

STATE PARTY EXAMINATION OF THAILAND'S THIRD AND FOURTH PERIODIC REPORT

59TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

16 JANUARY – 3 FEBRUARY 2012

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Thailand ratified the Convention on the Rights of the Child (the Convention) on 27 March 1992. On 24 and 25 January 2012, the Committee on the Rights of the Child (the Committee) examined the third and fourth periodic report of Thailand. It was last examined on 24 January 2006. The State party has a reservation on article 22.

Opening Comments

The delegation of Thailand was led by Mr Santi Promphat, Minister of Social Development and Human Security. He was supported by a delegation consisting of representatives of the Permanent Mission of Thailand to the United Nations Office in Geneva, the Ministry of Foreign Affairs, the Committee on Child and Youth Development Promotion, the Ministry of Education, the Ministry of Public Health, the Ministry of Labour, the Attorney General Office, the Royal Thai Police, the Ministry of Defence, the Internal Security Operations Command of the Fourth Army Region, the Office of the National Security Council, the Rights and Liberties Protection Department, the Security Officer, and a Law Professor from Chulalongkorn University and two Youth Representatives.

Mr Promphat indicated that Thailand had withdrawn its reservation to article 7 of the Convention, which had resulted in the amendment of the Civil Registration Act to ensure that all children born in Thailand were registered at birth, regardless of their status, including children born in shelters. He also reported that the right to nationality had been extended to some stateless children living in temporary shelters at the border with Myanmar.

Mr Promphat reported that new draft legislation had taken into account the best interest of the child, making them more in line with the Convention, including the Protection of Victims of Domestic Violence Act, the Trafficking in Persons Act, the Civil Registration Act, the Nationality Act, the Juvenile and Family Code and its Procedures Act, and the Penal Code Amendment Act. He indicated that the minimum age of criminal liability had been raised

from seven to ten years by this last act. Child and youth councils had been created for children to exercise their rights and ensure their participation in the decision-making.

Mr Promphat reported that the Universal Healthcare Coverage Scheme was being implemented to ensure free medical treatment to all Thai citizens, to provide them with services on pre- and post-natal care, vaccinations, promotion of breastfeeding, disease surveillance, health development and nutrition. He added that a budget had been allocated for people not covered by the Scheme. Mr Promphat indicated that breastfeeding had been promoted through the goals of “A World Fit for Children” and reported that maternal and under-five mortality and child malnutrition had declined dramatically. He also reported that a Long-Term Policy and Strategy for early Childhood development (2007 to 2016) focused on preschool education was being implemented.

Mr Promphat informed the Committee that the country had reached the Millennium Development Goals (MDGs) on primary education and the elimination of discrimination between boys and girls at school. He indicated that the Programme “Education for All” was being implemented and would provide for 15 years of free and compulsory education.

Mr Promphat reported that the Juvenile and Family Code had been amended to include new definitions of the “child” and “juvenile”, to be more in line with the Convention. He reported the creation of specific rooms for children for children involved in judicial proceedings; the use of therapy as an alternative to criminal punishment; the obligation to bring a child who committed an offense before the court within 24 hours; and the possibility for the court to issue a protection order before the beginning of the proceedings. He also reported that Thailand had participated in the resolution on the “United Nations Rules for the treatment of Women Prisoners and Non-custodial Measures for Women Offenders”, also known as the “Bangkok Rules”.

Mr Promphat recognised that despite the progress achieved, problems remained. He stated that child labour was one of the main concerns of the government despite the prohibition to work under the age of 15. He mentioned the increase of inspections in places where children were employed and the enactment of measures to improve social and legal protection for informal workers, especially the Protection of Home Workers Act issued in 2012 and the drafting of a resolution on domestic workers.

Mr Promphat indicated that the process to criminalise child prostitution was on-going through the revision of laws on sexual abuse, to increase sentences of perpetrators and to more systematically prosecute foreign perpetrators. He added that the recommendations of the Special Rapporteur on trafficking in persons who visited Thailand in 2011 would seriously be taken into account and that the competence of officials on child trafficking would be strengthened.

Mr Promphat stated that the government had promoted reproductive health information to prevent early pregnancies through school curricula; the creation of teenage-friendly clinics; discussions on the Reproductive Health Act; and through the authorisation of pregnant girls to continue their education.

