



Convention on the Rights of the Child

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Committee on the Rights of the Child

Fifty-ninth session

16 January – 3 February 2012

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

Concluding observations: Thailand

1. The Committee considered the third and fourth periodic report of Thailand (CRC/C/THA/3-4) at its 1682nd and 1683rd meetings (CRC/C/SR. 1682 and 1683), held on 24 and 25 January 2012, and adopted, at its 1697th meeting, held on 3 February 2012 (see CRC/C/SR.1697) the following concluding observations.

Introduction

2. The Committee welcomes the submission of the State party's third and fourth periodic reports as well as the written replies to its list of issues and commends their frank nature which allows a better understanding of the situation of children in the State party. The Committee appreciates the open, frank and fruitful dialogue held with the high-level and multi-sectoral delegation.

3. The Committee reminds the State party that the present concluding observations should be read in conjunction with its concluding observations adopted on the State party's initial reports under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/THA/CO/1) and under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/THA/CO/1).

I. Follow-up measures and progress achieved by the State party

4. The Committee welcomes a number of positive developments in the reporting period, including the adoption of legislative measures taken with a view to implementing the Convention, such as:

- (a) The Child Adoption Act (No.3) of 2010;
- (b) The Juvenile Family Court and its Procedure Act of 2010;
- (c) The Anti-Trafficking in Persons Act of 2008
- (d) The Civil Registration Act of 2008;

- (e) The Domestic Violence Victim Protection Act of 2007,
 - (f) The Persons with Disabilities' Quality of Life Promotion Act of 2007;
 - (g) The National Child and Youth Development Promotion Act of 2007.
5. The Committee notes with appreciation the ratification or accession to the following human rights instruments:
- (a) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 27 February 2006;
 - (b) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 11 January 2006;
 - (c) Convention on the Rights of Persons with Disabilities on 29 July 2008;
 - (d) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 2 October 2007.
6. The Committee also welcomes and commends the adoption of policies and programmes that promote the rights and well-being of children, including:
- (a) The National Plan and Policy on the Prevention, Suppression and Combating Domestic and Transnational Trafficking in Children and Women 2012-2016;
 - (b) The National Agenda for Children and Adolescents in 2008;
 - (c) The National Child and Youth Development Plan for 2007-2016.

II. Main areas of concern and recommendations

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

The Committee's previous recommendations

7. The Committee, while welcoming the State party's efforts to implement the concluding observations on the State party's second periodic report (CRC/C/THA/CO/2), notes with regret that a number of the recommendations contained therein have not been given sufficient follow-up.

8. **The Committee urges the State party to take all necessary measures to address those recommendations contained in the concluding observations on the second periodic report that have not yet been, or not sufficiently, implemented, including on such issues as data collection, non-discrimination, nationality, protection of privacy, corporal punishment in the home, alternative care, children in prison with their mothers, adolescent health, refugee and asylum-seeking children, children of migrant workers, child labour and juvenile justice. The Committee also urges the State party to provide adequate follow-up to the recommendations contained in the present concluding observations.**

Reservations

9. The Committee welcomes the withdrawal by the State party of its reservation concerning article 7 of the Convention in December 2010. The Committee regrets, however, that the State party has not withdrawn its reservation concerning article 22.

10. **The Committee recommends that the State party withdraw its reservation concerning article 22 of the Convention and take all necessary measures to protect the rights and assist all asylum-seeking and refugee children in the country.**

Legislation

11. The Committee welcomes the adoption of several pieces of legislation in the area of child rights, mentioned in paragraph 4 of the present document, which contribute to the harmonization of national law with the principles and provisions of the Convention. It also welcomes the establishment of a Sub-committee under the National Child and Youth Commission with the aim of further revising the existing laws to be in conformity with the Constitution and the Convention. Nevertheless, the Committee is deeply concerned at the weakness and inadequacy in actual enforcement and implementation. It is particularly concerned that the Child Protection Act of 2003 has not since been reviewed and lacks implementation and guidelines on roles and responsibilities of various agencies from central to local levels.

12. **The Committee recommends that the State party take measures to continue revising the existing laws to be in conformity with the principles and provisions of the Convention. It further urges the State party to take appropriate measures to ensure the full and effective implementation of its national legislation at all levels and to review the Child Protection Act of 2003 and provide clear guidelines for its implementation in order to better protect the rights of the child.**

Coordination

13. The Committee notes that the Ministry of Social Development and Human Security (MSDHS) is the key agency responsible for coordinating and following up on the implementation of the Convention. The Committee regrets, however, that policies on child rights and their practical implementation are assigned to different agencies within the MSDHS and to numerous committees established under different Acts, thus creating fragmentation at the policy level and implementation bottlenecks from central to local levels. The Committee is further concerned that there is no comprehensive policy on child rights to guide the development of programmes and projects and their monitoring and evaluation systems.

14. **The Committee recommends that the State party ensure better coordination among the various agencies and committees working on developing and implementing child rights policies, including those under the Ministry of Social Development and Human Security. The Committee further recommends that the State party designate a unit capable of providing leadership and effective general oversight for the monitoring of implementation and evaluation of activities on child rights, across sectoral ministries and from the central to local government levels. In that regard, the Committee recommends that the State party formulate a comprehensive policy on child rights to guide the development of programmes and projects and establish their monitoring and evaluation systems.**

National Plan of Action

15. The Committee, while noting the adoption of the National Child and Youth Development Plan for 2012-2016 and the National Agenda for Children and Adolescents in 2008, regrets the lack of information concerning the evaluation of the previous National Policy and Strategic Plan for Child Development 2007-2016 at mid-term. It is also concerned that the new Plan covers both children and youth up to the age of 25 years and does not provide adequate and well-focussed framework for the realization of children's rights as set forth in the Convention.

