



## Convention on the Rights of the Child

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### COMMITTEE ON THE RIGHTS OF THE CHILD

#### Forty-first session

#### CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

#### Concluding observations: Thailand

1. The Committee considered the second periodic report of Thailand (CRC/C/83/Add.15) at its 1113rd and 1115th meetings (see CRC/C/SR.1113 and 1115) held on 24 January 2006, and adopted at the 1120th meeting (CRC/C/SR.1120), held on 27 January 2006, the following concluding observations:

#### A. Introduction

2. The Committee welcomes the second periodic report submitted by the State party and the written replies to its list of issues (CRC/C/THA/Q/2), and expresses its appreciation of the State party's open and self-analytical reporting approach in identifying a number of areas of concern. It further notes with appreciation the constructive efforts made by the high-level, intersectoral delegation to provide additional information in the course of the dialogue.

#### B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee commends the State party for the adoption of the Child Protection Act (B.E. 2546) in 2003, which defines the child as a person below 18 years of age and eligible for protection and welfare assistance in compliance with the principles of non-discrimination and the best interests of the child. It also welcomes the amendment or adoption of several laws aimed at enhancing implementation of the Convention, inter alia, the National Education Act of 1999 and the Compulsory Education Act of 2002, the Act on Redress for the Damaged and Compensation and Expenses for Offenders in Criminal Cases of 2001, and the 2004 amendment to the Penal Code with the effect that capital punishment and life imprisonment cannot be imposed on

children for crimes committed below the age of 18. In addition, the Committee notes with appreciation the establishment of mechanisms that enhance the promotion and protection of children's rights in the country, including the National Human Rights Commission and the Sub-Committee on Child, Youth and Families, the National Child Protection Committee and Provincial Child Protection Committees.

4. The Committee welcomes the ratification of or accession to a number of international human rights instruments:

(a) 1966 International Covenant on Economic, Social and Cultural Rights on 5 September 1999;

(b) 1999 ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour on 16 February 2001;

(c) 1980 Hague Convention No. 28 on the Civil Aspects of International Child Abduction on 14 August 2002;

(d) 1965 International Convention on the Elimination of All Forms of Racial Discrimination on 28 January 2003;

(e) 1993 Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Intercountry Adoption on 29 April 2004; and

(f) 1973 ILO Convention No. 138 concerning Minimum Age for Admission to Employment on 11 May 2004.

### **C. Factors and difficulties impeding the implementation of the Convention**

5. The Committee acknowledges that an exceptional natural disaster caused by the Indian Ocean tsunami of 26 December 2004 has largely devastated the south-western coast of Thailand - giving rise to a number of economic and social difficulties and affecting the lives of many children. It also acknowledges the challenges faced by the State party as a result of the civil unrest in the southernmost provinces of Thailand, which have adversely impacted overall human rights development in the country.

### **D. Principal subjects of concern and recommendations**

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

#### **The Committee's previous recommendations**

6. The Committee notes with satisfaction that various concerns and recommendations in its concluding observations (CRC/C/15/Add.97) adopted following its consideration of the State party's initial report (CRC/C/11/Add.13) have been addressed through legislative measures and policies. However, some of the concerns it expressed and recommendations it made regarding, inter alia, the minimum legal age of criminal responsibility, birth registration, statelessness, refugee and asylum-seeking children have not been sufficiently addressed.

7. **The Committee reiterates these concerns and recommendations and urges the State party to make every effort to address them, as well as to implement the recommendations contained in the present concluding observations.**

#### **Reservations**

8. The Committee notes the efforts made by the State party to review its reservations and its partial compliance with articles 7 and 22 of the Convention, but regrets that these reservations have been maintained.

9. **The Committee reiterates its previous recommendation and again draws the State party's attention to articles 2 and 24 of the International Covenant on Civil and Political Rights, which the State party ratified without reservations. In this regard, the Committee urges the State party to withdraw its reservations to articles 7 and 22 of the Convention in accordance with the Vienna Declaration and Plan of Action of the World Conference on Human Rights of 1993 (A/CONF.157/23).**

#### **Legislation**

10. The Committee notes with appreciation the measures taken by the State party to bring national legislation into conformity with the Convention, in particular the Child Protection Act. It notes, however, that the implementation and enforcement of such legislation, particularly at the local level, in such areas as children in conflict with the law, trafficking, child labour and violence against children, require further attention in order to ensure full compliance with the principles and provisions of the Convention. It also notes that some existing legislation, for example the Penal Code regarding the minimum age of criminal responsibility (7 years), is still not in compliance with the Convention.

11. **The Committee encourages the State party to continue its efforts to harmonize its legislation fully with the provisions and principles of the Convention. It also encourages the State party to continue its efforts to ensure the full and effective implementation of its national legislation through, inter alia, dissemination to legislators and law enforcement officials, as well as awareness-raising activities, in order to better protect the rights of the child.**

#### **Coordination**

12. The Committee notes the multitude of Government ministries, agencies and other bodies involved in the promotion and protection of child rights in the country. While recognizing the role of the National Youth Bureau, it is concerned that coordination is limited among such bodies, particularly at the provincial, regional and local levels.

13. **The Committee recommends that the State party strengthen its system of coordination at all levels in order to ensure the full and effective implementation of its national legislation as well as of the Convention.**

## **National Plan of Action**

14. The Committee welcomes the introduction of a National Strategy and Plan of Action (2005-2015) for implementation of the outcome document entitled “A World Fit for Children” adopted at the 2002 General Assembly Special Session on Children.

