



Save the Children



## Report

# CHILD RIGHTS SITUATION ANALYSIS IN THAILAND

12 July, 2021 Bangkok



# ACKNOWLEDGMENTS

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Note this report is available in Thai and English.

# FOREWARD

By Prasert Tepanart, Save the Children Thailand National Director

The realization of children’s rights is at the core of Save the Children’s work across all 120 countries where we operate. Our vision is a world in which **every child attains their rights to survival, protection, development and participation**. Save the Children is working to inspire breakthroughs in the way the world treats children, and to achieve immediate and lasting change in their lives.

The Child Rights Situation Analysis (CRSA) has informed Save the Children’s strategic decision-making since the United Nations Convention on the Rights of the Child came into force in 1990. A Country-focused CRSA enables us to understand the extent to which children’s rights are being fulfilled and the obstacles to their realization. SC Thailand launched a Thailand-focused CRSA in 2021 to inform the design of our 2022-24 Country Strategic Plan, serving to shape our program, advocacy and campaigning priorities, and where we will focus our resources and partnerships to improve the lives of children. The CRSA has been informed by the review of 299 documents and websites with focus on quality child rights reports and official statistics. Consultations with children have been carried out and validation workshops conducted with child rights partners, government and Save the Children experts.

The findings of this CRSA point to many positive steps taken by the Royal Thai Government to improve the situation of children in Thailand. Despite this progress, there remains a considerable number of child rights issues affecting the country, particularly for the most marginalized and discriminated against children. **Children continue to lack access to quality basic services in parts of the country, including education, health and protection services**, and child protection risks include some of the gravest: including high rates of child exploitation and trafficking, abuse and neglect, and institutional care. **Youth lack opportunities for advancement** and face higher rates of unemployment, especially youth from marginalized communities. **Children’s abilities to speak out, advocate for their rights and freely associate are not fully realized**. Children and families living in unstable situations due to discrimination, poverty, and lack of education and opportunity, are more **vulnerable to the impacts of both natural and human-made disasters**. COVID-19 has pushed families without adequate safety nets, access to paid work, and infrastructure into crisis, with dire consequences for child wellbeing.

Save the Children has been working alongside committed partners and government agencies in Thailand since 1984, and globally for over 100 years. Working to ensure all children in Thailand have the best possible chance at life is only possible when we collaborate to build on the powerful influence we collectively hold – from the Royal Thai Government’s public policy expertise, to Thailand’s vibrant private sector, UN and NGO Child Rights global experience, and civil society’s local knowledge - **and by listening to and empowering children**.

It is our desire that the chapters of this analysis offer a comprehensive and evidenced perspective on the situation of children in Thailand, in order to contribute to better public policy and financing decisions to address critical child rights issues in the country.



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# ACRONYMS

<b>ALP:</b>	Accelerated Learning Programme
<b>APF:</b>	Asia Pacific Forum of National Human Rights Institutions
<b>APRRN:</b>	Country Committee consisting of Asia Pacific Refugee Rights Network
<b>ASEAN:</b>	Association of Southeast Asian Nations
<b>ASEAN AICHR:</b>	Intergovernmental Commission on Human Rights
<b>BCG:</b>	Bacille Calmette-Guérin (Tuberculosis) Vaccine
<b>BRC:</b>	Bangkok Refugee Center
<b>BRN:</b>	Barisan Revolusi Nasional Melayu Patani
<b>CAB:</b>	Child Adoption Board
<b>CAC:</b>	Child Adoption Center
<b>CEDAW:</b>	Convention on the Elimination of all Forms of Discrimination Against Women
<b>COPAT:</b>	Child Online Protection Action Thailand
<b>CPCR:</b>	Centre for the Protection of Children’s Rights
<b>CRC:</b>	Convention on the Rights of the Child
<b>CRC:</b>	Committee on the Rights of the Child
<b>CRCCT:</b>	Convention on the Rights of the Child Coalition of Thailand
<b>CRSA:</b>	Child Rights Situational Analysis
<b>CRSP:</b>	Coalition for Rights of Refugee and Stateless Person
<b>CSOs:</b>	Civil Society Organisations
<b>CTF:</b>	ChildLine Thailand Foundation
<b>DCY:</b>	Department of Child and Youth
<b>DHS:</b>	District Health Services
<b>DLPW:</b>	Department of Labor Protection and Welfare
<b>DSI:</b>	Department of Special Investigation’s
<b>DTP:</b>	Diphtheria and tetanus toxoids and whole-cell pertussis vaccine
<b>EASE:</b>	Ensuring Appropriate Safeguarding for Emigrant and Trafficked Children
<b>ECCD:</b>	Early Child Care and Development
<b>FAO:</b>	Food and Agriculture Organisation
<b>FGM:</b>	Female Genital Mutilation
<b>GDP:</b>	Gross Domestic Product
<b>GRID:</b>	Group-based Inequality Database
<b>HBV:</b>	Hepatitis B virus
<b>HIV/AIDS:</b>	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
<b>HSF:</b>	The Holt Sahathai Foundation

<b>ICT:</b>	Information Communications Technology
<b>IDC:</b>	Immigration Detention Center
<b>IDELA:</b>	International Development and Early Learning Assessment
<b>IDP:</b>	Internal Displaced People
<b>ILO:</b>	International Labour Organisation
<b>IOM:</b>	International Organisation for Migration
<b>IPCC:</b>	Intergovernmental Panel on Climate Change
<b>IPEC:</b>	International Programme on the Elimination of Child Labour
<b>IPV:</b>	Inactivated Poliovirus Vaccine
<b>ISEE:</b>	Information System for Equitable Education
<b>JENA:</b>	Joint Education Needs Assessment
<b>JICA:</b>	Japan International Cooperation Agency
<b>JRS:</b>	Jesuit Refugee Service
<b>LGBTI(Q)+:</b>	Lesbian, Gay, Bisexual, Transgender, Intersex, Queer/Questioning
<b>MCH:</b>	Maternal and Child Health
<b>MICS:</b>	Multiple Indicator Cluster Surveys
<b>MLC:</b>	Migrant Learning Center
<b>IMR:</b>	Infant Mortality Rate
<b>MMR:</b>	Maternal Mortality Ratio
<b>MMR1:</b>	Measles, Mumps, and Rubella
<b>MoE:</b>	Ministry of Education
<b>MoJ:</b>	Ministry of Justice
<b>MoL:</b>	Ministry of Labor
<b>MoPH:</b>	Ministry of Public Health
<b>MoU:</b>	Memorandum of Understanding
<b>MSDHS:</b>	Ministry of Social Development and Human Security
<b>(P)MTCT:</b>	(Prevention of) Mother-to-Child Transmission
<b>MWAC:</b>	Migrant Worker Assistance Centre
<b>NCPO:</b>	National Council for Peace and Order
<b>NCCYD:</b>	National Council for Child and Youth Development
<b>NGO:</b>	Non-Governmental Organisation
<b>NHES:</b>	National Health Examination Survey
<b>NHRCT:</b>	National Human Rights Commission
<b>NHSO:</b>	National Health Survey Office
<b>OAG:</b>	Office of the Attorney General
<b>OECD:</b>	Organisation for Economic Co-operation and Development
<b>OHCHR:</b>	Office of the High Commissioner for Human Rights
<b>O-NET:</b>	Ordinary National Education Test

<b>OOSC:</b>	Out of School Children
<b>OSCC:</b>	One-Stop Crisis Centre
<b>OTEPC:</b>	Office of the Teacher Civil Service and Educational Personnel Commission
<b>PAD:</b>	People’s Alliance for Democracy
<b>PISA:</b>	Programme for International Student Assessment
<b>PPRP:</b>	Palang Pracharat Party
<b>PROMPT:</b>	Promoting Safe and Child Friendly Legal Mechanisms and Pathways for Child Victims of Trafficking
<b>PSDHS:</b>	Provincial Social Development and Human Security office
<b>RTP:</b>	Royal Thai Police
<b>SBPs:</b>	Southern Border Provinces
<b>SC(I):</b>	Save the Children (International)
<b>SCP:</b>	Sustainable Consumption and Production
<b>SDGs:</b>	Sustainable Development Goals
<b>SEC:</b>	Sexual Exploitation of Children
<b>SEP:</b>	Sufficiency Economy Philosophy
<b>SGBV:</b>	Sexual and Gender-Based Violence
<b>SOGIESC:</b>	Sexual Orientation, Gender Identity, Gender Expression, Sex Characteristics
<b>SPACE:</b>	Support for the Standardized Protection and Care Embraced in Government Shelters in Thailand
<b>TATIP:</b>	Thailand Anti-Trafficking in Persons Taskforce
<b>TCIJ:</b>	Thai Civil Rights and Investigative Journalism
<b>TEA:</b>	Togetherness For Equality
<b>THB:</b>	Thai Baht
<b>TICAC:</b>	Thailand Internet Crimes Against Children Taskforce
<b>TIEB:</b>	Thai Integrated Energy
<b>TPAK:</b>	Thailand Physical Activity Knowledge Development Centre
<b>TPEC:</b>	Teacher Civil Service and Educational Personnel Commission
<b>UASC:</b>	Unaccompanied and Separated Children
<b>UDD:</b>	United Front of Democracy Against Dictatorship
<b>UHC:</b>	Universal Health Coverage
<b>UMIC:</b>	Upper-Middle Income Country
<b>UN:</b>	United Nations
<b>UNDESA:</b>	United Nations Department of Economic and Social Affairs
<b>UNESCO:</b>	United Nations Educational, Scientific and Cultural Organisation
<b>UNDP:</b>	United Nations Development Programme
<b>UNFPA:</b>	United Nations Fund for Population Activities
<b>UNHCR:</b>	United Nations High Commissioner for Refugees



**UNICEF:** United Nations Children's Fund  
**UPR:** Universal Periodic Review  
**USI:** Universal Salt Iodization  
**WASH:** Water, Sanitation and Hygiene  
**WHO:** World Health Organisation

*“I want to see the world that gives all children equal opportunity no matter who they are, where they are from, what sex/gender or nationality they hold. I want to see the world where adults listen hard to children and the problems that are facing the children are taken seriously and solved. I want to see children getting support they need to grow and reach their full potentials. I want to see children learn and develop as much as they want to without any barriers”.*

Consultations with children organised by SCI Thailand during the Country Strategic Planning process

## 1.1 Introduction and methodology

After the endorsement of the UN Convention on the Rights of the Child (CRC) in 1990, Save the Children began conducting the Child Rights Situation Analysis (CRSA), with the objective of informing strategic planning and implementation. In the 2013 Guidelines developed by Save the Children as a guide, the CRSA is defined as “an in-depth description of the extent to which children’s rights are being enjoyed and an analysis of the obstacles to, and enablers of, their realization”.<sup>1</sup>

In February 2021, Save the Children Thailand sought a team of consultants to conduct a CRSA, with the aim of using the document to develop its 2022-2024 Country Strategic Plan.

## 1.2 Methodology and process

A team of two consultants has been working together to write the CRSA: the lead consultant (in charge of coordination with SCI in Thailand and desk review of secondary sources in English), and a support consultant of Thai nationality (in charge of desk review in Thai) which has in fact been the main activity of the CRSA.

In addition to collecting a fairly large number of documents, a list has been compiled and consulted (Annex 1). Globally, 299 documents and websites have been consulted. Documents include:

- human rights and child rights reports;
- studies, reports, and researches on the Thai context;
- child protection reports;
- research on health and education;
- official statistics.

The documents collected in the large bibliography have been selected based on criteria such as:

- Year of publication: almost all documents date from 2011 on, with a large number dating from 2017 on.
- The key words used in the (online) research include a large number of terms related to different chapters of the CRSA.
- The authors and publishers: publishers of renown expertise (Thailand government, UN agencies like UNICEF and UNESCO, CSOs, and platforms).

The main milestones of the process have been the following:

- Kick-off internal meeting (11 March 2021).
- Consultations with Children (March/April 2021).
- Internal validation workshop (10 May 2021).
- External validation process with CSO partners and government’s stakeholders and final report: beginning of July 2021.

## 1.3 Challenges and limitations of the CRSA

1. Time constraints have represented the biggest challenge for conducting the CRSA in approximately 3 months, which is an extremely tight timeframe for this type of exercise.
2. SCI Thailand has conducted in-country primary data collection with children, in the framework of the Universal Periodic Review and Country Strategic Planning exercises, with a total of 69 participating children and youth (49 below 18 years of age, 16 above 18 years of age).
3. Due to the limited time, conducting interviews with main stakeholders in-country has been impossible, which deprives the CRSA of the valuable contribution of Key Informants. However, written consultations and oral exchanges with SCI Thailand Core Team have allowed to include some additional findings.
4. As a consequence, as outlined below, this CRSA is based mainly on secondary sources, without the possibility to properly triangulate findings with primary data, as recommended in social research.
5. This CRSA does not intend to be an exhaustive and detailed description of the in-country child rights situation, but rather an overview of the available qualitative and quantitative data on the child situation in Thailand, and an effort to examine the CRC dispositions.
6. Concerning the thematic chapters, the focus has been put into Child Protection and Education, with a snapshot on Health and Civil Rights and Freedoms.
7. Official data collection in Thailand was impacted by the COVID-19 in 2020; for instance, the Household Census (originally planned for 2020) has been postponed.
8. Several other information gaps are present in the document. For instance: lack of data on children in conflict with the law, lack of data on the prevalence of violence, impossibility of presenting disaggregated data per region/province, and no analysis of Child Participation.

## 1.4 Structure of the CRSA

- Section 1 of the report introduces the CRSA.
- Section 2 is a presentation of Thailand, without being an exhaustive description of the context or country. It provides an overview of the evolving in-country political context, socio-economic situation, progress against SDGs, climate change, an overview of people on the move in country, and the gender question.
- Section 3 refers to the legislative and institutional architecture of the child rights’ situation in Thailand for the application of the CRC. This section is supplemented by Annex 2, providing a list of international human rights instruments that have been signed and/or ratified by Thailand.
- Sections 4, 5, 6 and 7 analyse the progress made and principal challenges posed to children’s rights in Thailand by theme (Child Protection, Health and Nutrition, Education, Civil rights and Freedoms), grouping the clusters

<sup>1</sup> Save the Children, 2013, *Child Rights Situation Analysis Guidelines*, page 6.

of the CRC articles related to children’s substantive rights, with gender and inclusion analysis by theme. This section does not offer any conclusions but puts forward hypotheses on how things may play out.

- Section 8 provides recommendations to Save the Children Thailand for future programming. This section does not claim to offer solutions to the child-related problems.

## 1.5 Overview of Save the Children in Thailand

Save the Children has been active in Thailand since 1984 and has responded to various in-country emergencies, the most recent being the COVID-19 pandemic crisis. In 2020, the organisation directly reached 102,240 persons – including 57,559 children (29,327 girls, 28,032 boys) and 44,881 adults (24,048 women, 20,833 men) - through Education, Child Protection and Safety and Health programmes. Zones of activity include: nine refugee camps along Thai-Myanmar border across 4 Provinces; Border areas with high populations of migrant families from Myanmar and ethnic and indigenous Thai children (Tak, MHS, Chiang Rai); Deep South - Narathiwat, Pattani, Yala Provinces - and Songkla; Andaman Sea area - Ranong, Surat Thani, Phang Nga; Urban provinces near Bangkok area; Central Thailand: Saraburi and Nakhon Rachasima; Disaster-affected areas.



## 2. The Context

### 2.1 Thailand in a nutshell

#### Government

- **Chief of State:** King WACHIRALONGKON
- **Head of Government:** Prime Minister PRAYUT Chan-Ocha
- **Government Type:** constitutional monarchy

#### Population:

- **Population:** 69,480,520 (July 2021 est.) (\*)
- **Ethnicity:** Thai 97.5%, Burmese 1.3%, other 1.1% (2015 est.) (\*)
- **Languages:** Thai (official) only 90.7%, Thai and other languages 6.4%, 2.9% only other languages (includes Malay, Burmese) (2010 est.) (\*)
- **Religions:** Buddhist 94.6%, Muslim 4.3%, Christian 1% (2015 est.) (\*)
- **Urbanisation:** urban population: 51.4% of total population (2020) rate of urbanisation: 1.73% annual rate of change (2015-20 est.) (\*)

#### Environment:

- **Area:** 513,120 Km<sup>2</sup> (\*)
- **Administration:** 6 regions, 75 provinces
- **Climate:** tropical; rainy, warm, cloudy Southwest monsoon (mid-May to September); dry, cool Northeast monsoon (November to mid-March); Southern isthmus always hot and humid (\*)
- **Natural resources:** tin, rubber, natural gas, tungsten, tantalum, timber, lead, fish, gypsum, lignite, fluorite, arable land (\*)
- **Long-term climate risk index:** Score: 29,83. Position: 9/10 most affected countries (2000-2019) (\*\*\*\*\*)

#### Economic Indicators:

- **Gross Domestic Product (GDP):** 543.798 Billion USD (2019 est.) (\*)
- **Gross Domestic Product per capita:** \$18,460 (2019 est)(\*)
- **Growth rate:** -2% (Q1 2020) (\*\*\*)
- **Sectors:** industry: 36.2%; service: 55.6% of GDP; agriculture: 8.2% of GDP (\*)
- **Unemployment rate:** 2% (2020) (\*\*\*)
- **Public debt:** 49.4% of GDP (2020) (\*\*\*)
- **Inflation:** -0.9% (\*\*\*)
- **Gini index:** 34.9 (2019 est.).<sup>2</sup>

#### Human Development Indicators:

- **Human Development Index (HDI):** 0.777 (\*\*)
- **HDI Rank:** 79/189 (\*\*)
- **Human inequality coefficient:** 16.7% (\*\*)
- **Multidimensional poverty Index:** 0,003 (\*\*)
- **Intensity of deprivation:** 39.1% (\*\*)
- **Life expectancy at birth:** 77,2 (\*\*)
- **Expected years of schooling:** 15 (\*\*)

<sup>2</sup> Accessed last time 29 March 2021

World Factbook Thailand: <https://www.cia.gov/the-world-factbook/countries/thailand/>

<sup>2</sup> <https://data.worldbank.org/indicator/SI.POV.GINI?end=2019&start=1967&view=chart>

UNDP, 2021, *Briefing note for countries on the 2020 Human Development Report - Thailand*. (\*\*)  
World Bank Group, January 2021, *Thailand economic monitor - Restoring incomes recovering jobs*, World Bank, Bangkok. (\*\*\*)  
<https://data.worldbank.org/indicator/NY.GDP.MKTP.CD?locations=TH> (\*\*\*\*)  
[https://www.visionofhumanity.org/wp-content/uploads/2020/10/GPI\\_2020\\_web.pdf](https://www.visionofhumanity.org/wp-content/uploads/2020/10/GPI_2020_web.pdf) (\*\*\*\*\*)  
INFORM Severity Index Humanitarian Data Exchange (humdata.org) (\*\*\*\*\*)  
Microsoft Word - 20-2-01e Global Climate Risk Index 2020 (germanwatch.org)

## 2.2 Political context

### 2.2.1 A country always at the edge of a coup

While the absolute monarchy in Thailand ended in 1932, under King Bhumibol Adulyadej (r.1946 -2016), the throne regained power and became the centre of a “*democracy with the king as head of state*”,<sup>3</sup> consolidating the concept of national identity built on the monarchy and Buddhism, preserving order and harmony.<sup>4</sup>

However, throughout Thailand’s history, an incredibly high number of coups d’états and renewals of the Constitution have taken place: 13 successful coups, seven attempted.<sup>5</sup>

In 1997, the economic crisis “*undermined the economic powerhouse of the political establishment*”, facilitating the rise of telecom magnate Thaksin Shinawatra who won the elections in 2001 with his populist programme. It should be noted that, during his mandate, Thaksin promoted a war on drugs (2003) that “*left more than 2,800 extra-judicial killings*” without any criminal investigations.<sup>6</sup>

By the end of his mandate, there were protests by the People’s Alliance for Democracy (PAD) or “yellow shirts” while the United Front of Democracy Against Dictatorship (UDD) or “red shirts” also emerged against the junta and its elite, supporting the victory of the new party behind which Thaksin was staging his return in 2005. The protests continued from 2005 to 2010.<sup>7</sup> Military forces responsible for casualties during the clashes (with at least 99 dead among the UDD and 2,000 injured) were never charged for their use of force against protesters.<sup>8</sup> In 2014, a military intervention ended the clashes.<sup>9</sup>

### 2.2.2 The 2019 elections and the recent clashes

Since 1932, the Constitution has been reviewed twelve times: in 2016, the Thai population approved the latest version (proposed by the ruling military junta) through a national referendum, with geographical differences, as people in the Northeast and Southernmost provinces did not approve the draft.

