



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Fifty-ninth session

### Summary record of the 1683rd meeting

Held at the Palais des Nations, Geneva, on Wednesday, 25 January 2012, at 10 a.m.

*Chairperson:* Mr. Zermatten

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*The meeting was called to order at 10 a.m.*

**Consideration of reports of States parties** *(continued)*

*Combined third and fourth periodic reports of Thailand on the implementation of the Convention on the Rights of the Child (continued) (CRC/C/THA/3-4; CRC/C/THA/Q/3-4 and Add.1)*

1. *At the invitation of the Chairperson, the delegation of Thailand took places at the Committee table.*
2. **Ms. Wijemanne** said that, while Thailand could be congratulated on the steady reduction in the mortality rate of children under 5, according to certain information, the rate of infant mortality in poor communities nonetheless remained high. She asked what measures had been taken to make health care accessible to all children, including those living in the poorest areas, notably in the countryside.
3. It appeared that a large percentage of Thai children were chronically undernourished, due not only to poverty but also to a lack of access to services; it would be useful to know what measures were being taken to resolve the problem.
4. The breastfeeding rate was falling and only 4.5 per cent of mothers exclusively breastfed their babies. It would be useful to know what measures the State party intended to take to apply the International Code of Marketing of Breast-milk Substitutes, whether the provisions of the Code had been incorporated into domestic legislation in order that persons who violated them could be penalized and whether the Baby-Friendly Hospital Initiative had been implemented.
5. According to certain information, 70 per cent of pregnant women did not consume foods rich in iodine, despite the fact that iodine deficiency during pregnancy could harm the foetus and lead to mental impairment in the child. The delegation was invited to explain what the Government intended to do in that regard.
6. Domestic accidents were one of the key causes of death and disability among Thai children. According to the information available, 6,000 Thai children died each year as a result of accidents, while drowning and road traffic accidents were common: had measures been taken to address the problem?
7. Noting the swift rise in pregnancies and abortions among adolescents, she asked whether adolescent health programmes were effective, whether they had been introduced in schools and whether adolescents had access to family planning services. She also wished to know whether there were health programmes targeted at refugee and migrant children, whether the health-care system looked after child victims of maltreatment, and whether medical staff were trained to deal with those children and remained in contact with the justice system and the law enforcement agencies.
8. **Mr. Cardona Llorens** said that, according to an official study of 2007, 24.3 per cent of children with disabilities did not receive tuition of any kind and 59.5 per cent received only preschool education. The rate of integration of children with disabilities in the ordinary education system was inadequate and there were too few specialist centres. He wished to know whether teachers working in specialist centres received special training and whether the State party intended to take further measures to promote education for children with disabilities, notably by promoting inclusive education, including in rural areas.
9. The age of criminal liability had been raised from 7 to 10 years, which was still extremely low. While it might be appropriate to congratulate the State party on the initiatives taken with regard to restorative justice, the information in paragraph 125 of the report could nonetheless be taken as a cause for concern. According to that paragraph, the

director of the Juvenile Observation and Protection Centre — where offenders under 18 years were placed — could transfer any juvenile offender he perceived to be a danger to other juvenile offenders to an adult prison. It would be useful to know whether that meant that those juvenile offenders were detained alongside adults, whether the practice applied to children from 10 years and whether the courts had any say in the matter.

10. **The Chairperson** said he was surprised that each year 4,500 children were imprisoned in Thailand, a remarkable number that somewhat contradicted the information in the report stating that the authorities had introduced alternative measures to imprisonment, notably family and community conferencing services. It seemed, therefore, that deprivation of liberty was the rule, rather than the exception. The situation might in some part be due to the lack of juvenile courts. The delegation was invited to explain the stage of application of the legislation to establish juvenile and family courts throughout the country and what level of training was required for judges, prosecutors, police and social services' staff, including staff at the Juvenile Observation and Protection Centre.

11. **Mr. Muntarbhorn** (Thailand) said that the National Human Rights Commission had been established under the 1997 Constitution. Until the adoption of the 2007 Constitution, the Commission had comprised 11 members, several of whom were representatives from NGOs. The 2007 Constitution had reduced the number of members to seven and the Commission no longer had real representation from NGOs or civil society. That situation was currently being addressed. In 2010, the Commission had considered six cases concerning children, the majority of which related to refusals of admission to educational establishments due to the lack of certain documents. Over the previous nine years, the Commission had considered a total of 46 cases concerning children.