**15. The Committee encourages the State party to ensure that the National Strategy and Plan of Action covers all areas under the Convention, and that sufficient human and financial resources are provided for its full and effective implementation at all levels. The Committee also encourages the State party to ensure the wide participation of civil society, including children and youth, in all aspects of the implementation process. It requests the State party to provide information in its next periodic report on the implementation, outcomes and evaluation of the National Strategy and Plan.**

## **Independent monitoring**

16. The Committee welcomes the establishment of independent monitoring mechanisms, notably the Parliamentary Ombudsman, as well as the National Human Rights Commission and its Sub-Committee on Children, Youth and Families. It notes in particular the activities undertaken by the Sub-Committee to, inter alia, conduct inspection visits and monitor agencies and institutions responsible for the promotion and protection of child rights, and to investigate complaints relating to children and youth. The Committee is nevertheless concerned about the accessibility and availability of these mechanisms to all children in the country and about the resources allocated to them. The Committee is also concerned that the recommendations of the National Human Rights Commission have not been sufficiently implemented and followed up by the relevant authorities.

**17. The Committee recommends that the State party, taking into account its general comment No. 2 of 2002 (see CRC/GC/2002/2) on the role of independent national human rights institutions, take all effective measures to ensure that the National Human Rights Commission and the Parliamentary Ombudsman are easily accessible to, and user-friendly for, all children. It particularly encourages the State party to reinforce its awareness-raising efforts to facilitate the effective use of existing complaint mechanisms by children. The Committee recommends that the Parliamentary Ombudsman develop a special focus on children. It also recommends that the State party ensure that the National Human Rights Commission and the Parliamentary Ombudsman are provided with sufficient human and financial resources, and that their recommendations are given full and serious follow-up.**

## **Allocation of resources**

18. The Committee notes the increases in budget allocations for social development covering education, public health and social services during the reporting period as well as the creation of a Child Protection Fund to provide welfare assistance to children and their families and to support projects and activities for children implemented by provincial agencies. The Committee is concerned, however, about the lack of information in a number of areas, notably on budget allocations at the provincial and district levels and on the proportion of resources allocated to

children belonging to the most vulnerable groups. It also notes with concern that the Ministry of Social Development and Human Security has no representation at the district level and that there is limited Government capacity for social welfare service delivery at the Tambon or community level.

19. **The Committee recommends that the State party provide information on budget allocations at both national and subnational levels, with particular emphasis on children belonging to the most vulnerable groups, in its next periodic report. The Committee recommends, in light of article 4 of the Convention, that the State party prioritize budgetary allocations at all levels to ensure the implementation of the rights of children, in particular those belonging to the most vulnerable groups “to the maximum extent of ... available resources and, where needed, within the framework of international cooperation”. It encourages the State party to ensure the adequate allocation of resources for the Ministry of Social Development and Human Security, both at national and subnational levels, in order to further strengthen multisectoral responses to promote implementation of the rights of children in Thailand.**

#### **Data collection**

20. The Committee notes with appreciation the efforts and initiatives taken to improve data collection on all children in the country. It is concerned, however, that data collection mechanisms remain fragmented and insufficient to ensure the systematic and comprehensive collection of disaggregated data on all areas covered by the Convention.

21. **The Committee reiterates its previous recommendation and urges the State party to strengthen and centralize its data collection system, and to systematically integrate and analyse disaggregated data on all children under 18 for all areas covered by the Convention, with special emphasis on the most vulnerable groups (i.e. indigenous and minority children, children in the southernmost provinces of the country, children with disabilities, abused and neglected children, children living in poverty, children in conflict with the law, immigrant and refugee children, children infected with and affected by HIV/AIDS, and children of sex workers, etc). The Committee urges the State party to use these indicators and data effectively in the formulation of legislation, policies and programmes for the effective implementation of the Convention.**

#### **Dissemination of the Convention**

22. The Committee notes with appreciation the State party's efforts to involve members of civil society, including children, in the preparation of its periodic report. It also notes with appreciation the State party's efforts to disseminate the Convention, including its translation into Thai and various local dialects, and its availability in audio form and in Braille. It is encouraged that various training courses and programmes that have been developed on the Convention and on child rights in general, and that child rights issues have been made part of the national public school curriculum at the primary and secondary levels. Despite these efforts, the Committee remains concerned that children and the general public at large remain insufficiently aware of the Convention.

23. **The Committee recommends that the State party continue and strengthen its efforts to ensure that the provisions and the principles of the Convention are widely recognized and understood by adults and children alike. In this regard, it encourages the State party to continue to disseminate and raise awareness of the Convention among children and adults, particularly in remote areas. The Committee also invites the State party to continue to develop creative and child-friendly methods of promoting and teaching the Convention.**

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

### **The right to non-discrimination**

24. The Committee is concerned about the persistence of both direct and indirect discrimination against the child, contrary to article 2 of the Convention, particularly with respect to the girl child, children of indigenous, and religious or ethnic minority communities, children of refugees and asylum-seekers, children of migrant workers, street children, children with disabilities, children living in rural areas, and children living in poverty. The Committee is also concerned that there continues to be regional disparities, especially in the southernmost provinces, in access to social, health and educational services.