After the 2014 *coup d’état* led by general Prayuth Chan-o-cha, the first elections took place in March 2019. Although Prayuth Chan-o-cha was reconfirmed as Prime Minister, the military-

backed Palang Pracharat Party (PPRP) largely won the popular vote. Also, the new Future Forward Party (FFP), guided by the billionaire Thanathorn Juangroongruangkit, met with outstanding success (ranking third), thanks to the support of youth, mostly from urban locations.<sup>10</sup> The FFP’s progressive programme focused on dismantling the *status quo* and military power, fostering the social protection system and enhancing decentralisation.

The Election Commission changed the calculation of the party-list seats after the vote, and this increased the perception that “*the election [...] revealed deep polarisation in society and a lack of reconciliation under the NCPO*”.<sup>11</sup>

At the end of 2019, the FFP was dissolved after the suspension of its leader Thanathorn under suspicion of providing a multimillion loan to the party, along with criminal charges for his alleged hostility against the monarchy.<sup>12</sup>

This triggered protests by pro-democracy activists in the beginning of 2020, calling on the government to leave. Protests started in schools and universities across Thailand, with protesters gathering at the parliament building on 13 March. The COVID-19 state of emergency decree was approved on 24 March and extended until the end of August,<sup>13</sup> with subsequent lockdown, ban of public assemblies,<sup>14</sup> and disruption of the protests. There were numerous incidents of harassment against human rights defenders and protesters, such as the June kidnapping of political activist Wanchalearn Satsakit in Cambodia.<sup>15</sup>

In this scenario, cyberspace became the arena for the political fight.<sup>16</sup>

New protests led by the Free Youth Movement took place in Bangkok in July 2020, calling for a new constitution, reform of the monarchy, and claiming that their rights to freedom of expression had not been respected. Other profiles joined the movement, including children defending their rights in schools, the LGBT community, and working people severely affected by the pandemic.<sup>17</sup>

In October, while the protests continued, the government declared a state of emergency in Bangkok, *de facto* authorising riot police to repeatedly use water cannons laced with teargas, injuring dozens. Moreover, in November, Minister Prayut restored the *lèse-majesté* prosecution, leading to at least 14 activists being charged. On 18 November, António Guterres, the UN Secretary-General, spoke to “express concern” about the repression of peaceful protests.<sup>18</sup>

<sup>3</sup> International Crisis Group, 2020, *Asia report n.309 - COVID-19 and a Possible Political Reckoning in Thailand*, page 7.

<sup>4</sup> Sombatpoonsiri Janjira, 2018, *The 2014 Military Coup in Thailand: Implications for Political Conflicts and Resolution*, in *Asian Journal of Peacebuilding* Vol. 5 No. 1 (2017): 131-154, page 136.

<sup>5</sup> Sombatpoonsiri Janjira, 2018, *The 2014 Military Coup in Thailand: Implications for Political Conflicts and Resolution*, in *Asian Journal of Peacebuilding* Vol. 5 No. 1 (2017): 131-154, page 135.

<sup>6</sup> Human Rights Watch, 2021, *World report 2021*. <https://www.hrw.org/world-report/2020/country-chapters/thailand>

<sup>7</sup> Sombatpoonsiri Janjira, 2018, *The 2014 Military Coup in Thailand: Implications for Political Conflicts and Resolution*, in *Asian Journal of Peacebuilding* Vol. 5 No. 1 (2017): 131-154, page 137.

<sup>8</sup> Human Rights Watch, 2021, *World report 2021*. <https://www.hrw.org/world-report/2020/country-chapters/thailand>

<sup>9</sup> Sombatpoonsiri Janjira, 2018, *The 2014 Military Coup in Thailand: Implications for Political Conflicts and Resolution*, in *Asian Journal of Peacebuilding* Vol. 5 No. 1 (2017): 131-154, page 139.

<sup>10</sup> International Crisis Group, 2020, *Asia report n.309 - COVID-19 and a Possible Political Reckoning in Thailand*, page 3-4.

<sup>11</sup> International Crisis Group, 2020, *Asia report n.309 - COVID-19 and a Possible Political Reckoning in Thailand*, page 6.

<sup>12</sup> Article 72 of the Political Parties Law prohibits this kind of donations to parties. In International Crisis Group, 2020, *Asia report n.309 - COVID-19 and a Possible Political Reckoning in Thailand*, page 10.

<sup>13</sup> Human Rights Watch, 2021, *World report 2021*. <https://www.hrw.org/world-report/2020/country-chapters/thailand#>

<sup>14</sup> International Crisis Group, 2020, *Asia report n.309 - COVID-19 and a Possible Political Reckoning in Thailand*, page 11, 12, 19.

<sup>15</sup> International Crisis Group, 2020, *Asia report n.309 - COVID-19 and a Possible Political Reckoning in Thailand*, page 14.

<sup>16</sup> International Crisis Group, 2020, *Asia report n.309 - COVID-19 and a Possible Political Reckoning in Thailand*, page 12.

<sup>17</sup> Human Rights Watch, 2021, *World report 2021*. <https://www.hrw.org/world-report/2020/country-chapters/thailand#>

<sup>18</sup> Human Rights Watch, 2021, *World report 2021*. <https://www.hrw.org/world-report/2020/country-chapters/thailand#>

### 2.2.3. The Impact of COVID-19 pandemic



Students in 50 Healthy Schools Project in Saraburi and Nakhon Ratchasima Provinces learn about hand washing.

In January 2020, Thailand was the second country to report a confirmed COVID case, reaching a peak of transmission in March 2020; the contention of the pandemic passed through a strong community-based contact tracing and quarantine. According to press sources, between April and May 2021, Thailand was “fighting a fierce third wave of infections, the worst of the pandemic after a year of relative success in controlling the virus” and a slow rollout of vaccines, while “mass inoculations are set to begin in June”.<sup>19</sup>

Although consequences of the COVID-19 pandemic are difficult to predict, at the national and international level most analysts agree that the political order will not remain the same, especially due to the economic consequences of the crisis and the compelling need to achieve better equity.<sup>20</sup> Students and human rights activists appear to believe that popular mobilisation is the way of change, and support the reformist coalition. Clearly, the generational divide is one of the most important factors that could challenge the *status quo*.<sup>21</sup>

As explained in section 2.3.3, the government “was quick in responding to the spread of the pandemic”,<sup>22</sup> and this helped regain a certain prestige. Despite this, the economic crisis shows the “limits of Thailand’s oligarchic political and economic model”.<sup>23</sup>

<sup>19</sup> <https://www.reuters.com/world/asia-pacific/thailand-reports-new-daily-record-21-deaths-third-virus-wave-2021-05-01/>

<sup>20</sup> International Crisis Group, 2020, *Asia report n.309 - COVID-19 and a Possible Political Reckoning in Thailand*, page 21.

<sup>21</sup> International Crisis Group, 2020, *Asia report n.309 - COVID-19 and a Possible Political Reckoning in Thailand*, page 25.

<sup>22</sup> UN National Economic and Social Development Council, October 2020, *Socio-Economic Impact Assessment of COVID-19 in Thailand*, pages 3 and following.

### 2.2.4 Weak governance and internal crises



A parent and a child from Save the Children Thailand’s Positive Parenting Campaign in the Deep South of Thailand.

Until 2003, secondary sources considered Thailand a country where conflicts had declined, due to increasingly solid political systems and less military influence, defining it as an example of “positive leadership”.<sup>24</sup> Unfortunately, after 2003, multiple in-country conflicts escalated, such as clashes of violence and protests in Bangkok during the political crisis, a new phase of the century-long border dispute with Cambodia (2008-2014), and the conflict in the South of the country. Behind all these conflicts would lie the “weak state capacity”.<sup>25</sup>

Between 1960 and 1980, the guerrillas were active in the Northeast of the country (Korat plateau), inhabited by Lao speaking Isan rice growers. The government decided to invest in modernising this area, and many Isan moved to Bangkok or to new villages and, consequently, “the local population was assimilated into Thai culture, assuming a twin Thai-Isan identity”.<sup>26</sup>

The four Southern provinces of Thailand (Narathiwat, Pattani, Yala and Songkhla), home to a majority of the Thai Muslim population speaking the Pattani Malay dialect (*Yawi* in Thai), were annexed to the Thai State (former Siam), in 1909. The separatist movement, born in the 1960s, seemed to change over the years, becoming a union of different armed groups. In the 1980s, the conflict cooled, as the government put a counter-insurgency strategy into practice, including support for economic development and extended amnesties. New waves of violence exploded in 2004 and 2012. Over the years, the central government issued three special security laws to

<sup>23</sup> International Crisis Group, 2020, *Asia report n.309 - COVID-19 and a Possible Political Reckoning in Thailand*, page 27.

<sup>24</sup> Mueller John, 2004, *The Remnants of War*, Ithaca NY: Cornell University Press, pages 176-177.

<sup>25</sup> Tønnesson Stein & Byarnegård Elin, 2018, *Why so much conflict in Thailand?* Thammasat Review 18 Vol.18 N. 1 (Special Issue 2). 132-161, page 133.

<sup>26</sup> Stein Tønnesson & Elin Byarnegård, 2018, *Why so much conflict in Thailand?* Thammasat Review 18 Vol.18 N. 1 (Special Issue 2). 132-161, page 136.

respond to the insurgency (the 1914 Martial Law Act, the 2005 Executive Decree on Government Administration in States of Emergency, and the 2008 Internal Security Act). According to human rights observers, this led to a militarisation of the Southern-border provinces, and to extraordinary powers given to the military and state officials in this area.<sup>27</sup> In the summer of 2020, Malay Muslims joined the general protests taking place in Bangkok, calling for an end to the military control of their region.<sup>28</sup>

According to official data, in March 2021 there were 23 casualties (9 dead, 14 injured), out of which 3 boys below 18 years or “of unclear age”. Cumulative figures from January 2004 speak of 7,233 dead, 13,441 injured, and 20,971 incidents.<sup>29</sup>

## 2.2.5 The Myanmar coup

On February 2021, following general election won by the National League for Democracy (while the opposition claimed fraud), the military took control. The protests over the coup were backed by students, lawyers, but also bank officers and government employees; the military imposed restrictions (including curfews) and used water cannon and rubber bullets to fight protesters.<sup>30</sup> Until April 2021, more than 700 people have been killed, 23,000 people were displaced, and 3,000 fled the country and sought refuge in Thailand. The Thai government set up temporary shelters, but apparently, NGOs and UN agencies were not allowed to access the areas and work with affected population.<sup>31</sup> In June 2021, according to the UN Regional Report, figures show more than 100,000 displaced people along the border<sup>32</sup> and 17,500 attempting to cross Thailand (duplication in figures for repeat crossing is unknown). The UN and INGO/ NGO Appeal for Influx into Thailand, released at the end of May 2020, is planning for at least 24,000 new refugees by November 2021, with potential for much higher numbers over 12 months given the volatility of the situation<sup>33</sup>

This cross-border movements also constitute a challenge in the contention of the COVID-19. The movement of migrants and asylum seekers, which is likely to increase, shows the regional implications of the Myanmar coup, despite the ASEAN’s non-inference principle.<sup>34</sup>

## 2.3 Socio-economic context

### 2.3.1 Economic situation and inequality before the crisis

Well before the pandemic began, the Thai economic situation was not prosperous, with all sectors in decline: secondary

sector, financial investments, exports<sup>35</sup> and even tourism (which represents 12-16% of GDP).<sup>36</sup> In general, poverty reduction slowed in recent years and, since the 2014 coup, poverty increased in 2016 and in 2018.<sup>37</sup> The Thai economy was showing its limits, being based on low-skilled labour force and trade.<sup>38</sup>

An explanation behind this limited growth is the so-called “middle-income trap”, according to which “*rapid gains from low-cost labour and technological imitation diminish as average incomes near \$4,000 per year. The country is relatively expensive when competing in labour-intensive industries but lacks the skilled labour force to compete with advanced economies*”.<sup>39</sup> No political reform was implemented to contain this trend.

Another reason behind the economic impasse is certainly the shadow economy existing in Thailand, beyond any official regulations and tax system: it is the most expanded one in Asia, reaching 43.1% of the GDP in 2015.

From 2014 to 2018, the overall poverty rate showed a little improvement: from 10.53% in 2014, to 9.85% in 2018; on the contrary, the South and Central regions had worse rates in 2018.<sup>40</sup> Moreover, differences of trends existed between provinces of the same region.<sup>41</sup>

Inequality is another aspect of Thailand, with financial power in the hands of a restricted oligarchy, as “*the Global Wealth Report and Databook, published in December 2018 by Credit Suisse revealed that Thailand has the largest wealth gap in the world*”.<sup>42</sup> In fact, in 2019, 1% of the population held 50.4% of the wealth, and 10% held three quarters of the wealth (76.6%).<sup>43</sup> Inequality severely undermines the future of the next generation: while access to primary school is practically universal, other opportunities, such as internet access, are lacking. According to a World Bank study published in 2020, and not accounting for data on the impact of COVID-19, children in urban areas and Bangkok are more likely to have access to basic goods and services,<sup>44</sup> and “*over half of children aged 6-14 in Bangkok have joint access to all opportunities [...] compared with 10 percent of children in the Northeast region*”.<sup>45</sup>

Inequality in accessing educational, protection, and health resources can have a persistent impact on a child’s life.<sup>47</sup> In Thailand, about 1.25 million children live in the lowest decile, while 0.5 million are in the top decile.<sup>48</sup> Based on the poverty line of 5,5 USD/day, “*about 396,000 children aged 6-14 reside in the Northeast. The population of UMIC poor children in the*

<sup>27</sup> UNICEF, 2014, *Thailand Case Study in Education, Conflict and Social Cohesion*, pages 6-7.

<sup>28</sup> Human Rights Watch, 2021, *World report 2021*. <https://www.hrw.org/world-report/2020/country-chapters/thailand#>

<sup>29</sup> <https://deepsouthwatch.org/en/node/11981>

<sup>30</sup> <https://www.bbc.com/news/world-asia-55902070>

<sup>31</sup> <https://www.eastasiaforum.org/2021/04/22/thailands-weak-reaction-to-the-myanmar-coup/>

<sup>32</sup> UN Office for the Coordination of Humanitarian Affairs, June 2021, *Myanmar: Humanitarian Snapshot, June 2021*

(covering conflict-affected areas under the Humanitarian Response Plan). <https://reliefweb.int/report/myanmar/myanmar-humanitarian-snapshot-june-2021-covering-conflict-affected-areas-under-2021>

<sup>33</sup> Inter-Sector Working Group (Thailand), May 2021, *Myanmar Situation Refugee Preparedness and Response Plan June- November 2021*.

<sup>34</sup> <https://www.eastasiaforum.org/2021/04/22/thailands-weak-reaction-to-the-myanmar-coup/>

<sup>35</sup> Bank of Thailand, 2020, *Monetary Policy Report December 2019*, mentioned in International Crisis Group, 2020, *Asia report n.309 - COVID-19 and a Possible Political Reckoning in Thailand*, page 16.

<sup>36</sup> World Bank Group, January 2021, *Thailand economic monitor - Restoring incomes recovering jobs*, World Bank, Bangkok, page 5.

<sup>37</sup> World Bank Group, 2020, *Taking the Pulse of Poverty and Inequality in Thailand*, page VIII.

<sup>38</sup> International Crisis Group, 2020, *Asia report n.309 - COVID-19 and a Possible Political Reckoning in Thailand*, page 16.

<sup>39</sup> International Crisis Group, 2020, *Asia report n.309 - COVID-19 and a Possible Political Reckoning in Thailand*, page 16.

<sup>40</sup> World Bank Group, 2020, *Taking the Pulse of Poverty and Inequality in Thailand*, page 2.