Mr Promphat reported that action had been taken to protect vulnerable children in the Southern border provinces, through the draft Plan of Action on their protection and development or the implementation of measures to protect children from violence. Mr Promphat indicated that, while Thailand had not yet withdrawn its reservation on article 22 of

the Convention, the government did take measures to protect the children of Internally Displaced People, providing children living in shelters along the border with education, basic health care and services, with the support of international organisations and non-governmental organisations. He indicated that Thailand would regularly review its position on this reservation, as well as on the Convention relating to the Status of Refugees and its Protocols.

Mr Promphat recalled that Thailand had been recently affected by floods, which had resulted in great losses to the country and indicated that the government had worked with non-governmental organisations, the private sector and through international cooperation, to provide assistance to children.

Mr Promphat admitted that more effort needed to be made to protect the rights of children and to ensure that all children could realise their rights and freedoms on an equal basis. He asserted that Thailand was ready to enhance these rights but added that, as a developing country, cooperation and partnerships at the national and international level remained important to build Thailand's capacity to work with children.

Ms Aidoo, the Country Rapporteur, thanked the delegation for its detailed opening statement and expressed the Committee's solidarity and sympathy with the people of Thailand in light of the recent floods. She appreciated the State's report and the achievements made in realising children's rights in Thailand, including increasing social and economic investments, which would benefit children. She acknowledged that Thailand was a country with an impressive architecture of laws, regulations, policies and strategies to ensure children's rights. She recognised the significant decrease of child mortality and the efforts to reduce HIV transmission from 6.4 per cent in 2001 to 0.7 per cent in 2009.

Ms Aidoo congratulated the State for its progress towards achieving MDGs and appreciated the vibrant Thai civil society and media, even though she was concerned by the restriction of the media's freedom of expression. She stated that Thailand had a long standing history of promotion of human rights, underlined by the Universal Periodic Review sessions and the ratification of most of the human rights instruments. She urged the State to withdraw its reservation on article 22 of the Convention. She welcomed the intention of Thailand, stated in its written replies, to ratify the third protocol to the Convention on a communication procedure.

Ms Aidoo agreed that challenges remained, particularly relating to systemic issues. She stated that widespread social and economic inequalities undermined efforts made to improve the situation and noted a growing income inequality and a gap in preschool attendance between central and southern regions. The second challenge pointed out by Ms Aidoo was the weakness of enforcement and implementation of laws and policies. She especially acknowledged the slow progress in the fight against discrimination, violence against children, child labour and human trafficking.

General Measures of Implementation

Legislation

The Committee noted the intention of Thailand to withdraw its reservation on article 22 of the Convention and asked what progress it had made towards its withdrawal. The delegation answered that the State would not move towards withdrawal and recalled that it had made

great efforts to provide protection to migrants situated on the territory of Thailand and had discussed with the neighbouring countries to reduce the situation of violence and the amount of people fleeing to Thailand. It indicated that discussions with Myanmar had resulted in an improvement in human rights standards and democratic principles and that fighting in the area of Myanmar had decreased. It reported that the State had attempted to identify the nationality of people coming to Thailand in order to request assistance from the countries of origin. The delegation assured the Committee that the improvement of the situation would result in the withdrawal of the reservation, as had been the case with the withdrawal of the reservation of article 7 of the Convention. The delegation explained that Thailand wanted to be able to fulfil all the obligations of a Convention once it ratified it.

Dissemination and training

The Committee asked whether non-governmental organisations had contributed to the drafting of the State report and whether there had been an opportunity to have a broad national debate on children's rights. The delegation answered that a national coordination committee had been set up, which included broad participation by civil society. It added that civil society and international organisations had provided inputs and indicated that the government had discussions on children's rights every year.

The delegation added that the National Human Rights Commission of Thailand (NHRCT) had worked to disseminate the Convention. It also mentioned a booklet about human rights that had been distributed to forces deployed in the Southern border provinces to educate them on human rights, but recognised that more should be done to raise awareness about human rights.

Monitoring

The Committee requested clarity on how the implementation of the Convention was coordinated, since numerous ministries and a commission were all dealing with children's issues. It asked about the specific mandate of the NHRCT; the age groups covered; whether it dealt with all the provisions of the Convention; and how it could cooperate with other governmental bodies and regional and international organs.