16. The Committee recommends that the State party provide the results of the review and evaluation of the National Policy and Strategic Plan for Child Development 2007-2016 and ensure that the new plan provides adequately for the realization of all rights of children contained in the Convention. The Committee also recommends that this plan of action focus specifically on children under the age of 18 years and be in coordination with sectoral plans of action and the 11th National Economic and Social Development Plan.

Independent monitoring

17. While noting the State party's information that the National Human Rights Commission is operational and accessible to children and the general public, the Committee is concerned about the limited access for children and opportunities for them to make complaints, as well as the absence of a special unit for children with an adequate number of experts and trained personnel. The Committee is also concerned that the Commission has no regional offices.

18. The Committee recommends that the State party take measures to improve awareness-raising of the Commission among the public, especially children and to increase knowledge of the Commission's work. It urges the State party to establish a special unit for children that is easily accessible and provide it with necessary human, technical and financial resources to be able to receive complaints and better address violations of children's rights, with appropriate confidentiality. It recommends that the State party establish regional offices in order to strengthen the work of the Commission throughout its territory.

Allocation of resources

19. The Committee notes the State party's information related to the 2010-2011 budget allocations to the MSDHS under various categories and to basic education. However, it regrets the lack of further details on budgetary allocations to other sectors and areas for implementation of the full range of children's rights. The Committee is concerned that the low ratio of 0.5 per cent of the national budget allocated to the MSDHS has not changed for several years to enable the coordinating agency for children's rights to carry out its functions effectively.

20. The Committee recommends that the State party, in planning its future budgets, take into account its recommendations resulting from its 2007 day of general discussion on resources for the rights of the child - responsibility of States and specifically:

(a) Allocate adequate budgetary resources to the maximum extent possible from the available resources in accordance with article 4 of the Convention for the implementation of the rights of children and in particular increase the budget allocated to the social sectors;

(b) Build capacity to utilize a child rights approach in the elaboration of the national budget and implement a tracking, monitoring and evaluation system for the allocation and the use of resources for children by all relevant sectors and agencies at local level throughout the budget, thus providing visibility to the investment in children. The Committee also urges that this tracking system be used for impact assessments on how investments in any sector or local level may serve the best interests of the child, ensuring that the differential impact of such investment on girls and boys is measured;

(c) Conduct a comprehensive assessment of budget needs and establish clear allocations for those areas that progressively address the inequalities and disparities

in indicators such as gender, disability, health, education, standard of living and geographical location related to children's rights;

(d) Define general strategic budgetary lines, and sectoral and local government allocations for children in disadvantaged or vulnerable situations that may require temporary social measures, including affirmative action, and make sure that those budgetary lines and allocations are protected even in situations of economic crisis, natural disasters or other emergencies.

Corruption

21. While noting as positive the efforts made by the State party to combat corruption, the Committee is concerned about the reports indicating that corruption remains pervasive among, inter alia, municipal and local government officials and law enforcement personnel, and thus diverts resources that could enhance the efficacy of government policies and programmes to implement the rights of the child.

22. The Committee urges the State party to strengthen its efforts to combat corruption at all levels and sectors, including by developing and implementing a vigorous anti-corruption policy, carrying out anti-corruption campaigns and strengthening institutional capacities to effectively detect, investigate and prosecute cases of corruption.

Data collection

23. The Committee notes the establishment of the National Information Centre and the National Statistical Office, which maintain data in some areas of children's rights and a database on children with disabilities. However, it is concerned that there is no effective system of data collection covering all areas of the Convention which would allow for assessment, analysis and evaluation of the data and information on laws, policies, plans and programmes for children based on the Convention.

24. The Committee urges the State party to build the capacity of and establish a comprehensive data-collection system capable of analyzing and evaluating data on progress achieved in the realization of child rights and providing a basis for designing policies and programmes to implement the Convention. The data should be disaggregated by age, sex, geographic location, ethnicity and socio-economic background of all children.

Dissemination and awareness-raising

25. The Committee is concerned about the lack of a systematic and sustained programme of public education including campaigns on children's rights to continuously raise the awareness of the public at large, including children and their families.

26. The Committee recommends that the State party take necessary measures to implement appropriate information and communication programmes, including campaigns, to strengthen awareness of the public, including children, of the principles and provisions of the Convention. The Committee encourages the State party to intensify its efforts to disseminate the Convention to parents, the wider public and children, including through appropriate materials tailored specifically for children in different socio-economic and socio-cultural communities, as well as to legislators and judges with a view to ensuring that the principles and provisions of the Convention are applied in the legislative and judicial processes. In this regard, the Committee further encourages the State party to seek technical assistance from, inter alia, the United Nations Children's Fund (UNICEF), the Office of the United Nations High

Commissioner for Human Rights (OHCHR) and the International Parliamentary Union.**Training**

27. While noting that the State party organizes several trainings for law-enforcement officials, local government and the judiciary on human rights and child rights in particular, it remains concerned that such trainings are not systematic and are not included in the core curriculum of regular professional development programmes.

