



# Convention on the Rights of the Child

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

### Summary record of the 1682nd meeting

Held at the Palais Wilson, Geneva, on Tuesday, 24 January 2012, at 3 p.m.

*Chairperson:* Mr. Zermatten

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*The meeting was called to order at 3.05 p.m.*

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

*Combined third and fourth periodic reports of Thailand (CRC/C/THA/3-4; CRC/C/THA/Q/3-4 and Add.1)*

1. *At the invitation of the Chairperson, the delegation of Thailand took places at the Committee table.*
2. **Mr. Promphat** (Thailand), introducing his country's combined third and fourth periodic reports (CRC/C/THA/3-4), highlighted the measures that had been implemented in follow-up to the Committee's 2006 concluding observations. The Government had withdrawn its reservation to article 7 of the Convention and had subsequently amended the Civil Registration Act to ensure that all children born in Thailand were registered at birth, regardless of their status. Training projects and campaigns had been carried out nationwide, including in the nine temporary shelters along the border with Myanmar, to promote birth registration for all children. The right to a nationality had also been extended to several groups of stateless children.
3. Since 2006, several bills had been drafted and laws amended to ensure that they took account of the best interests of the child. They included the Domestic Violence Victim Protection Act, the National Child and Youth Development Promotion Act, the Anti-Trafficking in Persons Act, the Civil Registration Act, the Nationality Act, the Act Instituting Juvenile and Family Courts and the Juvenile and Family Procedures, and the 2010 Criminal Code Amendment Act, which had increased the age of criminal responsibility from 7 to 10 years.
4. In order to increase children's participation, child and youth councils had been set up at district, provincial and national levels. They gave children the opportunity to exercise their right to be heard and enabled State authorities to hear children's views and ensure they participated in decision-making and policy formulation.
5. The results of a 2010–2011 study into the situation of violence against children and young people would form the basis of a strategic plan of action being drawn up to prevent such violence. Training would be provided for parents and teachers on positive disciplining, and children would be involved in finding non-violent alternatives to corporal punishment. In addition, counselling services in communities and schools were being strengthened through the work of multidisciplinary teams.
6. Under the universal health-care coverage scheme, medical treatment for most diseases was provided free of charge to all citizens, including children. Access to health services including prenatal and post-natal care, vaccination, breastfeeding advice, disease surveillance, nutrition and monitoring of preschool children's development, was being extended to people living in remote areas throughout the country. Care for children with HIV/AIDS was provided in welfare centres nationwide, where they had access to antiretroviral drugs and other health care. Children with disabilities were provided with specialist health services. In addition, a health budget allocation had been made for adults and children who were not covered by the universal health-care scheme owing to a lack of clarity about their status.
7. The Government was promoting breastfeeding in line with the outcome document of the twenty-seventh special session of the United Nations General Assembly, "A world fit for children", through technical cooperation with the United Nations Children's Fund (UNICEF) and other public campaigns. Maternal and under-five mortality rates had dropped significantly, and child malnutrition had fallen continuously over the previous two

years, since the introduction of measures to address iodine and iron deficiency. The 2007–2016 Long-Term Policy and Strategies on Early Childhood Development was currently being implemented, and the Government was encouraging the private sector to set up childcare centres in the workplace. It was working to improve the standards in those centres nationwide through the development of national standards on early childhood centres. Teachers, care providers and administrators were trained locally to improve their skills and knowledge of child development.

8. Millennium Development Goal 2 on universal primary education and Goal 3 on eliminating gender disparity in primary and secondary education had already been achieved. The Government was currently working to provide all children with a free 15-year education. In order to ensure children living in rural areas were included, schools had been set up in local communities and information and communication technology was being used. Multilingual schools had been opened in areas where there were high numbers of ethnic and migrant children to help them overcome language barriers that hindered their access to education. Special education centres in every province provided support for children with disabilities in order to enhance their quality of life and enable them to be integrated in mainstream education.

9. In 2010, amendments to legislation on juvenile justice had included a new definition of the child that was more consistent with the definition in the Convention. Other amendments had resulted in provisions requiring that children who committed offences must be brought before a juvenile and family court within 24 hours, and enabling the court to issue protection orders for children before any legal proceedings began. Counselling was used instead of criminal punishment and special investigation rooms for children would be set up in police stations.