The delegation answered that two main mechanisms dealt with child rights policies, a National Commission for Child and Youth Development Promotion, responsible for policies, measures and cooperation with various agencies, including non-governmental organisations and a Committee, which included sub-committees dealing with early childhood and child trafficking. It indicated that this second mechanism, which addressed thematic issues, was coordinated by a secretariat and chaired by the Prime Minister. It added that coordination was efficient at all levels and that an analysis of the strategies of each agency had been made through a National Plan of Action and that each agency had a plan, most of them focusing on children of vulnerable groups.

The delegation reported that children-friendly centres had been set up in all provinces which consisted of facilities suitable for children including learning centres and spaces for independent activities. It added that an evaluation and monitoring system had been created with the support of UNICEF, which had helped with the implementation of the Convention in a more effective way.

The Committee asked about more information on the National Human Rights Commission of Thailand (NHRCT). The delegation explained that the NHRCT had been established pursuant to the Constitution of 1997 but that the Constitution of 2007 had reduced the number of its members from 22 to seven. It added that the government wished to have more representatives of non-governmental organisations within its membership. The delegation reported that in 2010, six cases dealt with by the NHRCT had concerned children, mainly on access to school and examination issues, whereas in 2011, 46 cases had involved children. It also indicated that the NHRCT could take cases to court, with the consent of the person involved, for a referral to administrative or constitutional courts. In order for the case to be taken to ordinary courts, the NHRCT did not require the consent of the complainant. The Committee asked whether any of the seven members were specialised in children rights. The delegation answered that there should be a more pluralistic representation but that one member had experience in children's issues. The Committee asked whether the child could be heard during the proceedings before the NHRCT. The delegation asserted that children were heard, but that the government would like to increase their participation. The Committee finally asked whether the complaints procedure of the NHRCT was known to children, particularly at the provincial level. The delegation reported that the NHRCT now had regional branches and that mobile teams were sent to more remote areas of the country for monitoring purposes.

General Principles

Non-discrimination

The Committee asked the delegation whether it intended to ratify the UNESCO Convention against Discriminations in Education. The delegation indicated that the State was in the process of ratifying it.

The Committee expressed its concern that insufficient had been made to eliminate discrimination in legislation, policies and programmes. The delegation indicated that in the health sector, the budget had been allocated on a per capita basis regardless of the status or origin of the person. It added that the State extended health care services to vulnerable children, particularly by creating rural health centres and by training doctors to look after children working and living on the street.

The delegation stated that education was a right for every child. It reported that schools were required to accept all students without discrimination, and that a campaign to raise awareness on the importance of education for stateless children had been carried out. It added that there were 1,000 stateless children within the Thai education system. The delegation assured the Committee that disabled and refugee children would receive education and vocational training that would be recognised in their country of origin.

The right to be heard

The Committee welcomed the child and youth councils that had been established at the district, provincial and national levels, and asked how the children would be included in decision-making at the local level. The delegation indicated that five resolutions had been released by the council to date, which had been transmitted to the Prime Minister. It specified that the point of view of the council was taken into account and would become part of policies in the following years. It added that the Prime Minister was interested in young people because they represented the future of the country. The delegation indicated that children, elected by their peers, were members of these councils and could share their opinion at the state level.

The delegation added that within the judiciary system, a new law allowed families, children and every person interested or involved in the case, to attend the hearing.

Civil Rights and Freedoms

Nationality, Identity and Birth registration

The delegation welcomed the new legislation that provided birth certificates for all children and accepted late registration for undocumented children, but observed that around five per cent of children born every year were still not registered. The Committee asked about the reason for this and whether the State intended to abolish the current penalty for late registration. The delegation answered that the fine had been issued with the genuine belief that it would be an incentive for parents to register their children on time. It indicated that the lowest fine was the equivalent of less than one US dollar and that the highest was the equivalent of 30 US dollars. It nevertheless indicated that since the Committee did not share the government's view on this, the provision could be reformed.