25. **The Committee recommends that the State party, in accordance with article 2 of the Convention, take more effective measures to 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. The Committee recommends that the State party prioritize social and health services and ensure equal opportunities to education for children belonging to the most vulnerable groups, including Muslim, immigrant and refugee children. The Committee further recommends that the State party carry out comprehensive public education campaigns to prevent and combat all forms of discrimination.**

26. **The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, also taking into account the Committee's general comment No. 1 on the aims of education of 2001 (CRC/GC/2001/1).**

### **Right to life, survival and development**

27. The Committee notes with concern that the violence and civil unrest in the southern provinces of the country have had severe consequences on children and their families, and endangered the right of the child to life, survival and development. The Committee notes with particular concern the lack of rehabilitation, counselling and other assistance programmes for child survivors and witnesses of violence in these provinces. The Committee is also concerned about the situation of former child soldiers in the country, some of whom may be in camps for refugees.

28. **The Committee urges the State party to make every effort to reinforce protection of the right to life, survival and development of all children within the State party, particularly with respect to former child soldiers and to children in the southernmost provinces of the country, through targeted policies, programmes and services. The Committee also urges the State party to protect all children from the consequences of the civil unrest and to ensure their reintegration in society. It also urges the State party to develop, in collaboration with non-governmental and international organizations, a comprehensive system of psychosocial support and assistance for children affected by violence and conflict.**

### **Respect for the views of the child**

29. The Committee is encouraged by the State party's actions to promote and respect children's right to freely express their views and to participate in society, inter alia, through the organization of an annual Child Rights Forum and through the establishment of youth councils and networks. Despite these positive steps, the Committee is of the view that children's right to free expression and to participation is still limited in the State party, partly due to traditional attitudes in society. It is also concerned that respect for the views of the child may not be fully taken into account in court processes involving children either as victims, witnesses, or alleged offenders.

30. **The Committee recommends that the State party strengthen its efforts to ensure the active participation and involvement of children in all decisions affecting them in the family, school and community, in accordance with articles 12, 13 and 15 of the Convention. 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. It further recommends that the State party improve child-sensitive court procedures in accordance with the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005).**

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

### **Birth registration**

31. Despite the State's party efforts in this area, including legislative initiatives by the Sub-Committee on the Revision of Child-Related Laws and the adoption of a Strategy to Address the Problem of Legal Status and Right to Identity in January 2005, the Committee is nevertheless concerned about the high number of children that remain without birth registration, particularly in the most remote areas of the country and in tsunami-affected areas. The Committee is also concerned about persisting difficulties in ensuring the registration of children of migrant workers, refugees and asylum-seekers as well as of indigenous and minority communities, particularly those born outside of hospitals. The Committee is further concerned about weak law enforcement and limited public awareness of the significance and benefits of birth registration.

32. **The Committee reiterates its previous recommendations and, in line with article 7 of the Convention, recommends that the State party continue to review its legislation, in particular the Act for Registration of Inhabitants (B.E. 2534) of 1991, with a view to ensuring that the birth registration system is equally accessible to all children in the whole territory of the State party, in particular, migrant and refugee children, children belonging to indigenous and minority communities, and children living in the most remote or in tsunami-affected areas. The Committee also recommends that the State party improve the existing birth registration system by:**

**(a) Introducing mobile birth registration units and public awareness-raising campaigns to reach the most remote areas of its territory;**

**(b) Strengthening cooperation between the birth registration authority and maternity clinics, hospitals, midwives and traditional birth attendants, in order to achieve better birth registration coverage in the country;**

**(c) Continuing to develop and widely disseminate clear guidelines and regulations on birth registration to officials at the national and local levels; and**

**(d) Ensuring that children whose births have not been registered and who are without official documentation have access to basic services, such as health and education, while waiting to be properly registered.**

#### **Name, nationality and identity**

33. The Committee is concerned that a significant number of children residing in Thailand remain stateless, which adversely impacts their full enjoyment of rights including education, development and access to social and health services, and which renders them vulnerable to abuse, trafficking and exploitation.

34. **The Committee reiterates its recommendation that the State party withdraw its reservations to articles 7 and 22 of the Convention and urges it to continue to implement measures to ensure that all stateless persons born in Thailand and living under its jurisdiction can acquire a nationality, including the possibility of acquiring Thai nationality. The Committee also urges the State party to take specific measures to ensure their access to basic services such as social and health services and education.**

#### **Protection of privacy**

35. While noting the existence of national legislation which protect children's right to privacy and despite the efforts of the State party, the Committee notes with concern that the identities and photos of child victims are presented in the media, which is a clear infringement of article 16 of the Convention and of domestic law respecting the privacy of the child.

36. **The Committee urges the State party to establish mechanisms such as a code of conduct and/or self-regulation to ensure that all materials broadcast in Thailand respect the child's right to privacy. The Committee also urges the State party to ensure that appropriate human rights training is given to media professionals, paying particular attention to children's rights to privacy.**



### **Access to information**

37. The Committee appreciates the measures taken by the State party to increase child-targeted programming in the media, and the amount of primetime media hours devoted to programming for children, youth and families. It is concerned, however, at the quality of programming. While noting that the draft Measures for the Suppression of Provocative Materials Act is pending before the Cabinet, the Committee is concerned that some of the materials published in the media and available through the Internet are harmful to the child. Further, the Committee, while noting the efforts of the Ministry for Information and Communication Technology, expresses its concern that no systematic media-monitoring mechanisms exist at the national and subnational levels to protect children from being exposed to harmful information, such as violence and pornography, transmitted through the media and through the Internet.

