on enhancing the capacity of social welfare and public health officers and a pilot project on strengthening community networks in preventing child abuse and exploitation, with support of the Economic and Social Commission for Asia and the Pacific.

### **Problems**

608. 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. There are also shortages of professionals such as psychologists, social workers and policewomen.

### **Solutions**

609. Some solutions include:

- Promoting more intensive public relations and dissemination of the laws to enhance the understanding of relevant officials of the importance of the laws and evaluation of the enforcement;
- Improving welfare benefits for, and producing more relevant professionals.

#### **4. Sale, trafficking and abduction**

##### **General situation**

610. Thailand and its neighbouring countries in the lower Mekong Subregion 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 at suppression over the past few years, the problem has continued unabated. Efforts of Thailand included the revision of relevant laws and policies; organization of national and international conferences; and implementation of various projects and activities to strengthen networks for combating the problem. 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, the Department of Social Welfare and various NGOs, achievements in this regard are still limited, due to inadequate understanding of the MOU among some sections of the enforcement community.

611. During 1990-1997, the number of foreign prostitutes was estimated to be around 80,000. They came mostly from countries in the Mekong Subregion. Of this number, approximately 30 per cent were children under 18 years old.

612. The measures adopted, including those of a legislative and educational nature, to prevent the abduction of and the sale of or traffic in children are as follows:

- The Prevention and Suppression of Prostitution Act of 1996;
- The Measures in the Prevention and Suppression of Trafficking in Women and Children Act of 1997;
- The Penal Code Amendment Act No. 14 of 1997;
- The Money Laundering Control Act of 1999.

613. In addition, there are also the Criminal Procedure Code Amendment Act No. 20 of 1999 concerning investigation of child witnesses; 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.

614. 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 lists of organizations that can provide assistance. The campaigns focused on encouraging public participation in prevention and in finding solutions to the problem; promoting new values and behaviours that respect human dignity and gender equality; promoting family education and understanding of gender roles with respect to different stages of life; discouraging sex tourism; promoting collaboration among concerned agencies; and awareness-raising on relevant laws and policies.

615. Implementation in regard to prevention and suppression follows the MOU, under which relevant agencies can request budgetary support from the Bureau of the Budget.

616. There have been a number of committees/organizations/agencies at national, regional and local levels that function as coordinating and monitoring bodies.

617. The Subcommittee 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), officials from the Department of Social Welfare and other relevant officials from Bangkok and the provinces.

618. 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 multidisciplinary team, in all State and private hospitals. The main responsibility of the centres is to provide assistance for women and child victims of violence.

### **Relevant indicators identified and used**

619. There are five indicators relating to child prostitution:

- Number of children in the commercial sex business, by sex and province;
- Number of child victims, by sex, age and province;
- Number/percentage of at-risk children who received scholarships to continue their studies or to attend skills training;
- Number of girls who receive a scholarship for their studies;
- Percentage of controlled zones supervised by local police stations where there still exist entertainment places that are involved in child prostitution.

### **Problems**

620. There tends to be more people involved in trafficking women and children as such trafficking is considered less risky than drug trafficking.

621. 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. Victims in the countries where prostitution is not illegal received greater assistance than those in the countries where prostitution is illegal.

622. 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. Some officials do not understand and are not aware of the importance of relevant laws.

## Solutions

623. At the community level, countries of origin should:
- Establish an information centre managed by a committee;
  - Train community leaders or volunteers to work on the problem;
  - Organize special projects for the children in the villages emphasizing informal education aimed at improving their knowledge and occupational skills;
  - Organize projects to support victims who have returned home; and
  - Provide legal advisers in the community.
624. Communities of the countries of destination should:
- Establish hotlines and emergency homes to receive notification of cases and to provide needed and timely assistance; and
  - Establish mechanisms to link up with authorities at a higher level as well as embassies.
625. Communities of the countries of origin and destination should:
- Organize public education activities to disseminate knowledge of relevant laws and human rights; and
  - Organize study visits or exchange programmes to learn from each other's good practices.
626. At the national level, activities should:
- Focus on punishing the traffickers and networks rather than the trafficked victims;
  - Organize national projects for the prevention and suppression of trafficking in women and children;
  - Foster closer collaboration between governmental and non-governmental organizations in both the countries of origin and countries of destination;
  - Establish a national office to act as focal point for coordination;
  - Increase the awareness of concerned officials of the importance of the problem; and
  - Monitor and evaluate implementation.