<sup>41</sup> World Bank Group, 2020, *Taking the Pulse of Poverty and Inequality in Thailand*, page 6.

<sup>42</sup> UN National Economic and Social Development Council, October 2020, *Socio-Economic Impact Assessment of COVID-19 in Thailand*, page 24.

<sup>43</sup> Credit Suisse, *Global Wealth Data Book 2019*, October 2019, p. 168.

<sup>44</sup> World Bank Group, 2020, *Taking the Pulse of Poverty and Inequality in Thailand*, page VII.

<sup>45</sup> “Opportunities for children are defined as access to basic goods and services in education, health, and infrastructure, which are deemed necessary for an individual to realize his/her full potential in society”, where infrastructure can refer to access to drinking water, improved sanitation, electricity, Internet, in World Bank Group, 2020, *Taking the Pulse of Poverty and Inequality in Thailand*, page 45.

<sup>46</sup> World Bank Group, 2020, *Taking the Pulse of Poverty and Inequality in Thailand*, page X.

<sup>47</sup> World Bank Group, 2020, *Taking the Pulse of Poverty and Inequality in Thailand*, page 43.

<sup>48</sup> World Bank Group, 2020, *Taking the Pulse of Poverty and Inequality in Thailand*, page 50.

Northeast is almost half of all UMIC poor children in the country".<sup>49</sup>

### 2.3.2 The impact of COVID-19



Save the Children Thailand's staff teaches children in 50 Healthy Schools Project how to properly wear masks.

During the 1997 financial crisis, two thirds of Thais made a living from agriculture, so this helped mitigate the impact of the economic shock, while currently, the percentage of income coming from activities unrelated to agriculture has considerably increased, contributing to vulnerability.<sup>50</sup>

The pandemic severely hit the country, the economy has further contracted, and tourism, a vital sector for the Thai economy, has been put on standby for an entire year.<sup>51</sup> Some factors to consider include:

- Thailand's financial system remains stable, despite vulnerable parts, in a global scenario of unpredictability and volatility.<sup>52</sup>
- Recovery: the economy contracted by 6.4% (year-over-year) in the third quarter of 2020.<sup>53</sup> Expected growth is 4% in 2021, and 4.7% in 2022.<sup>54</sup>
- Unemployment: the official unemployment rate increased from 1% in the first quarter of 2020 to 2% in the second quarter (worst rate since 2009),<sup>55</sup> hopefully falling back again to 1.4% between 2021-2025.<sup>56</sup> Moreover, between 6.6 and 7.5 million jobs were considered at risk of being lost or reduced in terms of working hours, and the same occurred to 3.7 million jobs for women (22% of the 2019 female workforce).<sup>57</sup>
- Current account balance: the fall of the global trade led to a disruption of exports and imports, that make up a high percentage of GDP in Thailand. Exports fell 23% in May:

automotive (-56%), textiles (-37%), machinery (-33%), metal and steel (-28%), and electrical devices (-26.7), being these sectors mostly based on formal employment.<sup>58</sup> Exports started increasing by autumn 2020.<sup>59</sup>

- Budget deficit: the budget deficit increased from 2.3% of the GDP in 2019 to 5.9% of the GDP in 2020 (and 6.5% expected in 2021),<sup>60</sup> due in particular to the bailout package and tax revenues falling.<sup>61</sup>
- Tourism: all tourism-related sectors (accommodation, transportation, tour operators and food) are in an unprecedented crisis, as the sector is based on small enterprises with limited capacity to absorb economic shocks, and most people are informal workers.<sup>62</sup>
- Agriculture: drought is the main factor with negative impact on agriculture, and the 2019 drought hit the sector. The collapse of tourism caused a sharp fall in demand for products supply but, overall, the higher market price of some goods keeps the sector up; financial support to farmers is also important, as the amounts are high compared to the farmers' income.<sup>63</sup> Employment loss pushed several workers from other sectors to move to the low productive agricultural sector, seen as a "safety net".<sup>64</sup>

As always during times of economic hardship, the most vulnerable segments of the population must pay the highest toll: informal workers, migrant workers, women, people living with disabilities, children, and the elderly, and it is unlikely that social protection measures can reach everyone.

The situation of informal workers is of special concern, as the poverty rate of this category doubled: from 10% to 21%, due to not being eligible for social protection measures. Women make up to 44% of the informal sector (tourism, care, domestic work), so they are especially at risk of suffering from the sectors impacted by the COVID-19 restrictions.<sup>65</sup> Female migrant workers (3 million registered in 2019, and a non-defined number not registered) are also more vulnerable, as many likely do not have social security or sick leave.

People living with disabilities or illness saw their poverty rate decrease from 14% to 13%, but only due to the Disability Grant, while the poverty rate of urban poor increased from 4% to 6%.<sup>66</sup> Women with disabilities are unanimously recognised as more at risk of abuse and lack any sort of protection, including social protection.

<sup>49</sup> World Bank Group, 2020, *Taking the Pulse of Poverty and Inequality in Thailand*, page 49.

<sup>50</sup> International Crisis Group, 2020, *Asia report n.309 - COVID-19 and a Possible Political Reckoning in Thailand*, page 18.

<sup>51</sup> UN National Economic and Social Development Council, October 2020, *Socio-Economic Impact Assessment of COVID-19 in Thailand*, page 1.

<sup>52</sup> World Bank Group, January 2021, *Thailand economic monitor - Restoring incomes recovering jobs*, World Bank, Bangkok, page iii.

<sup>53</sup> World Bank Group, January 2021, *Thailand economic monitor - Restoring incomes recovering jobs*, World Bank, Bangkok, page 6.

<sup>54</sup> World Bank Group, January 2021, *Thailand economic monitor - Restoring incomes recovering jobs*, World Bank, Bangkok, page 33.

<sup>55</sup> World Bank Group, January 2021, *Thailand economic monitor - Restoring incomes recovering jobs*, World Bank, Bangkok, page 21.

<sup>56</sup> UN National Economic and Social Development Council, October 2020, *Socio-Economic Impact Assessment of COVID-19 in Thailand*, page 9.

<sup>57</sup> UN National Economic and Social Development Council, October 2020, *Socio-Economic Impact Assessment of COVID-19 in Thailand*, page 9.

<sup>58</sup> Bank of Thailand, 2020, *Export growth year on year January 1996 - May 2020*. Data file (Microsoft Excel file), in National Economic and Social Development Council, 2020, *Socio-Economic Impact Assessment of COVID-19 in Thailand*, page 11.

<sup>59</sup> UN National Economic and Social Development Council, October 2020, *Socio-Economic Impact Assessment of COVID-19 in Thailand*, page 9.

<sup>60</sup> World Bank Group, January 2021, *Thailand economic monitor - Restoring incomes recovering jobs*, World Bank, Bangkok, page 35.

<sup>61</sup> UN National Economic and Social Development Council, October 2020, *Socio-Economic Impact Assessment of COVID-19 in Thailand*, page 10.

<sup>62</sup> UN National Economic and Social Development Council, October 2020, *Socio-Economic Impact Assessment of COVID-19 in Thailand*, page 11.

<sup>63</sup> UN National Economic and Social Development Council, October 2020, *Socio-Economic Impact Assessment of COVID-19 in Thailand*, page 11.

<sup>64</sup> World Bank Group, January 2021, *Thailand economic monitor - Restoring incomes recovering jobs*, World Bank, Bangkok, pages 21 and 51.

<sup>65</sup> UN National Economic and Social Development Council, October 2020, *Socio-Economic Impact Assessment of COVID-19 in Thailand*, page 17.

<sup>66</sup> Oxford Policy Management and United Nations in Thailand, July 2020, *Social impact assessment of COVID-19 in Thailand* pages 35- 36.

With the imposed restrictions, all jobs related to entertainment, including sex workers, were also impacted by the crisis.

Homeless people, probably among the most vulnerable of all, do not even have access to shelter; during the lockdown they had less opportunities to earn money and continued to live in the streets despite the curfew, facing violence and stigmatisation.<sup>67</sup>

### 2.3.3 The social protection shield



Children from 50 Healthy Schools Project learn how to protect themselves during COVID-19.

The social protection system in Thailand includes social assistance and social insurance programmes. The benefits include pension, maternity, child allowance, unemployment cash assistance, sickness, old-age benefits, and disability grants.<sup>68</sup> The Child Support Grant provides 600 THB per month (US\$ 20) for children aged 0-6 years coming from disadvantaged families (according to the yearly income), targeting 700,000 children in 2019.<sup>69</sup>

Of course, gaps exist: for instance, some schemes exclude migrant people, and it is difficult to ensure accuracy in targeting the most vulnerable,<sup>70</sup> particularly the most invisible people, such as people living with disabilities. Indeed, *“the key service delivery challenge for social protection results from the fragmentation and lack of coordination of the sector, which is embodied in fragmented and inconsistent data. Social protection databases are not integrated”*.<sup>71</sup>

Children themselves outline that the most vulnerable ones are much more at risk of falling through the cracks:

*“I live in the village in Fang Village in Chiang Mai. I come from a poor ethnic group. COVID-19 made our life much more difficult. Many people lost their jobs and sources of income. We did not get any remedies from the Thai government because I*

*don't have any IDs and social insurance. We know that there is a policy for remedy, but we cannot access it. This money is from our tax. We deserve to enjoy benefits and rights. The government should provide welfare to everyone, including ethnic groups and people living at the margins.”*<sup>72</sup>

According to the World Bank, *“Thailand has performed relatively well compared to its peers in the region in terms of the scale, speed, and targeting of its response”* to COVID-19, and borrowed 6% of GDP to spend on cash transfer, medical and social response.<sup>73</sup> At the beginning of April 2020, a package of measures addressed the unemployed (estimated 7 million) and others in financial difficulties, and included financial assistance to enterprises (for instance, soft loans to tourism operators).<sup>74</sup> The payment of a monthly sum of 153USD for three months was announced. Almost 29 million people presented their file, against the 9 million originally foreseen by the government. After violent protests, also 15 million informal non-farm workers were included.<sup>75</sup> Apart from the unemployment benefits, until July 2020, the stimulus package intervention implemented in Thailand included The Equitable Education Fund (covering the food for children of more than 750,000 low earning labourers), the reduction in the rate of contributions to the Social Security, health costs covered for those infected with COVID-19, and various monetary measures.<sup>76</sup>

These measures are undeniably essential in the aftermath of the economic crisis, but cannot last forever; as a consequence, *“... it is important to strengthen social safety net by protecting jobs to ensure household income which will enable household to independently cope with the crisis, as well as expanding social protection in forms of direct cash transfers to the most vulnerable”*.<sup>77</sup>

## 2.4. The progress against SDGs

### 2.4.1 The SDG achievement and the main plans and strategies

According to the Sustainable Development Report, Thailand ranks 41 on 193 countries, with an overall score of 74.5. In the table below, is presented an overview of the progress against the SDGs based on two sources: the 2017 Voluntary Review,<sup>78</sup> and the Sustainable Development Report (formerly the SDG Index & Dashboards).<sup>79</sup>

<sup>67</sup> Pasuk, 2020, cited in Oxford Policy Management and United Nations in Thailand, July 2020, *Social impact assessment of COVID-19 in Thailand* page 137.

<sup>68</sup> Oxford Policy Management and United Nations in Thailand, July 2020, *Social impact assessment of COVID-19 in Thailand*, pages 29 and following.

<sup>69</sup> UN National Economic and Social Development Council, October 2020, *Socio-Economic Impact Assessment of COVID-19 in Thailand*, page 39.

<sup>70</sup> National Economic and Social Development Council, 2020, *Socio-Economic Impact Assessment of COVID-19 in Thailand*, page 14.

<sup>71</sup> Oxford Policy Management and United Nations in Thailand, July 2020, *Social impact assessment of COVID-19 in Thailand* page 32.

<sup>72</sup> The Coalition of CSOs and INGOs for Children's SOGIESC Rights -Thailand, 25 March 2021, *Joint submission to the United Nations Human Rights Council - 39th Session of the Working Group on the Universal Periodic Review*, page 9.

<sup>73</sup> World Bank Group, January 2021, *Thailand economic monitor - Restoring incomes recovering jobs*, World Bank, Bangkok, page 18.

<sup>74</sup> UN National Economic and Social Development Council, October 2020, *Socio-Economic Impact Assessment of COVID-19 in Thailand*, page 4.

<sup>75</sup> Bangkok Post, *Farming households get B15,000 aid*, 28 April 2020.

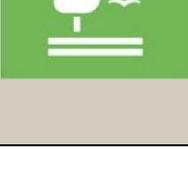
<sup>76</sup> N National Economic and Social Development Council, October 2020, *Socio-Economic Impact Assessment of COVID-19 in Thailand*, page 5.

<sup>77</sup> UN National Economic and Social Development Council, October 2020, *Socio-Economic Impact Assessment of COVID-19 in Thailand*, page 12.

<sup>78</sup> Government of Thailand, 2017, *Thailand's Voluntary National Review on the Implementation of the 2030 Agenda for Sustainable Development*, page 8, 11, 13, 14, 17, 20, 21, 23, 26, 28, 32, 36, 37, 38, 42, 45, 46, 48, 49, 52, 54, 55, 56, 60, 61.

<sup>79</sup> <https://dashboards.sdgindex.org/profiles/THA>. All data presented on this website are based on the publication Sachs et al., 2020, *The Sustainable Development Goals and Covid-19. Sustainable Development Report 2020*, Cambridge University Press.

	Goal	2017 Voluntary National Review	Column heading
1.	 <p>1 NO POVERTY</p> <p>End poverty in all its forms everywhere</p>	<p>Reduced the number of people living in poverty and hunger by half. From 42.3% (2000) to 7.2% (2015) of the population living under the national poverty line.</p>	SDG achieved.
2.	 <p>2 ZERO HUNGER</p> <p>End hunger, achieve food security and improved nutrition and promote sustainable agriculture</p>	<p>Reduced the proportion of undernourished population from 34.6 % in 92 to 7.4% in 2016.</p>	<p>Moderately improving. Challenges remain for the prevalence of stunting (10.50/0) and wasting (5.40/0) in children under 5 years of age. Decreased the score for the Sustainable Nitrogen Management Index (0.88/0).</p>
3.	 <p>3 GOOD HEALTH AND WELL-BEING</p> <p>Ensure healthy lives and promote well-being for all at all ages</p>	<p>Health coverage: 99.87%. Maternal and neonatal mortality rates well below the global targets thanks to 99.6% of birth attended by skilled health personnel (2015). Decrease of HIV, tuberculosis, malaria.</p>	<p>Moderately improving. Challenges for: Incidence of tuberculosis (153/0); Age-standardized death rate attributable to household air pollution and ambient air pollution (value 61/0); Traffic deaths (32.70/3.2); Life expectancy at birth (75.50/83); Adolescent fertility rate (44.91/2.5).</p>
4.	 <p>4 QUALITY EDUCATION</p> <p>Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all</p>	<p>More than 90% of school age children (regardless of their nationalities or migrant status) can access subsidised 12- year basic education (2015).</p>	<p>Challenges remain for Lower secondary completion rate (78.35/100), with a decreasing score.</p>
5.	 <p>5 GENDER EQUALITY</p> <p>Achieve gender equality and empower all women and girls</p>	<p>Girls enjoy equal access to quality education as boys. Women represent 60% of the workforce and 38% of executive level in private sector (2014).</p>	<p>Moderately improving. Challenges remain for: Ratio of female-to-male mean years of education received (93,75/100); Seats held by women in national parliament (15.75/50).</p>
6.	 <p>6 CLEAN WATER AND SANITATION</p> <p>Ensure availability and sustainable management of water and sanitation for all</p>	<p>99.8% of households have access to sanitary toilet facilities and 99.6% of households have access to safe drinking water (2014). Challenge remains in remote rural areas.</p>	<p>On track. Major challenges remain for the Anthropogenic wastewater that receives treatment (1.99/100).</p>
7.	 <p>7 AFFORDABLE AND CLEAN ENERGY</p> <p>Ensure access to affordable, reliable, sustainable and modern energy for all</p>	<p>Objective: boost the ratio of renewable energy from 13.83% to 30% by 2036. Highest solar power capacity among ASEAN members (2017).</p>	<p>Moderately improving. Score stagnating for Population with access to clean fuels and technology for cooking (74.43/100).</p>
8.	 <p>8 DECENT WORK AND ECONOMIC GROWTH</p> <p>Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all</p>	<p>Objective: become a high-income country by 2036 (GDP/capita=13,000 USD), and following a growth rate of 5% per year.</p>	<p>On track. Challenges remain for Victims of modern slavery (8.89/0).</p>
9.	 <p>9 INDUSTRY, INNOVATION AND INFRASTRUCTURE</p> <p>Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation</p>	<p>The draft 20-Year Transportation Development Strategy (2017- 2036) aligns with the SDGs in providing effective, green and safe, inclusive and innovative transport for all.</p>	<p>On track. Stagnating score for Scientific and technical journal articles (0.18/1.2).</p>

10		Reduce inequality within and among countries	Objective: increase the income growth of the bottom 40 of the population to 15% each year (compared to a growth of 6.05% in 2015).	Trend information unavailable
11.		Make cities and human settlements inclusive, safe, resilient and sustainable	The 12th National Economic and Social Development Plan is the first plan that has specific strategy for urban development.	Moderately improving. Major challenges for Annual mean concentration of particulate matter of less than 2.5 microns in diameter (PM2.5) (26.26/6.3).
12.		Ensure sustainable consumption and production patterns	Development of the Sustainable Consumption and Production (SCP) roadmap 2017- 2036 to promote the SCP concept in different sectors.	Trend information unavailable.
13.		Take urgent action to combat climate change and its impacts	Submitted Intended Nationally Contribution in 2015 with the objective to reduce greenhouse gas emissions by 20 to 25% by 2030. Climate Change Master Plan (2015-2036) to enhance adaptation and mitigation capacity of various sectors.	Moderately improving. Major challenges remain for Energy-related CO <sub>2</sub> emissions (4.61/0).
14.		Conserve and sustainably use the oceans, seas and marine resources for sustainable development	The Coastal Reforestation Programme led to 5.24% increase of mangrove forest area during 2004-2014. Enacted Marine and Coastal Resources Management Act, the first law that specifically aims to protect coastal and marine resources (2015).	Overall score stagnating. In particular, score decreasing for Fish caught from overexploited or collapsed stocks (55.60/0); and for Fish caught by trawling (17.70/1).
15.		Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss	Objective: increase forest area from 31.6% of land area to 40% through various forestation schemes and financial mechanisms.	Overall score stagnating. Challenges remain for Mean area that is protected in freshwater sites important to biodiversity (43.59/100); score decreasing for the Red List Index of species survival (0.79/1).
16.		Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels	Zero tolerance for human trafficking policy. Creation of two national administrative bodies against corruption: The National Anti-Corruption Committee and the Thailand Anti-Corruption Coordination Center (TACC)	Overall score stagnating. Score decreasing for Percentage of population who feel safe walking alone at night in the city or area where they live (value unavailable); and for the Corruption Perception Index (36/88.6).
17.		Strengthen the means of implementation and revitalize the global partnership for sustainable development	Partnership for development in different countries through the Thailand International Cooperation Agency (TICA). During the chairmanship of G-77 (2016), launched the "SEP for SDGs Partnership". Coordination of the Association of Southeast Asian Nations (ASEAN) to promote complementarities between the ASEAN Community Vision 2025 and the 2030 Agenda.	Overall score decreasing. Score decreasing for Other countries: Government revenue excluding grants (19.52/40).