10. His country had contributed to the development of international norms and standards on the treatment of female inmates and their children, resulting in the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules). In order to promote the full implementation of the rules in correctional facilities nationwide, steps were being taken to improve prison management and facilities in order to accommodate the needs of female inmates.

11. While considerable progress had been made in tackling child labour, it remained a principal concern for the Government. The employment of children under 15 was strictly prohibited by law, and although those aged between 15 and 18 could engage in certain types of work, they were banned from performing dangerous work. More inspections of workplaces where children were employed were being carried out in order to ensure that employers of children under 15 were punished according to the law. In addition, to enhance social and legal protection for informal workers, a voluntary social security system had been introduced for the benefit of informal workers aged between 15 and 60. A 2010 law protected the rights of homeworkers and a regulation on the protection of domestic workers was also being drafted.

12. Child pornography would soon be a specific crime under the law and the Criminal Code would be amended to increase the penalties for perpetrators of that crime. The police and the judiciary had introduced measures to prevent children in the criminal justice system from being doubly victimized. Guidelines had also been drafted on coordination among law enforcement agencies to protect child victims of sexual abuse, with a view to improving the response in cases involving foreign perpetrators.

13. Since the 2008 enactment of the Anti-Trafficking in Persons Act, efforts had been made to increase officials' effectiveness in enforcing the law, particularly to prevent trafficking in children. The visit in 2011 of the United Nations Special Rapporteur on trafficking in persons, especially women and children, had helped to identify the remaining

obstacles to tackling human trafficking. The Government would seriously consider the Special Rapporteur's recommendations.

14. With regard to teenage pregnancy, steps were being taken to promote safe sex and family planning, and to strengthen family relations. Sex education was being provided more systematically in schools, and teenage-friendly clinics had been set up in 51 provinces. Draft legislation on reproductive health protection was being prepared in an effort to ensure that pregnant girls enjoyed the right to continue their education during and after pregnancy.

15. The Government was currently preparing a plan of action to ensure that all its agencies implemented more effective measures to protect children from violence in the southern border provinces. Special measures had been implemented for their protection and to ensure they enjoyed the same access as other children to basic services and assistance, such as monthly stipends for education up to bachelor degree level for orphaned children, and cash assistance for foster families.

16. While his country maintained its reservation to article 22 of the Convention, the Government was making every effort to protect the rights of externally displaced children. Children living in the temporary shelters along the border with Myanmar were provided with education, basic health care and services by the Government, with support from international agencies and non-governmental organizations. The Government would continue to review its position on that reservation on a regular basis, as it would with regard to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, to which it was not yet a party.

17. During the massive floods of late 2011, the Government had worked closely with the private sector, NGOs, other States and international organizations to provide assistance and protection to children affected by the disaster. A victim identification process had been established in evacuation centres, which had helped identify children with disabilities and those in need of special care. The Government and various NGOs had also provided basic health care and organized rehabilitation activities for children, including migrant children, in the evacuation centres. Cooperation with relevant entities would continue in order to provide assistance to those children in need and to develop better protection mechanisms for children in emergency situations.

18. Much remained to be done to promote and protect the rights of children in his country. In the short term, the Government's main focus would be on investment in education with the use of information and communication technology, as illustrated by its scheme to provide every child in first grade with a free tablet computer. Further training was needed for law enforcement officials to raise their awareness of the rights of the child, and international assistance was required to develop guidelines, curricula and manuals for child experts and officials in order to contribute to a knowledge-based environment that was conducive to the promotion and protection of child rights.

19. **Ms. Aidoo** (Country Rapporteur) commended the State party for achieving a significant reduction in infant and child mortality, an overall improvement in child nutrition, high coverage of antiretroviral therapy and a remarkable reduction in the mother-to-child HIV transmission rate. While the Committee remained concerned about periodic restrictions on the freedom of expression, the State party had a vibrant civil society and media, and its 2009 Code of Ethics for Programme Producers and Broadcasters would assist in protecting children.