The Committee asked about the legislation on acquisition of nationality for children born out of wedlock to a foreign father; for children born to Thai parents outside Thailand; and for children residing in Thailand. It asked about the required duration of residency in Thailand for the acquisition of Thai nationality. The delegation reported that a child born out of wedlock to, whether to a Thai mother or a Thai father, could have Thai nationality, regardless of whether one of the parents was foreign. The delegation also indicated that a child born outside Thailand to Thai parents also qualified for Thai nationality. The three ways to acquire the nationality in Thailand were by birth, by bloodline and by naturalisation; however, there was an exception for children born in Thailand to illegal refugees, who did not receive Thai nationality. The delegation explained that the authorities had gradually tried to rectify this measure in order to confer Thai nationality on them. It reported that children born before 1992 to illegal refugee parents could now receive Thai nationality, and added that the government would now focus on the situation of people born after 1992. The delegation indicated that naturalisation could be conferred after at least five years of residency in Thailand. It also stated that if a child was found in Thailand without parents, the authorities could confer Thai nationality on him or her at its discretion.

Child abuse and corporal punishment

The Committee observed the State's awareness that the issue of corporal punishment was still a cause of concern and a generalised practice in Thailand. A 2005 study had shown that corporal punishment was widespread in Thailand. The Committee acknowledged the law prohibiting generally corporal punishment but recalled that this behaviour was not specifically prohibited at home and asked about the reasons for this. It advised the State to launch a campaign to address corporal punishment and asked what the obstacles to explicitly prohibit corporal punishment at home were. The Committee insisted on the concrete definition of corporal punishment and observed that some terms of the legislation could be deemed to allow small corrections if they did not cause a specific consequence or harm to the child.

The delegation answered that there was now an obligation to report incidents of any form of violence, including corporal punishment, even within the family and that measures would be

taken as a consequence. It added that the State had conveyed to families the idea that hitting children in any way was forbidden, even small slaps. The delegation stated that corporal punishment usually occurred when parents were drug users and could not control themselves. The delegation indicated that a final report on corporal punishment would be submitted at the end of March based on 45,000 questionnaires from parents, children and teachers, as well as interviews. It specified that the report would cover physical, sexual and psychological violence and would show that a high number of children had been subjected to abuse. It added that the prohibition of corporal punishment at home was being discussed but that the process was difficult and slow because of the cultural dimension of this practice. It indicated that the government needed to make parents understand the consequences of corporal punishment and provide information about positive parenting. It added that a policy for “zero punishment for the child” would be launched soon, including measures to prevent re-victimisation and providing reintegration for abused children.

The delegation also reported that the Ministry of Health had a strategy to reduce corporal punishment, including prevention, parental education, conflict management, anti-alcohol behaviour policies, crises centres and child counselling. It indicated that 750 centres had been created and would be expanded to all districts in the coming years. It added that a system of rehabilitation and law enforcement had been set up, linked to the police and prosecutors to exchange and share information.

The Committee asked whether marital rape was criminalised by law. The delegation indicated that the Criminal Code had been amended and that the rape of a wife by her husband was considered as a crime and punishable by up to ten years’ imprisonment.

Poverty

The Committee indicated that Thailand had become a middle-income country, but observed that there were significant disparities between rural and urban areas; rural zones were generally much poorer. It asked what efforts had been made to focus on the needs of the rural population. The delegation answered that many problems would be solved if the rural population had higher income. It reported that the State had tried to increase their income to reduce these great disparities, for example through debt release or debt freeze during a period of three years to enable people to accumulate assets.

Family Environment and Alternative Care

Parenting and Alternative care

The Committee asked what measures had been taken to protect children whose parent – or parents – had migrated to another part of the country for economic reasons, as well as children whose parents worked long hours and were left alone at home. It asked whether there were appropriate alternative care facilities for such children, how they were organised and whether children placed in these settings maintained contact with their families. The delegation informed the Committee that there were 29 institutions providing care to 7,000 children as well as various day-care centres supervised by social workers. The delegation also reported that these institutions were located in every region of Thailand and that children were able to contact their families outside the institution, to write letters, to call them and to visit them, including those whose parents were in prison. It added that parents were authorised to visit their children at any time and that the staff working in the institutions were

specifically trained for the job. It added that more projects on structures specialised in children up to seven years old were been discussed

The delegation stated that the placement of children in institutions was decided under the Children Protection Act in various situations: neglected children, homeless children, children facing social problems, child members of conflict-affected families, abused and commercially exploited children and children infected with HIV and AIDS. The delegation also explained that children were informed of their rights and that their point of view was heard in case of transfer to a different institution, including the possibility to talk to a psychologist.

