



Convention on the Rights of the Child

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Committee on the Rights of the Child

Consideration of the reports submitted by States parties under article 44 of the Convention

Combined third and fourth periodic reports of States parties
due in 2009

Thailand^{*,**}

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** Annexes may be consulted in the files of the Secretariat.

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I. Introduction

1. Thailand is a State party to the Convention on the Rights of the Child (CRC) which came into effect in Thailand on 26 April 1992. Upon the ratification, Thailand entered three reservations, namely Articles 7, 22 and 29. The reservation on Article 29 concerning the right to education was withdrawn in 1997, while the remaining reservations are Articles 7 and 22.

2. Thailand has submitted two reports in accordance with Article 44 of the Convention. The initial report was submitted on August 1996, followed by an oral presentation before the Committee on the Rights of the Child on October 1997. The second periodic report was submitted on April 2004, followed by an oral presentation on January 2006.

3. This report, prepared during 2006–2009, combines the third and fourth periodic reports of Thailand's implementation of the CRC and follows the guidelines of the Committee Rights of the Child's Compilation of Guidelines on the Form and Content of Reports to be Submitted by States Parties to the International Human Rights Treaties (HRI/GEN/2/Rev.5 dated 29 May 2008) and the Committee's Concluding observations (CRC/C/THA/CO/2 dated 27 January 2006). It reports on the progress made in accordance with the CRC after 2006. The basic information of the country has been presented separately in the Common Core Document.

4. The preparation of the reports was done through a national coordinating mechanism, the Sub-committee on Child Rights, with active participation from all sectors of the society, including the State agencies, non-governmental organizations, civil society, international organizations, children and youth. The draft report was put to five public hearings at both the regional and national levels with a final hearing on March 2010. Recommendations gathered from the public hearings were integrated into the report. The revised draft was submitted to the National Child and Youth Development Promotion Commission and approved by the Cabinet on May 2011.

5. The situation of children in Thailand in 2009 shows a decreasing number in the child population continuously over the past ten years. Of the 63.5 million people in Thailand, 15.46 million (24.86%) were children below 18 years of age, with another 200,000 children of migrant workers aged below 15 years born in Thailand and registered with the Committee of the Alien Workers Management under the Ministry of Labor. According to a survey on population change, during the period 2001–2005, there were 0.74–0.81 million newborn babies. Comparison between the periods 2005–2006 and 1995–1996 showed the overall birth rates per 1,000 people were 10.85 and 17.90, respectively; and mortality rates were 6.76 and 6.02 respectively, making the natural growth rate 0.41 and 1.19 respectively – an almost threefold drop in population growth rates. In 2005, the birth rate, mortality rate and infant mortality rate per 1,000 people/live births were 13.0, 6.4 and 11.3 respectively. Birth and death records in 2005–2006 were 96.7 and 95.2 respectively. Of the number of children in basic education (12 years), 10.41 million (67.33%) were in kindergarten to the lower secondary levels, of which 1.80 million in pre-school level, 5.84 million in primary school level, and 2.76 million in lower secondary school level. Annual budget allocations for the Ministry of Education (MOE) during 2006–2009 were 225,610.7, 282,666.7, 301,085.2 and 332,298.6 million Baht respectively, or an equivalent of 16.3 to 18.1% of the total national budget, the highest of all allocations.

6. The Child and Youth Development Promotion Act of 2007 aims to promote the best interests and guarantees basic rights of the child without discrimination. The act also aims to promote and instill in children, ethics and values, e.g., familial bond, national pride and democratic values, freedom of expression and participation in public life (Core Document).

7. Thailand's efforts in promoting children's participation date back to the first "child rights assembly" on 20 November 1989, the same day as the adoption of the CRC by the UN General Assembly. The 19th assembly in 2008 proposed a children's report on Thailand's implementation of the CRC in parallel with the official report to submit to the UN Committee on the Rights of the Child under the topic "the situation of child rights violations, impacts and solutions".

II. Report on the status of implementation of the Convention

A. General measures of implementation (arts. 4, 42, 44, para. 6, of the Convention)

8. Thailand's initial and second periodic reports provided basic information and progress made in accordance with Article 4 of the CRC which requires a State party to undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the Convention. The second periodic report covered a set of new and amended laws passed during the period 2007–2008, which are responsive to human rights principles and beneficial to the protection and development of children (Core Document).

Reservations

9. Thailand recognizes the concern of the Committee with regard to the remaining reservations and sets a firm target for the withdrawal of the reservation to Article 7¹ with concrete preparatory measures in this direction by legislative reform, and issued national strategy and policy concerning the civil registration and nationality (paras. 29–35). However, it is still necessary for Thailand to maintain the reservation on Article 22 due to the unique circumstances of having large and continuous influx of displaced people from the neighboring countries – over two million people, of which 140,000 have been provided temporary shelter along the western border of the country. These migrants are considered 'displaced persons' according to Thai regulations. As of now, there exists no internal law that recognizes refugee status of these people. Moreover, Thailand has been giving appropriate care and assistance to displaced children in accordance with the humanitarian and human rights principles (paras. 100–101).

Legislation

10. Thailand's internal laws, both the Constitution and general laws, have been developed and improved in conformity with the situation. As State party to many human rights treaties, a number of laws have been amended to comply with these treaties and international conventions including the CRC as follows:

(a) Establishing appropriate institutional arrangement in the form of a sub-committee, tasked with the revision of laws concerning children in compliance with the Thai Constitution and CRC in 2000. The sub-committee comprises law experts and child rights practitioners from both the government and non-government sectors and has been working continuously in this direction to date;

¹ Thailand has withdrawn its reservation to Article 7 of the CRC by notifying the Secretary-General of the United Nations. Such withdrawal became effective on 13 December 2010.

(b) More than 17 laws have been amended to comply with the CRC (Core Document) and supporting ministerial regulations have been introduced;

(c) A number of new legislation concerning the protection and development of children was introduced, including those concerning the safety promotion in sports and recreational activities; suppression of items instigating dangerous behaviors; protection of children born by assisted reproductive technology; and child adoption.

11. To promote and strengthen the new laws concerning child protection, which include Child Protection Act of 2003, National Child and Youth Development Promotion Act of 2007, Domestic Violence Victim Protection Act of 2007, and Anti-Trafficking in Persons Act of 2008, efforts are as follows:

(a) The National Policy and Strategy for the “World Fit for Children”; National Policy to Stop Domestic Violence against Child and Women; and National Plan and Policy on the Prevention, Suppression and Combating Domestic and Transnational Trafficking in Children and Women;

(b) Establishment of central and local mechanisms for strengthening enforcement of the laws, policies and strategies, include various sub-committees under the National Child and Youth Development Promotion Commission for child and youth development in; planning, promoting activities; training personnel; research and studies; child and youth assemblies; implementation of “A World Fit for Children”, National Anti-Human Trafficking Committee, MOUs and guidelines of operations, etc.;

(c) Training of personnel concerned includes workshop, seminar, and sensitization for child protection workers, officers, professionals, and anti-human trafficking multi-disciplinary team, as well as regional networking activities;

(d) Development of manuals for relevant professionals;

(e) Establishment of surveillance mechanisms at the local level; hot-line, coordinating and community surveillance centers;

(f) Monitoring and evaluation activities conducted by sub-committees mentioned in (b), with an annual report of the findings are submitted to the Cabinet and the Parliament.

Coordination

12. To strengthen coordination among relevant agencies at all levels for effective enforcement of the domestic laws and international conventions, coordinating mechanisms are the National Child Protection Committee, National Commission for Child and Youth Development Promotion, and National Anti-Human Trafficking Committee, student councils centers and associations, nation-wide networks of non-governmental organizations (NGOs) and community organizations, such as the Council for Child and Youth Development under the patronage of HRH Princess Maha Chakri Sirindhorn, Task Force for Children in Thailand, and Working Group on Stateless Children in Thailand.

Policies and plans on children

13. By the approval of the Cabinet, Thailand adopted “A World Fit for Children” document in 2002 and launched the National Policy and Strategy for a World Fit for Children of 2007–2013 in 2007 with the action plan of 391 projects/activities focused on eleven issues. The implementation of these action plans is in the process of being reviewed and evaluated. Moreover, a Multiple Indicator Cluster Survey (MICS) was conducted during December 2005–February 2006 by the National Statistical Office, commissioned by UNICEF and the Ministry of Social Development and Human Security (MSDHS). The

survey findings have been used to adjust data, measures and activities towards achieving the goals of “A World Fit for Children” (see Annex 2-1).

14. The National Agenda for Children and Adolescents in 2008 announced by the Prime Minister includes five main issues:

- (a) Promotion of creative activities, through Child Development Caravan Project;
- (b) Family strengthening, creating network and knowledge;
- (c) Promotion of educational and learning media for children and adolescents and their families;
- (d) Development of the Child-Friendly City Strategy (safe, healthy, family-oriented, learning, rights-based, participation-centered, risk-free cities, other appropriate issues) (see Annex 2-2, 1);
- (e) Promotion of early childhood development. The implementation is under the responsibility of the MSDHS.

Independent monitoring process

15. The independent organs under the 2007 Constitution are the National Human Rights Commission (NHRC) and the Ombudsmen. They have the authority and responsibilities to operate more effectively in protecting the public in the following manner:

- The NHRC can submit a case to the Courts of Justice or the Constitutional Court on behalf of the aggrieved person. During 2005–2008, the Commission received a total of 600–800 complaints of which 2% concerned the rights of the child and adolescent (see Table 1).
- The Ombudsmen can conduct inquiries whenever it is considered necessary for the cases which threaten public injures or interests without complaint, and is obliged to scrutinize the distortion/omission in the action of duties by officials, political officials, or organs under the Constitution or judicial process. During 2005–2008, they received 800–3,000 complaints (see Table 1).

16. Access to the above-mentioned bodies is open to children and the public through hot-lines, postal mails, individual complaints, website, human rights networks and organizations (both GO and NGO). By provision of the Constitution, the two bodies could have an adequate budget through a direct motion to the House of Representatives. Moreover, access can be done through NGOs freely.

Budget appropriation

17. The annual budget allocation increased by 6–15% during 2000–2009, among this, 38–43% was allocated to community and social services. Decentralization allocates increasing annual budget to empower the local administrative organization in providing public services to local people, and encouraging them to become self-reliant in the administration of their affairs (see Tables 2, 3).

18. The MSDHS received increasingly 0.38–0.54% of the total national budget during 2002–2009. This trend illustrates the acceptance of importance of social development and human security by Thailand. There are various funds for the welfare and protection of children, under the administration of the committees such as funds for child protection, social welfare promotion, health promotion and quality of life of people with disabilities under which several hundred projects and activities have been supported (see Table 4).