12. The 2007 Constitution had extended the powers of the Commission, which was now able, with the agreement of the individual concerned, to bring cases before the Constitutional Court and the administrative courts. New legislation was currently being drafted to provide the Commission with better access to the justice system.

13. **The Chairperson** asked whether specialists in children's rights sat on the National Human Rights Commission. He also asked whether the Commission itself contacted the court when it judged appropriate or whether it was the child's responsibility, and whether children who had filed complaints gave evidence in person during proceedings.

14. **Ms. Aidoo** (Country Rapporteur for the Convention) asked whether children were aware of the Commission and whether all children in the State party had access to it, particularly those living in the provinces.

15. **Mr. Muntarbhorn** (Thailand) said that one member of the Commission had previously worked for the Ministry of Social Development and Human Security, and had some experience with issues affecting children. The Commission could bring cases before ordinary courts directly and on its own initiative, and children gave evidence during court proceedings. There were no regional branches of the National Human Rights Commission but it dispatched mobile teams to the regions to raise awareness of its existence.

16. The Nationality Act (No. 4) of 2008 permitted an unmarried father to automatically transmit Thai nationality to his child. That was a change from the previous law, dating from the 1960s, which recognized the right of an unmarried Thai mother to transmit Thai nationality to her child. The Nationality Act of 2008 therefore gave both unmarried parents equal rights to transmit nationality to their child.

17. Children born abroad to Thai parents had Thai nationality.

18. The previous Nationality Act had recognized three means of acquiring nationality, namely by place of birth (*jus soli*), descent (*jus sanguinis*) or naturalization. There were, however, exceptions for the children of illegal immigrants or those whose parents were

temporarily resident in Thailand, such as refugees. The Government had gradually amended the Nationality Act to confer nationality on stateless persons, including the children of migrants who had been living in Thailand for a significant period. The most recent law recovered the Thai nationality of persons from whom it had been withdrawn by Revolutionary Party Announcement No. 337 of 1972, and conferred Thai nationality on the children of refugees and illegal immigrants born before 1992. The matter of children born after 1992 and those who were currently arriving in Thailand remained to be addressed gradually.

19. To acquire Thai nationality, a person must have been domiciled in Thailand for at least five years.

20. Foundlings were initially registered and could then acquire Thai nationality in accordance with the Nationality Act.

21. **Mr. Madi** (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict) pointed out that although the Thai authorities conferred Thai nationality on migrant children born before 1992, they constrained the freedom of movement of those among them who lived in refugee camps. Therein lay a contradiction.

22. **Mr. Muntarbhorn** (Thailand) said in response that there were different groups of migrants in Thailand. The largest group of migrants was from Myanmar numbering some 100,000 people accommodated in various camps, to which the Office of the United Nations High Commissioner for Human Rights (OHCHR) had access. Some of those migrants had since been resettled in other countries. The restoration of democracy in Myanmar would perhaps allow that group of migrants to return to their country.

23. The 2010 Act on juvenile justice aimed to ensure that all children under 18 years suspected of having committed a crime should be judged by a juvenile court. Efforts had been made to ensure that juvenile offenders in the seven border provinces that experienced violence and disturbances, and where the state of emergency was still in force, would be judged in accordance with the 2010 Act, rather than the state of emergency laws.

24. Under the 2010 Act, the authorities were trying to avoid placing juvenile offenders in detention and to resolve issues through mediation with families and victims. The juvenile court could decide to close a case, emphasize reintegration and ensure that the young person's police record was left untarnished. A juvenile offender's reintegration plan was reliant on his or her consent and that of the parties concerned, and was therefore based on the participation and consultation of all those concerned. Detention was employed as a last resort in the most serious cases.

25. The principle of the separation of adults and children in prison was enshrined in legislation. Children under 15 years were not imprisoned. Those between 15 and 18 years could be detained in units of the Juvenile Observation and Protection Centre, which were comparable to reform centres.

26. Judges received training but it had to be acknowledged that the rights of the child were not systematically included in training, which should be changed. The head of the juvenile and family courts had recently signalled that a counselling centre with a multidisciplinary team that included social workers and psychologists would be attached to the juvenile courts.

27. **Mr. Cardona Llorens** asked whether children between 15 and 18 years could be detained alongside adults and whether there were juvenile courts practising restorative justice in every region of the country, including remote areas, or only in the capital.

28. **The Chairperson** said that he wished to know whether there were juvenile courts in the southern provinces of the State party and whether there were plans to raise the age of criminal liability.