28. **The Committee recommends that all professional groups working with and for children be adequately and systematically trained on children's rights, in particular judges, lawyers, the police and the army, health, education and social welfare personnel and personnel working in all forms of alternative care at national, provincial and local levels.**

Child rights and the business sector

29. The Committee welcomes the State party's information that business and industry contribute resources and facilities to social welfare, including health care and education of children. The Committee is however concerned that the impact on children of business and fast growing heavy industries, manufacturing, textiles and export agriculture has not been fully assessed. The Committee is particularly concerned that, while tourism constitutes a large part of the country's economy, the State party has not yet adopted comprehensive measures to protect children from violations of their rights, such as in child sex tourism, child prostitution, child pornography and child labour, arising from tourist activities and facilities. The Committee also regrets the lack of legal institutional framework to regulate the activities of companies doing business in Thailand and of Thai companies operating abroad to ensure effective responses to issues of health and nutrition, economic and sexual exploitation, pollution and environmental degradation that can undermine the well-being of children.

30. **In light of Human Rights Council resolutions 8/7 of 2008 adopting the report "Protect, Respect and Remedy" Framework and 17/4 of 16 June 2011 requesting the new Working Group to follow-up on this matter, both of which note that the rights of the child be included when exploring the relationship between business and human rights, the Committee recommends that the State party:**

(a) **Provide a legislative framework, including Codes of Conduct, that require companies domiciled in Thailand, with particular attention to tourism industries, to adopt measures to prevent and mitigate adverse human rights impacts in their operations in the country and abroad;**

(b) **Promote the inclusion of child rights indicators and parameters for reporting and provide specific assessments of impacts of business and industry on child rights;**

(c) **Take measures to ensure that its companies respect child rights in its territory and when engaging in projects abroad and that appropriate remedies, including reparations are pursued in cases of violations;**

(d) **Ensure that prior to the negotiation and conclusion of free trade agreements, human rights assessments, including child rights, are conducted and measures adopted to prevent violations.**

B. Definition of the child (art. 1 of the Convention)

31. While welcoming that the legal minimum age of marriage is 17 years for both boys and girls, the Committee expresses concern that this age limit can be lowered to 13 years in cases where children are sexually abused and may consequently marry the perpetrators, who in turn avoid any criminal prosecution for the crime.

32. **The Committee recommends that the State party consider raising the minimum age of marriage to 18 years and maintain it under all circumstances, in particular in cases where children have been sexually abused. It recommends that the State party prosecute and punish perpetrators of sexual abuse against children without any exceptions.**

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

Non-discrimination

33. The Committee notes the measures that are being taken to eliminate to some extent the disparities in access to education and health as well as special measures taken concerning children in the disadvantaged North-East and South of the country. Nevertheless, the Committee expresses concern that the efforts are insufficient to eradicate both direct and indirect discrimination against children, particularly with respect to the girl child, children with disabilities, children of indigenous, religious or ethnic minority communities, children of refugees and asylum-seekers, children of migrant workers, children in street situations, children living in rural areas, and children living in poverty. The Committee remains deeply concerned about regional disparities, especially in the North-East and South, regarding access to social, health and educational services for children.

34. **The Committee reiterates its previous recommendations (CRC/C/THA/CO/2, paras 25-26) and urges the State party to take more effective measures to:**

(a) **Ensure that all children within its jurisdiction enjoy all the rights enshrined in the Convention on the basis of non-discrimination by effectively implementing existing laws which guarantee that principle;**

(b) **Prioritize and allocate adequate resources for social services and accelerate the provision of equal opportunities to health and education and other services for the most vulnerable groups of children as mentioned in paragraph 33;**

(c) **Carry out comprehensive public education campaigns to prevent and combat all forms of discrimination;**

(d) **Collect data that is appropriately disaggregated to enable effective monitoring of de facto discrimination and provide a basis for corrective action.**

Best interests of the child

35. While noting the State party's information that various laws affecting the rights of children incorporate the principle of the best interests of the child, the Committee is nevertheless concerned that this principle is not fully applied in judicial and administrative proceedings and decisions and in decisions regarding placement and management of alternative care.

36. **The Committee recommends that the State party take all appropriate measures to ensure that the principle of the best interests of the child, in accordance with article 3, paragraph 1, of the Convention, is fully applied in all legal provisions, as well as in**

judicial and administrative decisions, policies and programmes, projects and services, including alternative care, that have an impact on children. The legal reasoning of all judicial and administrative judgments and decisions should also be based on this principle.

Right to life, survival and development

37. The Committee welcomes the significant achievements of the State party in reducing child and infant mortality from 34 per 1000 live births in 1990 to 14 in 2010. However, it is concerned about the accidents and injuries, including drowning and road accidents, which are reported as leading causes of death among children.

38. **The Committee recommends that the State party take all necessary measures to prevent injuries and accidents, in particular by strengthening policies on child care, and raising awareness on child safety measures, in families, among caregivers, in schools and the general public.**

Respect for the views of the child

39. While noting the State party's information that there are Child and Youth Councils at national, regional and district levels, the Committee is concerned that not all children have the opportunity to express their views freely and participate in the decisions that affect them in the home, community, and administrative and judicial procedures, partly due to traditional attitudes. The Committee is also concerned that the Child and Youth Councils lack support in resources and personnel to organize activities.