Data collection

19. Thailand's data system faces difficulties. It lacks the capability of disaggregation, indicators for monitoring and evaluation system, and disintegration of sources of data from various agencies. To integrate the system, the government has taken key actions to rectify the situation by establishing: (a) the National Information Centre (NIC) in 2004 to administer, collect, integrate, analyze, and develop policy-based data from all sectors at both provincial and national levels; (b) the National Statistical Office (NSO) authorized by the Statistic Act of 2007 to be the central State agency responsible for national master plan for statistic work; (c) the database on children with disabilities according to the Persons with Disabilities' Quality of Life Promotion Act of 2007; (d) MICS (see para. 13).

B. General principles (arts. 2, 3, 6 and 12 of the Convention)

General situation

20. Rights, liberties and equality of all persons before the law based on the principle of non-discrimination are guaranteed under Sections 4, 5, 30, and 26, 28 of the Constitution. Sections 52, 40 and 80 contain specific provisions for special protection and development of children. They cover the rights to survival and development by child participation, proper protection in the judicial process, early childhood care and development with the duty of the State to promote equality between men and women including to enhance and strengthen integrity of families and communities. The principle also leads to revision of the laws concerned in addition to the Child Protection Act of 2003.

Rights to non-discrimination (art. 2 of the Convention)

21. The right to non-discrimination in public health and welfare services and special protection and development for at-risk children are provided under Headings E, F and G.

Rights to life, survival and development (art. 6 of the Convention)

22. In addition to the Constitution, the Criminal Procedure Code Amendment Act (No. 25) of 2007 stipulates the right to life of the child from during pregnancy by suspending the sentence of capital punishment for pregnant women for a period of 3 years after the child's birth, then changing the sentence to life imprisonment, except where the child dies before the 3-year period.

23. Regarding the protection of children involved in armed conflict, the Military Service Act of 1954 requires Thai males to register for voluntary military service at the age of 18, and for compulsory military service at the age of 21. Details regarding the military service were discussed in Thailand's initial report. Thailand ratified the Optional Protocol to the CRC on the involvement of children in armed conflict which came into effect on 27 March 2006. A report on the implementation of the Optional Protocol was submitted to the Committee on Child Rights on 27 October 2009. For children in southern provinces, the information will be discussed under Heading G.

Respect for the view of the child (arts. 3, 12 of the Convention)

24. The National Child and Youth Development Promotion Act of 2007 (see para. 6) internalize the principles of the Constitution and CRC for the right to participation of the child. The child and youth council has been established nationwide as a mechanism for self-expression, development and knowledge-sharing among children themselves. Currently, from total 954 councils, 877 are at district level, 75 at provincial level, one at Bangkok Metropolitan and one at the national level. The councils organized several activities including planning, meetings, public voluntary projects and dissemination of information

on the provinces and their own activities through various forms of local media (see Table 5).

25. Section 40 (6) of the Constitution provides for the right of children and youth to proper protection and treatment in judicial process. The Criminal Procedure Code Amendment Acts (No. 20) of 1999 and (No. 26) of 2007, amend provisions concerning interrogation, investigation and identification of alleged persons by injured persons or witnesses who are under 18 years of age must be done in an appropriate setting with the presence of a multidisciplinary team, consisting of a psychologist, social worker, public prosecutor or lawyer and the person requested by the child. If, for any necessary reason, it is not possible to arrange or wait for the full team, the inquiry may proceed only when the child expresses his/her wish not to have or wait for and the reason for the absence of such person must be recorded.

26. When interrogating, if it is deemed that the question may cause traumatic impact on the child, it must be posed through the psychologist or social worker without the child hearing and the questions may not be repeated without any reasonable grounds. The child is entitled to be informed about this process. If the child expresses apprehension towards any of the persons present in the inquiry, that person must be replaced. Besides, the identification of alleged persons must be done without the child being seen. These procedures apply to interrogation and cross-examination of a child as a witness and as a suspect. These provisions illustrate the fact that opinions, intentions and wishes of a child are taken into account in all judicial proceedings as provided by the law.

Obstacles and solutions

27. The remaining challenges are somewhat more complex and subtle:

(a) In respect for the views of the child, challenges exist in Child and Youth Councils which need more support in resources and personnel to organize activities. To address this problem, the MSDHS is accelerating the drafting of supporting regulations to facilitate the enforcement of this Act;

(b) Involvement of children in judicial process needs time for concrete results and progresses. Enforcement of the laws must be closely monitored and evaluated.

C. Civil rights and freedoms (arts. 7, 8, 13–17, 19 and 37 (a) of the Convention)

General situation

28. Over the past decade, Thai society has become more alert and assertive on civil and political rights, including the rights stipulated in the Constitution and human rights principles. Decentralization has effectively made public administration smaller and more intimate. Thailand ratified the International Covenant on Civil and Political Rights in 1997 and the International Convention on the Elimination of All Forms of Racial Discrimination in 2003, which contains provisions concerning the right to nationality in Articles 24 and 5 (3), respectively. Some preparatory measures for the full realization of this obligation have been adopted as follows:

Birth registration

29. Birth registration is an official recording of birth of the child in the civil registration by an authorized agency, a formal recognition of legal status of a child under civil registrations system with a sole identification number in the civil registration database.

30. The Civil Registration Act (No. 2) of 2008 addresses the problem of birth registration and legal status of a child by stipulating the notification of birth that may be made to a registrar in areas other than where the birth takes place; for an abandoned child or infant without guardians left in the care of a State agency or non-governmental organization whose nationality or birth status cannot be proved will be issued by the local registrar: the record of acceptance, profile record, identification document and certificate of birth report. It also provides for late registration of birth of a child with Thai nationality whose parents did not register his/her birth that will be issued an identification document and a birth certificate as evidence based on the available facts.

31. The Act requires the district or local registrar to issue a household registration document for every house of persons with/without Thai nationality having a domicile within the Thai Kingdom, or having been permitted to stay temporarily, or having been giving leniency for temporary residence in the Thai Kingdom as a special case in accordance with law on immigration and the children of these people and the other persons without Thai nationality. This Act aims to make birth registration more convenient and extensive as confirmed by the National Child and Youth Development Promotion Act of 2007 (Article 7).

32. Thailand has systematically addressed the issues of profile and birth registration of the people and children specified in the Civil Registration Act of 1991. Actions have been taken through regulations of the Central Registration Office and orders of the Ministry of Interior (MOI) as follows:

- In 2000, issuing civil registration cards to 9 main ethnic groups of highland people and unaccounted newborns thus they were registered in the civil registration system and acquire Thai nationality
- In 2002, birth registration of abandoned infants
- In 2003, issuing certificate of birth report for displaced children in the shelters for people fleeing armed conflicts
- In 2004, registration records of aliens having been given permission to reside temporarily in Thailand as a special case (Burmese, Laotian and Cambodian) in accordance with the Central Registration Office Regulation
- In 2005, registration of persons without registration records in accordance with the Central Registration Office Regulation which requires the verification of nationality of their children, if verifiable, birth registration should be recorded with names added to the household registration, if not, a certificate of birth will be issued with names added into the household registration certificate of their parents
- In 2007, registration of Thai persons without household registration certificate, as part of the celebrations of the 80th birthday of the King, granting them a legal status

Name, nationality and status of a person

33. The Nationality Act (No. 4) of 2008 enables a child of a Thai father born out of wedlock to acquire the nationality of the father. The amendment requires the word “father” to include a person proved to be the father of the child in accordance with the procedures prescribed under the ministerial regulation. This applies even if such person has not registered his marriage with the child’s mother nor registered his paternity. The Act recognizes the equal right of men and women to Thai nationality through naturalization, loss of nationality, revocation of nationality and recovery of nationality. Such equality enables a child, wife or husband of a Thai person to apply for naturalization as a Thai (a right that was reserved for only a child and wife of a Thai man according to the former provision).

34. The Act also helps address the unresolved problem of statelessness of some groups of people, including the recovery of Thai nationality of a person born within Thai Kingdom whose nationality was revoked by Revolutionary Party Announcement no. 337 since 1972 including his/her children; the acquisition of naturalization as a Thai for specific categories of persons without Thai nationality, but having residence in Thailand, including persons who are unable to care for themselves and children in foster care and adopted children.

35. To create knowledge and understanding on the enforcement of the above-mentioned laws, sensitization and activities have been organized by the MOI and other agencies such as:

(a) Annual seminar for 2,500 officials involved in nationality, ethnicity and civil registration affairs, and workshop for personnel of agencies represented in the screening committee and other relevant agencies from central and regional levels;

(b) Development of operational manuals, information leaflets and posters, exhibition and information corners focusing on practical issues of enforcement;

(c) District mobile unit monthly outreach disseminating information, providing related services and civil manual registration due to registration via satellite needs considerably high costs;

(d) Cooperation in the information dissemination through the development of educational materials, meetings, monitoring and evaluation and research. Agencies involved includes the National Assembly, NHRC, the MSDHS, Immigration Office, Council of Lawyers, Foundation for the Better Life of Children, Stateless Watch, Plan Thailand, Asia Foundation, UNICEF, UNESCO and UNHCR;

(e) Collection and development of database, monitoring and evaluation of implementing agencies including the database on Tsunami victims by the Department of Disaster Prevention and Mitigation.

Protection of privacy

36. The Constitution (Sections 35, 45) provides for the protection of a person's family rights, dignity, reputation, the right of privacy and the right of a person to be protected from illegal exploitation of his/her personal information. Freedom of the media may not be restricted except for the purpose of safeguarding the rights of persons and families as mentioned including maintaining public order or good morals or preventing the deterioration of the mind or health of the public. Moreover, the right of privacy of a child is protected under a number of Thai laws, including the Act Instituting Juvenile and Family Courts and the Juvenile and Family Procedures of 1991; the Child Protection Act of 2003; and the Domestic Violence Victim Protection Act of 2007. The Thai media are well aware of their rights as well as the rights of children according to the laws and have strived to comply with the same standard when presenting the news about children by avoiding the disclosure of the children's identities.

Access to information

37. It is a constitutional right of a person to gain access to public information in the possession of the State and to receive an explanation and reason from the State for any operation which may affect the quality of life of a person or local community (Sections 56, 57). This right is also confirmed in the Official Information Act of 1997.

38. Regarding the protection of children from harmful information and materials, Thailand has introduced a television content rating system, by virtue of the Public Relations Department Announcement dated 18 January 2008, to prevent children and young people from consuming inappropriate media. The rating system consists of six categories: (i)

suitable for young children (aged 3–5 years); (ii) suitable for children aged 6–12 years; (iii) suitable for all ages; (iv) suitable for viewers aged above 13 years; (v) suitable for viewers aged above 18 years; and (vi) suitable for adults only. This rating system also applies to films. In addition to this rating system, each television channel also adopts a self-regulation approach to censor inappropriate contents.