29. **Mr. Muntarbhorn** (Thailand) said that there were currently juvenile courts in every province. He explained that, under the new law, the director of the Juvenile Observation and Protection Centre was no longer allowed to transfer a minor who he thought presented a danger to other minors to an adult prison without prior approval from a judge and in an emergency.

30. **Ms. Chutikul** (Thailand) said that under a new bill currently being drafted the age of criminal liability would be raised to 12 years. A strong recommendation from the Committee in that regard would help to convince Parliament that the decision was well-founded. Research showed that less than 1 per cent of children between 10 and 12 years had any contact with the juvenile justice system in 2011, which indicated that counselling services would be more appropriate than detention.

31. **Mr. Gongsakdi** (Thailand) said that Thailand had accepted the recommendation to raise the age of criminal liability made during the universal periodic review (A/HRC/19/8).

32. **Ms. Maurás Pérez** said that, regarding children placed in detention, it would be useful to distinguish between boys and girls, in order to provide appropriate supervision.

33. **Mr. Gongsakdi** (Thailand) said that the National Human Rights Commission and the Office of Basic Education were responsible for coordinating activities to raise awareness of the National Human Rights Commission, complaints procedures and human rights, which included the dissemination of a version of the Universal Declaration of Human Rights that had been adapted for children, organizing events for Universal Children's Day and also distributing a leaflet on human rights produced by a Buddhist monk among soldiers posted to the southern provinces of Thailand.

34. **Mr. Tharathep** (Thailand) said that State budget allocations for health, education and social protection were determined for each area by the number of children living there. Equality of access to care between Thai citizens and migrants from neighbouring countries was guaranteed, as indicated in the Migration Health: Report of Activities 2010 produced by the International Organization for Migration (IOM) and the 2009 joint review by the Ministry of Public Health and the World Health Organization (WHO) on the preparedness and response to pandemic influenza (H1N1) with a focus on vulnerable non-Thai populations. In the camps in the south of the country, near the border with Myanmar, health-care provision was organized by NGOs in receipt of external funding with the support of the health authorities.

35. A bill on reproductive health that was actively supported by the Ministry of Public Health had been presented in 2007 for a public hearing. The bill stipulated access to health care for all, the organization of sex education classes in schools and the right of pregnant adolescents to continue their education.

36. HIV-positive pregnant women received free antiretroviral treatment to prevent mother-to-child transmission of the virus. Although all Thai citizens currently had access to antiretroviral treatment, Thailand required assistance to offer the same treatment to migrants.

37. Since 2003, the number of salt, condiment and food iodization programmes had risen steadily, and new regulations for salt had entered into force on 7 April 2011. In 2009, 15.1 per cent of babies were exclusively breastfed. The Ministry of Public Health promoted breastfeeding from birth and hoped that the rate of exclusive breastfeeding would continue to rise. The commission on maternal and child health was responsible at the national and

provincial level for developing strategies to address maternal and child health and nutritional issues.

38. The Thai Government had launched the Decade of Action for Road Safety 2011–2020 and was currently implementing a programme to ensure that there was one doctor in each district and one nurse in each subdistrict. To guarantee children’s access to health care in the three southern provinces, the Ministry of Public Health had provided ambulances, assigned student nurses to hospitals, adopted incentives to encourage doctors to move to the three provinces and involved local communities in health-care provision.

39. **The Chairperson**, expressing great concern at the high number of teenage pregnancies and abortions, asked for more information on access to contraception. He said that he was unsure why there was a difference between the figures for exclusive breastfeeding available to the Committee and those given by the delegation.

40. **Mr. Tharathep** (Thailand) said that more detailed information was available on the website of the National Statistical Office and that there were significant disparities between regions in terms of breastfeeding rates.

41. **The Chairperson** said that he would like to know what measures had been taken to address risky behaviours, such as consumption of alcohol and illegal drugs, particularly in towns, and to reduce the relatively high suicide rate.

42. **Mr. Tharathep** (Thailand) said that the Ministry of Public Health had developed a strategy that involved many preventive measures, such as limiting the hours of sale for alcohol and organizing campaigns to raise awareness of the dangers of alcohol.

43. **Ms. Wijemanne** said that young people should be given the tools to change their behaviour, and not just their environment.

44. **Mr. Gongsakdi** (Thailand) said that the campaigns to raise awareness of the dangers of alcohol and tobacco used slogans and images that shocked.

45. **Mr. Tharathep** (Thailand) said that numerous strategies had been developed to prevent domestic violence and teach parents how to retain their self-control during arguments with their children. Specialist centres established in 2003 welcomed over 10,000 persons annually and offered an emergency telephone helpline. There was also a system to monitor violence against children.