40. **In light of article 12 of the Convention and the Committee's general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party strengthen its efforts to ensure the active participation and involvement of all children up to the age of 18 years in decisions that affect them in the family, school and community. It also recommends that the State party undertake a regular review of the extent to which children's views are taken into consideration and of their impact on policy-making, court decisions, and programme implementation. Furthermore, the Committee recommends that the State party adopt measures to increase support to the Child and Youth Councils.**

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

Name and nationality / Preservation of identity

41. The Committee welcomes the Nationality Act of 2008 which provided for remedies for those whose nationality was revoked in 1972, including their children, and for naturalization for specific categories of persons including children in foster care and adopted children as well as children of illegal immigrants born in Thailand before 1992. While noting efforts of the State party to reach bilateral agreements with neighbouring countries, the Committee nevertheless remains concerned that a significant number of people including children, especially children of indigenous and minority groups, and children of migrant workers, refugees and asylum-seekers remain stateless or potentially stateless.

42. **The Committee urges the State party to further review and enact legislation in order to ensure that all children who are at risk of becoming stateless, including children belonging to the disadvantaged groups mentioned in paragraph 41, are provided with access to Thai nationality. The Committee recommends that the State**

party consider ratifying the 1954 Convention relating to the Status of Stateless Persons and its 1967 Optional Protocol, and the 1961 Convention on the Reduction of Statelessness.

Birth registration

43. The Committee welcomes the Civil Registration Act of 2008 which provides late registration as well as numerous regulations, including on issuing registration cards to ethnic groups of highland people and abandoned infants. The Committee, however, is concerned that a considerable number of children, especially children living in poverty, children of indigenous groups and migrants remain unregistered. It also remains concerned that the State party maintains a penalty, however low it might be, for late registration of children.

44. **The Committee recommends that the State party take measures to ensure birth registration for all children born on its territory especially those who are not registered due to the economic status of their parents, ethnicity and immigration status. It also recommends that the State party carry out public education programmes, including campaigns to provide birth registration to those children already born in the territory of the State party but remain unregistered, as well as remove any monetary penalties for late registrations and take alternative measures to ensure timely registration of new-born children.**

Protection of privacy

45. While noting the efforts of the State party at increasing awareness of children's rights in the media, the Committee is concerned that the media does not fully respect the children's right to privacy in their reporting and that children's identity can often be established through related information provided by the media such as family names, addresses and photographs especially in sensitive cases of child abuse and exploitation and under the juvenile justice system.

46. **The Committee recommends that the State party take measures to ensure that children's right to privacy is respected at all times, especially in the mass media. It recommends that the State party enact legislation to protect the identities of children from being reported in all forms of media and establish effective monitoring mechanisms to ensure compliance. It also recommends that the State party continue sensitizing mass media professionals on children's rights and promote the involvement of children in decisions and production of children's programmes.**

Violence against children, including corporal punishment

47. The Committee is concerned that corporal punishment remains lawful in the home. Moreover, article 1567 of the Civil and Commercial Code states that those with parental authority over children have a right to impose "reasonable" punishment for the purpose of discipline.

48. **The Committee reiterates its previous concerns and concluding observations (CRC/C/THA/CO/2, paras. 40 and 41) and encourages the State party to take into account its general comments Nos. 13 (2011) on the right of the child to freedom from all forms of violence, and 8 (2006), on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment in adopting measures to combat all forms of violence against children.**

The Committee recommends that the State party:

- (a) Prohibit explicitly by law corporal punishment of children in the home and alternative care settings, including for disciplinary purposes;
- (b) Introduce sustained public education and awareness-raising and social mobilization programmes involving children, families and communities on the harmful effects of corporal punishment with a view to changing attitudes and promoting alternative, positive and non-violent forms of child-rearing and discipline;
- (c) Prioritize the elimination of all forms of violence against children, and ensure the effective implementation of the recommendations of the United Nations study on violence against children (A/61/299);
- (d) Provide information concerning the implementation by the State party of the recommendations of the above-mentioned study in its next periodic report, particularly those highlighted by the Special Representative of the Secretary-General on violence against children, in particular:
 - (i) The development in each State of a national comprehensive strategy to prevent and address all forms of violence and ill-treatment against children, paying particular attention to gender;
 - (ii) The introduction of an explicit national legal ban on all forms of violence against children in all settings;
 - (iii) The consolidation of a national system of data collection, analysis and dissemination, and a research agenda on violence and ill-treatment against children.

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

Family environment

49. The Committee notes with concern that the growing internal migration has weakened family ties and left many children in rural areas with grandparents, being the primary carers for such children without adequate support or services.

50. **The Committee urges the State party to continue its efforts at legal reform with regard to parental responsibilities and develop measures for preventing family disintegration and strengthening of the family. The Committee recommends that the State party review existing support facilities for parents and caregivers and take appropriate measures to strengthen such facilities in accordance with articles 18 and 27 of the Convention. The Committee further recommends that the State party consider ratifying the relevant Hague Conventions, in particular, Convention No. 34 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children.**

Children deprived of family environment

51. The Committee notes with appreciation the State party's information that it has allocated a budget to support 3000 foster families per year and is drafting a National Strategy on Temporary Family-based Care. Nevertheless, it is concerned about the reported over-reliance on institutional care for children deprived of family environment (7000 children in 29 institutions) and the lack of monitoring and oversight of such institutions. It is further concerned at the lack of regulations governing institutions and the foster care system, including kinship care, as well as the lack of permanency planning for children once they enter alternative care settings.