The SDGs and SEP have been integrated into the 20-Year National Strategy Framework and the 12<sup>th</sup> National Economic and Social Development Plan (2017-2021), to ensure that SDGs are an overall priority and are mainstreamed into the work of all government bodies. Moreover, the National Committee for Sustainable Development, made up of 37 members from public, private, academia, civil society sectors, and led by the Prime Minister, is the head of policy implementation and planning concerning sustainable development.<sup>80</sup> Some of the most relevant governmental plans in line with the SDGs include:<sup>81</sup>

- The Framework on the Promotion of Sustainable Agriculture 2017 - 2021.
- The Water Resources Management Strategy 2015 - 2026.
- The Strategy for Green Growth under the 20-Year National Strategy Framework (2017-2036) and Strategy for Green Growth toward Sustainable Development Under the 12th National Economic and Social Development Plan (2017 - 2021).
- Thai Integrated Energy Blueprint (TIEB) with a 20-year long-term energy plan.
- The 20-Year Draft Strategy for Transport Systems Development (2017- 2036).
- The 10- Year housing development strategy (under development in 2017), targeting 2.72 million households living in inferior housing condition.
- Integrated National Disaster Prevention and Mitigation Plan 2015 and Climate Change Management Master Plan 2015-2050.
- Led by the Ministry of Natural Resources and Environment, the Task force for SDG12 for the implementation of the “Sustainable Consumption and Production Roadmap 2017- 2036”.
- The National Master Plan on Waste Management 2016 - 2021.
- The Strategic Plan for Biodiversity 2011 - 2020 and the Aichi Biodiversity Targets covering 31 targets on conserving, restoring and protecting biodiversity and ecosystem.
- The Framework for Effective Crime Prevention that connects all relevant government agencies.

COVID-19 is certainly severely impacting the achievement of the SDGs,<sup>82</sup> but full evidence will be available only at the end of the crisis. For instance, concerning the SDG 1, we have already noted in section 2.3 that the pandemic is leading to unemployment, loss of family incomes, and exacerbating poverty.<sup>83</sup> On the SDG 2, Thailand is on track to meet the targets for under-five overweight and stunting, but not progressing well for other nutrition indicators (notably anaemia and exclusive breastfeeding). The impact of poverty on food consumption, and food quality purchase, remains to be assessed in the future, but nutrition outcomes are expected to worsen in the long term; as mentioned in previous sections, at the beginning of the crisis various religious churches/temples, and civil society associations acted as a social safety net, distributing food, but this is, of course, a temporary help.<sup>84</sup>

SDGs 13,14 and 15 (climate change and environment) could conversely benefit from positive effects of the lockdown (first semester 2020): fall of carbon emissions, endangered species seen in national parks, less sea pollution due to the lack of tourists. In this case *“the challenge is how to build back the economy while minimizing the environmental trade-offs”*:<sup>85</sup> in other words, work towards a behavioural change and invest in the green economy.

## 2.4.2 The SDG achievement through the GRID lens

Save the Children’s Group-based Inequality Database (GRID) shows *“the inequalities that still persist for key SDG indicators between different groups of children. [...] This database brings together disaggregated data for key SDG indicators related to children’s wellbeing, including for child survival and nutrition, child protection, and education”*.<sup>86</sup> In Thailand, despite progress, inequalities persist in all sectors, based particularly on wealth and geographical position, with the Northeast (early development, child marriage) and the South (teenage pregnancy) being the most disadvantaged regions. The key findings are summarised in the table below.

<sup>80</sup> Government of Thailand, 2017, *Thailand’s Voluntary National Review on the Implementation of the 2030 Agenda for Sustainable Development*, pages iv-v.

<sup>81</sup> Government of Thailand, 2017, *Thailand’s Voluntary National Review on the Implementation of the 2030 Agenda for Sustainable Development*, pages 11, 23, 25, 32, 39, 40,42, 43, 53, 55.

<sup>82</sup> The impact of the COVID-19 on SDGs n. 3 and 4 will be assessed in the thematic chapters of this CRSA.

<sup>83</sup> UN National Economic and Social Development Council, October 2020, *Socio-Economic Impact Assessment of COVID-19 in Thailand*, page 18.

<sup>84</sup> UN National Economic and Social Development Council, October 2020, *Socio-Economic Impact Assessment of COVID-19 in Thailand*, page 19.

<sup>85</sup> UN National Economic and Social Development Council, October 2020, *Socio-Economic Impact Assessment of COVID-19 in Thailand*, page 21.

<sup>86</sup> <https://www.savethechildren.net/grid>

INDICATOR	SITUATION
1. STUNTING	Highest rates in Bangkok (17%), lowest rates in Northeast (12%). Trends show a lack of inclusive progress between groups: for instance, children in the poorest households are 16% more likely to be stunted (compared to the richest ones). Female rate is 11.4%, against 15.2% for male. Expected: no group will reach the global SDG targets.
2. EXCLUSIVE BREASTFEEDING UNDER 6 MONTHS	Positive overview, as trends show an inclusive progress between groups. However, children from the richest households are 52% more likely to have been breastfed (compared to the poorest ones). Female rate is 25.9%, with a difference of more than 5 points compared to the male rate (20.5%).
3. CARESEEKING FOR PNEUMONIA	Trends show inclusive progress between groups, but there are big differences between female and male rate (84.2% and 75.7% respectively), and urban and rural areas (85% and 76.2%).
4. EARLY CHILD DEVELOPMENT INDEX	Highest rates in Central regions (95%), lowest rates in Northeast (89%). More than 4 points-difference between female rate (95%) and male rate (90.8%). Trends show a lack of inclusive progress between groups: for instance, children from richest households are 7% more likely to be “developmentally on track”. Expected: no group will reach the global SDG targets.
5. PRIMARY SCHOOL COMPLETION	Trends show a lack of inclusive progress between groups. For instance, children from the richest households are 2% more likely to have completed primary school. There is almost no difference between girls and boys. However, it is expected that all groups will reach the global SDG targets.
6. LOWER SECONDARY SCHOOL COMPLETION	Trends show a lack of inclusive progress between groups. For instance, children from the richest households are 32% more likely to have completed lower secondary school. Female rate (93.8%) is almost 8 points higher than male rate (86%). However, it is expected that all groups will reach the global SDG targets.
7. UPPER SECONDARY SCHOOL COMPLETION	Trends show a lack of inclusive progress between groups: for instance, children from richest households are three times more likely to have completed upper secondary school level. Female rate is much higher than male rate (72% compared to 58.7%). Expected: no group will reach the global SDG targets.
8. BIRTH REGISTRATION	Trends show inclusive progress between groups, and there is no remarkable difference between girls and boys. However, children from the richest households are 1% more likely to have been registered. Expected: all groups will reach the global SDG targets.
9. CHILD MARRIAGE	Highest rates in Northeast (28%), lowest rates in Bangkok (11%). Trends show a lack of inclusive progress between groups: for instance, children in the poorest households are more than five times more likely to be married before 18 years. Expected: no group will reach the global SDG targets.
10. TEENAGE PREGNANCY	Highest rates in the South (8%), lowest rates in Bangkok (3%). Trends show inclusive progress between groups. However, children from the poorest households are more than five times more likely to have been pregnant as a teenager.

## 2.5 Environment, climate change and the impact on children



*A child at the shelter from Disaster Risk Reduction project in Phang Na back in 2015.*

Thailand is prone to natural disasters, examples of which are the flooding in 2011 and drought in 2015-16. These adverse events severely effect rain-fed agriculture, particularly rice, and are provoked by climate changes: for instance, between 1955 and 2009, the average annual temperatures increased by 0.95 C, and the rainfall patterns have changed.<sup>87</sup> In addition, sea levels are rising, a phenomenon which is very evident in Thailand where salty water has already seeped into some underground water sources.<sup>88</sup>

The economic boom between 1960 and 1980 led to environmental neglect and massive deforestation to grow rice, sugarcane, and cassava fields. In the recent past, replantation has partially mitigated the situation, but other economic activities (tourism, transportation) have taken over, causing coastal erosion and coral reef depletion.

The government has created some institutions to implement remedial measures, such as the National Committee on Climate Change in 2006 and, in 2007, the Climate Change Office Coordination in the Ministry of Natural Resources and Environment and the Thailand Greenhouse Gas Management Organisation.<sup>89</sup> In September 2016, Thailand ratified the Paris Agreement.<sup>90</sup>

Climate change and its repercussions on a variety of sectors, such as migration, food security, and political stability, *“will most likely also create friction between Thailand and its*

*neighbours over a number of issues such as water management, refugee settlement and energy policy”*.<sup>91</sup> For example, in 2008, the management of the Mekong River had already created coordination problems within the countries of the Mekong River Commission (China, Cambodia, Laos and Vietnam).<sup>92</sup> Internally, social stability can be endangered by scarcity of resources such as water and fish,<sup>93</sup> and by the exacerbation of the dichotomy Bangkok and urban areas/rest of the country and rural areas, with Bangkok being the centre of the economic development, but also requiring an enormous water and resources supply.<sup>94</sup>

Vulnerability to the effects of climate change depends on the intersection of various structural inequalities<sup>95</sup> and on access to natural resources, and is aggravated for groups such as women, children,<sup>96</sup> people with disabilities, the elderly, and ethnic and indigenous population.<sup>97</sup> Only in recent years, research has been undertaken to begin analysing the impact of climate change on children. Air pollution severely affects children living in urban areas with respiratory problems, asthma, and other health issues.<sup>98</sup> Drought and water stress can cause a drop in incomes, undernutrition and stunting; flooding put children at risks of injury and death, but can also lead to water contamination and water-borne diseases.<sup>99</sup> Moreover, children are more subject to problems caused by heatwaves, *“as they adjust more slowly than adults to changes in environmental heat”*.<sup>100</sup> Girls and women *“can suffer greater heat stress risk, for the specific tasks assigned to them in agricultural work, such as watering or weeding”*.<sup>101</sup>

Moreover, parents facing damages on agricultural activity due to climate change (such as scarce, low quality crop yields) rely also on their children to improve family incomes,<sup>102</sup> with child protection concerns (e.g., school dropout, or worst forms of child labour). Finally, livelihoods rely on agriculture, thus on water availability, and decision-making on water resources is male-dominated, while women’s participation in water governance should be increased.<sup>103</sup> Women and girls’ roles imply they are in charge of household chores and childcare, all tasks to be performed with water: as a consequence, *“water scarcity can increase women’s workloads as they are often responsible for household water procurement”*,<sup>104</sup> often far away from the village. Moreover, the hygiene of the whole family relies on water, but health concerns are exacerbated for girls and women during menstruation and pregnancy.<sup>105</sup>

<sup>87</sup> Plan International, no date, *Climate change, young women and girls: vulnerability, impacts and adaptation in Northern Thailand*, page 4.

<sup>88</sup> Danny Marks, 2011, *Climate Change and Thailand: Impact and Response*, article in *Contemporary Southeast Asia* Vol. 33, No. 2 (2011), 229:58, page 233.

<sup>89</sup> Danny Marks, 2011, *Climate Change and Thailand: Impact and Response*, article in *Contemporary Southeast Asia* Vol. 33, No. 2 (2011), 229:58, page 243.

<sup>90</sup> [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg\\_no=XXVII-7-d&chapter=27&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=XXVII-7-d&chapter=27&clang=en)

<sup>91</sup> Danny Marks, 2011, *Climate Change and Thailand: Impact and Response*, article in *Contemporary Southeast Asia* Vol. 33, No. 2 (2011), 229:58, page 230.

<sup>92</sup> Danny Marks, 2011, *Climate Change and Thailand: Impact and Response*, article in *Contemporary Southeast Asia* Vol. 33, No. 2 (2011), 229:58, page 241.

<sup>93</sup> Danny Marks, 2011, *Climate Change and Thailand: Impact and Response*, article in *Contemporary Southeast Asia* Vol. 33, No. 2 (2011), 229:58, page 238.

<sup>94</sup> Danny Marks, 2011, *Climate Change and Thailand: Impact and Response*, article in *Contemporary Southeast Asia* Vol. 33, No. 2 (2011), 229:58, page 237.

<sup>95</sup> IPCC, 2012, *Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation - Special Report of the Intergovernmental Panel on Climate Change*. Field, C.B., V. Barros, T.F. Stocker, D. Qin, D.J. Dokken, K.L. Ebi, M.D. Mastrandrea, K.J. Mach, G.-K. Plattner, S.K. Allen, M. Tignor, and P.M. Midgley (Eds.). Cambridge University Press, Cambridge, UK, and New York, pages 7, 10, 87, 294.

<sup>96</sup> See for instance UNICEF, 2015, *The impact of climate change on children*, page 27.

<sup>97</sup> Plan International, no date, *Climate change, young women and girls: vulnerability, impacts and adaptation in Northern Thailand*, pages 4 and 5.

<sup>98</sup> UNICEF, 2015, *The impact of climate change on children*, pages 44 and following.

<sup>99</sup> IPCC, 2012, *Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation - Special Report of the Intergovernmental Panel on Climate Change*. Field, C.B., V. Barros, T.F. Stocker, D. Qin, D.J. Dokken, K.L. Ebi, M.D. Mastrandrea, K.J. Mach, G.-K. Plattner, S.K. Allen, M. Tignor, and P.M. Midgley (Eds.). Cambridge University Press, Cambridge, UK, and New York, page 455. UNICEF, 2015, *The impact of climate change on children*, page 10 and 30.

<sup>100</sup> Various secondary sources mentioned by UNICEF, 2015, *The impact of climate change on children*, page 40.

<sup>101</sup> Andre Croppenstedt, Markus Goldstein, Nina Rosas, 2013, *Gender and Agriculture: Inefficiencies, Segregation, and Low Productivity Traps*, The World Bank Research Observer 28, 79 109. <https://doi.org/10.1093/wbro/lks024>, cited in Plan International, no date, *Climate change, young women and girls: vulnerability, impacts and adaptation in Northern Thailand*, page 6.

<sup>102</sup> Plan International, no date, *Climate change, young women and girls: vulnerability, impacts and adaptation in Northern Thailand*, page 15.

<sup>103</sup> FAO, 2016, *How can women control water? Increase agriculture productivity and strengthen resource management*, pages 3 and following.

<sup>104</sup> Plan International, no date, *Climate change, young women and girls: vulnerability, impacts and adaptation in Northern Thailand*, page 8.

<sup>105</sup> Plan International, no date, *Climate change, young women and girls: vulnerability, impacts and adaptation in Northern Thailand*, page 22.

## 2.6 People on the move

### 2.6.1 An economic migration hub



Students in Umphiem Mai, a refugee camp in Thailand located in the Khirirat Sub-district, Phop Phra District, Tak Province.

Thailand has been a main migration hub in Southeast Asia for centuries, being a country of origin, transit, and destination for migrants, IDPs and refugees.<sup>106</sup> As an example, Northern Thailand is a region of intense migratory movements, including source of internal migration: young males, particularly farmers, leave to find employment in cities like Bangkok, Chiang Mai, Chiang Rai or Fang. This trend also impacts the workloads of women left behind in charge of child and household care, but also needing to earn extra income through paid work. In urban settings, the migration of young women is commonly accepted.<sup>107</sup>

Concerning external migration, according to the *2019 Thailand Migration report*, the non-Thai population was around 4.9 million in 2018 (approximately 10% of the working population in the country).<sup>108</sup> According to UNDESA, in 2019 there were 3,655,100 migrants (5.2% of the total population), 79.3% of which aged 20-64 years.<sup>109</sup>

The pull factors for migration are, as expected, economic development, low unemployment rate, and the need for young workforce. In fact, thanks to export and foreign investments, the economic boom from 1987 and 1996 resulted in a movement of migrants from Cambodia, Lao and Myanmar, as “in less than a generation, Thailand had emerged as a middle-income country”.<sup>110</sup>

#### THE CASE OF YOUNG FEMALE CAMBODIAN WORKERS

According to research by Plan International, young Cambodian women migrate to Thailand (especially Rayong and Trat

provinces) to work in the fishing industry.<sup>111</sup> They usually live in the Rayong and Trat’s Cambodian community enclaves, with their families, near their workplace.<sup>112</sup> Most come to improve their economic situation, to pay back loans or earn money and contribute to the family income (although, in some cases, there might also be stories of escaping abuse).<sup>113</sup> Not one of the women participating in the research reached Thailand thanks to the MoU between Thailand and Cambodia: as a consequence, these women accepted to come as undocumented migrants, with several restrictions in finding a job. In general, they passed through the One Stop Service Centers with their employers signing documents, but do not remember signing a contract.