46. **The Chairperson** said he had the impression that placement in an institution was often favoured, even though it should be a decision taken as a last resort. He inquired as to the legislative framework to protect children placed in institutions and the process by which children could lodge a complaint or voice their opposition to a transfer from one institution to another.

47. **Ms. Aidoo** said that she wished to know how many children had been left with their extended family by parents who had moved from their region of origin to an urban area in the hope of finding employment. She was interested in whether the children left behind were monitored by an early years development programme, and if so, whether the programme targeted all children under 6 years.

48. **Mr. Chantrabumrourng** (Thailand) said that the 29 establishments offering alternative care in Thailand housed almost 7,000 children who, if they were of school age, had access to basic education. Crèches were obliged to meet quality standards and their compliance was monitored by social workers.

49. **Ms. Aidoo** said that, while she congratulated the State party for the approach adopted to early years development, she wished to draw the delegation’s attention to the particular case of children whose parents had left their region of origin; deprived of their

family environment, such children needed more than daytime care and their situation called for the introduction of a more comprehensive protection framework. She asked whether the State party had studied the actual needs of such children in order to develop programmes for them.

50. **Mr. Chantrabumrong** (Thailand) said that the situation of the children concerned was currently the subject of a study that should lead to the development of an appropriate policy.

51. **Ms. Sandberg**, noting that there were only 29 establishments offering alternative care for the whole country, said she was concerned that children might be placed outside their region of origin and might therefore lose touch with their extended family.

52. **Ms. Phoonsiti** (Thailand) said that the 29 establishments were spread across the country and that there was therefore one in each region.

53. **The Chairperson** noted that, if the 29 establishments were housing 7,000 children, they must be overcrowded. He asked whether there was a law or regulatory order on placement in institutional care, whether the children concerned could request a review of their placement and whether they had access to an administrative complaints procedure.

*The meeting was suspended at 11.30 a.m. and resumed at 11.50 a.m.*

54. **Ms. Phoonsiti** (Thailand) said that placement in care was regulated by the Child Protection Act, which provided for different types of establishments, including shelters, child protection centres and rehabilitation centres. In general, children who were placed there came from underprivileged families, were homeless, were living with HIV/AIDS, had behavioural problems or had been subjected to violence, or sexual or commercial exploitation. There was nothing to stop them remaining in contact with their families, by post or by phone, or visiting their parents, including in prison. They could make their opinions known in the establishments in which they were placed and were psychologically monitored by social workers and counsellors.

55. **Ms. Chutikul** (Thailand) said that pregnant women received quality obstetric, antenatal and postnatal care, and that children's health was monitored until they started primary school. Initially, until the children's second birthday, health sector volunteers ensured their vaccination and proper physical and mental development. Then, from 2 years, children were cared for in a crèche or kindergarten. Finally, once they started school, children were subject to routine examinations to check various behavioural aptitudes.

56. **Ms. Herczog**, returning to the issue of children whose parents had left for another region in search of employment, said that, if the State created more crèche and childcare services in towns, parents would perhaps be more inclined to take their children with them.

57. **Ms. Chutikul** (Thailand) said that the Ministry of Social Development and Human Security wished to support the family unit by establishing more crèches and childcare facilities, including services that offered childcare until 6 p.m.

58. **Ms. Namfa** (Thailand) said that children were given classes about human rights and children's rights from their second year of primary school until the end of their secondary education. Furthermore, young people were made aware of human rights issues and learnt to respect others at human and children's rights clubs established in schools.

59. As part of a programme to promote equality of opportunity in education, the Thai Government had introduced free basic education and provided free school books and uniforms. It had also overseen the distribution of a daily serving of milk to each child from crèche until the sixth year of primary school, had partially financed school meals and had borne the cost of the boarding fees of 45,000 children from underprivileged families.

60. The Government had adopted a policy to promote bilingualism and multilingualism among children from ethnic communities, since research had shown that children who were able initially to use their mother tongue in school achieved better results.

61. **Ms. Aidoo** said that, according to the Education for All Global Monitoring Report 2010 by the United Nations Educational, Scientific and Cultural Organization (UNESCO), 620,000 children between 6 and 11 years did not receive an education, and the school enrolment ratio for children under 17 was only 72.2 per cent for girls and 68.9 per cent for boys. Only 54.8 per cent of students who had started primary school in 1998 had completed 12 years of schooling by 2009, indicating that many had repeated years or abandoned their studies.