52. The Committee reiterates its previous recommendations that the State party:

(a) Undertake a comprehensive study to assess the situation of children placed in institutions, including their living conditions, care plans and services provided;

(b) Set clear standards for existing institutions and the foster care system, including rules for the involvement of children and their parents in decision-making processes in accordance with article 9 of the Convention and ensure periodic review of the placement of children, in light of article 25 of the Convention. In this regard, the Committee encourages the State party to complete and operationalize the National Strategy on Temporary Family-based Care ensuring the best interests of the child;

(c) Ensure that all alternative care institutions and programmes are well monitored, including by independent complaint monitoring mechanisms and non-governmental organizations, with a view to ensuring the protection of children's rights, and provide children with easy access to these mechanisms;

(d) Pursue all necessary measures to allow children placed in institutions to return to their families whenever possible and use the placement of children in institutions as a measure of last resort;

(e) Take proactive measures for family strengthening and preservation to prevent widespread institutionalization of children.

The Committee recommends that State party take into account the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142 of 18 December 2009, annex).

Adoption

53. The Committee welcomes the Child Adoption Act of 2010 and notes as positive that the State party gives priority to domestic adoption over inter-country adoption and has established regulations with regard to inter-country adoptions. In view of the large numbers of children in vulnerable situations in the State party, especially children with disabilities, children living in poverty, children in street situations and stateless children as well as the high incidence of human trafficking, the Committee recommends that the State party ensure an effective monitoring system of the adoption process.

Abuse and neglect

54. The Committee welcomes the large scale study on the situation of violence against children initiated by the State party in 2011. However, it remains concerned that considerable numbers of children are neglected due to their parents' migration to urban areas or AIDs-related death of parents.

55. The Committee recommends that the State party take necessary measures to create conditions for reunification of families separated due to migration, including possibilities for parents to bring their children with them to the urban areas. It also recommends that State party pays particular attention to orphan children and ensure that they are provided with foster families in a timely manner.

F. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26 and 27 (paras. 1-3) of the Convention)

Children with disabilities

56. The Committee welcomes the State party's efforts to improve the quality of life of persons with disabilities by adopting the National Plan on Quality of Life Development for Persons with Disabilities of 2007–2011 and the Persons with Disabilities Education Act of 2008. It also welcomes the growing number of schools with inclusive education for children with disabilities. Notwithstanding, the Committee is seriously concerned about the large number of children with disabilities who are not in school and that youth policies do not identify them as special target groups. The Committee is also concerned at the limited proportion of children with disabilities who receive education beyond the pre-primary level.

57. The Committee recommends that the State party review the situation of children with disabilities in terms of their access to education services and give effective priority to the development of inclusive education over the placement of children in specialized institutions. It also recommends that the State party properly target children with disabilities in youth policies, taking into account the Committee's general comment No. 9 (2006) on the rights of children with disabilities.

Health care and health services

58. The Committee welcomes the achievements of the State party in implementing the Universal Healthcare Coverage Scheme, which ensures free medical treatment for most diseases for all Thai nationals, including children and in improving overall child nutrition. However, it remains seriously concerned about severe disparities in nutritional status among children depending on their families' economic status, mothers' education, linguistic background and geographic location. The Committee is also concerned that despite some improvements, iodine deficiency remains widespread.

59. The Committee urges the State party to accelerate measures to improve the nutrition of all children irrespective of their families' economic status, mothers' education, Thai or non-Thai linguistic background and geographic location in urban, rural or remote areas. In this regard, it encourages the State party to conduct an analysis of the causes and extent of under-nutrition of children in disadvantaged social groups. In addition, it recommends that the State party improve the nutritional status of children, inter alia, through control of iodine deficiency by, inter alia, introducing legislation and policies to achieve universal salt iodization (USI), and ensure compliance and universal consumption of iodized salt.

Breastfeeding

60. The Committee is concerned that the breastfeeding rate at six months is extremely low (5 per cent), while early initiation of breastfeeding is also at a low 50 per cent rate. It is further concerned that although there are voluntary measures, there is no legal regulation of the aggressive marketing and promotion of breast milk substitutes.

61. The Committee recommends that the State party strengthen and expand its efforts to promote the early initiation of breastfeeding, and exclusive and continued breastfeeding for six months by raising awareness and educating the public, particularly mothers, on the importance of breastfeeding and risks of artificial feeding. The Committee urges the State party to adopt legal regulation of the marketing activities for breast milk substitutes in accordance with the International Code of Marketing of Breast-milk Substitutes and ensure effective compliance and effective monitoring. In addition, it urges the State party to take measures to convert

all maternity institutions into baby friendly hospitals which support breastfeeding, and ensure that health-care professionals involved in maternity work are trained on breastfeeding.

Adolescent health

62. The Committee welcomes the decrease in the number of people who die of HIV/AIDS due to the use of antiretroviral drugs, although the coverage does not extend sufficiently to non-Thai populations such as migrants, refugees and asylum-seekers who have particular vulnerabilities. The Committee is particularly concerned that a high number of women are unaware of all the major methods of preventing HIV/AIDS transmission and there is continued stigmatization and discrimination against those living with or affected by HIV/AIDS, including orphans. Furthermore, the Committee is seriously concerned that teenage pregnancy is a growing problem which also leads to increasing numbers of illegal abortions.