**38. The Committee recommends that, through cooperation with radio and television broadcasters, mechanisms be established to monitor and improve the quality and suitability of media programming produced primarily for children and youth. Further, the Committee recommends, in light of article 17 of the Convention, that the State party take all necessary legal and other measures, including advisory campaigns directed to parents, guardians and teachers, and cooperation with Internet service providers to protect children from being exposed to harmful material such as violence and pornography, transmitted through the media and Internet.**

### **Corporal punishment**

39. The Committee notes the State party's efforts to prohibit the use of corporal punishment in schools and takes note of the recent Ministerial regulation prohibiting the use of corporal punishment in penal institutions. The Committee nevertheless regrets that corporal punishment in the home and in alternative care settings is not explicitly prohibited by law. Further, it notes the State party's acknowledgement that child victims are often afraid to complain and that assistance is rarely available to them.

**40. The Committee reiterates that corporal punishment is not compatible with the provisions of the Convention and is not consistent with the requirement of respect for the child's dignity as specifically required by article 28, paragraph 2 of the Convention. Therefore, the Committee urges the State party, taking into account the recommendations adopted by the Committee on its day of general discussion on violence against children within the family and in schools (see CRC/C/111), to prohibit by law all forms of corporal punishment in the home and in all alternative care settings.**

**41. The Committee recommends that the State party sensitize and educate parents and other caregivers, law enforcement officials and professionals working with and for children by carrying out public awareness-raising campaigns about the harmful impact of corporal punishment. It encourages the State party to promote positive, non-violent forms of discipline as an alternative to corporal punishment. The Committee also recommends that the State party establish specific child-sensitive complaint mechanisms and services, and ensure access of all children to these mechanisms.**

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

**Alternative care**

42. The Committee notes the various programmes and mechanisms providing alternative care for children in the country, including the foster care system, welfare homes and other institutions, which are administered by various Government ministries and agencies. The Committee is concerned, however, at the lack of information on the situation of children placed in alternative care facilities and on the standards and regulations governing such institutions. It is also concerned at the lack of information concerning monitoring and oversight mechanisms for such programmes and institutions.

43. **The Committee recommends 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;**

(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; and**

(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.**

**Violence, abuse, ill-treatment and neglect**

44. While acknowledging the efforts made by the State party and noting Section 53 of the Constitution of Thailand (1997), the Committee is deeply concerned about increasing reports of cases of domestic violence, child abuse and neglect in the country. It expresses its concern at the notable deficiencies in the domestic legislation as regards penalizing all forms of abuse, neglect and mistreatment, including sexual abuse (for example, the provisions of the Penal Code only protect female victims of rape). It also expresses its concern at the lack of a national data collection system on cases of violence against children.

45. **The Committee urges the State party to:**

(a) **Review its domestic legislation in order to penalize all forms of abuse, including sexual abuse, neglect, mistreatment and violence against children and to define clearly these crimes against children;**

- (b) Conduct timely and adequate investigations of all cases of child abuse and violence and to ensure that child victims of violence and abuse have access to adequate counselling and multidisciplinary assistance for recovery and reintegration;**
- (c) Establish or expand services available for the physical and psychological recovery and social reintegration of victims of sexual abuse as well as any other child victims of abuse, neglect, ill-treatment, violence or exploitation;**
- (d) Take appropriate measures to prevent the criminalization and stigmatization of victims, including through cooperation with non-governmental organizations;**
- (e) Carry out public education and awareness-raising campaigns of the consequences of ill-treatment of children, addressing sociocultural barriers that inhibit victims from seeking assistance; and**
- (f) Establish a data collection system for violence against children and conduct further analysis of the issue with the aim of preventing and reducing this phenomenon.**

**46. In the context of the Secretary-General's in-depth study on the question of violence against children and the related questionnaire to Governments, the Committee acknowledges with appreciation that the State party hosted the Regional Consultation for East Asia and the Pacific, from 14 to 16 June 2005 and that it has submitted its written replies to the questionnaire. The Committee recommends that the State party use the outcome of the Regional Consultation on violence against children to take action, in partnership with civil society, to ensure the protection of every child from all forms of physical or mental violence and to generate momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse.**

#### **Children in prison with their mothers**

**47. The Committee notes with concern the high rate of women in prison in Thailand, some of whom are pregnant or have children. The Committee is concerned that sentencing decisions do not consistently take into account the best interests of the child and women's role as mothers with childcaring responsibilities. It also notes with particular concern that a pregnant woman sentenced to capital punishment may be executed after her delivery. With regard to children residing in prison with their mothers, the Committee notes that women with children are separated from the general prison population, but expresses its concern about overcrowding, poor conditions of detention and inadequate staff.**

**48. Where the defendant has childcaring responsibilities, the Committee recommends that the principle of the best interests of the child (art. 3) is carefully and independently considered by competent professionals and taken into account in all decisions related to detention, including pretrial detention and sentencing, and decisions concerning the placement of the child. It recommends that alternative care for those children who are separated from their mothers in prison be regularly reviewed ensuring that the physical and mental needs of children are appropriately met. Furthermore, it recommends that the**