62. Furthermore, noting that the Programme for International Student Assessment (PISA) of the Organization for Economic Cooperation and Development (OECD) had found a problem in the quality of instruction — with only 43 per cent of 15-year-old students passing the reading and science tests and 53 per cent the mathematics test — as well as a difference in the levels achieved by students living in Bangkok and those in rural areas, she wished to know how the State party intended to address the shortage of teachers in certain regions. She also asked what action was being taken for children who had abandoned their studies, whether good quality vocational training programmes had been introduced and what stage the bill on vocational education had reached.

63. **Ms. Nores de García** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) asked what measures the State party had taken to help the most disadvantaged rural areas. She also wished to know whether the principle of bilingual instruction also applied to preschool instruction.

64. **Ms. Namfa** (Thailand) said that links had been established between formal and informal education, in order that students who had abandoned their studies should not be left to their own devices.

65. Turning to the 54.8 per cent of students who had not completed their studies in 2009 after 12 years of schooling, it was important to remember that compulsory education lasted only nine years in Thailand and that the three supplementary years were optional.

66. Concerning the results of PISA, the Thai Government was focusing on mathematics and reading, and had introduced new teaching materials.

67. Close to 100,000 students were taught in special education establishments. Around 19,000 ordinary schools took in children with special needs, while approximately 9,500 children who were unable to attend school received instruction at home from a private teacher who guided them through a personal education plan. That approach had the advantage of allowing parents to closely monitor the progress of their child. Finally, close to 2,900 children with chronic diseases were offered educational services in hospital.

68. To standardize the quality of services provided in special education establishments, the authorities had appointed model schools, which offered training placements to teachers from other schools, and was leading a comprehensive review of services for children with disabilities. There were also networks for parents of disabled children and a committee to support the education of children with special needs that worked in partnership with the Ministry of Education.

69. **Ms. Jattanond** (Thailand) said that a ministerial decree stipulated that the minimum age of admission to employment for domestic workers was 15 years, which complied with the provisions of the Convention concerning minimum age for admission to employment (Convention No. 138). A resolution adopted by the Council of Ministers in 2004 had introduced a programme to register the children of migrant workers, which would enable them to enrol in school and to receive health care on the same terms as Thai children.

70. The exploitation of children in the fishing industry concerned seafood processing plants in particular. The authorities were working with the International Labour Organization (ILO) on the International Programme on the Elimination of Child Labour (IPEC) to eliminate the worst forms of child labour in the sector. Recently, a workshop organized by IPEC had established a list of dangerous occupations in the fishing industry. More generally, efforts had been made to draw up a list of all types of work prohibited by the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182), which included jobs that involved handling dangerous chemical substances and others that necessitated contact with persons with an infectious disease. The list would be submitted to the Council of Ministers for adoption in 2012.

71. There were only 700 labour inspectors in Thailand, which was not enough to cover the approximately nine million workers in the country. The authorities had introduced a mechanism for cooperation between various bodies, notably calling on the maritime police to assist the labour inspection services. Provincial centres to support working women and children had also been established, where they could report the illegal activities of their employers.

72. **The Chairperson** thanked the speaker for the information provided, but recalled that approximately 100,000 children were working in Thailand, which was a significant source of concern for the Committee.

*Initial report of Thailand on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/THA/1; CRC/C/OPSC/THA/Q/1 and Add.1)*

73. **Ms. Nores de García** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) welcomed the State party's adoption, in 2008, of the Anti-Trafficking in Persons Act, which took into account the guidelines offered by the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol). She asked whether the State party intended to draft a law incriminating the acts referred to in the Optional Protocol and establishing the definitions contained therein. She also wished to know what measures the State party intended to take to prevent the sale and prostitution of children in major cities and to raise awareness of the problem among hoteliers, the media, tour operators and the general public. It would also be valuable to know whether it was prohibited to advertise establishments that facilitated child prostitution, whether such establishments could be closed down as a penalty and whether there were plans to draft a code of ethics for the media and tour operators. Furthermore, the delegation was invited to indicate whether a legal entity could be prosecuted for offences referred to in the Optional Protocol and whether the assets and profits of crime could be seized. More generally, it would be useful to learn what specific measures had been taken to combat sex tourism and prostitution in the capital.

74. She asked what measures the State party planned to take to combat child labour in the fishing industry and whether fishing boats and the produce of fishing could be seized. The delegation was also invited to state whether child labour in the fishing industry was expressly prohibited by the Criminal Code, whether those responsible were liable to prosecution and what measures there were to return child victims to education.