39. On the Internet front, the Computer Crimes Act of 2007 aims to control unlawful use of computer data or dissemination of inappropriate data in a manner which causes injury to a person's reputation and impairs State security and good public morals. Any person who imports into a computer system, that is publicly accessible, data where a third party's picture appears either created, edited, added or adapted by electronic means or otherwise in a manner that is likely to impair that third party's reputation or cause him/her to be isolated, disgusted or embarrassed, shall be subject to imprisonment or a fine, or both. Public education campaign has been organized to disseminate knowledge and understanding of this Act by the Ministry of Information and Communication Technology (MICT). Activities include the development of materials and manuals, seminars, House Keeper programme, volunteer network and MICT mobile.

Corporal punishment

40. The Constitution (Section 52) provides for the right of children, youth, women and family members to be protected against violence and unfair treatment and the right to receive remedy in such case supported by MOE Regulation on Student Punishment of 2000; the Ministry of Justice (MOJ) Regulation on Children and Youth Punishment and Provisional Permission for Children and Youth of 2003; and the Domestic Violence Victim Protection Act of 2007. The latter is a new mechanism for making domestic violence a public affair by stipulating the report of such act to the authority by a person who encountered but not to be publicized through the media. In addition, Thailand has become a State party to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which came into effect in Thailand on 1 November 2007 and the main responsible agency is the Rights and Liberties Protection Department under the MOJ.

Obstacles and solutions

41. (a) While there remains a problem concerning birth registration which may be linked to statelessness, the new laws, particularly the Civil Registration Act (No. 2) of 2008 and the Nationality Act (No. 4) of 2008, are anticipated to mitigate the problem. Implementation of these laws needs to be strengthened;

(b) Delay in issuing supporting regulations for the two Acts has stalled law enforcement. Pressure and follow up from the civil society and non-governmental organizations may help accelerate the process;

(c) There remain individual cases of violence against children committed by teachers and parents themselves. Wide dissemination of the Domestic Violence Victim Protection Act will be one of the solutions to improve this matter.

D. Family environment and alternative care (arts. 5, 18 (paras. 1–2), 9–11, 19–21, 25, 27 (para. 4) and 39 of the Convention)

General situation

42. The Constitution (Sections 52, 80) guarantees the rights of the child to survival, protection, development and participation (see para. 20 above). However, the structure of

families in Thailand which has changed over the years affects the children. A number of families composed of the elderly (grand parents) and the children (2%) without parents due to the economic factors. Adding with another 7% of the orphans, children become at risk of being deprived, neglected, abused and exploited in one way or another. In 2007–2008, there was an increase in the number of abandoned children, children who received assistance from the One-Stop Service Crisis Center (OSSC), child victims of trafficking and child offenders (see Tables 7, 8).

Alternative care

43. Alternative care is provided mainly for two categories of children, namely children with family problems but not in conflict with the law; and child offenders involved in judicial process. Alternative care is provided in the form of institutional care and foster family:

(a) Institutional care is a temporary care provided both on a short-term basis no longer than three months or long-term basis with a view of returning children to the families or referring them to communities or NGOs in cases where it is not possible to return them to their families. These institutions operate similar to boarding schools which provide education to children for a certain period but without their voluntary attendance or their parents' desire but by orders of the courts on the basis of the Child Protection Act of 2003 or the Act Instituting Juvenile and Family Courts and Juvenile and Family Procedures of 1991. Juvenile offenders are cared for by the observation and protection centers on the basis of the Observation and Protection Center Regulation on the Functions of Remand Homes and Child and Youth Training Centers of 2007;

(b) Foster care includes foster family placement and adoption regulated by the Department of Public Welfare Regulation on foster care as a child welfare service of 2001. There are two types of foster care: foster families who care for unrelated children under 18 years (i) without receiving any allowances; and (ii) with a monthly allowance of 2,000 Baht and basic necessities (see Table 8). Foster and adoptive families must meet the qualifications specified in the Child Adoption Act of 1979 and (No. 2) of 1990.

44. Treatment of juvenile offenders by the Juvenile Observation and Protection Centers complies with the UN Standard Minimum Rules for the Administration of Juvenile Justice. Efforts have been made to create knowledge and understanding of the standard treatment and care for juvenile offenders among officials at all levels to enable them to become professionals. Directors of the Observation and Protection Centers are required to take measures towards achieving the UN minimum standards by cooperating with relevant parties, establishing a supervisory team and allowing monitoring and supervision by external teams. Juvenile offenders in the care of these centers must be informed of the rules and regulations, as well as their rights and responsibilities. There are Juvenile Welfare Committees for the Observation and Protection Centers with the tasks to provide advice and welfare assistance to the juveniles, to visit and cooperate with the centers in organizing activities.

45. A number of researches and studies were conducted to assess the situation of juveniles in the institutional care and services as well as a pilot project implemented to experiment with alternative care options:

(a) A Study on Situation and Surveillance Mechanisms for the Protection of the Rights of Juveniles in the Juvenile Observation and Protection Centers 2004–2005. A qualitative assessment was conducted on the quality of life of juveniles, including young girls who were pregnant and gave birth in the observation and protection centers;

(b) Kanjanapisek Training Center for Juvenile Delinquents conducted a pilot project to experiment on alternative training for juvenile delinquents. The project, initiated

in 2004, based on the concept of the best interests of the child aims to develop a sense of self-esteem and self-worth among the juveniles under its care, with a view to return them to society as good citizens. The Center creates mixed atmospheres of a home and a training center and adopts a restorative and caring approach to its administration. The concept has been applied to four more training centers in the four regions of Thailand;

(c) A research on the development of rehabilitative approaches for juveniles in juvenile training centers, and the process of returning them to family and society, aim to develop procedures for rehabilitation and readiness preparation before returning juveniles to the society. They were conducted by the Department of Juvenile Observation and Protection in cooperation with the Faculty of Social Administration, Thammasart University, and Thai Public Health Foundation;

(d) A project on friendly visit for surveillance and supervision of the Juvenile Observation and Protection Centers and Training Centers by the NHRC, Sub-committee on Children Youth and Families in cooperation with Sub-committee on Corrections and Observation and Protection Centers, is a monitoring project by independent organs conducted during 2003–2006. The result of visits to 26 centers nationwide found that most of the administrators of these centers have progressive concept and attitude towards rehabilitation of juvenile delinquents with respect to child rights. However, challenges remain at the implementation level. Some improvements are needed in some centers on the following issues: quality of food; responsiveness and consistency of education and training; legal assistance for juveniles; detention of some juveniles with aggressive behaviors in prisons for adult inmates; tardiness in the referral of children to remand homes in some areas, resulting in juveniles having to spend time in detention longer than necessary; shortages of human resources and professionals; and lack of participation from communities.

Violence, abuse and abandonment of children

46. Violence against children occurs at home, in school and elsewhere in various forms, despite having laws and regulations explicitly prohibiting it. As part of the national policy to combat violence against children and women, November 14 has been declared a national day for combating violence against children and women, symbolized by a white ribbon. The two laws which are the main regulating mechanisms are:

(a) Child Protection Act of 2003 defines procedures in dealing with a child to enable him/her to be nurtured and developed to the fullest potentials. To protect safety of the child, the law stipulates forbidden acts which include abandonment and negligence as well as intervention and assistances by the authorities in place of lawful guardians. The Act also stipulates other forbidden acts which carry imprisonment sentences or fines, or both;

(b) Domestic Violence Victim Protection Act of 2007, a competent official is required to arrange for the victim to receive medical treatment (see also para. 40 above). In the case where a complaint has been filed, the inquiry official must conduct the inquiry without delay and send the inquiry file, within 48 hours after having the offender in custody, to a public prosecutor in order to file the case with the Court. Interrogation of a domestic violence victim must have a multidisciplinary team presented. A competent official has the power to impose provisional remedial measures in favor of the victims. If the case is filed with the Court, the Court may exercise its power to impose provisional remedial measures with a view to maintain family status or may impose punishment (imprisonment for a term of not exceeding six months or a fine of not exceeding 6,000 baht, or both) or any order as appropriate. It was found that the average number of victims per day has increased annually (see Table 6). The causes may be the rise in the actual cases and/or because the victims have become more aware of their rights and less embarrassed to report.

47. The OSCCs in hospitals under the supervision of the Ministry of Public Health (MOH) nation-wide are focal points for networking and operations on this issue in various areas across the country provide assistance to victims of domestic violence psychologically, physically, and sexually. Cooperation on this issue also comes from various organizations including MOE, Public Health Foundation, Office of the Thai Health Promotion Fund, Office of the Attorney-General and the MOJ (see Annex 2-2, 2). However, the punitive measures stipulated in these two Acts tend to be lenient as their underlying principle is to maintain family relationships for the best interests of the family members.

48. Violence in school involves both corporal punishment by teachers and bullying among students themselves. The findings of the surveys on attitudes towards disciplining measures and behaviors of teachers towards students and on bullying in school, conducted during 2005–2006 indicated that most teachers (60%) perceive corporal punishment as necessary and still apply other strong disciplining measures, including physical and verbal abuse, or intentionally ignoring them. Bullying is rampant, both in the presence of teachers and out of their sight. It is difficult to address this problem as children tend not to report the incidents and parents are unaware of it.

49. There is also a problem of inter-school fighting. Efforts have been made to address this problem through the promotion of child and youth participation project, guided by the Public Policy for the Prevention and Suppression of Violence in Schools of the Office of Thai Health Promotion Fund. Under this policy, the Office has implemented a violence-free school project and expanded the child protection school project by encouraging children, families and communities to participate in social activities with a view to promote a peaceful approach to managing conflicts, thereby minimizing violence in schools. Training has been organized for school administrators, together with the production of educational materials and network building to raise awareness on this issue.

50. In 2009, two Sub-committees were established within the National Commission for Child and Youth Development Promotion to collect data and formulate the national policy and plan on prevention of violence against children and youth. Data on the experience, recognition, awareness and impact of violence were collected from 50,000 respondents, consisting of primary to upper secondary school students, parents, teachers, officials from the juvenile observation and protection centers, welfare centers and educational institutes nationwide. The findings of situation analysis will be used for policy and strategy planning laying down guidelines for coordination and referral across agencies, lessen complexity and cover all dimensions of the problem.