**State party continue to ensure that alternative care allows the child to maintain personal relations and direct contact with the mother who remains in prison. As regards children residing in prison with their mothers, the Committee recommends that the State party ensure that living conditions in prisons are adequate for the child's early development in accordance with article 27 of the Convention. The Committee encourages the State party to seek assistance from, among others, UNICEF and other United Nations bodies in this regard.**

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

**Children with disabilities**

49. The Committee notes with appreciation that the State party has undertaken many concrete measures to promote the full enjoyment of all human rights and fundamental freedoms by children with disabilities, including access to mainstream and specialized education and to vocational training. Despite these positive steps, the Committee is concerned that children with disabilities living in the remote areas of the country lack access to adequate health and social services, as well as to education. It also shares the State party's concern about the insufficient and incoherent data on children with disabilities and the non-standardized public and private services for them.

50. **The Committee recommends that the State party, taking into account the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the recommendations adopted by the Committee on its day of general discussion on the rights of children with disabilities (see CRC/C/69), take all necessary measures to:**

**(a) Formulate and adopt a comprehensive national policy for children with disabilities, and allocate necessary financial and human resources to implement the plan;**

**(b) Prevent and prohibit all forms of discrimination against children with disabilities, including by raising awareness of their rights, special needs and potential, and ensure equal opportunities for their full participation in all spheres of life;**

**(c) Standardize public and private services for children with disabilities and monitor the accessibility and quality of these services;**

**(d) Provide children with disabilities with physical access to schools and access to appropriate information and communication tools; and**

**(e) Establish a data collection mechanism on children with disabilities and to use such data in developing policies and programmes to promote their equal opportunities in society, paying particular attention to children with disabilities living in remote areas of the country.**

## **Health and health services**

51. While noting with appreciation the State party's efforts to improve primary health care, in particular the immunization programme, and noting as well the progress achieved in reducing infant, child and maternal mortality, the Committee is nevertheless concerned at the regional disparities in accessibility of health services, at the prevailing situation of malnutrition among children, particularly iodine and iron deficiencies, and at the incidence of thalassemia in the country. It is also concerned at the low rate of exclusive breastfeeding and notes with concern that the provisions of the International Code of Marketing of Breast-milk Substitutes have not been enacted as law.

52. **The Committee recommends that the State party undertake all necessary measures:**

(a) **To ensure equal access to quality health services by children in all areas of the country, including children living in remote areas;**

(b) **To continue its efforts to improve prenatal care and to reduce maternal, infant and under-five mortality rates, paying particular attention to mothers and children living in remote areas of the country;**

(c) **To improve the nutritional status of children, inter alia, through introducing legislation and policies to ensure that the State party will meet universal salt iodization (USI) and elimination of iron deficiency goals;**

(d) **To continue to encourage exclusive breastfeeding for six months after birth, with the addition of an appropriate infant diet thereafter, taking into account the support needed for working mothers;**

(e) **To continue its efforts to reduce the incidence of thalassemia in the country, including through early detection and treatment programmes; and**

(f) **To continue to cooperate and seek technical assistance in this matter from, inter alia, the World Health Organization (WHO) and the United Nations Children's Fund (UNICEF).**

## **Adolescent health**

53. The Committee notes with appreciation that adolescent drug use is now treated as a medical rather than criminal matter. It further appreciates that advertising for tobacco and alcohol is now prohibited. It is concerned, however, that the rates of drug and alcohol consumption among adolescents remain high.

54. **The Committee recommends that the State party continue to promote effective drug and alcohol awareness and prevention programmes specifically targeting children and adolescents. It also recommends that the State party continue to provide treatment and rehabilitation programmes for children and adolescents with addiction to drugs and alcohol.**

**Environmental health**

55. The Committee is concerned about a range of environmental problems such as air pollution and environmental degradation, including shortcomings in the municipal and industrial waste management, which have serious consequences for children's health and development. While noting improvements in water and sanitation, particularly for rural families, the Committee is concerned about regional disparities as regards access to safe drinking water and sanitation.

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

(a) **Continue to take effective measures to improve access to safe drinking water and sanitation facilities, particularly in remote areas of the country; and**

(b) **Increase children's knowledge of environmental health issues by introducing environmental health education programmes in schools.**

**HIV/AIDS**

57. The Committee commends the State party for having met Millennium Development Goal 6 well ahead of schedule. It welcomes the various multisectoral measures taken to address the prevention and reduction of HIV/AIDS infection and takes note of the national programme for preventing mother-to-child transmission of HIV/AIDS (PMTCT), which provides pregnant women with voluntary counselling and free HIV-testing. The Committee nevertheless expresses its concern at the relatively high rate of children born at risk from mother-to-child transmission of HIV/AIDS annually. It notes with concern that adolescents are increasingly at risk of HIV-infection while the level of HIV/AIDS awareness among them has decreased. It is also concerned about the presence of risk factors predisposing HIV-infection such as the high number of sex workers. Further, it is concerned that that free trade agreements currently being negotiated with some other countries may negatively impact access to affordable medicines, in particular antiretroviral drugs.