75. Noting that no definition of child pornography was established in legislation and that it was not prohibited to distribute, sell or possess child pornography, she asked whether there were plans to clearly establish in law the concept of child pornography, including simulated representations of child pornography and virtual images. She also enquired as to the measures to protect Thai children from the risks posed by new technologies. She invited

the delegation to explain the action taken to build cooperation with neighbouring countries to address the acts referred to in the Optional Protocol, particularly by developing a regional action plan, and noted the need for detailed data, disaggregated by age, ethnic origin and geographic location to help evaluate requirements. Furthermore, she asked whether there were plans to develop an action plan to combat trafficking and wished to know what barriers there were to the full establishment in domestic law of the offences listed in the Optional Protocol.

76. She recalled that the State party was requested to establish a central coordination body for activities to implement the Convention and Optional Protocol thereto, and to ensure that the public became fully aware of the two instruments. Furthermore, she asked whether the State party intended to increase the budget allocation for children and what measures were going to be taken to end the collusion of the authorities with those who committed offences linked to the sexual exploitation of children. She also wished to know whether there were plans to make the emergency telephone hotline available 24 hours a day. Lastly, she asked whether the best interests of the child were always taken into consideration during criminal proceedings and notably whether children received the assistance of a lawyer, whether their right to privacy was respected and whether they had access to effective remedies.

77. **Ms. Sandberg** asked whether measures were being taken to raise awareness among judges of the need to use video recordings for children's evidence at hearings, in order to avoid them having to appear in person. Moreover, it would appear that foreign children who were victims of crime were detained and interrogated insistently for long periods to the point where they felt compelled to distort the facts in order to be released. It would be interesting to hear the delegation's views in that respect.

78. **Mr. Cardona Llorens** said that the figures for child prostitution provided by the Ministry of Social Development and Human Security did not correspond with those available from other competent bodies. According to the Ministry, the annual average between 2005 and 2007 was 63 child prostitutes, whereas other organizations offered the figure of 60,000 child prostitutes; could the delegation explain the disparity?

79. **Ms. Wijemanne** asked whether the State party had a comprehensive database of information on child prostitution, the sale of children and child pornography, and whether the police were appropriately trained to combat the offences referred to in the Optional Protocol. She also wished to know whether any foreigners had been prosecuted following sexual relations with children and whether there was an Internet monitoring tool in place to detect the availability of child pornography on the Internet.

80. **The Chairperson** asked why criminal proceedings, which typically took between two and three years, were so lengthy.

*Initial report of Thailand on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/THA/1; CRC/C/OPAC/THA/Q/1 and Add.1)*

81. **Mr. Madi** (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict), while welcoming the efforts made by the State party to limit the involvement of children in armed conflict, notably by prohibiting the conscription of anyone under 21 years, expressed his surprise that neither the Criminal Code, nor the National Child Protection Act of 2003 expressly incriminated the recruitment of young people under 18 years. He said that he also wished to know whether the Royal Thai Navy School was the only military school to take children from the age of 15, since information on the matter was contradictory. The situation in the border provinces was a source of concern, given that children under 18 had allegedly participated in the activities of village defence militias, known as Chor Ror Bor, and additional information on the matter would

be welcome. He asked what measures the State party was taking to disseminate and ensure observance of the ministerial directive of 2011 that prohibited persons under 18 years from participating in military training in the villages. Furthermore, the delegation was invited to comment on reports that children under 18 were still being placed in administrative detention under Martial Law and the Emergency Decree on simple suspicion of participation in armed activities.

82. Moreover, he asked whether the juvenile justice system was systematically applied for children in conflict with the law and more specifically whether children could be detained for one week without the authorization of a judge, as was the case for adults in accordance with legislation on national security.

83. He would also like to know whether the State party had statistical data and detailed information on children who had been exposed to violence, whether attacks on schools in the southern provinces or other acts of violence that seemed to have been both frequent and bloody in recent years, taking the lives of over 4,500 persons and destroying many public buildings.

84. Lastly, he asked whether it was true that 14 children from Myanmar, who had sought refuge in Thailand after having been recruited to participate in armed conflict in Myanmar, had once again been recruited by armed groups from Myanmar. The delegation was therefore invited to explain whether the State party was doing what was necessary to guarantee the safety of children in refugee camps and whether there was a mechanism to recognize former child soldiers among asylum seekers and refugees, in order to offer the required rehabilitation and psychological support services.

*The meeting rose at 1 p.m.*