51. Regarding sexual abuse of children, it is a criminal offence according to the Penal Code on offences relating to sexuality. Sections 276–285 of the Penal Code Amendments (No. 19) and (No. 20) of 2007 define explicit penalties for whoever commits rape or indecent act, or procures, seduces or takes away for an indecent act a woman, man or a child with or without consent in order to gratify the sexual desire of another person. These acts are liable to punishment of imprisonment, fine or both. The term of punishment varied according to the age of the victims. Offenders of victims under 13 years of age, receive longer terms of punishment than offenders of victims over the age of 15. If the offences are committed against a descendant or person under care or guardianship, the punishment will increase by one-third of those prescribed for such offences. A draft law to amend this Act has been proposed to increase the punishment of imprisonment and fine, commensurate with the current situation.

52. Rehabilitation and reintegration of child victims of abuse are regulated by the above-mentioned laws and the Anti-Trafficking in Persons Act of 2008. This Act aims to make anti-trafficking efforts more effective and provide better protection and assistance to victims, most of whom are children and women. Under this Act, the younger the victim is, the heavier the punishment.

53. Regarding the assistance and safety protection for victims of trafficking, sections 33–39 of this Act stipulate in details responsibilities of the authority and rights of the victims. It is required that the MSDHS provide assistance with due consideration to human dignity and differences in sex, age, nationality, race, and culture of the trafficked person as appropriate on food, shelter, medical treatment, physical and mental rehabilitation, education, training, legal aid, the return to the country of origin or domicile, the legal proceedings to claim compensation according to the ministry regulations.

54. The victim must be informed about his/her right to receive protection, whether it is prior to, during and after the assistance and has the right to have his/her opinion taken into account. The authority has the duty to provide protection to ensure the safety of the trafficked person under his/her care, also taking into account the safety of the family members of trafficked person.

55. In the case where the trafficked person will make a statement or testify as a witness, the trafficked person shall be under the protection of the law on the protection of witness in a criminal case in all respects. If the trafficked person has to return to the country of residence or domicile, efforts must be made to ensure protection for the trafficked person in that country.

56. Consideration may be made to assist the trafficked person to get permission to stay in the Kingdom temporarily and be temporarily allowed to work in accordance with the law. The Act also provides for the safe return of the trafficked person to the country of residence and for assistance to the trafficked person who is an alien permitted to reside in the Kingdom under the immigration law, or being granted a relief, in an exceptional case, to stay in the Kingdom, or who is domiciled here, to return to the Kingdom, if he or she so wishes.

Children of female inmates

57. Mechanisms and procedures are in place for providing care for the children of female inmates. A survey on the situation and number of children of female inmates and pregnant inmates has been conducted by the Department of Corrections, the MOJ. On average, 300 children either accompany their mothers into prisons or are born in prisons per year. The mechanisms and procedures to care for these children are as follows:

(a) Preliminarily, the Department allows female inmates to keep their children in prison for no longer than three years. After that, relatives or suitable foster families will be contacted to take the children under their care, as a prison is deemed an inappropriate setting for raising a child;

(b) In 2004, the Department, in cooperation with Holt Sahathai Foundation, implemented a pilot project aimed at building capacity of families of inmates. Under this project, biological families or relatives of the children are encouraged to take the children under their care. Assistance is provided to build up capacity of the families for proper child rearing. Alternatively, efforts are made to find foster families for the children, in cases where their biological families are unable to provide care for them. Guidance is given to female inmates in planning for their future and raising their children in an appropriate manner;

(c) In 2005, the Agreement between the MOJ and the MSDHS on the Protection of Children of Inmates and Children Born while Mothers are in Prisons of the Department of Corrections or Detained in the Detention Centers under the Juvenile Observation and Protection Centers was developed. To implement this agreement, a joint working group was established under the two ministries. Responsibilities are divided as follows:

- The MOJ, Department of Corrections and the Observation and Protection Center are responsible for providing care and protection for children aged less than 1 year old of inmates or detainees. After that, the children are referred to the Department of Social Development and Welfare under the MSDHS with documents indicating consent of the inmates to have the children looked after under temporary or absolute care of the welfare centers, as they so wish.
- The Department of Social Development and Welfare, once it has accepted the children, will trace the families of the children. If it is deemed that the families are able to care of the children, the families will be allowed to have the children back and receive support as necessary. In cases where inmates have given up the children to be under absolute care of the Department, efforts will be made to find suitable foster families for the children and provide follow-up assistance as appropriate for both domestic and foreign families.

Both ministries make joint efforts to prepare inmates and their children before the completion of their sentences by arranging a proper setting for them to meet.

(d) In 2008, Thailand also initiated the Enhancing Lives for Female Inmates (ELFI) Project, under the patronage of HRH Princess Pacharakitiyapa, to improve the treatment of female inmates, provide care and basic necessities for deprived female inmates, improve the environment of prisons and promote equal opportunity between male and female inmates.

Obstacles and solutions

58. (a) Violation of child rights and inappropriate care for children remain a problem in some child care centers, due to attitudes of administrators and shortage of professionals in some specialized fields. More efforts are needed to improve attitudes and skills of personnel in these centers as well as child care professionals should be recognized and given importance too;

(b) Violence against children in families and in schools, as well as violence committed by children themselves, such as fights between students from opposing schools, still occurs. Conflict management and peace studies should be introduced and integrated in school curriculum including training for teachers and school administrators from the elementary to university levels with focus on practical activities;

(c) Rehabilitation and reintegration of perpetrators and victims of violence and exploitation are a complex and costly process. Efforts, therefore, should be made to focus on prevention and restorative approach as opposed to punitive measures.

E. Basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1–3) of the Convention)

General situation

59. The Constitution stipulates the right to standard basic health and welfare; the right of children to survival and development; the right of a person over 60 years and a person with disability to access public welfare, facilities and proper aid including the homeless or insufficient income person to receive appropriate assistance from the State. The State is required to develop and promote sustainable health system of all people through efficient health services and the participation of the private sector and community (Sections 51–55, 80).

60. The provision of health services is regulated by the National Health Security Act of 2002 which also covers health services and health security of non-Thai workers. The organization of health care system, social services and security is regulated by the National Health Act of 2007, Social Welfare Promotion Act of 2003 and the Social Security Act of 1990.

Children with disabilities

61. There are 74,502 children under 18 years (43,057 male and 31,445 female) among the total 1.87 million people registered with disabilities (2.9% of people in Thailand - National Statistical Survey 2007). By the Persons with Disabilities' Quality of Life Promotion Act of 2007, the registered system since 1991 has been replaced with identification card for persons with disabilities and found 855,973 ID cards holders (502,113 male and 353,860 female) in 2009. The Act aims to rehabilitate and improve quality of life of person with disabilities and guarantees their right to access public facilities and other assistance from the State through the mechanisms of the National Commission for Promotion and Development of Disabled Persons' Quality of Life with an Office and a Fund for implementation. There is the National Plan on Quality of Life Development for Persons with Disabilities of 2007–2011 to provide guidelines of practice.

62. The Persons with Disabilities Education Act of 2008 categorizes four types of education for persons with disabilities: (i) integration in mainstream class; (ii) periodical integration in mainstream class; (iii) parallel integration; and (iv) special education. The Act also guarantees fairness of access to education, special education according to their disabilities and vocational training.

63. Thailand signed the Convention on the Rights of Persons with Disabilities in 2007 which came into effect in Thailand on 29 August 2008. The Convention aims to promote self-esteem and dignity by initiating a conceptual shift from the provision of services to persons with disabilities as passive recipients to be the stakeholders with greater participation in the development process with health and welfare services which include:

(a) Medical and public health services. 557,345 people with disabilities could access health security among with the children over 7 years were supported by the Office of Health Security. The notable project is the provision of hearing aid and surgery for children with hearing impairment or deafness by the Office of Special Education Management. The assistance targets 40,000 children per year;

(b) Education. 276,129 people with disabilities could access education from special education centers in 63 provinces, 272,506 from 43 special schools, 1,670 access vocation education, 1,953 were in higher education and a number of projects facilitate access to educational information and media for children with disabilities (see Table 9);

(c) Accessible environment. The Cabinet Resolution dated 15 May 2009 requires all State agencies to take all possible measures to facilitate people with disabilities to gain convenient access to their agencies;

(d) Welfare. 9,500 people with disabilities received assistance from 20 welfare centers. 263,700 out of the target of 440,000 receive 500 baht monthly support and the number is higher since the Government expanded the target to over one million in 2010. Children with disabilities under the care of welfare centers received basic necessities, recreational opportunities, medical care, education, training and preparatory activities for future reintegration to the society;

(e) Vocational training and vocations. Vocational training for people with disabilities is provided by 9 vocational training centers under the government agencies. The local administrative organizations and private sectors shared another 10,000 people per

year. The Fund for the Promotion and Development of the Quality of Life of Person with Disabilities provides loans for approximately 3,000 people per year and children aged 15–18 years are studying in the vocational stream (see Annex 2-2, 3).

Health and health services

64. Health services in Thailand are accessible to all people in all areas, including remote areas through sub-district health centers and public health mobile units. Services include pre- and post-natal care, vaccination, breastfeeding support, disease surveillance and nutrition and development surveillance up to pre-school level. Breastfeeding have been intensified in compliance with the goals of World Fit for Children (2007–2016) through technical cooperation with UNICEF. The findings of MICS provided a basis for the reform of the public health mechanisms for nutrition-based disease surveillance in all groups of children through various projects (see Annex 2-2, 4).

65. Measures taken to ensure Universal Salt Iodization (USI) to reduce micro-nutrient deficiencies, particularly iodine and iron which cause goiter and thalassaemia, are adopted under the Iodine Deficiency Disorder Prevention Project (IDD) and National Thalassaemia Prevention Plan of 2007–2011 by the MOH. Surveillance and monitoring of household consumption of quality iodized salt have been conducted since 2000. Some of the measures are: iodine intake on a daily basis for pregnant women, promoting the use of iodized salt for food preparation, iodized drinking water and quality control of production of iodized salt.

66. The National Thalassaemia Plan of 2007–2011 focuses on five strategies: (i) the development of standard prevention and control system by all hospitals offer blood tests before pregnancy; (ii) improvement of treatment; (iii) improvement of the efficiency of laboratory diagnosis and coverage; (iv) development of knowledge and technology; and (v) supervision, control and evaluation, aiming at reducing new patients by 50%, which in turn will reduce the treatment expenditure by no less than 32,000 million baht within five years.