The delegation indicated that research was being carried out on children of internal migrant parents and that a tailored approach would be developed. The Committee asked whether parents migrating for economic reasons were seen as neglectful parents and how the State was addressing this issue. The delegation answered that those parents were not considered neglectful. It added that the government supported grandparents to take care of young children but indicated that parents were encouraged to take their children with them when migrating since possibilities of day care and nurseries with extended hours would be available there.

The delegation insisted on the fact that the ultimate aim of this system was the return of every child to his or her family. The delegation finally reported that there was a budget to fund foster families and stated that social workers could visit them as necessary.

Basic Health and Welfare

Children with disabilities

The Committee acknowledged the progress achieved in the area of education and considered that to the State should focus on the education of children with special needs. A survey carried out in 2007 showed that 24 per cent of disabled children did not receive an education and that the rate of inclusive education was very low. The Committee noted that Thailand had ratified the Convention on the Rights of Persons with Disabilities and asked what measures had been taken by the government to increase access to education for children with disabilities. The delegation indicated that there were 20,000 schools with inclusive education for children with special needs but admitted that it was difficult to provide for the same quality of education for everyone. It reported that there were 5,000 leading schools in which teachers could have consultations and 370 model schools including a training centre for teachers. It also indicated that some home education programmes involved 9,000 families for children unable to go to school. It explained that within those programmes, the teacher visited once a week to set an education plan and support the parents.

Health services

The Committee acknowledged the decreased infant mortality rate but observed that the trend was not representative of the country as a whole: infant mortality rates were still very high in rural and low-income areas. It asked what policies would be issued to ensure that health services were available to all children in the country. The delegation answered that the State was aiming at a universal health access and social welfare system that would reduce disparities, as well as the disproportionate number of people living in poverty who were affected by illness and natural disasters. A budget of three billions dollars had been allocated to this plan and was distributed throughout the country.

The delegation also mentioned the “one district one doctor” programme and the “one sub-district one nurse” programme and stated that the strategy was to provide 80 ambulances for three remote provinces and to allocate the 3,000 current nurse students to hospitals throughout the country. It added that more incentives would be given to doctors working in those three provinces.

The delegation indicated that free healthcare was provided to migrants through the “Healthy Migrants, Healthy Thailand” policy, including health checks-up carried out without discrimination and the organisation of migrant’s health activities. It stressed that Thailand had one of the best migrant health records in the region and stressed that health services provided to migrants did not differ from services provided to Thai nationals. It indicated that along the border with Myanmar, basic health care and vaccinations were provided to migrants staying in refugee camps with the support of non-governmental organisations and the provincial health office. It reported that there was strong coordination between non-governmental organisations and the authorities in the area of health. The delegation added that the World Health Organisation had provided support to respond to pandemics.

Early childhood Health

The Committee noted that although children were surviving, chronic under-nutrition was widespread, mostly due to poverty and lack of access to services. It especially pointed out that iodine deficiencies were common, which could affect the child’s mental development as well as that of the foetus if the mother was suffering from the same deficiency. It asked what measures had been taken to remedy the situation. The delegation reported that since 2003, a Universal Salt Iodisation programme had been put in place, together with policies targeting iron deficiency.

The Committee the decrease in breastfeeding and asked what measures were being taken to address the situation. The delegation answered that the government was promoting breastfeeding, for example in hospitals, but acknowledged that more could be done to incentivise mothers. It indicated that a Maternal and Child Health Committee had been created to formulate a strategy on this issue. The delegation admitted that exclusive breastfeeding rates during the first six months were very low and that the number of breastfeeding mothers differed from the capital, where less than one per cent of mothers breastfed, and rural areas, where 30 per cent of mothers breastfed. It also recognised that measures to encourage breastfeeding did not cover the whole population and that more awareness-raising was needed.

The delegation reported that the rights of children were ensured from their conception through antenatal support for pregnant mothers. In rural areas, health centres had been renovated and each village had a nursery that received children up to the age of two.