58. **The Committee recommends that the State party, taking into account its general comment No. 3 on HIV/AIDS and the rights of the child of 2003 (CRC/GC/2003/3) and the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37), continue to:**

(a) **Take multisectoral efforts to prevent new HIV-infections by adopting and implementing policies and programmes that particularly reflect community-level realities and by providing more technical and financial support for local-level programming, implementation and monitoring;**

(b) **Fully implement the national programme for preventing mother-to-child transmission of HIV/AIDS (PMTCT) by providing all pregnant women with adequate health and social services free of charge and by providing HIV-positive mothers with antiretroviral drugs and formula feeding for infants;**

(c) **Prevent and prohibit discrimination against children infected with and affected by HIV/AIDS, and ensure that these children have access to adequate social and health services;**

(d) **Ensure access to child-sensitive and confidential HIV/AIDS counselling when required by a child without parental consent;**

(e) **Systematically include accurate and comprehensive information about HIV/AIDS and sex education, including condom promotion, in school and tertiary-level curricula, and provide training to teachers and other education officials on teaching about HIV/AIDS and sex education;**

(f) **Ensure that regional and other free trade agreements do not have a negative impact on the enjoyment of the right to health by children. More specifically, ensure that such agreements will not negatively impact the availability of drugs and medicines for children; and**

(g) **Seek technical assistance from, among others, the Joint United Nations Programme on HIV/AIDS.**

59. **The Committee also recommends that the State party integrate respect for the rights of the child and involve children in the development and implementation of its HIV/AIDS policies and strategies, including by taking into consideration the recommendations adopted by the Committee at its day of general discussion on children living in a world with HIV/AIDS (CRC/C/80, para. 243).**

#### **Standard of living**

60. **Notwithstanding the State party's continuous and very successful efforts to reduce poverty in Thailand, including the establishment of the Child Protection Fund, the Committee notes with concern that 36 per cent of the poor are children and that there are wide disparities in income levels across regions - the north and north-east, and the three southernmost provinces being the most economically disadvantaged areas. The Committee is deeply concerned about difficulties faced by children living in poverty, particularly orphans, street children, children with disabilities and children belonging to indigenous and minority communities, in the full enjoyment of their human rights, including access to social and health services and education.**

61. **In accordance with article 27 of the Convention, the Committee recommends that the State party continue to allocate resources for effective poverty reduction measures, particularly in the north, north-east and the three southernmost provinces. It recommends that the State party strengthen its efforts to raise the standard of living among its population living in poverty, inter alia, through enhancing the capacity to develop and monitor poverty reduction strategies at the local and community levels, and ensuring access to social and health services, education and adequate housing. It also requests the State party to increase its efforts to provide earmarked funds and concrete assistance and support to children and families in poverty.**

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

**Education, including vocational training and guidance**

62. The Committee welcomes various legislative, administrative, policy and budgetary measures to increase compulsory schooling from 6 to 9 years and to provide free education for up to 12 years, as well as to expand access to education, improve educational facilities and provide education in local or minority languages. In particular, the Committee welcomes the Cabinet's resolution of 5 July 2005, which provides non-registered children, including children of non-registered migrants as well as stateless children with access to the regular education system. Notwithstanding these positive steps, the Committee remains concerned that some children, particularly those belonging to the most vulnerable groups and those living in remote areas, still do not have equal access to quality education. The Committee is also concerned that preschool facilities are limited and that dropout rates at primary and secondary levels remain high.

63. The Committee urges the State party to fully implement the Cabinet resolution, which provides non-registered children with access to the regular education system and to allocate adequate resources for its implementation at the local level. In light of article 28 of the Convention, the Committee recommends that the State party allocate adequate financial, human and technical resources in order to:

(a) Expand affordable preschool facilities in all areas of the country;

(b) Adopt effective measures to decrease the dropout rate in primary and secondary school;

(c) Continue efforts to provide indigenous and minority children with equal access to quality education, which respects their distinct cultural patterns and uses local indigenous and minority languages;

(d) Ensure the supervision by the Ministry of Education of all schools within the jurisdiction of the State party to ensure that children receive the same educational curricula while respecting the rights of minorities to study their own language and religion, and to ensure that every child receiving education is protected from extremist political or religious ideology;

(e) Take all necessary measures to ensure equal access to quality education to children in the southernmost provinces of the State party belonging to the most vulnerable groups;

(f) Expand the availability and improve the quality of vocational training; and

(g) Cooperate with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and UNICEF, among others, as well as non-governmental organizations to improve the education sector.



### **Aims of education**

64. The Committee is concerned about the overall quality of education due in part to the poor quality of teaching methods and to a shortage of qualified teachers. It notes with concern that the highly competitive nature of the education system, increasing particularly as children approach higher levels of learning, places additional burdens on children and may hamper the development of the child to his or her fullest potential. In this respect the Committee notes that some children attend tutor schools after regular school hours, which limits the possibility for rest, leisure, play, cultural and recreational activities, and for which there are additional costs. Further, it notes that there are inadequate sports and recreation opportunities in many schools. The Committee is also concerned that teaching and learning activities regarding human rights and child rights are left to the discretion of teachers and are not made compulsory in all schools.