Adolescent health

67. Health survey of 2006–2008 indicates that obesity and dental problems have become an increasing problem among children in Thailand due to over consumption of high sugar- and fat-content food, less exercise and more time in front of the television and computer. Many children have developed problems with eyesight. The survey by Health Research Center of Chulalongkorn University during 2003–2004 states four leading causes of death among children aged 10–14 years, namely accidents, non-communicable diseases, drowning and infection (40%, 24%, 18% and 8%, respectively). Among children aged 15–17 years, accidents, non-communicable diseases, infection and suicide (68%, 29%, 26% and 24%, respectively). The poll on attitudes towards substance abuse among young people in Bangkok Metropolitan and vicinity in 2006 found from the population aged 12–24, 25.8% used some forms of psychoactive substances, most notably alcohol (over 120%), followed by marihuana (7.2%). Moreover, teenager pregnancy increased by 10%.

68. Measures and projects to reduce risky behaviors of children have been implemented such as: the project analyzing causes of death of children in some pilot provinces in cooperation with Ramathibodi Hospital and relevant agencies, collecting data, and organizing public education meetings, seminars and awareness raising on the risky behaviors. Campaign on the damaging effects of alcohol and substance abuse targeting children and adolescents and rehabilitation services have been implemented by all sectors (see Annex 2-2, 5). The Alcoholic Beverage Control Act of 2008 was enacted prohibiting the sale of alcoholic beverages to persons aged below 20 years.

69. Projects aimed at addressing the problem of teenage pregnancy include a campaign targeting adolescent girls (*Mae Wai Sai*) have been launched e.g. partnership workshop,

sensitization training for school administrators and personnel in pilot schools, promotion of family education, life-skills training, AIDS information, e-learning, parenting skills training and surveillance of pregnancy in girls aged below 15 years.

Environment

70. The MICS findings reported the environmental health on the access to improved drinking water sources at the average rate of 94.0% of the population (97.6/92.5% for municipal/non-municipal areas). By region, the Central Region (including Bangkok) have access by 98.1% whereas the Southern region have only 81.5%. Important source of drinking water is collected rainwater. Treatment of water is primarily done by boiling, adding bleach or chlorine and using a water filter. Regarding disposal of excreta, 99.2% of the population living in households use improved sanitation facilities. The majority uses a flush toilet with a connection to septic tank (90%), instead of flush or pouring flush to rivers or canals or using bush and field. It was found that 13.7% of households live in slum (more than three persons per sleeping room); 7.7% of households have no access to clean drinking water; and 2.3% use unimproved sanitation facilities.

71. Continuing efforts aimed at improving water and sanitation include public education campaign focusing on family and community; dissemination of International Education Council – IEC materials; project aimed at improving maternal and child health and nutrition in remote areas; the private sector's financial support on clean water sources; and internalization of A World Fit for Children guidelines.

HIV/AIDS

72. As of 31 January 2009, a total of 345,196 people living with AIDS were reported and 93,034 have already died. There has been a decrease in number of people living with AIDS and people who died of AIDS due to antiretroviral drugs treatment. The majority of people living with AIDS were women in reproductive age, 15–29 years old (27.80%). The proportion of female to male adolescents (aged 15–19 years) living with AIDS is 2:1. Among children aged 0–14 years, 3.97% were with AIDS. Risk factors for HIV/AIDS include sexual intercourse (84.01%); intravenous drug use (4.60%); mother-to-child transmission (3.82%); blood transfusion (0.03%); and unknown factors (7.55%).

73. Thailand has been implementing a series of five-year national plans to prevent and combat HIV/AIDS, focusing on four main strategies: (i) capacity building of people, family, community; health care and welfare services for infected people; development of local wisdoms, research and international cooperation to promote knowledge on prevention and remedy; (ii) development of knowledge network for experience sharing; (iii) provision of care for children in welfare centers; and (iv) cooperation with the non-governmental organizations in providing welfare assistance to affected children, by:

- (a) Providing care and assistance to children living with families in the forms of antiretroviral drugs, food, home visits, scholarship and basic necessities;
- (b) Providing shelters to children without guardians and the above-mentioned assistance;
- (c) Strengthening public education and awareness-raising campaign on the importance of family and community to encourage children to return to their families and communities;
- (d) Organizing capacity-building activities, vocational skills and life-skills training, welfare support, scholarship, family support, seed funds, etc.;
- (e) Adopting measures to prevent mother-to-child transmission and providing assistance for rehabilitation and treatment of sexual abused children, or otherwise,

accommodation and medical services. Cooperation is sought with WHO and other international organizations.

Quality of life

74. Efforts have been made to improve the quality of life of deprived people by ensuring their access to social services, health, education and housing by special budget for poor children and families in the north, northeast and three southernmost provinces of Thailand. There are two types of Student Funds: (i) student loans for higher education, which have to be paid back once the borrowers have a certain level of incomes; and (ii) grants for deprived students which need not be repaid. In addition to welfare assistance and poverty reduction measures (see paras. 17–18), other measures for improving quality of life of the population include the development of labor protection network and expansion of educational opportunities for wage laborers. Moreover, support from the private sector includes: students scholarship schemes by CCF; community pre-schools; New Life project under Duang Prateep Foundation; 44 public welfare schools under the Rajapranugroh Foundation (Royal Patronage), and the annual report review on the situation of children and youth.

Obstacles and solutions

75. (a) For people with disabilities, shortages of equipment and living aids have been attempted to solve by researches on replacement of local material and local technology. Education and work to suit physical conditions of disabilities are still in needed thus certain types of work should be promoted for the disables either self-employed or employed by enterprises. Assistance for those who have difficulties taking care of themselves should be given through welfare centers or volunteers;

(b) Genetic disorders and malnutrition remain problems that need further attention. Knowledge and information on diseases caused by malnutrition e.g. thalassaemia, goiter, low IQ associated with iodine deficiency, dental and eye problems and obesity must be broader disseminated in school and among the public in general;

(c) The majority of people living with AIDS are women in reproductive age which will affect the children born by them. The MOH has intensified activities targeted pregnant women and implemented a research and development on treatment of AIDS and opportunistic diseases in children, as well as encouraged opinions and participation from children in addressing this issue;

(d) The sharp increase of teenage pregnancy needs urgent intervention by the State;

(e) There should be monitoring and evaluation of the enforcement of the Alcoholic Beverage Control Act of 2008;

(f) The lack of access to student scholarship needs systematic management for broader and equitable opportunity.

F. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)

General situations

76. Thailand has given great significance to education by continuously allocating the highest share of the annual national budget (between 18–20%). The Constitution stipulates the equal right of a person to 12 years of education, free of charge, including alternative

education, self-education and life long education as well as academic freedom is guaranteed (Sections 49, 50). The education system in Thailand is guided by the National Education Act of 1999 and its Amendment 2002, the Compulsory Education Act of 2002 and the Promotion of Non-Formal and Informal Education Act of 2008. These Acts are supported by the Skill Development Promotion Act of 2002 and National Child and Youth Development Promotion of 2007.

77. In 2008, the Government adopted a policy to accelerate investment in integrated learning at all levels, and extended free basic education to 15 years, up to upper secondary level with additional budget at 11,011,539,100 baht to subsidize textbooks, learning equipment, school uniforms and development activities.

78. The MOE Regulation on Proof of Admission of Students into Educational Institutions, approved by the Cabinet on 5 July 2005 and its order dated 27 October 2005, require all educational institutions to admit children of school age to study in their institutes, with or without evidence of civil registration, by using birth certificates or letters of certification of birth, or other proof issued by government authorities, or documents permitted by the MOE, or personal history record of the child recorded by parents, care-takers, non-governmental organizations or the children themselves. When graduated, they will receive the certificate without any notification. By virtue of this regulation, all children in Thailand are able to receive education in educational institution, regardless of level or type of education or geographical area. The MOE and the local administrative organizations allocate subsidies per head for all educational institutions which provide education to these children from pre-school up to upper secondary levels. The Regulation also requires the MOE to provide suitable education to displaced children fleeing armed conflict, with a view to develop their quality of life and promote peaceful co-existence.

Education, vocational training and counseling

79. The organization of education in Thailand, guided by a series of five-year national education plans, consists of early childhood development (newborn–five years old), basic education, vocational education, higher education, non-formal education, informal education and long-distance education. There are 185 education districts, divided according to the local conditions: number of educational institutes, population, culture and others. Basic education is organized for people with disabilities and people with special abilities. The MOE is responsible for implementing quality assurance for basic education; monitoring and evaluation of educational performances; research and development; evaluation of personnel performances; and cooperation with local and community organizations through joint committee consisting of representatives from various areas.

80. The Office for National Education Standards and Quality Assessment is responsible for developing a set of standard indicators for assessing the quality of education for every five-year. The first phase of evaluation was conducted for 2000–2005. The second phase of evaluation is currently being conducted (2006–2011). The Promotion of Non-Formal Education and Informal Education Act of 2008 reaffirms the principle of equality and decentralization of education by supporting the development of varied learning sources and local wisdom, making maximum use of educational resources, media and technologies.

81. The current Long-Term Policy and Strategies on Early Childhood Development of 2007–2016 aims to expand the coverage of pre-school education to the local level through local administrations with support from partner organizations in the public, private and community sectors. Child development centers have been transferred to be under the local administrative organizations to accelerate the improvement of community child care centers (currently 18,067 centers nation-wide) and to encourage the private sector to establish a child care center in the workplace. The plan and strategies focus on activities to promote the thinking process, training of teachers, caregivers (in 943 child care centers) and

administrators, and development of learning technology. The plan and strategies also set forth national guidelines for the development of early childhood care, including:

- (a) Survey on community child care centers;
- (b) Development of national standard criteria, focusing on five areas; management and structure; personnel; child development centers; early childhood quality; and network building and participation;
- (c) Acceleration of the establishment of child care center in workplaces;
- (d) Development of 'bookstart' initiative in cooperation with the private sector; and
- (e) Gradual transfer of the administration of consenting educational institutes to the local administrative organizations.

82. As a measure to reduce drop-out rates, a special budget has been set aside as per-head subsidies in various forms, including school scholarship, education loan fund, additional subsidies for small schools, transportation subsidies, learning aid and equipment, such as bicycles, school lunch, computers and communication technologies. Learning resources for teachers and students are provided in the needed fields. Learning centers have been established with as much involvement of the private sector as possible. Monitoring and evaluation activities have been conducted regularly, both internally by the Bureau of Monitoring and Evaluation of Basic Education and externally by the Office for National Education Standards and Quality Assessment every five years. A network of teachers for street children was also established in 18 provinces, targeting individual children.

83. The Constitution provides for equal opportunities in education, regardless of gender. Thai children enjoy equal rights and opportunities in education, except in some specialized institutions, such as the military academy to which women are still not admitted. The Cabinet Resolution dated 5 July 2005 sets forth guidelines for the organization of education for persons without civil registration/Thai nationality, informed by the Regulation of the MOE on Proof of Admission of Students into Educational Institutions of 2005. As a result of the enforcement of these regulations, in 2005, there were 53,000 children who fitted into this category studying in the State-owned schools and additional 16,000 in over 100 non-State schools, operated by private and non-governmental organizations and international organizations and taught by 800 foreign teachers.