## **5. Other forms of exploitation**

627. Both governmental and non-governmental organizations have taken actions seriously and continuously to protect the child from all forms of exploitation. However, the provisions of the related acts that are currently in force do not provide adequate protection against various forms of child exploitation. Therefore, the Act on Child Protection has been drafted, taking due account of the principles of the best interests of the child and non-discrimination, emphasizing rehabilitation rather than imposing punishment (as has been mentioned in chapter I). It is expected that this bill, which is currently being considered by the Parliament, can contribute to the following key results:

- An appropriate and updated perspective on prevention, protection and care of the child and promotion of the child's good behaviour, 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;
- Effective mechanisms to combat the problems related to child welfare and safety and the promotion of good behaviour, in the form of national and provincial committees comprising representatives and experts from relevant agencies. These committees are responsible for planning and monitoring policies and regulations related to children;
- Direct participation of society, including families, schools, communities, NGOs and civic groups, in providing for the welfare and safety of children and encouraging good behaviour.

628. In addition, the draft act prohibits harmful and exploitative acts committed against children. These provisions are intended to protect children from being exploited and tortured, or being lured into inappropriate behaviour. 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 child are protected in conformity with the principles of the Thai Constitution of 1997 and the Convention on the Rights of the Child.

629. 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 a culturally diverse group**

#### **Hill tribes**

##### **General situation**

630. The biggest minority or culturally diverse group in Thailand is the hill tribes. Most of them live in remote and mountainous areas in 20 provinces of the northern region.



631. According to the data collected by the Department of Social Welfare in 1997, the total number of highland people was 774,316, of whom 392,383 were male and 381,933 female.
632. Karen was the largest ethnic group, numbering 353,574, followed by Hmong (126,300), Lahu (85,845), Akha (56,616), and Yao, Lawa, Thins, Mlabri and Chao Leh (seafarers).
633. 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 hill-tribe children, of whom 82,336 were boys and 78,687 girls.
634. According to the survey of the Social Research Institute, Chulalongkorn University, in February 2000, there were only 161 Chao Leh, of whom 76 were children (33 boys and 43 girls).
635. According to the 1996 study on Social Trends of the Highland Community in the Next Century, it was found that the number of hill-tribe children and youth had a tendency to rise and that they faced some difficulties in accessing basic services, including:
- Education. About 23 per cent of the total population of the hill-tribe children of school age did not have access to study at the primary level provided by the Government;
  - Health care. Most of the newborn babies had low birth weight (below 3 kg). Parents of infants under 1 year of age did not bring their children to be vaccinated. Malnutrition in children under 5 remained high. Most of the 5- to 14-year-olds lacked certain nutrients and suffered from various types of illnesses, such as malaria, skin diseases, tuberculosis, parasitic infections, respiratory and intestinal infections and other common epidemic diseases caused by unhealthy living conditions and lack of hygiene.
636. Apart from educational and health problems, other problems faced by hill-tribe people included poverty, child abandonment, commercial sexual exploitation, the worst forms of child labour, drug addiction and juvenile delinquency.

### **The measures**

637. Educational measures taken include:
- Provision of early childhood care in childcare centres and in schools; provision of formal and non-formal primary education;
  - Provision of occupational training for hill-tribe children to enable them to be self-reliant and to have desirable values for employment in decent occupations appropriate to their age and maturity;
  - Provision of scholarships to continue their study.

638. Health measures taken include:

- Provision of primary health care/epidemic disease control and prevention;
- Supporting mobile health-care units for medical check-ups and dissemination of knowledge on health care to hill-tribe people, particularly women and children, providing immunization services, first-aid kits and basic medication and referral of the patients who are seriously ill;
- Provision of lunch and supplementary food for childcare centres and temporary schools, by seeking support from the Government and private sector;
- Provision of clean drinking water for children;
- Provision of welfare and livelihood support for families;
- Promotion of the participation of families and communities in child development;
- Organization of children's activities to enable them to express their point of view and take part in social activities;
- Organization of occupational training for heads of family and housewives to enable families to be self-reliant financially, so that they do not have to leave the village to seek employment elsewhere.