20. The Committee welcomed the withdrawal of the reservation to article 7 of the Convention and urged the Government to consider withdrawing its reservation to article 22 on the rights of refugee children. She also welcomed the news that the State party was considering becoming a party to the third optional protocol on the Convention on a communications procedure and hoped that it would do so in the near future, and serve as an

example to other countries in the region and worldwide. She encouraged the State party to ratify the core human rights instruments it had not yet ratified, especially those that affected the rights and development of children, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness and the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization (UNESCO). She commended the State party on its impressive array of legislation, regulations, policies, strategies and plans to ensure the rights of children were implemented.

21. Nonetheless, widespread social inequalities and regional disparities remained in the State party. There was growing income inequality, with the highest-earning 20 per cent of the population earning 12 to 15 times more than the lowest-earning 20 per cent. Despite improvements in the health sector, according to the 2006 multiple indicator cluster survey by UNICEF, 16 per cent of children under the age of 5 from the poorest families suffered from stunting. That level rose to over 40 per cent in some parts of the country, as compared with 7 per cent for children from the richest families. Some 20 per cent of children from the south who did not speak the Thai language were underweight, whereas 8 per cent of Thai-speaking children from the central region were underweight. The preschool attendance rate for children in the central region was 78 per cent. In the north-east it was 58 per cent and in the south, 54 per cent.

22. Weaknesses in law enforcement and in the implementation of policies and strategies constituted another challenge. Indeed, she wondered whether the principles and provisions of the Convention were properly understood and accepted by the general public and the professionals who were expected to implement them. She asked how the State party ensured that local governments made the necessary resource allocations for children and that their professionals had the requisite knowledge and skills for implementing a rights-based approach to the services they provided. She also asked to what extent corruption impeded implementation of the Convention, and whether the State party would consider undertaking an analysis of the causes and extent of the gaps in implementation.

23. Protracted conflict in the southern border provinces affected children and families physically and psychologically and restricted their access to social services. Would the State party consider reviewing the security arrangements in place to ensure their conformity with the Convention's provisions and with internationally accepted standards of juvenile justice generally?

24. She requested the State party to provide clarification of several issues. First, according to the written replies submitted by the State party, the Ministry of Social Development and Human Security was responsible for coordinating implementation of the Convention, but children's rights policy and implementation were assigned to different agencies within the ministry. She asked how the ministry coordinated its work with the numerous ministries and agencies dealing with children's issues, how it coordinated efforts at the national, regional and provincial levels, and how it monitored and evaluated the implementation of the Convention by those entities. In particular, she had questions about the National Commission for Child and Youth Development. What age group did it cover? What priority was given to children under the age of 18? Did the Commission deal with children's rights generally or focus on children's development?

25. Second, according to the written replies, a new National Child and Youth Development Plan for 2012–2016 had been adopted. She asked for information on how the new plan was being implemented, and for clarification of the advantages it would have for children.

26. Third, the Committee was concerned that, while education allocations figured prominently in the national budget, only 0.5 per cent of the budget was allocated to the Ministry of Social Development and Human Security for its coordination functions. She asked how the State party ensured that the Ministry had the necessary resources to do its work effectively, and whether the State party used a children's rights approach in its budgeting.

27. A fourth concern was that the State party had not made sufficient efforts to eliminate discrimination against children in its legislation and programmes. She asked how the State party could accelerate the elimination of discrimination, especially against girls, children of indigenous and ethnic minorities, street children, children living in poverty and in rural areas, and children of migrants, refugees and asylum-seekers.

28. **Mr. Kotrane**, noting that the State party's report was rather succinct, asked whether NGOs had been asked to contribute to it and whether their input had been taken into account. One purpose of the report and its preparation process was to promote national debate on children's rights; had such debate taken place? He expressed disappointment that some recently enacted legislation did not reflect the Convention's provisions. Regarding the reform of the Criminal Code to enable child witnesses and victims to be heard in circumstances adapted to their situation, he wished to know whether children were present throughout the proceedings concerning them and what was done to ensure that they were heard in all cases involving them, not just at the judge's discretion.

29. **Ms. Maurás Pérez** said, in response to the written reply on the business sector's contributions to advancing children's rights, that leaving the promotion of corporate social responsibility to the private sector was not sufficient. The Government needed to establish a regulatory framework. For example, the reply mentioned that 175 workplaces had breastfeeding facilities for mothers, but that fact alone did not amount to a nationally implemented policy.