63. **The Committee recommends that the State party**

(a) Take all necessary measures to educate children, adolescents and their families from different communities about HIV/AIDS and other sexually transmitted diseases;

(b) Extend essential health and social services to the most marginalized children and families and combat vigorously any forms of stigmatization and discrimination;

(c) Intensify its efforts to raise awareness of the negative consequences of early pregnancy and abortions.

(d) Strengthen its adolescent reproductive health programmes, including life skills education;

(e) Ensure comprehensive health services, confidential counselling and support for pregnant girls and accelerate the adoption of the Draft Reproductive Health Act.

Drug and substance abuse

64. The Committee welcomes the Alcoholic Beverage Control Act of 2008 which prohibits the sale of alcoholic beverages to persons below 20 years of age. However, it notes with serious concern that, despite the measures taken, the number of children abusing alcohol and drugs remains considerable.

65. The Committee urges the State party to take all appropriate measures, including awareness-raising campaigns targeted especially on adolescents and on the negative impacts of tobacco, alcohol and drugs. This should include peer education and life skills training on preventative interventions. It also recommends that the State party continue to provide treatment and rehabilitation programmes for children and adolescents with addiction to drugs and alcohol.

Standard of living

66. The Committee is concerned that reportedly 10 per cent of families in urban areas live in slums and that income inequality is increasing and that a large proportion of families have problems accessing basic services such as nutrition, clothing, housing, water and sanitation. It also reiterates its previous concern that the wide disparities in income levels across regions, especially in the North and North East and the Southern regions remain a problem.

67. The Committee reiterates its previous recommendation that the State party continue to allocate resources for effective poverty reduction measures, particularly in the North, North-East and Southern regions. It further recommends that the State party:

(a) Strengthen its efforts to enhance capacity to develop and monitor poverty reduction strategies at the local and community levels, ensuring, in particular, equitable access to basic services such as adequate nutrition, clothing, housing, water and sanitation as well as to social and health services, and education;

(b) Adopt temporary special measures and affirmative action to raise the standard of living among its disadvantaged population including the provision of specific earmarked funds and concrete assistance to support children and families disproportionately affected by poverty;

(c) Study and consider the feasibility of introducing a universal child allowance scheme to redress disparities and give each child an equal chance of a good start in life.

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

Education, including vocational training and guidance

68. The Committee commends the State party for having already achieved the MDGs on education, adopting the 15-year free compulsory education for all programme, and initiating policies and measures to enhance early childhood development. However, it regrets that:

(a) The number of 3-5 year-old children attending preschool education, especially children of non-Thai speaking or poor households, remains low and severe regional disparities persist with, for example, 78 per cent of young children in the North attending preschool compared with 54 per cent of young children in the South;

(b) Over 600,000 children of primary school age 6-11 were not in school in 2010;

(c) Low retention and transition rates persist at all levels, with a substantial number of children without secondary education which has only a net enrolment ratio (NER) of 72.2 per cent;

(d) More boys drop out of secondary schools especially in the southern border provinces;

(e) The use of ethnic and minority languages in the school system from early years is grossly inadequate;

(f) Overall quality of education remains poor due, among others, to the shortage of teachers, teaching materials and facilities especially in remote and dangerous areas;

(g) Educational outcomes are low as demonstrated in 2009 Programme for International Student Assessment (PISA) tests in which only 43 per cent of children in Thailand aged 15 years passed in Reading and Science and 53 per cent in Mathematics, with significant disparities between urban and rural areas.

69. In light its general comments Nos. 1 (2001) on the aims of education and 7 (2005) on implementing rights in early childhood, the Committee urges the State party to:

- (a) Adopt effective policies and other measures to ensure that every child from birth to school going age has access to holistic early childhood development (ECD) with effective support of essential health, nutrition, education and protection services to ensure his or her total development;
- (b) Develop quality and internationally accepted standards of ECD that are applied by local governments that have responsibility for ECD;
- (c) Encourage and create incentives for children of non-Thai speaking and poor households to attend early childhood development programmes, especially children in the North Eastern and Southern regions;
- (d) Take urgent measures to provide educational opportunities for the large number of primary school age children (6-11 years) currently out of school;
- (e) Conduct a comprehensive study on the causes and extent of dropout and low retention in the education system and develop a plan of action with a clear time frame to solve the problems, paying particular attention to the gender dimensions, disparities and preventive measures;
- (f) Encourage children, especially boys in the southern border provinces, to continue their education in secondary schools;
- (g) Implement the National Language Education Policy of 2010 to ensure effective bilingual education from the early years especially for non-Thai speaking children in accordance with article 30 of the Convention;
- (h) Adopt clear and concrete measures to greatly improve the quality of education and improve educational outcomes at all levels, including through the provision of teaching and learning materials and facilities, enhanced teacher training and supervision, increased recruitment of qualified teachers, in particular women and persons from minority and indigenous groups, enhanced capacity building at the Ministry of Education and improved systems of monitoring of the learning of children;
- (i) Consider ratifying the UNESCO Convention against Discrimination in Education.