84. The MOE conducted some studies to collect more detailed data on the situation and needs of these children. The studies enabled the Ministry to organize more varied and suitable forms of education for these children. In this regard, efforts have been made to coordinate with educational centers managed by non-governmental organizations. Regular meetings have been organized to exchange and update information. Training has been provided to Thai language teachers in all educational centers.

85. The draft Regulation of the Office of the Prime Minister on the organization of education for persons without civil registration status or Thai nationality in education centers managed by NGOs is pending approval. The draft regulation aims to establish common standards for a more systematic management of these centers and enable students to be transferred into mainstream school system.

86. Education for children of ethnic minorities and migrant children is provided by both the State and NGOs. The education is provided in various forms and settings. There are schools managed by the State in which ethnic and migrant children are integrated into mainstream classrooms, as well as privately-run schools predominantly targeting ethnic and migrant children. In addition to these, there are special schools and 50 Rajaprajanugroh schools under royal patronage in 42 provinces nationwide in which these children can be

admitted. The latter type of school operates mainly in the highland, border areas, remote and problematic areas in which ethnic children and migrants from neighboring countries are highly concentrated (Table 10). These schools not only provide scholarship, learning equipment and other necessities but also organize native language instruction, such as highland tribal languages, Burmese and Karen, as well as English language instruction.

87. Education provided by NGOs in educational centers varies in form, methods and curricular. In Tak Province, where over 60 such centers are in operation, there is a coordinating unit to supervise the management of the centers and staff from the NGOs responsible for these centers are based in the District Office of Education. There also are centers for ethnic languages, such as Karen and Burmese. In other provinces, Thai language instruction and instruction of native languages are also offered simultaneously. Ethnic children enjoy freedom to wear their own costumes to schools and one day per week is designated a tribal dress day.

88. A national strategy on second foreign language instruction (2009–2014) was adopted to promote Southeast Asian languages. The strategy is particularly beneficial to children living in areas where cultures overlap. It is safe to say that education in Thailand is able to reach all children across ethnicities, due partly to the increasing assertiveness of the ethnic minorities themselves who have fought for their rights over the last ten years in order to be considered full citizens and enjoy their rights as such.

89. The organization of education for children in the border provinces in the South will be discussed under Heading G concerning special protection measures.

90. Vocational education emphasizes quality and academic excellence. Collaboration with the private sector has been sought, along with improvement of the quality of vocational education institutes, to make teaching and learning more effective. More attention has been given to knowledge about market and business management, building upon knowledge on cooperatives acquired from the general education field, and transforming vocational education institutes into ‘super model school’. Efforts have also been made to improve vocational competency and set a standardized remuneration for skilled workers, such as mechanics and seamstresses. Vocational qualifications (VC) certification has been established in 13 industries.

91. Efforts have been made to forge bilateral cooperation between vocational education institutes and the workplace, with a view to enable practical application of knowledge. Cooperation is sought with the industrial sector to establish vocational excellence in certain industries, such as TGI and Thai Tool and Die Industry Association. The efforts in this direction have been complemented by the Skill Development Promotion Act of 2002, under the responsibility of the Department of Skill Development, Ministry of Labor. The Act encourages employers and the workplace to become more involved in skill development by establishing systematic procedures and criteria for training, taking into account all necessary aspects, from entry into the job market, improvement of skills, changing field of vocations, standard setting, skills development fund and trainees’ benefits which include tax exemption and other assistance from the Ministry.

92. Thailand has supported cooperation with the private sector and international organizations in various areas of development. Non-governmental organizations enjoy complete freedom in their operations. Community organizations and the civil society have played important role in rights protection. Community organizations enjoy freedom in developing local education curricular, supervised by a district education committee, consisting of representatives from the government, non-governmental organizations, local administrative organizations, community organizations and civil society. The committee is directly responsible for ensuring that the curricular are well-suited to the local culture and traditions, and local wisdoms. The NGOs and private sector have made considerable

contributions in the organization of education at all levels, including in all forms of special education.

93. On the international front, the United Nations High Commissioner for Refugees (UNHCR) is the main responsible agency for organizing education for displaced children in temporary shelters under the supervision of the MOI. The MOE organized Thai language instruction and vocational training for these children. Other international agencies, such as ILO/IPEC and UNICEF, as well as a host of other NGOs have been actively involved and provided technical and financial assistance in this regard. UNICEF has played an important role in supporting situation analysis and improving data system on children, as well as providing recommendations and financial support for interventions. Notably, UNICEF has been actively advocating the integration of child rights into school curricular and given support in this direction, such as the production of extracurricular books on child rights and supporting the preparation of children's version of Thailand's compliance with the CRC. It also supports a project aimed at rehabilitation and development of children in the Southern region of Thailand.

Aim of education

94. The National Education Act of 1999 stipulates the aim and principle of education under sections 6 and 7 of the Act, stating that education shall aim at the full development of the Thai people in all aspects to be able to live in harmony with other people. The learning process shall aim at inculcating sound awareness of politics, democratic system of government under a constitutional monarchy, ability to protect and promote their rights, responsibilities, freedom, respect for the rule of law, equality, and human dignity. Efforts have been made to improve access to learning and quality of education, in compliance with Articles 29 and 31 of the CRC. Notable actions include the introduction of a voucher program to improve access and reduce competition in the education system; decentralization of technical supervision by making administrative districts smaller to facilitate better technical supervision; and establishment of systems to provide care and assistance to students.

95. The Office of Sports and Recreation Development under the Ministry of Tourism and Sports is implementing the first National Recreation Development Plan (2007–2011). The Plan sets forth direction and guidelines for the promotion of recreation as a way of life for all people. It aims to encourage children and youth to learn about spending time productively for their own development, to have opportunities to rest and play and engage in cultural activities. The Plan also emphasizes the development of human resources, facilities and enabling environment for recreation. It also places an emphasis on the role of recreation in improving the quality of life and relationship within family. The strategies under this Plan are implemented through educational institutes at all levels.

96. A new legislation on recreation has been proposed by the private sector and is pending consideration. In practice, local administrative organizations have paid more attention to child and youth development as illustrated by their efforts in improving community child care centers, creating cultural spaces in community, such as libraries, historical/science parks, ethical forum, and developing folk activities, and teaching and learning manual and activities to promote social ethics among children (see Annex 2-2, 6).

97. The National Education Act of 1999 provides for the integration of human rights and child rights studies into school curriculum, from the primary to upper secondary level. The studies promote knowledge on the Declaration of Human Rights and rights and responsibilities of children as citizens.

Obstacles and solutions

98. (a) Intense competition in enrolling children into reputable schools has led the MOE to take measures to reduce the discrepancy between schools in urban and rural areas. Efforts have been made to spread out quality schools and universities into sub-national level; provide special learning equipment for schools in remote areas and develop indicators for determining educational standards;

(b) The provision of free education of 15 years does not adequately live up to expectation in terms of the quality of education being provided. A number of schools are in need of teaching and learning equipment and improved facilities. To address this problem, the government has allocated additional budget as subsidies for textbooks, learning tools, uniforms and learner development activities. Efforts have been made to create understanding of joint responsibilities between school and home;

(c) Shortage of teachers, particularly in remote and dangerous areas, remains a problem. The MOE has initiated a new formula for calculating students/teacher ratio but it is in the process of being adjusted. Incentives for teachers in remote and dangerous areas have been offered in the form of special per diem but so far have not proven to attractive enough;

(d) The remain problems regarding the organization of education for children of ethnic minorities and migrants are:

(i) Delay in the implementation of the regulations concerned; unclear coordinating mechanisms both at the local and national levels; lack of systematic database causing delays in the disbursement of subsidies; and unresponsiveness of the education provided to the reality of these children;

(ii) Lack of clear knowledge on the policy and regulations in this regard among some school administrators. Some school administrators are afraid of being penalized for providing shelter to illegal migrants. The problem is due partly to parents of these children constantly moving in search of new employment. Some migrants are uncertain of how long they will stay in one place that they hesitate to enroll their children in school;

(iii) Education provided in learning centers for this group of children varies substantially accordingly to the systems and needs of the responsible organizations. Most teachers in these centers are volunteers; therefore standards and quality of teaching differ from one place to another. The discrepancy in standards and quality causes some difficulties for the children to integrate into mainstream school system;

(iv) The organization of education that caters to unique cultural identities and language needs of children from ethnic minorities is sensitive and requires considerable investment, both financial- and human resource-wise, particularly for those in remote areas and southernmost provinces. The uniqueness in language and culture requires specialized resources, most importantly qualified teaching personnel who have enough skills to meet those needs;

(v) Some possible solutions include:

- More efforts are needed in defining clearer policy on education for migrants, with cooperation from all relevant parties.
- The provision of education for this group of children needs to be more flexible to learners' realities and life conditions. There should be options of non-formal learning, transfer between localities and allowing flexibility in learning and working at the same time.

- Efforts are need in accelerating the enactment of regulations concerning the organization of education for this group of children in order to bring it to the same standard for more effective management and supervision.
- Public education campaign to disseminate knowledge and understanding on this issue is urgently needed.

G. Special protection measures (arts. 22, 30, 32–36, 37 (b)–(d), 39–40 of the Convention)

General situation

99. Notable gains in the protection children in need of special protection measures are:

(a) Registration of personal record and birth registration of children in temporary shelters for displaced persons fleeing armed conflict and illegal migrants in 2003–2004;

(b) Actions to address the problem of children without legal status and stateless children based on the strategy to deal with the problem of status and rights of persons adopted in 2005;

(c) Organization of education for persons who do not have civil registration documents and persons without Thai nationality in accordance with the Cabinet Resolution dated 5 July 2005; and

(d) Revisions of relevant legislation during 2007–2008, including those concerning status and nationality, civil registration, anti-trafficking in persons, labor protection, work permit for migrants, penal code concerning the protection of children in justice system and equal protection of girls and boys from sexual exploitation, and criminal procedures code on witness interrogation and identification of offenders by children as witness or injured persons, among others (paras. 11–14, 25–26).

Children in temporary shelters for displaced persons fleeing armed conflict

100. Thailand adheres to the principle of non-refoulement of displaced persons fleeing armed conflict, protecting them from forced repatriation to areas of danger. Currently, there are nine temporary shelters designated for this group of people in four Northern provinces and along the Thai-Myanmar borders. Temporary refuge has been granted to 140,000 displaced people based on humanitarian principles pending safe return to the country of origin. However, many of these people have been taking refuge in Thailand for generations and are still unable to return to their countries due to possible threats to their safety, obliging Thailand to continue to provide care and services to them. Some groups have been residing in these areas for more than 30 years.