30. Noting that a ministerial regulation had been issued to protect labour in the fishing industry, she asked whether that had been done specifically in response to the recommendation by the Special Rapporteur on trafficking in persons that the marine police should be given a specific mandate to identify trafficked persons on fishing vessels. Did the regulation include a reference to children being trafficked on fishing vessels or illegally employed in the fishing industry?

31. She commended the State party for its progress in regulating the provision of public information — for example, by promulgating the Code of Ethics for Programme Producers and Broadcasters — and requested more information on similar measures. She added that, notwithstanding the progress made, children's privacy and integrity remained insufficiently protected, and asked the delegation to comment on that.

32. **Mr. Madi** said that the Committee welcomed the recent legislation giving all children born in Thailand the right to have their birth registered and to obtain a birth certificate, including the Civil Registration Act (No. 2) of 2008. However, according to information provided to the Committee, some 5 per cent — or about 40,000 — of the children born in Thailand each year were not registered at birth. He asked what obstacles prevented their registration and what additional efforts the State party envisioned to resolve the problem. He asked whether the Government intended to reconsider the financial penalty for late birth registration.

33. In its written replies, the State party did not explicitly address the situation of children of asylum-seekers. Was the reference in the written replies to children whose parents might be under the care of the Thai Immigration Bureau a reference to children of asylum-seekers? If not, could the State party inform the Committee about the situation regarding the birth registration of children of asylum-seekers?

34. Despite the State party's efforts, including the amendments made to the Nationality Act in 2008, according to some reports around 2 million stateless and potentially stateless persons lived in Thailand, including significant numbers of children. What measures did the State party intend to take to address the situation? In particular, he wished to know what happened if the mother, but not the father, of a child born out of wedlock was a citizen of Thailand.

35. **Ms. Sandberg** requested information about children's participation in community life and society, including confirmation that the children's and youth councils mentioned in the report were active throughout the country. She asked how members were elected, how their participation in decision-making was ensured and whether their opinions were taken into account. Noting that the councils needed additional resources and that the Ministry of Social Development and Human Security was drafting regulations to facilitate the enforcement of the National Child and Youth Development Promotion Act of 2007, she asked to what extent the councils were currently able to function without the necessary degree of support and regulation.

36. **Mr. Guráñ** asked why certain legislation regarding the National Human Rights Commission had not been enacted even though it was prescribed by the Constitution of 2007. He asked whether the manner in which the Commission's members were appointed guaranteed that body's independence. He requested data on complaints by and on behalf of children to the Commission and asked whether it had a special department for handling such complaints.

37. **Mr. Pollar** requested information on the legal status of a child born to a Thai parent living outside Thailand, and about the effect of the duration of a child's residency in Thailand on his or her acquisition of Thai citizenship. He also asked for information about the legislation governing changes to an adopted child's name. He asked whether children living in institutions were able to have contact with relatives as well as parents and siblings, and what was done to help children of divorced or separated parents preserve their identity.

38. He noted that the report contained little mention of the enjoyment by the children of Thailand of the right to freedom of expression. He asked whether traditional or societal attitudes hindered their enjoyment of that right. He also wished to know whether there was any monitoring mechanism to ensure that children's right to freedom of expression was respected. He requested information about any limitations on children's freedom of expression and association in schools. If such limitations existed, were they justified under the law?

39. **Mr. Cardona Llorens** said that the Committee was aware that corporal punishment of children was widespread in Thailand. While the State party had made commendable efforts to curb the practice through legislation, laws must be accompanied by awareness-raising campaigns to change the sociocultural attitudes that were an obstacle to eliminating corporal punishment. Furthermore, while the written replies referred to laws indirectly protecting children against violence in the home, there was no legislation expressly prohibiting corporal punishment in the home. He asked why such legislation had not been passed.

40. **Ms. Varmah** asked what steps had been taken by the State party to enforce compliance by the media in Thailand with laws on the child's right to privacy and on the protection of the child's identity, and whether compliance was monitored.

41. **Ms. Nores de García** asked whether the State party intended to amend its legislation with a view to prohibiting all forms of discrimination against children.

42. **Ms. Al-Shehail** asked whether the State party planned to amend legislation that permitted a man to marry a girl aged 13 to 15 years with whom he had had consensual

sexual relations and thereby elude any possibility of prosecution. The bill on the prevention and resolution of domestic violence did not provide for adequate punishment of the perpetrators of such violence. Noting that the definition of rape under the Criminal Code was limited to sexual intercourse between a man and woman who was not his wife, she asked whether that implicitly permitted men to abuse their wives.