H. Special protection measures (arts. 22, 30, 38, 39, 40, 37 (b)-(d) and 32-36 of the Convention)

Asylum-seeking and refugee children

70. While noting the State party information on the provision of some welfare services, the Committee is concerned about the reported inadequate conditions in the camps with temporary refugees (so-called “external displaced persons”), and that the refugees and asylum-seekers outside of the camps and in urban areas are deemed to be illegal and are subject to arrest, detention and/or deportation for unlawful entry and/or unlawful stay. Furthermore, the Committee is concerned that the State party has not registered the newly arrived asylum-seekers since 2009, as stated by the State party’s delegation.

71. The Committee urges the State party to take all necessary measures to improve the conditions in camps for temporary refugees by providing them with adequate basic needs. The Committee also recommends that the State party renew its registration of newly arrived asylum-seekers in order to keep account of their possible needs. Furthermore, the Committee recommends that the State party treat the asylum-seekers and refugees according to their status and do not subject them to

detention or deportations to a country where their lives might be in danger. In this regard, the Committee encourages the State party to seek technical assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR). The Committee also recommends that the State party ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and establish a national legal and institutional framework for protection of refugees.

Children in situations of migration

72. The Committee welcomes the amendments to the Labour Protection Act in 2008, which enable migrants to engage in lawful employment and access social welfare, including access to health and education. However, the Committee is concerned that many migrant workers in irregular situations and their children face arrests and deportations without any risk assessment as to whether their return would be safe. Additionally, children of migrant workers often live in poor conditions, and many of them are subjected to working long hours in hazardous conditions.

73. **The Committee recommends that the State party conduct a risk assessment study as to whether the return of migrants and their children to their countries of origin would be safe. Furthermore, the Committee recommends that the State party take necessary legislative and policy measures to protect children in various migration situations from exploitation and hazardous working conditions.**

Economic exploitation including child labour

74. The Committee notes the Home Workers Protection Act adopted in 2011 which provides for protection of conditions of employment, minimum wages and safe working environment for children 15 years of age and over, as well as the National Policy and Plan to Eliminate the Worst Forms of Child Labour for 2009-2014. However the Committee remains concerned that the State party's legislation does not provide protection to informal workers in agriculture, tourist industry, begging and domestic service, where children aged below 15 years, especially foreign children and children in street situations, are mostly involved.

75. **The Committee recommends that the State party study and provide, in its next periodic report, information on the employment of children in the informal sector, such as in agriculture, tourist industry, begging and domestic service, and take measures to reinforce the labour inspection system to monitor and detect children working in these sectors. It urges the State party to amend its legislation to prohibit involvement of children in informal sectors with particular attention to vulnerable groups of children such as foreign children and children in street situations. It recommends that the State party consider ratifying the ILO Convention N°189 (2011) concerning decent work for domestic workers.**

Sexual exploitation and abuse

76. The Committee welcomes the Amendments to the Penal Code (Nos. 19 and 20) of 2007 establishing punishments for the crime of rape based on the age of the victim. It is, however, seriously concerned about widespread sexual exploitation and abuse of children, boys and girls, within the State party. It is further concerned about the lack of protection of child victims from perpetrators, especially in the family, a concern which is reinforced by the long duration of investigations and proceedings in criminal cases on sexual abuse. The Committee is also concerned at the increase of trafficking of foreign children from neighbouring countries into Thailand for sexual exploitation, contributing to the large child sex tourism industry in the country, while Thai children are often trafficked to foreign countries for sexual exploitation. Furthermore, the Committee expresses concern that

children are trafficked internally within the country, especially children of poor families, undocumented migrants and ethnic minorities.

77. In light of its general comment No. 13 (2011), the Committee urges the State party to:

(a) Continue its efforts to raise awareness of the public and strengthen early detection and prevention mechanisms and ensure full protection for all children victims of sexual exploitation and abuse, including in the family and outside;

(b) Take the necessary measures to reduce the duration of investigation and proceedings in criminal cases regarding sexual abuse of children and ensure appropriate protection of child victims from perpetrators;

(c) Conduct comprehensive research on the root causes, nature and extent of sexual exploitation and abuse of boy and girl children in all settings, involving both Thai and foreign children in the State party, and provide data on the number of complaints, investigations and prosecutions conducted in this regard;

(d) In doing so, the Committee recommends that the State party implement its recommendations under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/THA/CO/1) as well as the recommendations of the Special Rapporteur on trafficking in persons, especially women and children, after her visit to the State party in August 2011. The Committee also recommends that the State party take into account the outcome documents adopted at the 1996, 2001 and 2008 World Congresses against Sexual Exploitation of Children held, respectively, in Stockholm, Yokohama and Rio de Janeiro.

Helplines

78. The Committee notes that the Social Services Division and the National Council for Children operate two helplines to assist children. The Committee recommends that the State party consider consolidating these helplines into a single national helpline for greater efficiency. The helpline should cover the whole country, be accessible 24 hours and should have an easy to remember 3-4 digit numbers and adequate financial and technical resources as well as personnel trained to respond to children and analyze the calls for appropriate action. The Committee further recommends that the State party seek technical assistance in this regard from, inter alia, UNICEF and Child Helpline International.

Administration of juvenile justice

79. The Committee welcomes the Juvenile Family Court and Juvenile and Family Procedure Act of 2010, establishing juvenile and family courts throughout the country and enabling restorative justice. However, the Committee remains concerned that the minimum age of criminal responsibility which has been raised from 7 years to 10 years still remains below internationally acceptable standards. It is also concerned that training of judges and judicial personnel in child rights may not be adequate and that in some cases children can be detained with adults.