101. The aim of Thailand's policy towards displaced persons fleeing armed conflict is to provide assistance on a humanitarian basis pending eventual repatriation. While taking refuge in the temporary shelters, displaced persons are forbidden to go out of the designated areas or take any actions that might jeopardize the relationships with Thailand's neighbors. The management of the camps follows strict guidelines and takes into account the observations and concerns of the CRC Committee.

102. Some of the measures taken to ensure proper care and treatment of these people are:

(a) The establishment of a committee, consisting of representative from relevant agencies, tasked with providing care for displaced persons in temporary refuge and determining long-term plan aimed at eventual repatriation or settlement in a third country;

- (b) Selection of areas for setting up camps that are near to the border, connecting to the country of origin, and produce the least possible impact on the environment and Thai population;
- (c) Development of profile and personal records for care and repatriation;
- (d) Protection against human trafficking by imposing restriction of their mobility outside the camps and taking strict legal actions against those attempting to lure or persuade them to seek employment outside;
- (e) Strict patrolling and supervision of the camps and nearby areas to safeguard against procurement of weapons;
- (f) Cooperation with 17 private organizations and international organizations in providing care and welfare services to displaced persons (see Annex 2-3);
- (g) Preparation for repatriation plan with UNHCR and cooperation with the MOE and non-governmental organizations in providing education and vocational training;
- (h) Facilitating resettlement in a third country in cooperation with IOM;
- (i) Organization of internal administration of the camps through a committee, consisting of 15 representatives from displaced persons themselves, responsible for different aspects of daily living and coordinating with authorities from Thailand on registration and safety issue and with NGOs on daily living and care.

103. The organization of education for displaced persons fleeing armed conflict has been on-going since 1998, in cooperation with over 10 NGOs. The education provided consists of three levels, namely pre-school, primary and lower secondary (Grade 1–10), and covers a variety of subjects, including Thai, Burmese, Karen, English, science, mathematics, history, geography, sanitation and some others. Evaluation is conducted on a three-year basis. A certificate of completion is issued by the education committee based in the areas in cooperation with the organizations responsible for the curricula. After completion of Grade 10, the children may choose to continue with vocational training, organized by the MOI in cooperation with UNHCR and private organizations, to enable them to acquire vocational skills and become self-reliance when returning to the country of origin.

104. The MOE is in the process of reviewing various teaching and learning curricular used by NGOs to ensure common standards and consistency with the national curriculum in accordance with the National Education Plan of 2002–2016. The Ministry is also responsible for approving certificates of education issued by NGOs to enable displaced person to further their education, if they so wish, in their country of origin or in the third country.

105. Protection of children and women in temporary refuge, apart from measures against the threat of human trafficking, includes bringing in international justice procedures, under a pilot project initiated by UNHCR during 2006–2007 in cooperation with Rights and Liberties Protection Department and the MOI. There had been incidents of violence and crimes committed in the camps, in which customary laws and procedures could not provide adequate protection and rehabilitation to victims, who were often women and children. Long-term measures in this regard will need further attention from Thailand. Health and education welfares for these children will be discussed in Annex 5 (see also Headings E and F).

Children of migrant workers

106. Despite not having yet ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Thailand has a clear policy regarding migrant workers. The 1992 policy on regularization of migrant workers was

revised in 2004 to grant leniency regarding employment of migrant workers, allowing migrant workers and accompanied persons aged over one year to be registered and granted temporary stay in Thailand. Registered migrant workers totaled 1.3 million in 2004 and increased to 1.52 million in 2006. In 2007, the Government approved a law to allow migrant workers with legal permits that expired to apply for extension and to be granted another two-year stay until 28 February 2010, and later extended to 28 February 2012.

107. Thailand entered into a bilateral agreement with Laos, Myanmar and Cambodia concerning the employment and legal entry of migrant workers. Migrant workers are required to register with the Ministry of Labor and given a Migrant Registration Form with a 13-digit identification number (para. 29). They are permitted to work in specific industries in designated parts of the country.

108. The MOH have taken pro-active measures in providing basic welfare services for migrant workers, including health check-up and health insurance against serious communicable diseases (such as TB, leprosy and elephantiasis); HIV/AIDS prevention through provision of AZT for infected mothers; mobile medical units working in cooperation with international health care volunteers; training of midwife; provision of birth delivery kits to midwife; organization of special projects for high risk migrant workers in the areas where these migrants are highly concentrated; mother and child health care; issuance of birth certificate to all babies born at hospitals; vaccination against childhood diseases; development of family planning network; health survey; training of employers and international volunteers; and production of health care manual in Burmese language; organization of education for children migrant workers (see Headings C and F).

109. Revisions were made to legislation concerning labor protection and migrant workers in 2008 to grant more leniency and enable migrants to engage in lawful employment and access social welfares. A fund was established to facilitate the return of migrants to their countries (Core Document).

Child labor

110. Based on various studies on the subject, an estimated of 100,000 foreign children are engaged in child labor in 43 provinces that have been granted permission to hire migrant workers. Work conditions are poor. From a report on the Worst Form of Child Labour in 6 provinces (Chiangrai, Tak, UdonThani, Samutsakhon, Songkhla, and Pattani) conducted jointly between the Government and ILO in 2006 found that 35% were children aged below 15 years and 63% worked more than 8 hours per day. Migrant workers were not able to gain access to health care and education services.

111. Based on some studies, it is estimated that there are 20,000 street children in Thailand, most of whom are beggars and engaged in child labor. Assistance from the State and private organizations reached only 5,000 of these children.

112. Thailand became a State party to the ILO Convention No. 182 on the Worst Forms of Child Labor and the Convention No. 138 on Minimum Age since 2001 and 2005, respectively.

113. Domestically, steps have been taken to revise legislation to improve protection for children engaged in child labor, notably the Labor Protection Act (No. 2) of 2008. The Act contains provisions aimed at ensuring security and welfare of children engaged in child labor to protect them against risk situations. Under this Act, a child employee aged below 18 years is entitled to take leave for purposes of attending meetings, seminars and training, in which case an employer of the child is required to pay his or her wage for the duration of the leave which may not exceed 30 days per year.

114. The Act also set forth guidelines and direction for labor inspection to ensure effective enforcement of the law. Labor inspectors are authorized to inspect a place of business which appears to be at high risk of violating child employees' rights, including small businesses; businesses which often failed to comply with the law; and new businesses which have not been inspected before. The Act establishes a community watch network to notify authorities on unlawful practices regarding child labor.

115. There are a number of ministerial regulations aimed at protecting child labor in an informal sector, including those issued in 2004, concerning fishery workers, agriculture workers, and home-based workers. The latter regulation requires employers to issue work contracts, define wages and provide equipment and safety guidelines.

116. The Home Workers Protection Act of 2011 which came into force on 15 May 2011 stipulates the protection of conditions of employment, minimum wages, safe working environment of children under the age of 15 years. In practice, a national master plan on the protection and rehabilitation of children engaged in the worst forms of child labor has been implemented in compliance with the ILO 182 Convention, in cooperation with ILO/IPEC.

117. Technical and financial support has been received from ILO/IPEC for addressing the problems of child labor, forced labor, child exploitation and labor trafficking. In addition, there are a number of measures and activities under the Ministry of Labor, aimed at protection child labor exploitation (see Annex 2-4, and Thailand's reports on the implementation of the Optional Protocol of the CRC on the sale of children, child prostitution and child pornography, and the Optional Protocol on the involvement of children in armed conflict).

Obstacles and solutions

118. Informal workers, such as domestic workers, are not protected under the Labor Protection Act of 1998 and its Amendment (No. 2) of 2008. There are no regulations to date that provide protection to this group of workers. There has been a proposal from a joint working group of the State, private and academic sectors to increase a minimum age for employment of domestic workers to 15 and limit working hours to eight hours a day, as well as require employers to provide appropriate rest time and other welfare.

Sexual exploitation of children and trafficking in children

119. Sections 276–285 of the Penal Code stipulate protection for child victims of sexual abuse. The Anti-Trafficking in Persons Act of 2008 stipulates protection and assistance measures for victims of trafficking under Sections 33–41, with special protection for child victims. By virtue of this Act, such crime committed against a child aged 15–18 years is liable to punishment of imprisonment and fine which will be increased by one third of that prescribed. If such act is committed against a child aged below 15 years, the punishment will be increased two-fold (Core Document).

120. In practice, a framework of cooperation in addressing the issue of trafficking in women and children is provided by MoU on Common Operational Guidelines for Government and Non-Governmental Organizations Engaged in Addressing Trafficking in Women and children. Projects and activities have been implemented under the National Policy and Plan of Prevention, Suppression and Combating Domestic and Transnational Trafficking in Women and Children of 2003.

121. Thailand signed a Memorandum of Understanding on Bilateral Cooperation to Eliminate Trafficking in Children and Women with Cambodia, Laos and Vietnam, as a legal framework for joint efforts in providing assistance to victims. Based on this MOU, Mekong Project to Combat Trafficking in Children and Women was initiated with cooperation from various international organizations, including UNFPA, CIDA,

TRAFFORD, Asia Foundation, ARCPPT, ASEM, EU and the embassies of UK, USA and Sweden. Cooperation is sought with UNIAP to disseminate information on human trafficking through various means, such as UNIAP newsletter (see Annex 2-5).

Juvenile Justice

122. The main legislation regulating the juvenile justice system in Thailand is the Act Instituting Juvenile and Family Court and Juvenile and Family Procedures of 1991, amended in 2005. The main agencies involved in juvenile justice include the Juvenile Observation and Protection Center and training centers under its supervision and the MOJ. Progress made since the submission of Thailand's second period report includes the expansion of Juvenile and Family Court and Juvenile Observation and Protection Center in all 76 provinces of Thailand. Additional 17 training centers have been established. In 2008, there were a total of 46,981 cases of juvenile offenders under the Observation and Protection Centers nation-wide.

123. Other achievements in juvenile justice include:

(a) Revision of outdated legislation on juvenile justice procedures (Core Document);

(b) Introduction of operational standards for the Juvenile Observation and Protection Center in compliance with the UN Standard Minimum Rules for the Administration of Juvenile Justice (October 2002);

(c) Prohibition of corporal punishment as a disciplinary measure in penal institutions and training centers by virtue of the MOJ Regulation on Children and Youth Punishment and Provisional Permission of Children and Youth of 2003;

(d) Introduction of child-centered approach in caring for juveniles in training centers, with a focus on their participation in decision-making and self development.