43. The Committee was concerned about regional disparities in terms of access to health care, education and other services. Southern regions in particular suffered and she would like to know what measures had been taken to meet the needs of Muslim, immigrant and refugee children. She also asked the delegation to provide more information on steps taken to eliminate discrimination and to promote equal access to basic services.

44. **Ms. Wijemanne** urged the State party to collect disaggregated data reflecting the situation of children in rural and other poor areas of the country so that programmes could be targeted at their specific needs.

*The meeting was suspended at 4.25 p.m. and resumed at 4.50 p.m.*

45. **Mr. Promphat** (Thailand) said that, although the State party had not withdrawn its reservation to article 22 of the Convention, it would consider doing so when circumstances permitted. In the meantime, the State party went to considerable lengths to protect refugee children. A decrease in violence in neighbouring countries such as Myanmar would help to stem the flow of refugees into Thailand. The State party was also discussing with neighbouring countries ways of improving the means of identifying the nationality of refugees and other migrants entering Thailand. The Government encouraged illegal migrant workers in the country to register and work legally. All foreign workers had access to health care and their children could attend school.

46. The Government was endeavouring to foster greater income equality across the regions. Under debt relief schemes designed for the poor, repayment of loans could be frozen for up to three years. The voice of young people was heard through the country's youth councils, whose recommendations were transmitted directly to the Government. A series of resolutions by the councils had recently been submitted and would be incorporated into future policy.

47. Village clinics were being upgraded to provide services for pregnant mothers. All villages had nurseries catering to children from the age of 2 years. Turning to the issue of corporal punishment, he said that witnesses of acts of corporal punishment carried out in the family home were obliged by law to report them to the authorities.

48. **Mr. Cardona Llorens** said that not only did the State party's legislation fail to explicitly ban corporal punishment in the form of minor blows aimed at correcting a child's behaviour, but it could be interpreted as allowing such disciplinary actions. A study conducted in 2011 had shown that violence against children was common in Thai society. Why did the State party not expressly prohibit all forms of domestic violence directed against children?

49. **Mr. Promphat** (Thailand) said that awareness-raising campaigns had been conducted to persuade Thai families of the need to avoid all forms of violence, which was neither widespread nor tolerated. Children were sometimes hit by parents who were drug-users and unable to control themselves. The Government was expediting prosecutions for drug-related offences and stepping up border controls in order to reduce the inward flow of narcotics.

50. **The Chairperson** reiterated that the State party should extend the explicit prohibition of the use of all forms of corporal punishment in schools, places of detention and other institutions to the family home.

51. **Ms. Chutikul** (Thailand) said that it had emerged in a nationwide survey, in which 45,000 children, parents and teachers had taken part and whose results would be released in March 2012, that many children reported being subjected to physical, verbal or sexual violence. A bill banning the use of corporal punishment in the family was being prepared with the help of UNICEF, but its enactment would take some time. The long-term aim was to achieve a policy of zero tolerance of all forms of violence against children. A national plan of action on violence against children would encompass measures to prevent violence, protect children, reintegrate victims into society and prevent their revictimization, as well as encourage the prosecution of perpetrators. The State party intended to follow up the recommendations contained in the Committee's general comment No. 13.

52. **Mr. Gongsakdi** (Thailand) said that the prohibition of corporal punishment in the family required a major change of cultural attitudes and values in the State party.

53. **Mr. Pinkaew** (Thailand) said that the Ministry of Social Development and Human Security coordinated activities related to the rights of the child through the National Child and Youth Development Promotion Committee, which was chaired by the Prime Minister and was responsible for policymaking and cooperation between Government agencies, NGOs and international organizations, and an umbrella body that covered committees dealing with early childhood, child protection and human trafficking. Provincial child protection committees had also been set up.

54. Most of the activities conducted by the various agencies working with children focused on vulnerable groups. The Ministry had set up provincial learning centres and a system for monitoring and evaluating the work done by ministries in the area of children's rights. It had also created national coordination centres and established procedures designed to encourage the broadest possible involvement of civil society and international organizations in the preparation of the State party's reports to the Committee.