80. The Committee recommends that the State party continue and strengthen its efforts to ensure the full implementation of juvenile justice standards, in particular articles 37, 39 and 40 of the Convention and other relevant international standards, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (the Havana Rules), taking into

account the Committee's general comment No. 10 (2007) on children's rights in juvenile justice). It reiterates that the State party:

- (a) Raise the minimum age of criminal responsibility to an internationally acceptable age and in no circumstances below the age of 12 years;
- (b) Ensure that children deprived of liberty are held in detention only as a last resort and for as short a time as possible and that their detention is carried out in compliance with the law;
- (c) Ensure that children are detained separately from adults as recommended by the Working Group under the universal periodic review, that they have a safe, child sensitive environment and that they maintain regular contact with their families;
- (d) Promote alternative measures to detention such as diversion, probation, counselling, community service or suspended sentences, wherever possible;
- (e) Strengthen the training of judges and judicial personnel on the principles and provisions of the Convention and the Optional Protocols.
- (f) Develop social reintegration programmes for children in conflict with the law;
- (g) Make use of the technical assistance tools developed by the United Nations Interagency Panel on Juvenile Justice and by its members, which include the United Nations Office on Drugs and Crime, UNICEF, OHCHR and NGOs, and to seek technical advice and assistance in the area of juvenile justice from the members of the Panel.

Child victims and witnesses of crimes

81. The Committee recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and or witnesses of crimes, for example, children victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes, including those perpetrated by State and non-State actors, are provided with the protection required by the Convention and that it take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20 of 22 July 2005, annex).

Children belonging to minority or indigenous groups

82. The Committee is concerned that children belonging to indigenous, tribal and minority communities are often subjected to both stigmatization and discrimination due to their distinct living habits and language. The Committee is further concerned about widespread poverty among indigenous peoples and minorities and lack of demographic data on the hill-tribe population in the country.

83. The Committee recommends that the State party take necessary measures to:

- (a) Raise awareness of the Thai population on the culture of minority and indigenous people and foster tolerance of their living habits and lifestyle;
- (b) Provide more economic opportunities to minority and indigenous communities and ensure their access to basic social services;
- (c) Collect systematically disaggregated data on the hill-tribe population;

(d) Take into account the Committee's general comment No. 11 (2009) on indigenous children and their rights under the Convention.

Children in the southern border provinces of Thailand

84. The Committee notes that the State party is in the process of drafting a plan of action on the protection and development of children and youth in the southern border provinces and welcomes the measures taken to support education, including through scholarships for secondary and tertiary education. However, the Committee remains concerned that in the context of the ongoing armed violence:

(a) Children have been victims of bombings, unlawful killings and other violent attacks by non-State armed groups, and on occasion, by the Thai security forces;

(b) Access to education has been disrupted by the targeting of government schools and teachers by non-State armed groups and by the presence of government military and paramilitary units near the schools;

(c) A number of children are affected psychologically or indirectly, including children who have lost one or both of their parents; children injured by the violence; children who witnessed the incidents first hand or have been informed of the incidents by, among others, the media, and children and families whose lives have been affected by the incidents.

85. **The Committee recommends that the State party:**

(a) **Take immediate measures to ensure that the situation in the southern border provinces has no adverse effects directly and indirectly on children. In doing so, the Committee recommends that the State party implement its recommendations under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/THA/CO/1) without any delay;**

(b) **Ensure that schools are not disrupted by State military and paramilitary units and are protected from attacks by non-state armed groups;**

(c) **Provide as a matter of priority psychosocial support and services to children affected by the armed violence;**

(d) **Expedite the adoption of the Plan of Action on the Protection and Development of Children and Youth in the Southern Border Provinces.**

I. Ratification of international human rights instruments

86. The Committee urges the State party to ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. The Committee also recommends that the State party ratify the core United Nations human rights instruments to which it is not yet a party, namely the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the first and second Optional protocols to the International Covenant on Civil and Political Rights, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the Convention on the Rights of Persons with Disabilities, the International Convention on the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of all Persons from Enforced Disappearance, and others.

J. Cooperation with regional and international bodies

87. The Committee recommends that the State party cooperate, among others, with the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children.

K. Follow-up and dissemination

88. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, *inter alia*, by transmitting them to the Head of State, the Supreme Court, Parliament, relevant ministries and local authorities for appropriate consideration and further action.

89. The Committee further recommends that the combined third and fourth periodic reports and written replies submitted by the State party and the related recommendations (concluding observations) be made widely available in the languages of the country, including (but not exclusively) through the Internet to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Convention, its implementation and monitoring.

L. Next report

90. The Committee invites the State party to submit its combined fifth and sixth periodic reports by 25 October 2017. The Committee draws attention to its harmonized treaty specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr.1) and reminds the State party that future reports should be in compliance with the guidelines and not exceed 60 pages. The Committee urges the State party to submit its report in accordance with the guidelines. In the event that a report exceeding the page limitation is submitted, the State party will be asked to review and resubmit their report in accordance with the above-mentioned guidelines. The Committee reminds the State party that if it is not in a position to review and resubmit the report, translation of the report for purposes of examination by the treaty body cannot be guaranteed.