65. **The Committee recommends that the State party, taking into account its general comment No. 1 of 2001 (CRC/GC/2001/1) on the aims of education, take all measures to:**

**(a) Strengthen further its efforts to improve the quality of education, including through teacher training and expanding recruitment of qualified teachers, in particular women and persons from minority and indigenous groups;**

**(b) Enhance the quality of education in a manner that seeks to reduce the competitiveness of the education system and promotes active learning capacities and strengthen efforts to promote the development of children's personality, talents and abilities to their fullest potential, including through the promotion of cultural life, the arts, play and recreational activities in schools;**

**(c) Provide sports and recreational activities as part of the curriculum; and**

**(d) Ensure that the teaching of human rights education, including education on children's rights, is mandatory in both public and private schools at all education levels.**

### **8. Special protection measures**

**(arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)**

### **Children of refugees and asylum-seekers**

66. While noting that legislation on registration of birth and nationality of children born in Thailand are currently being drafted, the Committee is deeply concerned at the absence of a legal framework for the protection of children of refugees and asylum-seekers in Thailand as well as the potential for refoulement. It is also concerned about unaccompanied or separated children who are particularly vulnerable to abuse and exploitation. Further, it is concerned about the security of children, including former child soldiers that may be housed in refugee camps. The Committee regrets that the State party has not ratified the 1951 Convention relating to the Status of Refugees and its 1967 Optional Protocol and that the State party has not withdrawn its reservations to articles 7 and 22 of the Convention.

67. **The Committee urges the State party urgently to adopt and implement legislation for the protection of asylum-seeking and refugee children, and ensure that policies and programmes are implemented that guarantee the security of these children, in particular**

**in camps. It also urges the State party to ensure that the principle of non-refoulement is respected in decisions with respect to these children, in particular former child soldiers. The Committee also reiterates its previous recommendations and urges the State party to ratify the 1951 Convention relating to the Status of Refugees and its 1967 Optional Protocol.**

### **Children of migrant workers**

68. While acknowledging the State party's efforts to register children of migrant families, it is still deeply concerned about their vulnerability in Thailand. The alleged human rights violations of migrant workers and their family members, such as arbitrary arrests and detention by local police, give cause for serious concern. The Committee regrets that many families, even pregnant women with small children, are deported despite their fear of persecution. In addition, the Committee notes with particular concern that children of migrant workers lack access to a range of health and education services, including those related to HIV/AIDS prevention and care, that their living conditions are often extremely poor and that many of them work long hours in hazardous conditions.

69. **The Committee recommends that the State party take urgent measures to ensure that the children of migrant workers or their family members, in particular non-registered migrants, are not arbitrarily arrested, detained or persecuted and that if they are to be returned to their country of origin, the principle of non-refoulement should be respected. It recommends that the children of migrant workers are ensured access to health and social services and to education in accordance with the principle of non-discrimination. Furthermore, the Committee recommends that the State party ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

### **Economic exploitation and child labour**

70. The Committee notes that a National Plan of Action for the Elimination of the Worst Forms of Child Labour (2004-2009) has been introduced. It also notes with appreciation the State party's cooperation with the International Labour Organization's International Programme on the Elimination of Child Labour (ILO/IPEC). Despite these positive measures, the Committee remains concerned at the widespread occurrence of economic exploitation, including child labour, in the State party. It is also concerned that the Labour Protection Act does not cover children working in the informal sector (for example agriculture, small-scale family enterprises and domestic service).

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

(a) **Effectively implement domestic labour laws;**

(b) **Extend the Labour Protection Act to ensure protection for children working in the informal sector;**

**(c) Improve the labour inspection system in order to safeguard that work performed by children is light work and not exploitative, and enable that system to monitor and report on the practice of domestic and rural labour by children;**

**(d) Ensure that children engaged in labour continue to have access to education, training and recreation; and**

**(e) Continue to actively participate in regional and interregional ILO/IPEC activities.**

### **Sexual exploitation and trafficking in children**

72. The Committee notes the serious efforts made by the State party to combat the sexual exploitation of children, including the adoption of the Prevention and Suppression of Prostitution Act of 1996 and the Plan of Action on Preventing and Combating Commercial Sexual Exploitation. It expresses its concern, however, at the wide occurrence of sexual exploitation including child prostitution, sex tourism and child pornography in the State party.

73. Despite the State party's intensified efforts to combat trafficking in children, such as the establishment in March 2005 of the National Committee on Prevention and Suppression of Human Trafficking, the adoption of a six-year national policy and plan of action to address the issue of trafficking in children and women in 2003 and the conclusion of memoranda of understanding with neighbouring countries, the Committee expresses its deep concern that Thailand is a source, transit and destination country for trafficking in children for the purposes of sexual exploitation and forced labour. It notes with concern the reported cases of internal trafficking, such as trafficking of girls belonging to indigenous and tribal peoples from north to south. It further notes with concern the increased risk of trafficking and exploitation faced by children of vulnerable groups, as well as the deportation of child trafficking victims. Furthermore, weak law enforcement and implementation of anti-trafficking measures in the State party give cause for serious concern.