The Committee pointed out the increasing rate of home accidents involving small children, sometimes left alone or in the care of children under the age of 10. The delegation indicated that a “Safety Action Plan” had just been enacted to reduce accidents, including improvement of building safety rules, safety products and post-accident care.

Adolescent Health, Teenage pregnancy and HIV/AIDS

The Committee acknowledged the remarkable progress achieved in reducing HIV mother-to-child transmission but observed that it was still occurring and that an increase of new HIV

cases had been reported. It asked whether information was available at school and whether children had access to services. The delegation reported that since the enactment of a law in 2007, access to reproductive education and services was non-discriminatory and widely available, particularly in the school curriculum. It also indicated that pregnant mothers could now continue their education. The delegation added that a new act would be issued to provide anti-retro-viral drugs to HIV-positive mothers to avoid transmission and would also be provided to pregnant migrant mothers.

The Committee pointed out that despite the sexual and reproductive health education provided at school, there was still a high number of teenage pregnancies and abortions, which seemed contradictory. It asked whether girls were ashamed to use these services and wondered how available contraception was. The delegation stated that the culture was evolving, but that such changes took time. The State had enacted the new Reproductive Health Act and had further strategies that would improve access to reproductive health services and to educate parents and adolescents.

The Committee observed that a significant number of adolescents used drugs and alcohol on a regular basis and that the adolescent suicide rate was also high. It considered that the prohibition of the sale of alcohol to children under a certain age was not sufficient and asked what measures were taken to address these issues. The delegation answered that campaigns had been launched to reduce alcohol consumption and to reduce the periods of time when alcohol could be purchased. It indicated that a drug information centre had been created and that the State planned to create a similar centre for alcohol. It also reported that the government had initiated specialised programmes for specific areas and added that issues would need to be identified clearly before moving forward. The Committee stated that the government should target the behaviour and lifestyle of adolescents and not exclusively their environment. The delegation answered that the culture and traditions would change over time and assured the Committee that the State was aware of the problem and would address it with a more systematic approach. The delegation also mentioned a campaign against smoking that targeted adolescents, featuring, for example, pictures of diseased lungs on cigarette packets.

Education, Leisure and Cultural Activities

Education

The Committee asked whether the early childhood development system took a comprehensive approach, including health care and nutrition. The delegation reported that early childhood development had received significant attention from the government and that every child would receive basic services from pregnancy to the first grade of school, using a holistic approach. It reported that up to the age of two, children remained under the responsibility of the Ministry for Health and indicated that 1,000 specialists were working with families and focused on children's intellectual and physical stimulation to enable them to learn from the beginning. From two years old, children could attend various day care centres. The delegation indicated that the State wanted specialists and trained workers to take care of small children and had invested in training to reach this goal. It added that services were available to all children without discrimination. The delegation indicated that most of the families turned to grandparents or domestic staff to take care of their children.

Human Rights Education

The Committee asked whether human rights education was part of the school curriculum. The delegation reported that child rights and human rights were taught at school from grade two.

It explained that young children would be able to know their own rights, and were taught tolerance and respect for others. Later on, children would be able to analyse fundamental rights and to practice human rights protection. In secondary school, students had to evaluate human rights in Thailand and could propose guidelines. It also reported that children learned about human rights within human rights groups.

School Enrolment

The Committee congratulated the government for the increase in school enrolment of Thai children, which had reached 90 per cent of children under the age of 15. It asked about the education situation of indigenous children and what measures were being taken to improve access to education and inclusive education. The delegation stated that every child in Thailand had the right to access education, and that the government provided text books and uniforms and had increased its support for small schools. It indicated that milk was provided for every pupil from kindergarten to grade six and that the State would help parents according to their needs through subsidised lunch programmes. Boarding schools currently covered 45,000 children living far from their families and that very poor or orphan students could attend special schools paid for by the government.