Their jobs are paid less than those reserved for men, such as working on a boat; generally, women are employed to sort fish, process seafood, and mend nets.<sup>114</sup>

For these women, the migration process does not only mean economic improvement, but also boosting their self-esteem and respect from the community, as “by living alone in a foreign country (while their husbands are out at sea), women have proved to their family members that they are able to earn for themselves and support family members financially”.<sup>115</sup> However, women cannot benefit from much independence as decision-makers and skilled workers, and their income is supposed to support the family, without real control on spending.<sup>116</sup>

A 2020 survey by IOM describes the migration situation at the border between Thailand and Myanmar: the average Burmese migrant is aged 21- 40 years, with children in Myanmar, and plans to stay in Ranong province or head to either Chumphon or Surat Thani. The main reason for migrating is employment (particularly in agriculture and construction), and Thailand is chosen as a destination based on a mix of factors such as geographical accessibility, accessible labour market, and the presence of family or friends there. One in five daily workers do not have any legal documents (the majority of them working in the agricultural sector).<sup>117</sup>

Children on the move leave neighbouring countries, such as Laos or Cambodia, and reach Thailand for economic opportunities, sometimes traveling with their families; others, as young as 10 years old, travel on their own.<sup>118</sup> According to IOM estimates, in 2018 there were between 300,000 and 400,000 migrant children in Thailand<sup>119</sup> (more information on children on the move, including some disaggregated statistics, will be found in the Child Protection and Education chapters).

In general, the need for a framework to reinforce regular migration has become increasingly urgent, and would require a reduction in the length and difficulties of the Memorandum

<sup>106</sup> IOM, 2019, *Thailand Migration Report*, page 1.

<sup>107</sup> Plan International, no date, *Climate change, young women and girls: vulnerability, impacts and adaptation in Northern Thailand*, page 29.

<sup>108</sup> IOM, 2019, *Thailand Migration Report*, page XI.

<sup>109</sup> <https://www.un.org/en/development/desa/population/migration/data/estimates2/countryprofiles.asp>

<sup>110</sup> IOM, 2019, *Thailand Migration Report*, page X.

<sup>111</sup> Plan International, 2018, *Into the light - Young Female Migrant Workers in Thailand’s Seafood Sector and their Access to Decent Work*, pages 1 and 3.

<sup>112</sup> Plan International, 2018, *Into the light - Young Female Migrant Workers in Thailand’s Seafood Sector and their Access to Decent Work*, page 9 and 15.

<sup>113</sup> Plan International, 2018, *Into the light - Young Female Migrant Workers in Thailand’s Seafood Sector and their Access to Decent Work*, page 18.

<sup>114</sup> Plan International, 2018, *Into the light - Young Female Migrant Workers in Thailand’s Seafood Sector and their Access to Decent Work*, pages 10 and 19.

<sup>115</sup> Plan International, 2018, *Into the light - Young Female Migrant Workers in Thailand’s Seafood Sector and their Access to Decent Work*, page 17.

<sup>116</sup> Plan International, 2018, *Into the light - Young Female Migrant Workers in Thailand’s Seafood Sector and their Access to Decent Work*, page 21.

<sup>117</sup> IOM, 2020, *Flow monitoring survey: insights into the profiles and vulnerabilities of Myanmar migrants to Thailand (Ranong-Kawthaung)*, page 1 and following.

<sup>118</sup> Suwannarong

for Save the Children, 2017, *A desk review for Research for Promoting Rural Opportunities for Children’s Empowerment, Education, and Development (PROCEED)*, page 40.

<sup>119</sup> IOM, 2019, *Thailand Migration Report*, page 99.

of Understanding (MoU) process with countries of origin. A significant improvement has been reached through the revised Royal Ordinance on the Management of Foreign Workers Employment, thanks to elimination of recruitment fees, support to mobility within the labour market, creation of a fund for foreign workers, and the impossibility for the employer to hold identity documents. Moreover, Migrant Worker Assistance Centres have been created to provide migrants with information and protection assistance.<sup>120</sup>

However, migrants often remain in challenging situations, including debts to smugglers; for example, as mentioned in section 2.3, migrant workers struggled to receive government unemployment subsidies during the pandemic; as in almost all migration hub contexts, in practice, access to education, health, and public services is undermined by a lack of knowledge and a general discriminatory attitude. For example, migrants with a regular status are entitled to accessing healthcare, but only 64% are registered. The difficulties increase for migrants with an irregular status, who could theoretically benefit from insurance coverage by paying an annual fee, but only half of them choose this route due to social and financial bottlenecks. A rapid assessment conducted in Mae-Sot district by IOM on the impact of COVID-19 showed that between 50% and 75% of the population had to face a partial loss of income, while a percentage included between 25% and 50% had a total loss of income.<sup>121</sup> In general, the UN and NGOs contribute to assistance for this population, with continuity and budget constraints.<sup>122</sup>

Finally, migrant sex workers face further stigmatisation and threats, as this type of employment is not recognised by law, and can be linked with trafficking and sexual exploitation.<sup>123</sup>

## 2.6.2 Refugees and stateless population



Two students in Nu po refugee camp in Tak province, with population size of some 9,000 people.

Thailand is not a party to the 1951 Refugee Convention: asylum seekers and refugees remain under an illegal status and therefore face mistreatment.<sup>124</sup> Despite this, Thailand approved a screening mechanism to differentiate people in need of international protection from those who are economic migrants (December 2019), according to which (Clause 15) “if the competent official or government official finds an alien claiming to have a reasonable ground to be a Person under Protection, the deportation of the alien shall be delayed, with the exception of where national security is threatened”.<sup>125</sup> According to UNHCR, this mechanism has a potential positive effect on the protection response.<sup>126</sup>

According to UNHCR, populations of concern include 91,818 Myanmar refugees and 5,325 urban asylum-seekers and refugees (March 2021).<sup>127</sup> In April 2021, 91,795 refugees (45,005 registered, 46,790 unregistered) at the Myanmar/Thailand border, out of which 38,9% were children.<sup>128</sup>

Myanmar refugees reside in 9 refugee camps on the Thai-Myanmar border; under their illegal status, they are not allowed to access social services such as public healthcare or education, and it is very difficult for them to find regular jobs,<sup>129</sup> with implicit risks of forced labour or human rights violations. They must “rely on non-governmental humanitarian services for their basic needs”.<sup>130</sup>

Urban refugees and asylum seekers living outside official camps in different areas of the country (but mostly around Bangkok area) come from 40 countries, are at risk of detention for their illegal status, and must turn to international agencies for support.<sup>131</sup>

Despite the fact that 100,000 stateless persons have become Thai citizens since 2008, the official (underestimated) number of stateless persons remains extremely high (489,549),<sup>132</sup> with the result that “Thailand had the fourth largest population of

<sup>120</sup> IOM, 2019, *Thailand Migration Report*, page XI.

<sup>121</sup> IOM, May 2019, *Rapid assessment: COVID-19 related vulnerabilities and perceptions in Mae Sot district, Tak province, Thailand*, page 3.

<sup>122</sup> IOM, 2019, *Thailand Migration Report*, page XII-XIII.

<sup>123</sup> IOM, 2019, *Thailand Migration Report*, page XIII.

<sup>124</sup> Human Rights Watch, 2021, *World report 2021*. <https://www.hrw.org/world-report/2020/country-chapters/thailand#>

<sup>125</sup> *Regulation of the Office of the Prime Minister on the Screening of Aliens who Enter into the Kingdom and are Unable to Return to the Country of Origin* B.E. 2562.

<sup>126</sup> UNHCR, *Factsheet Thailand 30 September 2020*. [https://www.unhcr.org/th/wp-content/uploads/sites/91/2020/11/UNHCR-Thailand-Fact-Sheet\\_30-September-2020.pdf](https://www.unhcr.org/th/wp-content/uploads/sites/91/2020/11/UNHCR-Thailand-Fact-Sheet_30-September-2020.pdf)

<sup>127</sup> UNHCR, *Factsheet Thailand 31 March 2021*. [https://www.unhcr.org/th/wp-content/uploads/sites/91/2021/04/UNHCR-Thailand-Fact-Sheet\\_31-March-2021.pdf](https://www.unhcr.org/th/wp-content/uploads/sites/91/2021/04/UNHCR-Thailand-Fact-Sheet_31-March-2021.pdf)

<sup>128</sup> RTG/MOI-UNHCR Verified Refugee Population, 30 April 2021. <https://data2.unhcr.org/en/situations/thailand>

<sup>129</sup> Internal Displacement Monitoring Centre, 2019, *Before you were born, your mother ran - Displacement and disillusion in south-east Myanmar*, page 5.

<sup>130</sup> UNHCR, *Factsheet Thailand 30 September 2020*. [https://www.unhcr.org/th/wp-content/uploads/sites/91/2020/11/UNHCR-Thailand-Fact-Sheet\\_30-September-2020.pdf](https://www.unhcr.org/th/wp-content/uploads/sites/91/2020/11/UNHCR-Thailand-Fact-Sheet_30-September-2020.pdf)

<sup>131</sup> UNHCR, *Factsheet Thailand 31 March 2021*. [https://www.unhcr.org/th/wp-content/uploads/sites/91/2021/04/UNHCR-Thailand-Fact-Sheet\\_31-March-2021.pdf](https://www.unhcr.org/th/wp-content/uploads/sites/91/2021/04/UNHCR-Thailand-Fact-Sheet_31-March-2021.pdf)

<sup>132</sup> UNHCR, *Factsheet Thailand 31 March 2021*. [https://www.unhcr.org/th/wp-content/uploads/sites/91/2021/04/UNHCR-Thailand-Fact-Sheet\\_31-March-2021.pdf](https://www.unhcr.org/th/wp-content/uploads/sites/91/2021/04/UNHCR-Thailand-Fact-Sheet_31-March-2021.pdf)

stateless persons in 2018, which consisted mostly of indigenous and ethnic communities”.<sup>133</sup>

Another source speaks of a total of 539,696 stateless persons in Thailand.<sup>134</sup>

The statelessness and lack of legal status of the Rohingya is a well-known problem: they flee to Thailand from Myanmar after decades of statelessness and discrimination there, and continue to be stateless in Thailand, where they are considered irregular economic migrants.<sup>135</sup>

According to UNHCR, 81% of the registered stateless population are concentrated in five provinces near border areas. Some of the stateless communities migrated to Thailand centuries ago, and are members of ethnic and indigenous communities living in mountainous regions, with restricted access to social services.<sup>136</sup> Many of these people such as Akha, Lahu, Lisu, Thai Yai, Yao, and Lawa are stateless, making a living out of subsistence agriculture.<sup>137</sup> Hill tribes are often denied legal status; hill tribe women, although born in Thailand, are not Thai citizens, and their children become stateless.<sup>138</sup> In theory, children inherit their parents' citizenship; in practice, lack of birth registration or loss of birth certificates can put them at risk of statelessness,<sup>139</sup> which in turn leads to accrued risks of child rights' violation.

There would be approximately 36,943 ethnic and indigenous stateless children who have been living in Thailand for a long time, and 87,291 stateless children who were born since 2011. There are 10 categories of stateless children,<sup>140</sup> and policy and management plan can differ for each type of them. In general, policies often focus on children who were born in Thailand, or rootless children. For instance, stateless children to stateless foreign/migrant parents, regardless of whether they are children of any ethnic group or not, if born in Thailand (with the evidence of civil registration) and graduated with a bachelor's degree (or higher) from an educational institution in Thailand, can apply for Thai nationality by submitting an application to the Civil Registration Officer at the District Registration Office or the Local Registry Office.<sup>141</sup>

## 2.6.3 Human trafficking



Activity under Expanding IMPACT program, aiming to Improve child-friendly case management, care and legal services for children victims of trafficking in Thailand.

Thailand is a country of origin, transit and destination of trafficked persons. There are different drivers for human trafficking apart from poverty: lack of education, lack of government action or support, and lack of awareness on how to avoid trafficking nets.<sup>142</sup>

In Northern Thailand, the tourist industry needs hotels, entertainment places, restaurants, tourist companies, all fertile ground for irregular migration and trafficking, while “poverty, political turmoil, sex tourism and cultural dynamics converge to create a booming sex industry. Sex trafficking is often to meet Thailand’s extensive commercial sex industry”.<sup>143</sup> Many Northeastern women (some working as sex workers in Thailand) become sex workers in Europe, South Africa, and the Middle East after being contacted by traffickers.<sup>144</sup>

Thai nationals are victims of forced labour (agriculture, fishing industry) in Thailand and in North America, Europe, Africa, Asia, and the Middle East.<sup>145</sup>

In Thailand, Thai nationals, Burmese, Cambodian, and Indonesian men are victims of forced labour, abuses, and even deaths, on fishing boats.

According to the 2020 Trafficking in persons report of the US Department of State, 950 individuals were reported as trafficking victims, most of which were migrants in an irregular situation from Myanmar, and Rohingya in transit, with the objective to seek employment in Malaysia.<sup>146</sup>

<sup>133</sup> Van Waas Laura, *Reflections on Thailand (1): A protracted and neglected situation of statelessness*. Weblog Statelessness Programme, Tilburg University, 2013, mentioned in IOM, 2020, *World Migration Report*, page 47.

<sup>134</sup> European Union, Faculty of Law of Chiang Mai University, LRDC, and UNICEF, 2021, *Life that nobody can see: 48 years of stateless children situation in Thailand*, page 8.

<sup>135</sup> Suwannarong Kanokwan for Save the Children, 2017, *A desk review for Research for Promoting Rural Opportunities for Children’s Empowerment, Education, and Development (PROCEED)*, page 43.

<sup>136</sup> UNHCR, *Factsheet Thailand 31 March 2021*. [https://www.unhcr.org/th/wp-content/uploads/sites/91/2021/04/UNHCR-Thailand-Fact-Sheet\\_31-March-2021.pdf](https://www.unhcr.org/th/wp-content/uploads/sites/91/2021/04/UNHCR-Thailand-Fact-Sheet_31-March-2021.pdf)

<sup>137</sup> Plan International, no date, *Young women and girls: vulnerability, impacts and adaptation in Northern Thailand*, page 11.

<sup>138</sup> Karen Leiter, 2004, *No status: migration, trafficking & exploitation of women in Health and HIV / AIDS Risks for Burmese and Hill Tribe Women and Girls - A Report by Physicians for Human Rights*, cited in Suwannarong Kanokwan for Save the Children, 2017, *A desk review for Research for Promoting Rural Opportunities for Children’s Empowerment, Education, and Development (PROCEED)*, page 57.

<sup>139</sup> Lynch Maureen and Telf Melanie, *Childhood statelessness. Forced Migr Rev.* 2010: 31-33.

<sup>140</sup> Group 1: Possibility to change their status and get Thai nationality. 1) Thai children (stateless children of Thai parents because the relationship has not been proven including Morken, Morgan, Mani, children of highland people, and children who are children of Thai displaced people). 2) A stateless child who is a child of an ethnic or indigenous group. 3) Stateless children who are children of other groups of non-Thai nationals (non-minorities). 4) Stateless

children with various vulnerabilities such as rootless children, street children. 5) Stateless children who have made visible contributions to the nation. In case children were not born in Thailand: 6) (Former) Ethnic children who have migrated to Thailand for a long time. 7) Rootless children who migrated to Thailand. Group 2: no policy in place for these children to become Thai nationals in the future. 8) Stateless children are children of fugitives who live in nine temporary shelter areas along the Thai-Myanmar border. 9) Stateless children of those fleeing death from their country of origin and are living in an urban area or known as “Urban Refugees”. 10) Burmese Muslim stateless children.

<sup>141</sup> For more information on policies, please see European Union, Faculty of Law of Chiang Mai University, LRDC, and UNICEF, 2021, *Life that nobody can see: 48 years of stateless children situation in Thailand*, pages 8 and following.

<sup>142</sup> Suwannarong Kanokwan for Save the Children, 2017, *A desk review for Research for Promoting Rural Opportunities for Children’s Empowerment, Education, and Development (PROCEED)*, page 9.

<sup>143</sup> Kate Butcher, 2003, *Confusion between prostitution and sex trafficking*, *Lancet*, cited in Suwannarong Kanokwan for Save the Children, 2017, *A desk review for Research for Promoting Rural Opportunities for Children’s Empowerment, Education, and Development (PROCEED)*, page 14 and 8.

<sup>144</sup> Suwannarong Kanokwan for Save the Children, 2017, *A desk review for Research for Promoting Rural Opportunities for Children’s Empowerment, Education, and Development (PROCEED)*, page 28.

<sup>145</sup> US Department of State, 2020, *Trafficking in persons report 2020*, page 488.

<sup>146</sup> US Department of State, 2020, *Trafficking in persons report 2020*, page 484.

Victims of human trafficking transit through Thailand from China, North Korea, Vietnam, Bangladesh, India, Burma, with their final destinations being Malaysia, Indonesia, Singapore, Russia, South Korea, the United States, and countries in Western Europe.

Children from other Southeast Asian countries, Sri Lanka, Russia, Uzbekistan, and some African countries are exploited in Thailand as the country of destination. Chiang Mai and Chiang Rai (North), Nong Khai and Mukdahan (Northeast) are sites known for the sex exploitation of children.<sup>147</sup> Children from Thailand, Myanmar, Laos, and Cambodia are forced into begging or selling in the streets, domestic work, or are sex trafficked into brothels, massage parlors, bars, karaoke lounges, and hotels. Internet child sexual abuse images targets Thai children through posting sex videos or photos and blackmailing them.<sup>148</sup>

In general, children (and their families) are lured into trafficking and sex/labour exploitation by traffickers with promises of an education or a better future. Traffickers benefit from the money earned from the child through the exploitative activity, and “often this is explained as a way for a child to pay off a debt they or their family 'owe' to the traffickers”.<sup>149</sup> More information on child trafficking will be found in the Child Protection chapter.