**74. The Committee urges the State party to strengthen its efforts to provide adequate assistance and social reintegration services for sexually exploited and/or trafficked children in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.**

**75. In light of article 34 and other related articles of the Convention, the Committee recommends that the State party:**

**(a) Strengthen measures to combat all forms of trafficking within the country and across its borders by ensuring effective enforcement of the relevant legislation;**

**(b) Strengthen and expand bilateral and multilateral agreements and cooperation programmes with other countries of origin and transit to prevent trafficking in children;**

**(c) Ensure that all trafficking cases are investigated and that perpetrators are charged and punished;**

**(d) Ensure that child victims of trafficking are protected and not criminalized and that they are provided with adequate recovery and social reintegration services and programmes;**

**(e) Pay particular attention to the existing risk factors, such as the increasing sex tourism in the region, and continue to collaborate with the Tourism Authority of Thailand (TAT) and tourism service providers in this respect;**

**(f) Continue to raise public awareness about the negative effects of child trafficking and train professionals working with and for children as well as the general public to combat and prevent trafficking in children;**

**(g) Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000); and**

**(h) Strengthen cooperation, among others, with the ILO/IPEC, International Organization for Migration and non-governmental organizations.**

#### **Administration of juvenile justice**

76. The Committee welcomes the recent amendment to the Act Instituting the Juvenile and Family Courts and the Juvenile and Family Procedures of 1991 that entered into force in February 2005, which stipulates that procedures for Juvenile and Family Courts must be applied in all Criminal Courts in provinces where such Courts do not exist. It notes the recent Ministerial regulation prohibiting corporal punishment in penal institutions. The Committee also welcomes the use of shelter houses, as well as diversion programmes for juvenile offenders and the Family Group Conferencing programme, which promote the concept of restorative justice. The Committee notes that approximately 4,500 juvenile offenders are sent to detention centres every year. It is concerned, however, that children continue to be housed with adults in detention due to a lack of juvenile detention facilities in some areas. It also reiterates its concern at the low minimum age of criminal responsibility (7 years).

77. The Committee reiterates its previous recommendation and urges the State party to ensure that its legislation and practice concerning juvenile justice is in full compliance with the provisions of the Convention, in particular articles 37, 39 and 40 as well as other relevant international standards in this area such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) (General Assembly resolution 40/33), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) (General Assembly resolution 45/112), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (General Assembly resolution 45/113) and the Guidelines for Action on Children in the Criminal Justice System (annexed to Economic and Social Council resolution 1997/30 of 21 July 1997). In this regard, the Committee recommends that the State party:

**(a) Amend the relevant provisions of its Penal Code to increase the minimum age of criminal responsibility to an internationally acceptable standard;**

- (b) Amend its national legislation to reinforce the prohibition against the use of corporal punishment in penal institutions;**
- (c) Ensure that detained persons below 18 years are always separated from adults, and that deprivation of liberty is used only as a last resort for the shortest appropriate time and in appropriate conditions;**
- (d) Expedite the provision of separate facilities and/or separate cells in detention facilities for persons below 18 to ensure that they exist in all districts, and to provide educational, vocational and therapeutic programmes for those incarcerated;**
- (e) Continue to implement alternative measures to detention such as diversion, probation, counselling, family and community group conferencing, community service or suspended sentences;**
- (f) Support and reinforce prevention strategies and measures, particularly with regard to vulnerable children;**
- (g) Support community-based programmes and services to assist children in conflict with the law and their reintegration with society; and**
- (h) Seek technical cooperation from, inter alia, UNICEF and OHCHR.**

#### **Children belonging to indigenous and minority communities**

78. The Committee expresses its concern about the situation of children belonging to indigenous, tribal and minority communities who are subject to both stigmatization and discrimination. In particular, it is concerned about widespread poverty among indigenous peoples and minorities and the limited enjoyment of their human rights, in particular, concerning their access to social and health services and education. The Committee is also concerned that many indigenous and minority children are stateless and/or have no birth registration and are at increased risk for abuse and exploitation. It further notes that there is at present insufficient demographic data on the hill-tribe population in Thailand.

79. The Committee recalls the State party's obligations under articles 2 and 30 of the Convention and recommends that it ensure the full enjoyment, by indigenous and minority children, of all of their human rights equally and without discrimination. In this regard, the Committee urges the State party to take adequate measures to protect the rights of indigenous and minority children to preserve their historical and cultural identity, customs, traditions and languages, taking into account the recommendations adopted by the Committee on its day of general discussion on the rights of indigenous children in September 2003. It also urges the State party to continue to develop and implement policies and programmes in order to ensure equal access to culturally appropriate services, including social and health services and education. The Committee also recommends that the State party ensure access to birth registration for all indigenous and minority children and continue to implement measures to address the issue of statelessness. The Committee

**further recommends that the State party conduct a demographic survey of the hill-tribe population and of all other minority and indigenous groups, disaggregating data by sex, age and province.**

## **9. Optional Protocols to the Convention on the Rights of the Child**

**80. The Committee welcomes the State party's accession to the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography in January 2006. It notes the Cabinet's recent decision to become party to the Optional Protocol on the involvement of children in armed conflict and recommends that the State party ratify that Optional Protocol.**

## **10. Follow-up and dissemination**

### **Follow-up**

**81. The Committee recommends the State party to take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the members of the Cabinet, the Parliament, to the relevant ministries and to provincial and district authorities, when applicable, for appropriate consideration and further action.**

### **Dissemination**

**82. The Committee further recommends that the second periodic report and written replies submitted by the State party and related recommendations (concluding observations) it adopted 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.**

## **11. Next report**

**83. In light of the recommendation on reporting periodicity adopted by the Committee and described in the report of its twenty-ninth session (CRC/C/114), the Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States parties' responsibilities to children under the Convention is ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the Convention's implementation. In this regard, regular and timely reporting by States parties is crucial. The Committee invites the State party to submit its third and fourth reports in one consolidated report by 25 April 2009, the due date of the fourth report. This consolidated report should not exceed 120 pages (see CRC/C/148). The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.**

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