The Committee observed that many children were still out of school and pointed out a low transition rate from primary to secondary school since only half of the children who entered primary school finished their education. It also noted a gender deficit against boys and the poor quality of education compared to international standards, with significant disparities between the urban and rural areas. The delegation agreed that the drop-out rate between primary and secondary school was substantial and reported that the State was working to share information among institutions for children at risk. It recalled that education was only compulsory until grade nine but that the State was open to a proposal of compulsory education up to grade twelve. It recognised the need to enhance educational performance and indicated that the State's efforts would focus on basic literacy and numeracy, especially through information communication technology and a programme aimed at providing one laptop per child.

Education of children belonging to vulnerable groups

The delegation indicated that programmes had been set up for children living in hospitals because of chronic conditions. It also reported the existence of a strong and active committee to support the education of children with special needs, including teams monitoring and providing support to the work of the minister.

The delegation explained that children were taught according to the national language policy but that efforts to promote bilingual or multilingual education for children from ethnic groups were made. It mentioned a study showing that children able to use their own language at school would enhance their learning. It reported that teachers were therefore trained to teach children in their own language and to teach them the national language so that progressively, more classes would be taught in Thai.

Special Protection Measures

Migrants and refugees

The Committee asked whether Thailand would ratify the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961. The delegation indicated that the State hoped that displaced persons from Myanmar would soon

be able to return home and that it would then consider the ratification of these conventions. In the meantime, the State was doing all it could to improve the situation of these people on the territory of Thailand.

The delegation indicated that the position of the government on both article 22 of the Convention and the ratification of the Convention relating to the Status of Refugees would be reviewed this year. The State took a standard approach to ratification, which consisted of seminars and discussions. There was no specific timeframe for the ratification of the Convention on Stateless Persons but some measures had been taken to solve the issue of stateless persons in Thailand who could obtain the status of legal migrants.

The delegation reported that the State had used the opportunity of a UNHCR meeting to pledge for an improvement of the rights of refugees and displaced persons and to provide better access to education to all children and birth registration for children born in Thailand.

The delegation indicated that the State had opened registration for foreign workers so that they could work legally and allow their children to access education and healthcare, which demonstrated the attention of the government to foreigners.

Child labour

The Committee observed that a number of children, including children of migrants, were performing the worst forms of child labour and working for more than eight hours a day in areas such as agriculture, domestic work or begging. It asked what measures would be taken by the State to put an end to this situation in the short-term. The Committee also raised the specific issue of children working in fisheries and asked whether there were specific provisions on children trafficked and illegally recruited to work in this sector. The delegation recalled that the minimum age to work, including domestic workers, was 15 years old, in accordance with the International Labour Organisation Minimum Age Convention (138). Children of migrant workers were registered and given identification numbers so that they could access health and education services and could stay with their families without any risk of being arrested as an unidentified person. The delegation explained that there might be some children working when parents brought them to the workplace with them. It also admitted that children, mostly children of migrant workers, worked in the fishery industry. It assured the Committee that the State was working with the International Programme of Elimination of Child Labour of the International Labour Organisation to eliminate the worst forms of child labour and indicated that workshops and other measures had been held to address the problem.

The Committee advised the State to increase the number of labour inspectors. The delegation admitted that the current number of inspectors was not sufficient and that it would be necessary to strengthen the capacity of inspectors and to establish mechanisms to assist authorities such as cooperation with the maritime police and mechanisms to provide assistance to women and children. The Committee reiterated its concern about the situation and stressed the need to address this issue.

The Committee acknowledged that the minimum age to work was 15, in accordance with the International Labour Organisation Convention but advised the State to raise this limit to 18.

Juvenile justice

The Committee mentioned the situation of protracted violence in three provinces of the country, reporting that children were affected physically and psychologically by attacks and

killings. It pointed out the application of martial law and emergency decrees in those regions and asked the State about its intention to lift these laws and enable children to more fully enjoy their rights.

The delegation reported that there were emergency decrees in four provinces and that martial law was being applied in three provinces. It added that the authorities had attempted to refer all juvenile cases to ordinary courts and not to emergency courts, since the adoption of the 2010 juvenile justice law. The delegation indicated that the approach used in juvenile justice was to avoid detention and promote counselling and non-custodial measures, to release children and to elaborate plans with their families. It explained that detention in Juvenile Observation Centres might be used in some cases as a last resort and that remedies would not consist of detention for children under the age of 15. For children between the ages of 15 and 18, custodial measures were possible. Detained children were mainly involved in theft or for physical assault, which was addressed through counselling.