In the 2020 *Trafficking in persons report* of the US Department of State, Thailand is placed under tier 2, meaning that the country does not fully meet the minimum standards for the elimination of trafficking, but is making significant efforts to do so through the Supervisory Policy Committee on Addressing Trafficking in Persons. Several media campaigns and outreach activities in schools and communities have also been organised, and collaboration with NGOs and international organisations was fostered with the organisation of two fora (January and March 2020).<sup>150</sup>

The 2008 Anti-Trafficking in Persons Act<sup>151</sup> was revised to include a separate forced labour or services provision, and criminalised sex and labour trafficking, prescribing penalties,<sup>152</sup> but victims are often reported to be reluctant to take part in prosecutions, due to “fear of detention and extended shelter stays, fears of experiencing retaliation from traffickers, and language barriers”. Some officials may also behave in a way that is not supportive to the victim's testimony, and sometimes “corruption and official complicity facilitated trafficking”.<sup>153</sup> Officials are reported to accept bribes from brothel and factory owners, and collusion with traffickers can lead them to discard information to protect the traffickers’ impunity.<sup>154</sup> Despite this, in 2019, only 14 officials complicit in trafficking crimes were convicted. On a positive

note, Thai courts started admitting foreign court judgements as evidence, as well as video testimony to mitigate the victims’ concerns. However, prosecutors sometimes failed to apply trafficking laws, especially concerning labour trafficking.<sup>155</sup> The Suppression and Prevention of Prostitution Act (1996) criminalises sex workers, but fails to prosecute men benefitting from their exploitation.<sup>156</sup>

The identification and protection of victims remains a challenge: 868 victims of sex/labour trafficking were identified in 2019 (631 victims in 2018), with other 950 people identified as “trafficking victims subjected to extortion”, many being Burmese or Rohingya economic migrants in an irregular situation.

In practice, victims of forced labour cannot access the same rights and services as the other victims; and even for the other victims, the provision of services, and repatriation assistance, depend on their willingness to cooperate in investigations. Concerning children, civil society organisations outlined that there were no clear policies on the protection of begging children and children selling in the streets, and no actors working with them.<sup>157</sup>

In an effort to improve identification and protection, a mobile application for trafficking victims and witnesses to report exploitation has been developed to solicit help, and provide information in 7 languages. In 2019, nearly 400,000 USD from the anti-trafficking fund were allocated to victims.<sup>158</sup> There were 76 short-stay shelters and 9 long-term regional trafficking shelters (4 for male victims and their families, 4 for women, and 1 for male child victims), but according to civil society, foreign victims would sometimes prefer to be deported to their home countries instead of participating in investigations and having to stay in shelter centres.<sup>159</sup>

<sup>147</sup> Suwannarong Kanokwan for Save the Children, 2017, *A desk review for Research for Promoting Rural Opportunities for Children's Empowerment, Education, and Development (PROCEED)*, page 99.  
<sup>148</sup> US Department of State, 2020, *Trafficking in persons report 2020*, page 488.  
<sup>149</sup> Suwannarong Kanokwan for Save the Children, 2017, *A desk review for Research for Promoting Rural Opportunities for Children's Empowerment, Education, and Development (PROCEED)*, page 6.  
<sup>150</sup> US Department of State, 2020, *Trafficking in persons report 2020*, page 486.  
<sup>151</sup> Other laws against human trafficking are, for instance: Labor Protection Act (2008), Child Protection Act (2008), Anti-money laundering Act (1999), Penal Code Amendment Act (1997), Criminal Procedure Amendment Act (1997), Prevention and Suppression of Prostitution Act (1996), Amendments to the Securities and Exchange Act (1992), Immigration Act (1979), Immigrant Labors Regulation (2008).  
<sup>152</sup> US Department of State, June 2020, *Trafficking in persons report 2020*, page 483.

<sup>153</sup> US Department of State, June 2020, *Trafficking in persons report 2020*, page 483.  
<sup>154</sup> US Department of State, June 2020, *Trafficking in persons report 2020*, page 488.  
<sup>155</sup> US Department of State, June 2020, *Trafficking in persons report 2020*, page 484.  
<sup>156</sup> Committee on the Elimination of Discrimination against Women, 24 July 2017, *Concluding observations on the combined sixth and seventh periodic reports of Thailand*, page 8.  
<sup>157</sup> US Department of State, June 2020, *Trafficking in persons report 2020*, page 485.  
<sup>158</sup> US Department of State, June 2020, *Trafficking in persons report 2020*, page 485.  
<sup>159</sup> US Department of State, June 2020, *Trafficking in persons report 2020*, page 484 and 485.

## 2.7 The gender divide



A picture of Karen children from Mae La camp, Thailand.

### 2.7.1 Specific gender indicators

- **Gender Development Index:** 1.008. Rank: 79/167.<sup>160</sup>
- **Gender Inequality Index:** 0.359. Rank: 80/162.<sup>161</sup>

### 2.7.2 Main legislation on gender and challenges

In 2001, the government took action to mainstream gender into governmental bodies and departments, appointing a Chief Gender Equality Officer in each Ministry as a focal point. However, the reform undertaken in 2002 moved “*the national mechanisms for women status enhancement from the Office of the Prime Minister, which is the centre of power in the country’s administration, to a department-level agency under the Ministry of Social Development and Human Security*”, with consequent loss of power and coordination with all the ministries.<sup>162</sup>

With regard to legislation on gender, a series of laws have been enacted but some challenges remain.

For instance, the 1957 Criminal Code (Section 278) does not use clear terminology (employing the term “obscene”)<sup>163</sup>, thereby making prosecutions difficult.<sup>164</sup> The Domestic Violence Victim Protection Act was enacted in 2007; however, it was criticised for “*taking a family unity approach*”<sup>165</sup> and promoting reconciliation and mediation during the whole legal case, even if the Criminal Code Amendment Act (2007) criminalised rape committed by the husband.<sup>166</sup> Over a decade later, the Family Institute Protection Act was approved in February 2019, but protection gaps remain.<sup>167</sup>

The adoption of the Gender Equality Act (2015), the first law focusing on gender equality in Thailand, was the result of

consultations between the Department of Women’s Affairs and Family Development, civil society organisations, and LGBTI organisations. The Act includes the possibility for petitioners to file complaints, and represents the “*strongest legal instrument for advocating for legal gender recognition in Thailand*”.<sup>168</sup> However, some civil society organisations claim they did not fully participate in decision-making on legislation.<sup>169</sup>

Through the Gender Equality Act, a Committee on Consideration of Unfair Gender Discrimination was created, with the objective of deciding if an action entailed gender discrimination (through a binding deliberation), and inviting the government or organisations to act against it. Another body, The Gender Equality Promotion Committee, is tasked with proposing and designing policies and strategies to promote gender equality, and circulating information on the implementation of The Gender Equality Act. Two other committees contribute to enhance gender policies: The National Committee on the Policy and Strategy for the Advancement of Women, and The Committee for Promoting the Improvement of the Status of Women. The Gender Equality Promotion Fund is also available for compensation of victims of gender discrimination. In total, four committees share responsibilities, with challenges in coordinating and identifying clear roles and responsibilities.<sup>170</sup> In addition, emphasis should also be put on improving gender and age-disaggregated data collection.<sup>171</sup>

The implementation of the Act has encountered challenges; for example, the ambiguity of some definitions and the fragmentation of governmental bodies in charge of enforcing it.<sup>172</sup> Moreover, despite the commitment shown by the government, “*the situation faced by lesbians, bisexual women, transgender and Intersex persons (LBTI) in Thailand is characterized by invisibility and silencing, unreported cases of violence and abuse, family and societal pressure to conform to gender norms and roles and lack of legal protections in all aspects of life*”.<sup>173</sup> For instance, Thailand has not legalised same-sex marriage nor civil partnership. In addition, the “*lack of legal gender recognition based on self-determination is one of the fundamental barriers against the achievement of equality and full acceptance of SOGIESC in Thai society*”, a context where doctors decide the sex of children born with intersex variations, severely undermining their development and self-determination.<sup>174</sup>

<sup>160</sup> UNDP, 2021, *Briefing note for countries on the 2020 Human Development Report - Thailand*.

<sup>161</sup> UNDP, 2021, *Briefing note for countries on the 2020 Human Development Report - Thailand*.

<sup>162</sup> National Human Rights Commission of Thailand, no date, *Alternative Report on Thailand’s Implementation in Compliance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) by the National Human Rights Commission of Thailand*, page 4.

<sup>163</sup> “Ar-na-jarn” in Thai.

<sup>164</sup> National Human Rights Commission of Thailand, no date, *Alternative Report on Thailand’s Implementation in Compliance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) by the National Human Rights Commission of Thailand*, page 6.

<sup>165</sup> OECD Development Center, 2019, *Social Institutions and Gender Index*. <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/TH.pdf>

<sup>166</sup> Committee on the Elimination of Discrimination against Women, 24 July 2017, *Concluding observations on the combined sixth and seventh periodic reports of Thailand*, pages 6 and 2.

<sup>167</sup> Human Rights Watch, 2021, *World report 2021*. <https://www.hrw.org/world-report/2020/country-chapters/thailand>

<sup>168</sup> UNDP, MSDHS, 2018, *Legal gender recognition in Thailand - A legal and policy review*, pages 23 and 28.

<sup>169</sup> Togetherness For Equality (TEA) and The Working Group for Gender Equality, Rights and Freedom in Thailand, June 2017, *Thailand: Discrimination and Violence against Women and LGBTI Persons - Shadow report to the Committee on the Elimination of Discrimination Against Women (CEDAW) for consideration at the 67<sup>th</sup> session*, 2017, page 3.

<sup>170</sup> OECD Development Center, 2021, *Thailand: Gender Budgeting Action Plan*, in *Journal on Budgeting*, Volume 2020 Issue 3, OECD Publishing, Paris. <https://doi.org/10.1787/d688a509-en>, pages 17 and 25.

<sup>171</sup> Committee on the Elimination of Discrimination against Women, 24 July 2017, *Concluding observations on the combined sixth and seventh periodic reports of Thailand*, page 5.

<sup>172</sup> UNDP, MSDHS, 2018, *Legal gender recognition in Thailand - A legal and policy review*, pages 28-31.

<sup>173</sup> Togetherness For Equality (TEA) and The Working Group for Gender Equality, Rights and Freedom in Thailand, June 2017, *Thailand: Discrimination and Violence against Women and LGBTI Persons - Shadow report to the Committee on the Elimination of Discrimination Against Women (CEDAW) for consideration at the 67<sup>th</sup> session*, 2017, page 2.

<sup>174</sup> The Coalition of CSOs and INGOs for Children’s SOGIESC Rights -Thailand, 25 March 2021, *Joint submission to the United Nations Human Rights Council - 39<sup>th</sup> Session of the Working Group on the Universal Periodic Review*, page 4.

In its 2017 Observations, the CEDAW outlines that in the Act, exceptions to gender-based discrimination are accepted for religious principles and national security.

In 2017, Section 27 of the new Constitution stated that all persons are equal before the law, and the Constitution defines discrimination on various grounds, including sex.<sup>175</sup> However, *“the prohibition of discrimination does not apply in the Southern border provinces, where special emergency laws continue to be applied”*.<sup>176</sup>

Thailand materialised its commitment to gender equality by integrating the concept of gender budgeting in the 2017 Constitution.<sup>177</sup> Concerning gender budgeting, the tools for this task need to be further developed, and the awareness-raising within government officials remains limited. Eventually, all departments *“should integrate a gender dimension to performance setting”*.<sup>178</sup>

Finally, The Women’s Development Strategy (2017 - 2021) remains the main tool for gender equality policy, and sets objectives to fight discrimination and promote women’s empowerment.<sup>179</sup>

### 2.7.3 Gender equality and gender-based violence

Compared to other South East Asian countries, the progress of Thailand to reinforce gender equality is remarkable in fields such as education and the fight against poverty; however, inequality is more difficult to overcome when other vulnerability factors undermine the fulfilment of women’s and girls’ rights (residence in rural areas, ethnic origin, disability...).<sup>180</sup>

In general, gaps remain in public representation (as Thailand did not achieve the minimum target of 30% of women in leadership roles),<sup>181</sup> and formal work opportunities (in 2018, 55% of working women had informal employments):<sup>182</sup> in fact, *“no special measures have been adopted with a view to achieving substantive equality of women and men in all areas where women are underrepresented or disadvantaged”*.<sup>183</sup>

Discrimination in the workplace is common, including sexual harassment; migrant women in an irregular status are easily subject to exploitation.<sup>184</sup> Rural women and ethnic and indigenous women face difficulties in accessing social services,

are completely unrepresented in public bodies, and their rights to land and natural resources are often not recognised.<sup>185</sup>

Female prisoners have difficulties accessing appropriate healthcare: they can barely see doctors, are not targeted for cancer testing, and must raise their babies in prison, while mental health is also completely neglected.

Gender inequality and societal perceptions on the role and responsibilities of men and women in public and private life are intertwined, and strong stereotypes persist, in addition to cultural norms and harmful practices such as genital mutilation in the South, and bride kidnapping.<sup>186</sup>

An article on women and depression, published in 2019 in the *Journal of International Women's Studies*, stated that some Thai women are under chronic stress due to the burden of traditional gender norms (as women are expected to care for family members and children), combined with the need to undertake paid work and contribute to the family’s income.<sup>187</sup>

The responsibilities of the media in portraying a male-dominated world, where women are presented as victims of violence, has been well-researched,<sup>188</sup> and contributes to normalising an idea of women following a norm of conformity. Moreover, *“Thai men’s stereotype of Thai women is that they have beautiful faces and figures, are lovely and polite, play a large role in society, are open about relations with the opposite gender, may dress in a sexy way, but are not easily seduced. However [...] some Thai men’s stereotype of Thai women was that they [...] did things for money”*.<sup>189</sup>

Concerning violence, gender-based and domestic violence remain widespread. Women and girls with disabilities are often victims of discrimination and violence, but perpetrators (often, family members and neighbours) are rarely brought to justice.<sup>190</sup> Female human rights defenders face sexual harassment by officials and private religious citizens.<sup>191</sup> Lesbians and “tom” (transgender persons who might not identify with a specific gender) are at risk of rape, gang rape, and murder; in rural areas, they might also be forced to marry against their will.<sup>192</sup>

In general, women and girls must still face many bottlenecks to access justice in cases where their rights are violated, particularly due to stigmatisation (in the case of sexual violence), lack of information on legislation and remedial

<sup>175</sup> Committee on the Elimination of Discrimination against Women, 24 July 2017, *Concluding observations on the combined sixth and seventh periodic reports of Thailand*, pages 2-3.

<sup>176</sup> Committee on the Elimination of Discrimination against Women, 24 July 2017, *Concluding observations on the combined sixth and seventh periodic reports of Thailand*, page 2.

<sup>177</sup> Government of Thailand, 2017, *Thailand’s Voluntary National Review on the Implementation of the 2030 Agenda for Sustainable Development*, page 21.

<sup>178</sup> OECD Development Centre, 2021, *Thailand: Gender Budgeting Action Plan*, in *Journal on Budgeting*, Volume 2020 Issue 3, OECD Publishing, Paris, <https://doi.org/10.1787/d6d8a509-en>, page 9.

<sup>179</sup> OECD Development Center, 2021, *Thailand: Gender Budgeting Action Plan*, in *Journal on Budgeting*, Volume 2020 Issue 3, OECD Publishing, Paris, <https://doi.org/10.1787/d6d8a509-en>, pages 18-19.

<sup>180</sup> OECD Development Center, 2021, *Thailand: Gender Budgeting Action Plan*, in *Journal on Budgeting*, Volume 2020 Issue 3, OECD Publishing, Paris, <https://doi.org/10.1787/d6d8a509-en>, pages 8-11.

<sup>181</sup> Suggested in 1990 by the United Nations Economic and Social Council (E/1990/15), and restated by the Beijing Declaration and Platform for Action in 1995, as outlined in OECD Development Center, 2021, *Thailand: Gender Budgeting Action Plan*, in *Journal on Budgeting*, Volume 2020 Issue 3, OECD Publishing, Paris, <https://doi.org/10.1787/d6d8a509-en>, page 11.

<sup>182</sup> National Statistics Office of Thailand (2018), *Number of the Formal and Informal Employment by Age Group, Sex, Region, and Province: 2013-2018*, Retrieved from <http://statbi.nso.go.th/staticreport/page/sector/en/02.aspx>, cited in OECD Development Center, 2021, *Thailand: Gender Budgeting Action Plan*, in *Journal on Budgeting*, Volume 2020 Issue 3, OECD Publishing, Paris, <https://doi.org/10.1787/d6d8a509-en>, page 13.

<sup>183</sup> Committee on the Elimination of Discrimination against Women, 24 July 2017, *Concluding observations on the combined sixth and seventh periodic reports of Thailand*, page 5.

<sup>184</sup> Committee on the Elimination of Discrimination against Women, 24 July 2017, *Concluding observations on the combined sixth and seventh periodic reports of Thailand*, page 6.

<sup>185</sup> Committee on the Elimination of Discrimination against Women, 24 July 2017, *Concluding observations on the combined sixth and seventh periodic reports of Thailand*, page 22.

<sup>186</sup> Committee on the Elimination of Discrimination against Women, 24 July 2017, *Concluding observations on the combined sixth and seventh periodic reports of Thailand*, page 5.

<sup>187</sup> Somporn Rungreangkulkij, Ingkata Kotnara, Nilubol Rujiraprasert, Napaphat Khuandee, August 2019, *Gender Inequality Identified as an Underlying Cause of Depression in Thai Women*, *Journal of International Women's Studies*, 20(7), 395-408, pages 397-401.

<sup>188</sup> Neungthathai Khopolklang, Weerapong Polnigongit\*, Nisachol Chammongsri, 2014, *Influence of the Thai Mass Media on Violence Against Women: Synthesis of Research Studies* - Kasetsart J. (Soc. Sci) 35:167 – 176, pages 170-172.

<sup>189</sup> Saejung, P., 2001, *The Representation of Thai women in media which presented sexual matters as well as men’s perceptions of stereotypes of women* (Unpublished master’s thesis), Chulalongkorn University, Bangkok, cited in Neungthathai Khopolklang, Weerapong Polnigongit\*, Nisachol Chammongsri, 2014, *Influence of the Thai Mass Media on Violence Against Women: Synthesis of Research Studies* - Kasetsart J. (Soc. Sci) 35:167 -176, page 174.

<sup>190</sup> National Human Rights Commission of Thailand, no date, *Alternative Report on Thailand’s Implementation in Compliance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) by the National Human Rights Commission of Thailand*, page 12.