55. **Mr. Gongsakdi** (Thailand), referring to his country's reservation to article 22 of the Convention, said that the Thai authorities reviewed their position on the 1951 Convention relating to the Status of Refugees from time to time. A review was scheduled for the current year and the reservation to article 22 would be reviewed in the same context. It would involve seminars and discussions comparable to those that had led to the withdrawal of his country's reservation to article 7.

56. No time frame had been set for accession to the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness. However, a management strategy to address the problem of the legal status and rights of individuals was being given high priority. For instance, immigrants who had resided in Thailand for a lengthy period could obtain the status of legal migrants and their children could acquire Thai nationality if they were born in the country. Thailand had a long tradition of hosting refugees, asylum-seekers and displaced persons from neighbouring countries. However, the official position was that the State must be in a position to implement all provisions of a treaty under existing domestic law prior to ratification. It usually took about two years to enact the necessary legislation but the legislative process had been disrupted by the political turmoil generated by the 2005 military coup. The referendum requirement led to further delays. He had recently attended a meeting of the Foreign Affairs Committee concerning bills requiring speedy enactment, and he intended to suggest that bills relating to the two conventions concerning statelessness should be added to the list. The process might also be speeded up if the roughly 140,000 displaced persons from Myanmar were able to return home in the not-too-distant future. The caseload would then become more manageable.

57. The budgetary funds earmarked for health and education were allocated on a per capita basis without discrimination, so that the beneficiaries included, for example,

displaced persons and members of minority hill tribes. Efforts to promote equal access to social, health-care and educational services for all children had been redoubled. There were doctors, for instance, who provided health care to homeless children. Studies indicated that the Government's health-for-all policy had helped to reduce disparities.

58. The education system catered for more than 100,000 stateless students. Schools were not permitted to discriminate against students, for instance on the ground of disability. There were special education centres in every province for children with disabilities. Awareness-raising campaigns on children's right to education were being conducted and had succeeded in changing attitudes. Children living in temporary shelters received education equivalent to grades 1 to 10 as well as vocational training. It was hoped that the qualifications they received would prove useful when they were in a position to return to Myanmar. He added that Thailand was in the process of ratifying the UNESCO Convention against Discrimination in Education.

59. The Thai authorities had acted on most if not all of the Committee's recommendations regarding birth registration contained in its concluding observations on the State party's second periodic report (CRC/C/THA/CO/2).

60. **Mr. Roungsawad** (Thailand) said that child and youth councils had been established at the national, provincial, district and subdistrict level. The members at each level were elected.

61. **Ms. Hutamai** (Thailand) said that child and youth council representatives were given the opportunity to share their opinions on policies and activities with public authorities at the corresponding level of government.

62. **Mr. Gongsakdi** (Thailand) said that Thailand had pledged, at an Office of the United Nations High Commissioner for Refugees (UNHCR) ministerial meeting in December 2011, to improve existing safeguards and to protect the rights of displaced persons and asylum-seekers by refining and broadening the criteria for admission to temporary shelters, expanding educational opportunities, and ensuring that the children of displaced persons had non-discriminatory access to protection services and that those born in Thailand were entitled to birth registration. It had also undertaken to explore further amendments to the Nationality Act and to facilitate access to birth registration and individual documentation services, including those responsible for late birth registration.

63. The relevant authorities had genuinely believed that a disciplinary fine would constitute an incentive for people to register births in a timely manner. The lowest fine was equivalent to less than one United States dollar and the highest fine was equivalent to about 30 dollars. However, the penalty could be reviewed and any suggestions the Committee could make for alternative positive disciplinary measures would be seriously considered.

64. **Ms. Aidoo** asked whether the Thai authorities would consider adopting a universal child allowance scheme to alleviate existing disparities in living standards.

65. According to a study undertaken by the Ministry of Education in 2008 and 2009, only 34 per cent of preschool establishments complied with minimum standards at the time. She therefore commended the long-term policy and strategy in support of early childhood development and asked whether a comprehensive approach was adopted, covering not only education but also nutrition, health care and other areas.

66. Welcoming the State party's decision to ratify the Convention against Discrimination in Education, she asked whether human rights education, including child rights, was included in school curricula.