In cases involving a child, the court could dismiss the case and ensure that the child would not have any criminal record; however, this measure was at the judge's discretion. It indicated that the functioning of courts was evolving, reflected by the creation of the counselling centres within juvenile courts, where psychologists were available and judges were trained to work in line with a child rights-based approach.

The Committee expressed its concern that despite evolving practices, a large number of children were deprived of liberty, and stated that children should not be detained with adults. The delegation reported that children were detained with adults from the age of 15 but noted the concern of the Committee in this regard. The Committee also asked whether special tribunals existed only in large cities or whether they were also available in other provinces, especially in the south of the country. The delegation indicated that there were juvenile courts in every province, including the southern provinces, and insisted on the importance to use them and to apply the 2010 juvenile justice law.

The Committee expressed its concern about the low minimum age of criminal responsibility. Acknowledging that this age had been recently raised from seven to ten, it considered that it was still too low. The delegation admitted that the minimum age of criminal liability was indeed low and that it had been widely criticised within the country. It indicated that the government had tried to rise the age to 12 years but that this measure had not been accepted by the Parliament, mainly because younger children had been used for drug transportation. The delegation noted that it had been advocated that those children had been used by adults for drug trafficking purposes and were not criminals themselves. It stated that the government understood the need to increase this age and would make further attempts to raise it to 12. It asked the Committee to issue a recommendation on that issue since the word of the Committee would have a significant impact on the national debate. It added that the General Comment on that issue had already helped to raise the age limit at ten years old.

Concluding Remarks

Ms Aidoo, the Country Rapporteur, thanked the delegation for the productive dialogue. She considered that the State could make more progress, particularly in the area of social welfare area in which the private sector and businesses were currently investing to an extent that could affect children. She urged the State to ensure the protection of children's rights from environmental degradation and to monitor the impact of tourism on children. Ms. Aidoo

noted that discrimination and inequalities had undermined the State's efforts and that as such many children had not benefited from those efforts, particularly concerning children living in remote areas, children belonging to different ethnic groups and refugee children.

Ms Aidoo considered that while the economy was doing well, poverty was still widespread and had negative effects on the ability of families to care for their children. She also pointed out that there were gaps in implementation and encouraged the State to ensure that officials had the capacity and the resources available to them to be able to implement laws, particularly in rural areas.

Ms Aidoo encouraged the government to minimise corruption, especially in the area of child prostitution, since it undermined the government's efforts to address the issue. She also pointed out some deficiencies in the health system, the education system, the juvenile justice system, the alternative care system and recalled that child labour and child prostitution were still two important issues. Ms Aidoo insisted on the major issue of children of migrants and refugees and of internally and externally displaced persons. She mentioned that this last category was very ambiguous. She acknowledged the efforts made in the social welfare and protection areas but recalled that all children were entitled to all rights and that it was the State's responsibility to ensure them.

Ms Aidoo concluded that while the Committee congratulated the State, it urged the government to do more in the best interest of all children in Thailand.

Mr Promphat thanked the Committee for the opportunity to present the State's progress made in the protection of children rights. Mr Promphat indicated that the issue of data had been a continuous issue and that in the absence of time, it had not been possible to deliver them to the Committee. The State was fully aware of many of the issues that had been raised and indicated that the government was already working on them. He understood that the State should improve the implementation of its laws and indicated that the Human Rights Council had issued the same comment. He assured the Committee that the State would work on the implementation of laws without discrimination.

Mr Promphat stated that Thailand had a commitment to the protection of the rights of the child, toward the Committee on the Rights of the Child and the Human Rights Council. He indicated that a follow-up Committee would be set up and that everything that had been learned from the Committee would be taken back to the country. He insisted on the fact that the recommendations of the Committee carried significant weight in parliament and among the population. Mr Promphat indicated that Thailand had voluntarily committed to the Human Rights Council to protect women and children and to improve education for marginalised groups.

Mr Promphat indicated that the State would consider ratifying the third protocol to the Convention but that it would need to seek the Parliament's approval. Mr Promphat indicated that expectations were high for Thailand because of its status as a middle-income and assured the Committee that the government would do its best to meet them. He concluded that the State would seriously study the concluding observations of the Committee.