<sup>191</sup> Togetherness For Equality (TEA) and The Working Group for Gender Equality, Rights and Freedom in Thailand, June 2017, *Thailand: Discrimination and Violence against Women and LGBTI Persons - Shadow report to the Committee on the Elimination of Discrimination Against Women (CEDAW) for consideration at the 67<sup>th</sup> session*, 2017, pages 3 and 5.

<sup>192</sup> Togetherness For Equality (TEA) and The Working Group for Gender Equality, Rights and Freedom in Thailand, June 2017, *Thailand: Discrimination and Violence against Women and LGBTI Persons - Shadow report to the Committee on the Elimination of Discrimination Against Women (CEDAW) for consideration at the 67<sup>th</sup> session*, 2017, page 13 and following.

actions, lack of awareness amongst personnel in the justice system,<sup>193</sup> and lack of trained female officers in gender-sensitive investigations.<sup>194</sup> Muslim women in the South experience sexual violence at the hands of military officers, but such cases do not generally reach the Military Court. Moreover, Muslim women can barely access formal justice, while such religious mechanisms as the Islamic Community Committees, or Islamic Provincial Councils, administer justice based strictly on Islamic law, discouraging women from resorting to them.<sup>195</sup>

The MICS 2019 shows that domestic violence is largely accepted in-country: 24.4% of participating women justified the fact that the husband was beating his wife for one of the suggested reasons, with 10 points of difference between urban area (19.9%) and rural area (29%). The difference is similar comparing women with higher education level (21.1%) to women with pre-primary education level (30%). Data are not very promising in terms of the new generation's awareness, as 26.1% of the youngest women (15 - 19 years) justified domestic violence, against 22.5% of the oldest group (45 - 49 years). Concerning men, 28% justified domestic violence, with only 2 points of difference between urban area (26,9%) and rural area (28,9%); again, a slightly bigger percentage of the youngest group (27.3%, against 26% for the oldest group) justified domestic violence. Finally, only 9.5% of men with pre-primary education level, against 19.7% of men with higher education level, thought that one of the suggested reasons justified the use of violence by the husband, showing that violence is a multi-faceted problem, not only related to lack of education.<sup>196</sup>

During the COVID-19 pandemic, misogynistic comments, sexual harassment and misuse of images and data on social networks multiplied. On a positive note, there has been mobilisation to offer more support for victims of gender-based violence through Facebook groups and Instagram posts, with a significant increase in victims searching for information or help through the Internet (+29% of this kind of searches in Thailand).<sup>197</sup> However, services such as Hotline to One Stop Crisis Centres have been “diverted to respond to COVID-19”,<sup>198</sup> with serious implications for the protection of women and children.

The impact of COVID-19 on LGBTI people includes increased risk of various forms of violence and abuse: even before the pandemic, LGBTI people had to face discrimination, unequal treatment, harassment and violence in different environments. A 2019 survey by UNDP outlined that 21% of transgender women reported often being verbally attacked, 9% often sexually harassed, and 8% often being victims of physical violence. 50% of LGBTI people are victims of discrimination at home.<sup>199</sup> Another survey conducted by UNDP

and the Asia Pacific Transgender Network between April and May 2020 mentioned the loss of income and unsafe living conditions as the main socio-economic consequence of the crisis on LGBTI. Other issues, such as isolation and depression, were also noted as negatively affecting their lives.<sup>200</sup>

Finally, 21% of the youth who reported being in same-sex relationship or LGBTI during COVID-19, declared that their lives became more difficult because of the pandemic (for instance, having to suffer from increased discrimination and lack of social acceptance.)<sup>201</sup>

### 3. Legal and institutional framework for human and child rights

*“If you want to make change, you have to convince the most powerful people who have control”.*<sup>202</sup>



Children in the learning centre in Mae La refugee camp in Tak Province, Thailand.

#### 3.1 Human rights

##### 3.1.1 International instruments and ratifications

A list of the main international treaties ratified by Thailand is provided in Annex 2.

<sup>193</sup> Committee on the Elimination of Discrimination against Women, 24 July 2017, *Concluding observations on the combined sixth and seventh periodic reports of Thailand*, page 3.

<sup>194</sup> National Human Rights Commission of Thailand, no date, *Alternative Report on Thailand's Implementation in Compliance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)* by the National Human Rights Commission of Thailand, page 7.

<sup>195</sup> National Human Rights Commission of Thailand, no date, *Alternative Report on Thailand's Implementation in Compliance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)* by the National Human Rights Commission of Thailand, page 9.

<sup>196</sup> National Statistical Office Thailand and UNICEF, August 2020, *Multiple Indicator Cluster Survey 2019*, pages 211 and following.

<sup>197</sup> UN Women, UNFPA and Quilit.ai., March 2021, *COVID-19 and violence against women: the evidence behind the talk. Insights from big data analysis in Asian countries*, pages 6 and 10.

<sup>198</sup> <https://evaw-global-database.unwomen.org/fr/countries/asia/thailand/2007/one-stop-crisis-centres...> in National Economic and Social Development Council, 2020, *Socio-Economic Impact Assessment of COVID-19 in Thailand*, page 17.

<sup>199</sup> UNDP, 2019, *Tolerance but not Inclusion: A national survey on experiences of discrimination and social attitudes towards LGBT people in Thailand*, Bangkok: UNDP, page 110.

<sup>200</sup> UNDP with Asia Pacific Transgender Network, 2020, *Survey on the Impact of COVID-19 on LGBTI People in Thailand*, [Presentation], Bangkok: UNDP, Bangkok Regional Hub, cited in UN National Economic and Social Development Council, October 2020, *Socio-Economic Impact Assessment of COVID-19 in Thailand*, page 17.

<sup>201</sup> Mahidol University, UNFPA, UNICEF and others, 21 July 2020, *Preliminary Findings: Youth Covid-19 online survey: General Youth*, page 31.

<sup>202</sup> Save the Children Thailand, 2021, *Internal document: consultations with children organised by SCI Thailand during the Country Strategic Planning process*.

### 3.1.2 Main national policies and instruments on human rights in Thailand



One of family which participated in positive parenting workshop from Eat, Play, Love, & Read (EPLR) Project in the Deep South of Thailand.

The 2017 Constitution (Section 4, 26, 32) guarantees human dignity, rights, liberties and equality, as provided under previous constitutions.<sup>203</sup> However, this new Constitution appears to be less protective of the rights of certain categories; for instance, it “appears to weaken the overall legal protection of persons with disabilities”.<sup>204</sup>

Among the most relevant legislation, it is important to mention the Penal Code Amendment Act (Nos. 19 and 20), in 2007, and (No. 21), in 2008, and the Criminal Procedure Code Amendment Act (Nos. 25 and 26), in 2007.

Other legal instruments include:

- The 1996 Prevention and Suppression of Prostitution Act;<sup>205</sup>
- The 1998 Labour Protection Act, which is applicable to all workers, irrespective of their immigration status;<sup>206</sup>
- The 2007 Computer Crime Control Act;<sup>207</sup>
- The 2007 Domestic Violence Victim Protection Act;
- The 2007 Persons with Disabilities Empowerment Act and its 2013 amendment;
- The 2008 Anti-Trafficking in Persons Act, amended in 2015 to strengthen commitment against trafficking in persons;<sup>208</sup>

- The 2014 Protection of Vulnerable Persons Act, addressed to the homeless or people dealing with poverty;<sup>209</sup>
- The 2015 Justice Fund Act, to ensure that poor populations have equal access to justice, through financial support for legal aid;<sup>210</sup>
- A Centre for Justice at the District level (or Keadilan Center) has been established to receive complaints and provide legal aid, also through a hotline service;<sup>211</sup>
- Being party of the UN Convention against Corruption, in 2015, Thailand has amended the Organic Law on Anti-Corruption (No. 3);<sup>212</sup>
- The 2015 Gender Equality Act.

Examples of plans:

- The 2013-2016 First Strategic Plan for the Empowerment of Women with Disabilities;<sup>213</sup>
- While not a legally binding document, the 3rd National Human Rights Plan 2014 - 2018, issued by the Rights and Liberty Protection Department of the Ministry of Justice, “outlines targets for meeting Thailand’s international human rights obligations”;<sup>214</sup>
- The 2019 National Action Plan on Business and Human Rights;
- The 2017- 2020 Fifth National Plan of Empowerment of Persons with Disabilities;<sup>215</sup>
- The 12<sup>th</sup> National Economic and Social Development Plan (2017-2021) has made of the SDGs its priority.

Concerning the situation in the South, in the past decade, financial compensation for the victims of the violence was foreseen, together with the Development Plan for the Special Area in the Southern Border Provinces for 2009-2012.<sup>216</sup> It should also be highlighted that, due to the tensions in the Southern Border Provinces, in the previous URP report (2011) Thailand reported the creation of the Truth for Reconciliation Commission of Thailand,<sup>217</sup> operational until 2012.<sup>218</sup>

The commitment to human rights has materialised in the above-mentioned third National Human Rights Plan (2014-2018),<sup>219</sup> implementation of which was hampered by difficulties in coordination, data collection, and insufficient understanding of plans and policies.<sup>220</sup> According to key informants consulted during this CRSa, after 2018, another

<sup>203</sup> Human Rights Council - Working Group on the Universal Periodic Review 12 February 2016, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21* - Thailand, page 3.

<sup>204</sup> Committee on the Rights of Persons with Disabilities, 12 May 2016, *Concluding observations on the initial report of Thailand*, page 2.

<sup>205</sup> Committee on the Rights of the Child, 21 February 2012, *Consideration of reports submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*, page 7.

<sup>206</sup> Committee on the Elimination of Racial Discrimination, 15 November 2012, *Concluding observations on the first to third periodic reports of Thailand, adopted by the Committee at its eighty-first session (6–31 August 2012)*, page 6.

<sup>207</sup> Committee on the Rights of the Child, 21 February 2012, *Consideration of reports submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*, page 6.

<sup>208</sup> Human Rights Council - Working Group on the Universal Periodic Review, 12 February 2016, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21* - Thailand, page 4.

<sup>209</sup> Human Rights Council - Working Group on the Universal Periodic Review, 12 February 2016, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21* - Thailand, page 4.

<sup>210</sup> Human Rights Council - Working Group on the Universal Periodic Review 12 February 2016, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21* - Thailand, page 4.

<sup>211</sup> Human Rights Council - Working Group on the Universal Periodic Review 12 February 2016, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21* - Thailand, page 18.

<sup>212</sup> Human Rights Council - Working Group on the Universal Periodic Review 12 February 2016, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21* - Thailand, page 4.

<sup>213</sup> Committee on the Rights of Persons with Disabilities, 12 May 2016, *Concluding observations on the initial report of Thailand*, page 1.

<sup>214</sup> UNDP, MSDHS, 2018, *Legal gender recognition in Thailand - A legal and policy review*, pages 26-27.

<sup>215</sup> Human Rights Council - Working Group on the Universal Periodic Review 12 February 2016, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21* - Thailand, page 4.

<sup>216</sup> Committee on the Elimination of Racial Discrimination, 15 November 2015, *Concluding observations on the first to third periodic reports of Thailand, adopted by the Committee at its eighty-first session (6–31 August 2012)*, page 1.

<sup>217</sup> Human Rights Council, 8 December 2011, *Report of the Working Group on the Universal Periodic Review\* Thailand*, page 3.

<sup>218</sup> Source: key informant.

<sup>219</sup> Committee on Economic, Social and Cultural Rights, 19 June 2015, *Concluding observations on the combined initial and second periodic reports of Thailand*, page 2.

<sup>220</sup> Human Rights Council - Working Group on the Universal Periodic Review, 7 March 2016, *Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21* - Thailand, page 5.

plan has not been created, while the Government enforced only the National Action Plan on Business and Human Rights.

Concerning the functioning of the National Human Rights Commission of Thailand (NHRCT), in 2015, the government outlined that the Commission could count on a sufficient budget, and the entity handled an increasing number of cases, from 112 in 2001, to 600/700 cases per year in following years. A Coordination Committee was created in 2016 by the Ministry of Justice to follow up on the recommendations issued by some agencies.<sup>221</sup>

Upon investigation, when the NHRCT considers that a violation of human rights occurred, a careful analysis with a timeframe is prepared. The NHRCT has also the power to mediate between parties and issue recommendations to modify laws, and ultimately ensure that proper mechanisms are in place to protect human rights principles.<sup>222</sup>

Unfortunately, several international committees highlighted their concerns for the institutional shortcomings of the Commission, “including in relation to its independence and the selection process for Commissioners” in conformity with the Paris Principles.<sup>223</sup> Moreover, at the end of 2015, the Commission was downgraded to “B” status by the Global Alliance of National Human Rights Institutions.<sup>224</sup>

Finally, Thailand also supports the work of the Asia Pacific Forum of National Human Rights Institutions (APF) and the ASEAN Intergovernmental Commission on Human Rights (AICHR).<sup>225</sup>

### 3.1.3 Universal Periodic Review

The first cycle report of the Universal Periodic Review (UPR) was held in 2011, with 134 recommendations accepted, translated into Thai, and disseminated to civil society and the population. Afterwards, the National UPR Committee’s mandate was strengthened to include not only reporting, but also follow-up of implementation of the recommendations; in this regard, a national plan was created in 2013. In 2014, Thailand prepared a voluntary midterm update on the status of implementation.<sup>226</sup>

The latest UPR was conducted in 2016, and Thailand accepted 181 recommendations out of 249, among which: ratify ILO Convention No. 189; create an independent body to investigate torture allegations (on the understanding that “the NHRCT is the independent body responsible for receiving complaints and investigating all torture investigations”);<sup>227</sup> commute death sentences, work towards the abolishment of the death penalty; take into due account gender-based

violence through the revision of Penal Code, Criminal Procedure Code and Domestic Violence Victim Protection Act; and establish an independent body with access to all prisoners under the custody of the Ministry of Justice, outlining that the NHRCT and the Ombudsman are the bodies in charge of this task.

In addition, in 2016 the Thai CSOs coalition for the UPR made a recommendation to the government of Thailand to accept the requests of visits by the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Working Group on Arbitrary Detention; and the Independent Expert on minority issues.<sup>228</sup>

### 3.1.4 Main human rights concerns from UN bodies/committees’ observations



Save the Children staff in Bangkok office attended Transgender Remembrance Day under Highlighting Equality And Respect Towards All SOGIESC (HEARTS) program.

In this section, an overview of the main situations of concern outlined in official reports by UN bodies will be presented:

- Discrimination of various types against LGBTI people, against individuals and against same-sex couples, and lack of legal gender recognition, with challenges for transgender population.
- Death penalty prescribed under 55 articles of the Criminal Code, for a variety of offences, including economic offences, or drug-related crimes, which represented an extremely high percentage of the death penalty. In the past, the NHRCT clearly spoke for the abolition of the death penalty.<sup>229</sup>

<sup>221</sup> Human Rights Committee, 25 April 2017, *Concluding observations on the second periodic report of Thailand*, page 2.

<sup>222</sup> UNDP, MSDHS, 2018, *Legal gender recognition in Thailand - A legal and policy review*, pages 26-27.

<sup>223</sup> Committee on Economic, Social and Cultural Rights, 19 June 2015, *Concluding observations on the combined initial and second periodic reports of Thailand*, page 2.

<sup>224</sup> Human Rights Committee, 25 April 2017, *Concluding observations on the second periodic report of Thailand*, page 2.

<sup>225</sup> Committee on Economic, Social and Cultural Rights, 19 June 2015, *Concluding observations on the combined initial and second periodic reports of Thailand*, page 2.

<sup>226</sup> Human Rights Council - Working Group on the Universal Periodic Review, 12 February 2016, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 - Thailand*, page 2.

<sup>227</sup> Human Rights Council, 7 September 2016, *Report of the Working Group on the Universal Periodic Review\* Thailand - Addendum. Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review*, pages 2 and following.

<sup>228</sup> Thai CSOs coalition for the UPR, 2016, *2nd Cycle Universal Periodic Review - Thailand UPR 2016 - Information on the status of the human rights situation in Thailand*, page 5.

<sup>229</sup> Human Rights Council, 23 February 2016, *Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 Thailand*, page 3.

- Concerning torture, section 28 of the Constitution prohibits it, but torture is not defined in the legal system, and the Penal Code “does not reflect the non-exhaustive list of purposes for which torture may be inflicted nor does it include discrimination as a purpose”.<sup>230</sup> Similarly noted is the absence of a definition of enforced disappearance in the legislation, and the delay in proclaiming the draft act on prevention and suppression of torture and enforced disappearance.
- In fact, torture is largely under-documented in country with a “climate of de facto impunity for acts of torture committed”: extra-judicial killings, ill treatment and torture of detainees, including to obtain confessions, by police and military officials are widespread in the country, particularly the Southern border provinces, where in a century, three special laws (the 1914 Martial Law Act, the 2005 Emergency Decree and the 2008 Internal Security Act) have been applied, with strong effects “on the rule of law, including due process guarantees”.<sup>231</sup>
- Challenges in presenting evidence of torture; in general, for most of the victims, permission of visits in private from family or lawyers was denied when in detention.<sup>232</sup>
- Thailand applies an interpretative declaration of the Convention against Racism that “does not recognize any obligation beyond the confines of its Constitution and law”.<sup>233</sup> Moreover, there is no legal definition or prohibition of racial discrimination, and no systematic review of policies’ potential discriminatory effects is conducted.
- Disappearances of human rights activists, particularly in the South, apparently without prosecution of the alleged perpetrators.<sup>234</sup>
- Insufficient prosecution of sexual and domestic violence, and priority of a settlement arrangement over the victim’s well-being: “domestic violence is treated as a private matter rather than a serious public criminal offence”.<sup>235</sup>
- Prolonged/extended detention of migrants in irregular situation and asylum seekers, in overcrowded and unhealthy centres and without contacts with embassies or civil society.
- Lack of guarantees of non-refoulement of asylum seekers and people in need of protection, such as Uighur and Rohingya people, even when risks are proven.<sup>236</sup>
- Lack of correct identification of victims, lack of support and deportation.<sup>237</sup>
- Criminal penalties foreseen in the 2015 Public Assembly Act for failure of prior notification to authorities of peaceful assemblies.<sup>238</sup>

## 3.2 CRC General measures of implementation

### 3.2.1 Law reform and enforcement<sup>239</sup>

#### 3.2.1.1 Ensuring that all law is compatible with the UNCRC

In the latest CRC report, Thailand noted that at least 17 laws had been amended to comply with the CRC,<sup>240</sup> although in 2016, the government of Thailand outlined that “... the country follows a dualistic legal system, meaning that international treaties are not directly applicable in our domestic system. Nevertheless, in practice, there have been several cases that the court directly referred to international human rights instruments”.<sup>241</sup>

In this section, the main legislation, plans and strategies on different child rights issues are outlined, and this information will not be repeated in the respective thematic chapters of the CRSA (Child Protection, Health and Education).