124. Regarding discipline, positive forms of discipline has been introduced, emphasizing awards for good behaviors, such as permission to leave the center on a provisional basis, and taking into consideration safety, restorative benefits, personality, physical and mental health of the child. The regulation requires that disciplinary measures must not involve exceedingly heavy physical work, or deprivation of benefits or convenience that are in conflict with the child's basic rights and entitlements from the State.

125. Regarding separation from adults in detention centers, the practice is to send child offenders aged below 18 to be dealt with by the Juvenile Observation and Protection Center and detailed in the facilities under the its supervision, by order of the Juvenile and Family Court. During the time which the minors are in the custody of the Observation and Protection Center, the director of the Center has the power to send the minors who are deemed to be of danger to others to be detained in prisons, with approval of the Court, except in emergency in which case the director may inform the Court after the minors have been sent to prisons.

126. However, general practice in this case is to send the juvenile offenders to the nearest training centers, taking all necessary actions to avoid sending them to prisons, only as the last resort. In sending them to prisons, the juvenile offenders must be accompanied by a social worker or a person designated by the director to observe their behaviors. If their behaviors have improved, they are entitled to have other rights as enjoyed by other juvenile offenders and to request for a return to the remand homes or training centers (Order of the Juvenile Observation and Protection Center on the procedures and alternatives in sending juveniles to prisons).

127. With regard to the introduction of a child-centered approach to caring for juveniles in training centers, a Committee for Juvenile Welfare for the Juvenile Observation and Protection Center is established under the MOJ Regulation (30 July 2003). A Memorandum of Understanding on cooperation among network organizations was signed between the Center and relevant agencies, such as Probation Department, Central Juvenile and Family Court, Department of Social Development and Welfare, charitable agencies and NGOs (15 August 2004). An MOU on cooperation in providing holistic health care for juveniles in training centers was signed by the MOJ, Department of Juvenile Observation and Protection, Faculty of Social Administration under Thammasart University and Thai Public Health Foundation under the Office for Thai Health Promotion Fund (6 March 2008); 5) Application of restorative justice as an alternative to punitive justice, notably through family and community meetings, since 2003. Restorative measures have been adapted to take into account the culture and social conditions, emphasizing rehabilitation instead of punishment. Between 2003–2009, restorative justice has been used with 25,167 juvenile offenders.

Children of ethnic minorities

128. The population in Thailand consists of people from various ethnic and linguistic groups, living in peaceful coexistence for more than 700 years. Predominantly, there are all together five linguistic and 62 ethnic groups in Thailand. Thailand is a State party to the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). The Convention came into effect in Thailand on 27 February 2003. The initial report of Thailand's implementation of CERD has been submitted to the CERD Committee.

129. The situation of ethnic minorities and their rights to access health care and education services were discussed under Headings E and F of this report and in Thailand's response to the Declaration and Action Plan adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in the Thailand's report on the implementation of the CERD.

Children in the southern border of Thailand

130. The CRC Committee has raised concerns, observations and recommendations regarding children living in the southern provinces on a number of issues. Unrest in the south increased dramatically during 2004–2005, compared to the previous ten years. During 1993–2003, there was an average of 68 incidents of violence per year. The incidents of violence increased to 1,843 and 1,703 in 2004 and 2005, respectively, and have been continuing on a periodical basis to date. The violence has resulted in over 2,460 casualties so far. During 2004–2007, there were 1,792 single mothers, widowed by violence. Of this number, one-fourth (24%) were housewives who depended financially on their husbands (see Table 11). Orphaned children numbered 3,482 (see Table 12).

131. There are also a number of children who are affected psychologically or indirectly, including children who have lost one or both of the parents; children injured by the violence; children who witnessed the incidents first-hand or have been informed of the incidents by someone else or through the media; and children and families whose lives have been affected by the incidents. Special measures have been implemented to eliminate discrepancies in their access to basic services.

132. Assistance to children and families are provided by the public, private and people's sector, on both short-term and long-term basis, through:

(a) Grievance and complaint mechanisms. There are a number of organizations and mechanisms through which people can voice their complaints or grievances, including

Community Justice Center, Justice Clinic, National Human Rights Commission and Ombudsmen;

(b) Special assistance measures are implemented by the Committee for the Coordination of Assistance for Persons Affected by the Unrest in the Deep South, under the MSDHS. Under this Committee, a sub-committee for coordinating assistance to orphaned children and widows was established to provide assistance in accordance with the Cabinet Resolutions (31 May 2005 and 1 August 2007). Assistance is provided in the forms of cash assistance in case of death/injury; rehabilitation assistance; monthly stipends for education up to bachelor degree level for orphaned children; monthly living expenses for persons disabled by the unrest; and cash assistance for foster families. Since the start of the unrest, assistance has been given to a total of 5,329 people, worth 107,669,500 Baht (see Table 13);

(c) Legal assistance is provided on the basis of the Victim Compensation and Restitution of for the Accused Persons Act of 2001 under the responsibility of the MOJ. The Act provides a basis for determining compensations and restitutions in terms of medical expenses, physical and psychological rehabilitation expenses, absence of incomes due to injuries and other damages. In case of death, funeral expenses and family support will be given (see Table 14). So far, assistance worth 261,276,931 Baht has been given to a total of 5,261 victims of the unrest in the south (see Table 15);

(d) Measures taken by the MOH to provide psychological rehabilitation for children affected by the unrest include: awareness raising on problems of children as a result of the unrest; provision of integrated psychological care for children in the area of unrest; development of the body of knowledge on psychological impacts of violence on children; capacity building of community network in caring for children and becoming self-reliance on a long term basis; and development of mechanisms for the implementation of national and ministerial policies. Activities range from information dissemination through the media and public forum to training of personnel, establishment of assistance coordination centers, development of training curriculum and manual on care and treatment of child victims, and development of model community to facilitate shared learning;

(e) Education services. Under the MOE policy on the organization of education in the three border provinces in the south, a special budget has been allocated for care and rehabilitation of victims and scholarship purposes. Additional five welfare schools under the royal patronage (Rajaprachanugroh) were established in these areas. Education curriculum is tailored to suit the situations and conditions of the local people. Subsidies are given to Islam instructors in private schools and for the development of Islamic private schools. Special cash assistance is given to teachers to boost their morale. Additional cash assistance is also given for the purpose of strengthening safety measures in the areas, as well as for teachers and educational personnel affected by the unrest.

Obstacles and solutions

133. So far, the implementations of the above-mentioned measures have not produced very clear results. Further efforts are needed in terms of mediation and promotion of tolerance and acceptance among all parties, as well as ensuring the development of education and local administration that are well-suited to the local conditions. Malay language should be promoted as a working language along side Thai. A feasibility study should be conducted regarding the possible establishment of Islamic court on family and inheritance issues. Cooperation is needed from both public and private organizations. However, these measures are still in the inception phase and take time to produce results.

H. Optional Protocols to the Convention

134. Thailand is a State party to the Optional Protocols of the CRC on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict. These Optional Protocols came into effect in Thailand on 11 February 2006 and 27 March 2006, respectively. The initial report of Thailand's implementation of the Optional Protocols was submitted to the UN Child Rights Committee on 27 October 2009.

I. Monitoring and dissemination of the Convention

135. The main mechanisms for monitoring the progress on child rights are the National Child and Youth Development Promotion Committee and the National Child Protection Committee, chaired by the Prime Minister and Minister of Social Development and Human Security, respectively. Supporting agencies and sub-committees include:

(a) The National Child and Youth Development Promotion Commission, tasked with the formulation of policies on child and youth development and development of mechanisms for monitoring results. The main implementing agency is the Office for Welfare Promotion, Protection and Empowerment of Vulnerable Groups. Child Rights Sub-committee is responsible for monitoring the implementation of the CRC and its dissemination and making recommendations for the revisions of child-related legislation to ensure compliance with the Thai Constitution and the CRC. There is a sub-committee responsible specifically for the preparation of report on children and youth situation. There are 15 other sub-committees responsible for specific aspects of child development. These Sub-committees are required to submit their reports to the Commission and the Prime Minister;

(b) The National Child Protection Committee, tasked with policy formulation and supervision of child protection measures. The main implementing agencies are the Secretariat of the National Child Protection Committee and Office of the Permanent Secretary of Social Development and Human Security. A child protection committee has been established in all 76 provinces of Thailand, responsible for child protection in their provinces. The monitoring of child protection efforts at the provincial level is conducted by sub-committees for the coordination and monitoring of child protection efforts, reporting their findings to the National Child Protection Committee.

Both Committees are required to submit their opinions on policies, plans, legislation and their achievements to the Cabinet.

136. Efforts have been made to widely disseminate knowledge and understanding of the CRC and its Optional Protocols, through meetings, seminars, training and various forms of media. Child rights course has been incorporated into the national curriculum. Training in child rights, as a specific curriculum on its own and as part of a wider training, has been organized as follows:

(a) Incorporation of child rights principles into the 1999 Constitution and the national education curriculum. The Committee on Human Rights Studies under the MOE, established on 31 October 2006, is responsible for developing guidelines to comply with Global Plan of Action on Human Rights Studies, adapting the curriculum to suit Thai context. The curriculum is being tested with Thai educational personnel. Child and youth development forms part of the studies under the Faculty of Social Administration;

(b) Specific training on child rights. A series of training of trainers on children have been organized at both national and international level, as well as at sub-national level:

- International course is aimed at child rights practitioners from 13 countries in the Asia-Pacific region. The duration of the course is 12 days.
- National and regional training of trainers, 5-day course is aimed at practitioners from government and non-governmental organizations, children and youth and local administrative organizations.
- Local training, 1–2 day course, is aimed at child rights sensitization for local leaders, children and youth, parents, teachers, child rights volunteers and the general public.

During 2006–2009, a total of 11 child rights seminars and 20 child rights training were organized, with a total of 1,548 participants from various professions (see Table 16).

(c) Child rights as part of a wider training or education curricular has been organized for various organizations and institutes, such as Royal Police Cadet Academy and National Defense Studies Institute, and professionals in justice system, such as judges and public prosecutors, as well as medical personnel, social workers, psychologists and child protection officials.

137. Efforts have been made to disseminate Thailand's initial and periodic reports on the implementation of the CRC and the Concluding Observations of the UN Committee on Child Rights to the general public, as well as raise awareness on the CRC among children and youth. As a result, a children's version of child rights report has been prepared by representatives from Child and Youth Council and youth groups nation-wide.

138. Thailand has complied with the observation of the UN Committee on Child Rights in regards to the dissemination of the CRC reports. The reports have been disseminated through various media, as well as through meetings, seminars and training organized by both public and private sectors and youth organizations, namely the Child and Youth Council and National Child and Youth Assembly, at both national and sub-national levels.