67. **Ms. Herczog** enquired about child-rearing counselling for parents and support for families to obviate the need for out-of-home care. A support system to develop the

parenting capacities of young girls who married and had children at a very early age would be particularly important. She also enquired about measures to prepare foster parents for their task and to oversee the welfare of foster children. Was special assistance provided to young people who left the care system, returned to their homes or were placed elsewhere?

68. Noting that children under the age of 3 years could live in prison with their mothers, she enquired about the services provided by the prison system and the placement procedures followed when the children left the prison. She asked whether any legal provisions could be invoked to postpone the imprisonment of pregnant women or women with very small children, and whether there were clear regulations governing the eligibility of women detainees to be accompanied by their children in prison. What kind of visiting arrangements existed for children whose parents were in prison?

69. **Mr. Pollar**, noting that the State party had taken steps to prevent the abuse by children of alcohol and other harmful substances, enquired about the results of such action to date.

70. **Ms. Sandberg** referred to reports that 13 per cent of children under the age of 5 were left alone or in the care of other children under the age of 10. She asked how the State party dealt with such high-risk situations, which were apparently due in some cases to parent migration to urban areas and HIV/AIDS.

71. When the authorities received reports of domestic abuse of children, what action was taken to protect the child during the investigation? Some children reportedly remained at home with the abuser or stayed with somebody who protected the abuser. It was also important to ensure witness protection, in other words to protect the child against sanctions by his or her parents.

72. **Mr. Kotrane** welcomed the conclusion by Thailand of bilateral agreements on migrant labour with countries such as the Lao People's Democratic Republic, Myanmar and Cambodia, as well as the 2008 amendments to the legislation concerning labour protection and migrant workers. However, the children of migrant workers continued to suffer ill-treatment and had problems accessing health-care and education services. They were also adversely affected in some cases by the arbitrary arrest of their parents. Pregnant women had allegedly been arrested and expelled with their children.

73. According to a survey conducted by the Thai Government and the International Labour Organization in 2006, as many as 100,000 migrant children were employed, some in the worst forms of child labour; 35 per cent were under 15 years of age and 63 per cent worked for more than eight hours a day. He asked what measures were being taken to end child labour.

74. According to the delegation, companies in the informal sector were being encouraged to join the social security system. In his view, participation in the system should be mandatory and the number of labour inspectors should be increased.

75. **Ms. Nores de García**, emphasizing the equal right to education of indigenous peoples, noted that indigenous children in some districts were denied that right since there was no provision for bilingual education.

76. **Mr. Madi** commended the provision of humanitarian assistance to displaced people and refugees in the nine temporary camps on the border with Myanmar pending their repatriation or resettlement. Some of them, who had lived in the camps for 30 years, could no longer be characterized as temporarily displaced persons. Others had been born and raised there and had never had any contact with their native country. He asked whether the Government would consider, on a case-by-case basis, removing the restrictions imposed on selected camp residents so that they and their children could live a normal life and be integrated into Thai society.

77. The conditions in Suan Plu Immigration Detention Centre in Bangkok were reportedly particularly difficult for children. Children generally stayed with one parent and had no contact with the other parent for extended periods. He asked whether the authorities would consider allowing family members to remain together in one cell. It had also been reported that 37 refugee and asylum-seeking children had been held in the Detention Centre since August 2011. According to the 1999 UNHCR Revised Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-Seekers, minor asylum-seekers should not be detained. Moreover, article 37 of the Convention stipulated that minors should be detained only as a measure of last resort and for the shortest appropriate period of time. He urged the State to apply the principle of the best interests of the child and to either release the children or transfer them to the custody of the Department of Social Development and Welfare or the Ministry of Social Development and Human Security pending their departure or that of their family from the country.

78. **Ms. Maurás Pérez** said that the families of migrant workers were highly vulnerable. In particular, women and children were subjected to arbitrary arrest by local police forces and were at risk of deportation. The Special Rapporteur on trafficking in persons, especially women and children, had noted during a visit to Thailand in August 2011 that migrant workers met the growing demand by Thai industry for cheap labour. She asked what action the Government was taking on behalf of the families of migrant workers and, in particular, on behalf of working migrant children.

79. Could the delegation account for the surprisingly low figures for breastfeeding mothers? She noted in that connection that the marketing of breast-milk substitutes was unregulated.

*The meeting rose at 6 p.m.*