639. Granting of Thai citizenship has increased 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 of 2000.

### **Ensuring the enjoyment of rights**

640. In relation to development, the Thai Government has adopted a two-pronged strategy 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 for and tolerance of cultural and ethnic differences, as has long been a practice among the hill-tribe groups. Moreover, hill-tribe children have been encouraged to participate in and to have the right to enjoy and maintain their ancient traditions, local wisdom, art and culture.

641. The national policy. According to the Eighth National Economic and Social Development Plan (1997-2001), hill-tribe people are referred to as a Thai culturally diverse 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.

642. Granting of Thai nationality. Currently there are 504,523 hill-tribe people, or about 60.21 per cent of the total hill-tribe 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 Hill Tribe People of 1992 and its 1996 Amendment.

643. Currently, more than half of the hill-tribe 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 hill-tribe children to enjoy and uphold their own traditions and customs.

644. Thailand treats its people in a non-discriminatory manner. Hill-tribe children who have obtained Thai nationality are entitled to the same social welfare services provided by the Thai Government as other Thai citizens. Those who have not yet obtained Thai nationality 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 health-care services from any State hospital as well as to participate in social activities organized by governmental and non-governmental organizations, including recreational groups, youth groups for self and community development, and agricultural and non-agricultural occupational training.

645. In addition, the Government has established 1,232 village welfare centres covering 2,000 hill-tribe villages. The centres help the hill-tribe children to overcome their hardship to some extent. However, there are some pockets of hill-tribe children living in very remote areas where government services have not reached. In this case, assistance is given by NGOs.

646. The measures adopted, as mentioned earlier in this chapter, have brought huge benefits to hill-tribe children. Amongst these are a better quality of life; greater social welfare; community participation; proper and hygienic living conditions; an unpolluted environment; a loving and caring environment in the families; and an opportunity to enjoy and maintain their own ethnic and cultural beliefs and customs without discrimination.

647. The Government has established childcare centres and encouraged families and communities to take part in child development. Activities are also organized for the child to play his/her role, express opinions and develop sound values. In addition, occupational training is organized for heads of family and housewives so they can be self-reliant.

648. The progress achieved includes:

- The granting of Thai nationality to hill tribes has been expedited;
- The 1997 surveys made it possible to obtain accurate data on hill-tribe children by sex and province, as well as the existence of State agencies providing services to these people. With funding under the Miyasawa Plan, the Department of Local Administration employed 16 graduate volunteers to establish a database of the hill-tribe population, on the basis of which appropriate development assistance will be designed;

- Studies on the impacts of national policy on hill-tribe development and on socio-economic changes in the hill-tribe communities, for developing future plans and actions, have continued;
- Greater participation of hill-tribe children and youth in social and economic activities, particularly occupational training for youth, life skills education for protection against drug abuse and HIV/AIDS, and cultural and environmental conservation has been promoted;
- The preparation of the document entitled “Hill Tribe Development under the Thai Constitution of 1997”, is to be used as a conceptual framework and guideline for future development, in conformity with the Constitution, and as a means to educate and disseminate knowledge and understanding of the duties and responsibilities as enshrined in the Constitution.

### **Problems**

649. Remaining problems include:

- Demographic data on hill tribes are incomplete, particularly in relation to those who remain out of reach;
- The quality of education provided by some State institutes for the hill-tribe people is not up to acceptable standards;
- There are still some pockets of hill-tribe children who are without a nationality, due to a lack of knowledge of the relevant laws and regulations on the part of the hill-tribes themselves, the government officials and NGO staff. This is causing difficulties in proving the legal status of a person who does not have official documents.

### **Solutions**

650. The Thai Government has adopted the following measures to resolve the above-mentioned problems:

- Conducting a demographic survey of the hill-tribe population, disaggregating data by sex, age and province;
- Improving the quality of education for highland people to meet the national standards as applied to other Thai people;
- Expediting the process of granting Thai nationality to all hill-tribe children, which is expected to be completed soon.

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