## CHILD PROTECTION



The 2012 CRC report suggested to review the 2003 Child Protection Act to issue guidelines for its implementation, particularly in light of the fact that there are several coordinating agencies and committees without a clear overall leadership unit. According to key informants, the Act is currently under revision: the draft amendment was circulated for comments in August 2020. It is expected that it will be officially announced in 2022.

The specific legislation on Child Protection includes:

- The 1925 Civil and Commercial Code (Sections 1536 -1585, Parent and Child);

<sup>230</sup> Committee against Torture, 20 June 2014, *Concluding observations on the initial report of Thailand*, page 4.

<sup>231</sup> Committee against Torture, 20 June 2014, *Concluding observations on the initial report of Thailand*, pages 4 and 8.

<sup>232</sup> Human Rights Council, 23 February 2016, *Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 Thailand*, page 4.

<sup>233</sup> Committee on the Elimination of Racial Discrimination, 15 November 2012, *Concluding observations on the first to third periodic reports of Thailand, adopted by the Committee at its eighty-first session (6–31 August 2012)*, pages 2 and following.

<sup>234</sup> Committee against Torture, 20 June 2014, *Concluding observations on the initial report of Thailand*, pages 3-7.

<sup>235</sup> Committee against Torture, 20 June 2014, *Concluding observations on the initial report of Thailand*, page 7.

<sup>236</sup> Human Rights Committee, 25 April 2017, *Concluding observations on the second periodic report of Thailand*, page 5.

<sup>237</sup> Committee against Torture, 20 June 2014, *Concluding observations on the initial report of Thailand*, pages 8 and 10.

<sup>238</sup> Human Rights Committee, 25 April 2017, *Concluding observations on the second periodic report of Thailand*, page 7.

<sup>239</sup> Please, note that this section is based on the latest report submitted to the CRC by Thailand (2011), thus some information might not be updated.

<sup>240</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 5.

<sup>241</sup> Human Rights Council, 7 September 2016, *Report of the Working Group on the Universal Periodic Review\* Thailand - Addendum. Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review*, page 3.

- The 1954 Military Service Act and the 2000 Defence Ministerial Regulation (establishing 18 years of age as the minimum age for military activities);<sup>242</sup>
- The 1991 Act Instituting Juvenile and Family Court and Juvenile and Family Procedures, amended in 2005;<sup>243</sup>
- The 1996 National Policies and Plan of Action on the Prevention and Suppression of Commercial Sexual Exploitation of Children;<sup>244</sup>
- The 1998 Labor Protection Act (amended in 2008)<sup>245</sup> sets the minimum age of work in compliance with ILO Minimum Age Convention No. 138 (15 years, and 18 for hazardous work)<sup>246</sup> and ensures special protection measures for children engaged in child labor;
- The 2003 Child Protection Act;
- The 2007 Domestic Violence Victim Protection Act, and 2008 Anti-Trafficking in Persons Act;<sup>247</sup>
- The Civil Registration Act, 1991, Amendment, Addition (No. 3) 2019. In the new amendment, Section 19/2 (related to stateless people and Thai citizenship in the case of rootless people) was revised.<sup>248</sup>
- The 2010 Child Adoption Act;<sup>249</sup>
- The 2010 Juvenile and Family Court and Procedures Act;<sup>250</sup>
- The 2011 Home Workers Protection Act stipulates the safe conditions of employment and minimum wages of children below 15 years;<sup>251</sup>
- The 2015 Thai Penal Code Amendment Act led to broadened territorial jurisdiction of Thai courts, which *“have jurisdiction to prosecute both Thai citizens who exploit children abroad as well as foreigners who have exploited children in Thailand”*;
- In 2015, the Criminal Code was amended to criminalise child pornography, broaden protection from a variety of sexual exploitation and, for the first time in Thailand, also child pornography;<sup>252</sup>
- The 2017 Constitution (Section 71) states that children, youth, women and other vulnerable persons are protected from violence and shall receive rehabilitation measures;<sup>253</sup>
- The 2018 National Child and Youth Development Promotion Act;
- The 2019 Fishery Workers Protection Act;<sup>254</sup>

The main strategies and plans mentioned in consulted literature are:

- After the establishment of the Committee for Juvenile Welfare for the Juvenile Observation and Protection Center, in 2004, a MoU on cooperation was signed with different agencies. A MoU on health care for juveniles in training centers was also signed in 2008 by the MOJ, Department of Juvenile Observation and Protection, Faculty of Social Administration of Thammasart University, and Thai Public Health Foundation;<sup>255</sup>
- The 2012-2016 National Child and Youth Development Plan (which however represents a “mixed” framework for both children and youth up to 25 years, without a separate space and attention to childhood);<sup>256</sup>
- The 2012-2016 National Plan and Policy on the Prevention, Suppression and Combating of Domestic and Transnational Trafficking in Children and Women;<sup>257</sup>
- The 2019 MoU to End Immigration Detention of Children;
- The National Policy and Plan to Eliminate the Worst Forms of Child Labour, Phase II 2015-2020,<sup>258</sup> with the aim to protect children in hazardous work conditions;<sup>259</sup>
- The 2015-2021 Policies and Strategies for the Prevention and Responses to Violence against Children and Youth;<sup>260</sup>
- The 2017-2021 Second National Policy, Strategies, and Measures to Prevent and Suppress Trafficking in Persons;<sup>261</sup>
- The 2<sup>nd</sup> 2017-2021 National Child and Youth Development Plan. This Plan aims at ensuring a good quality of life for children and youth, gaining learning skills for the twenty-first century, and becoming creative citizens.<sup>262</sup>
- The 2017-2021 Department of Child and Youth Strategy Strategic Plan No.1,<sup>263</sup>
- The 2017-2021 National Child Protection Strategy;
- The 2017-2021 National Strategy on the Promotion and Protection of Children and Youth using Online Media;<sup>264</sup>

<sup>242</sup> Committee on the Rights of the Child, 21 February 2012, *Consideration of reports submitted by States parties under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*, page 1.

<sup>243</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 30.

<sup>244</sup> Committee on the Rights of the Child, 21 February 2012, *Consideration of reports submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*, page 2.

<sup>245</sup> Institute of Human Rights and Peace Studies - Mahidol University for Save the Children Philippines, 2016, *Child Rights Situation Analysis Within the ASEAN Region*, page 33.

<sup>246</sup> According to ILO Minimum Age Convention No. 138, the minimum age for admission to work is 15 years (13 for light work) and the minimum age for hazardous work is 18 (16 under certain strict conditions), with the possibility to set the general minimum age at 14 (12 for light work), “where the economy and educational facilities are insufficiently developed”. <https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/child-labour/lang-en/index.htm#:~:text=This%20fundamental%20convention%20sets%20the,16%20under%20certain%20strict%20conditions>.

<sup>247</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 5.

<sup>248</sup> [http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/049/T\\_0033.PDF](http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/049/T_0033.PDF)

<sup>249</sup> Madhni Khadijah & Brubeck Sahra for Key Assets & The Nippon Foundation, no date, *Thailand - Alternative care report*, page 40.

<sup>250</sup> Committee against Torture, 20 June 2014, *Concluding observations on the initial report of Thailand*, page 2.

<sup>251</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 29.

<sup>252</sup> Human Rights Council - Working Group on the Universal Periodic Review, 12 February 2016, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21* - Thailand, page 4.

<sup>253</sup> [https://www.constituteproject.org/constitution/Thailand\\_2017.pdf](https://www.constituteproject.org/constitution/Thailand_2017.pdf)

<sup>254</sup> U.S. Department of Labour - Bureau of International Labour Affairs, *Child Labour and Forced Labor Report - Thailand*, page 1. [https://www.dol.gov/sites/dolgov/files/ILAB/child\\_labor\\_reports/tda2019/Thailand.pdf](https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/Thailand.pdf)

<sup>255</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 31.

<sup>256</sup> Committee on the Rights of the Child, 17 February 2012, *Consideration of reports submitted by States parties under article 44 of the Convention. Concluding observations: Thailand*, page 3.

<sup>257</sup> Committee on Economic, Social and Cultural Rights, 19 June 2015, *Concluding observations on the combined initial and second periodic reports of Thailand*, page 2.

<sup>258</sup> U.S. Department of Labour - Bureau of International Labour Affairs, *Child Labour and Forced Labor Report - Thailand*, pages 3 and following.

<sup>259</sup> [https://www.dol.gov/sites/dolgov/files/ILAB/child\\_labor\\_reports/tda2019/Thailand.pdf](https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/Thailand.pdf)

<sup>260</sup> [https://www.ilo.org/asia/projects/WCMS\\_099122/lang-en/index.htm](https://www.ilo.org/asia/projects/WCMS_099122/lang-en/index.htm)

<sup>261</sup> Source: key informant.

<sup>262</sup> Oxford Policy Management and United Nations in Thailand, July 2020, *Social Impact Assessment of COVID-19 in Thailand*, page 128.

<sup>263</sup> UNICEF and Thailand Development Research Institute, May 2020, *Youth Employability Scoping Study*, page 17.

<sup>264</sup> UNDP, 2020, *Empowering Youth in Thailand - UNDP Thailand Youth Strategy*, page 4.

<sup>265</sup> Source: *Ending violence against children in ASEAN Member States: Mid-term review of priority areas under the ASEAN Regional Plan of Action on the Elimination of Violence against Children 2016-2025*, in The Ateneo Human

- Cooperation with NGOs has been materialised through a MoU on Common Operational Guidelines for Government and Non-Governmental Organisations Engaged in Addressing Trafficking in Women and Children.<sup>265</sup>

## DEFINITION OF CHILD AND CONCERNS ON DOMESTIC LEGISLATION

Section 4 of the Child Protection Act defines a *child* “a person below 18 years of age, but does not include those who have attained majority through marriage”, which is in line with the CRC.<sup>266</sup>

However, in different areas, different ages prevail which seems to shorten the length of childhood, for instance:

The **minimum age of criminal responsibility** was raised from 7 to 10 years according to the first UPR in 2011; despite that, “10 years still remain below internationally acceptable standards”.<sup>267</sup> According to key informants, the cabinet has approved increasing the minimum age of criminal responsibility to 12 years in June 2020, but the lack of amendment of the Criminal Code reflects that the work is still in progress.

The 2011 ministerial regulation that prohibited persons below the age of 18 from taking part in **village defense**, however this is not fully respected.<sup>268</sup>

Concerning the **legal minimum age for marriage**, it is 17 years for boys and girls under the Civil and Commercial Code, but the age can be lowered to 13 years if permitted by a court decision, for instance in cases of sexual assaults, for marrying the perpetrator. In 2016, Thailand reported that “the Ministry of Social Development and Human Security conducted a study and “proposed to change relevant provisions in the Criminal Code on offence relating to sexuality to the Ministry of Justice”.<sup>269</sup> At present, according to key informants, article 277 of the Criminal Code still gives authority to the court to allow child marriage in case that a child is sexually abused and the perpetrator and the child voluntarily agree to the proposal.

Other concerns, not related to the definition of the child, are:

- The 2012-2016 National Plan and Policy on the Prevention, Suppression and Combating of Domestic and Transnational Trafficking in Children and Women, which covers only some offences under the *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*, offences “related to trafficking only”.<sup>270</sup> However, it is to be noted the amendment of the Criminal Code to include the possession, distribution and production of child sexual abuse and material as a criminal offense, and the increased penalty to a maximum of 10 years’ imprisonment and Baht 200,000 fine.<sup>271</sup>
- In 2016, the CRC outlined that corporal punishment was lawful in the home and in alternative care settings (although not in schools, where Article 6 of MoE 2005 *Regulation on Student Punishment* prohibits punishment).<sup>272</sup> In fact, according to article 1567 of the Civil and Commercial Code, as outlined by the Human Rights Council, “those with parental authority over children had a right to impose “reasonable” punishment for the purpose of discipline”,<sup>273</sup> even if Article 26 of the 2003 Child Protection Act prohibits tortures or harsh punishment of a child (but does not clearly prohibit all corporal punishment).<sup>274</sup> Humiliating punishment is not regulated. According to the 2021 CRCCT submission for the UPR, “in the public hearing for draft progress report numbers 5-6, the report mentioned that Thailand has drafted a revision of the Civil and Commercial Code to protect children from violence, including corporal punishment”.<sup>275</sup>

## EDUCATION

Legislation:

- The 1999 National Education Act and its 2002 Amendment;
- The 2002 Compulsory Education Act;
- The 2002 Skill Development Promotion Act;<sup>276</sup>
- The 2004 Public School Teacher and Educational Personnel’s Act;<sup>277</sup>
- The 2005 Regulation on Student Punishment;
- The 2005 Resolution on Education for Unregistered Persons;<sup>278</sup>

Rights Center in partnership with Save the Children Philippines, 2020, *Children’s rights situation in the ASEAN: recent developments, trends and issues*, page 25.

<sup>265</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 29.

<sup>266</sup> <https://www.thailandlawonline.com/thai-family-and-marriage-law/child-protection-act>

<sup>267</sup> Human Rights Council - Working Group on the Universal Periodic Review, 7 March 2016, *Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 - Thailand*, page 10.

<sup>268</sup> Human Rights Council - Working Group on the Universal Periodic Review, 7 March 2016, *Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 - Thailand*, page 9.

<sup>269</sup> Human Rights Council, 7 September 2016, *Report of the Working Group on the Universal Periodic Review\* Thailand - Addendum. Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review*, page 4.

<sup>270</sup> Committee on the Rights of the Child, 21 February 2012, *Consideration of reports submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*, page 3.

<sup>271</sup> Source: key informant.

<sup>272</sup> Human Rights Committee, 25 April 2017, *Concluding observations on the second periodic report of Thailand*, page 11.

<sup>273</sup> Human Rights Council - Working Group on the Universal Periodic Review, 7 March 2016, *Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 - Thailand*, page 9.

<sup>274</sup> Human Rights Committee, 25 April 2017, *Concluding observations on the second periodic report of Thailand*, page 11.

<sup>275</sup> Convention on the Rights of the Child Coalition of Thailand, 25 March 2021, *Submission to the Universal Periodic Review of Thailand*, pages 4 and 5.

<sup>276</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 21.

<sup>277</sup> <https://otepc.go.th/englishversion/website/13-english>

<sup>278</sup> Committee on Economic, Social and Cultural Rights, 19 June 2015, *Concluding observations on the combined initial and second periodic reports of Thailand*, page 2.

- The 2008 Promotion of Non-Formal and Informal Education Act;
- The 2008 Persons with Disabilities Education Act, which protects access to education or vocational training, and categorises four types of education: integration, periodical integration, parallel education, and special education;<sup>279</sup>
- The 2017 Constitution (Section 54) stipulates compulsory and free education for twelve years, promoting life-long learning and ensuring education also for young children;<sup>280</sup>
- The 2018 Equitable Education Act;<sup>281</sup>
- The 2019 National Early Childhood Development Act.

#### Main strategies and plans:

- The 2005 Regulation on Proof of Admission of Students into Educational Institutions makes it compulsory for all institutes the admission of all-level children to study, including without civil registration, by using birth certificates or other documents issued by authorities, or personal history record of the child recorded by parents or CSOs;<sup>282</sup>
- The 2009-2014 National strategy on second foreign language instruction, to support Southeast Asian languages in multicultural areas;<sup>283</sup>
- Concerning the situation in the Southern sub-region, in 2012, the government of Thailand reported the creation of the Ad-hoc Office on Special Education in the Southern Border Provinces, with the objective to support quality basic education, and a Strategic Plan for the Improvement of Education in the Southern Border Provinces (2012-2016),<sup>284</sup>
- The 2012-2016 Five-Year Plan on the Development of Education for Persons with Disabilities;
- The National Strategic Plan for Early Childhood Development (Newborn to Pre-First Graders) in Accordance with the 2017-2021 Government Policy;<sup>285</sup>
- The 2020-2022 Education Strategic plan;
- The 2017-2036 National Scheme of Education.<sup>286</sup>



*Children from 50 Healthy Schools Project, a project aiming at promoting positive nutritional practices and physical activity among children, teachers, caretakers, and communities in Saraburi and Nakhon Ratchasima Provinces.*

#### Legislation:

- Under Section 305 of the 1956 Criminal Code, abortion is permitted only under certain circumstances, in particular in case of threats to the woman's life or health (when pregnancy was a consequence of rape or incest), or for girls under the age of 15, therefore unable to consent to sex.<sup>287</sup> In February 2021, an Act Amending the Criminal Code (No. 28) was approved, de facto legalising abortion in first trimester;<sup>288</sup>
- The 1990 Social Security Act;
- The 1999 Decentralisation Act: it defines local administrations as the responsible for welfare, including healthcare;<sup>289</sup>
- The 2002 National Health Security Act also covers health services for foreign workers;
- The 2003 Social Welfare Promotion Act;
- The 2007 National Health Act;<sup>290</sup>
- The 2008 Alcoholic Beverage Control Act;<sup>291</sup>
- The 2007-2011 National Plan on Quality-of-Life Development for Persons with Disabilities, to provide guidelines of practice;
- The 2015 Protection of Children Born from Assisted Reproductive Technologies Act;<sup>292</sup>
- The 2016 Act for prevention and solution of the adolescent pregnancy;
- The 2017 Milk Code, to enhance breastfeeding.<sup>293</sup>

#### Main strategies and plans:

## HEALTH

<sup>279</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 17.

<sup>280</sup> [https://www.constituteproject.org/constitution/Thailand\\_2017.pdf](https://www.constituteproject.org/constitution/Thailand_2017.pdf)

<sup>281</sup> UNICEF, 2019, *Education knows no borders: a collection of good practices and lessons learned on migrant education in Thailand*, page 12.

<sup>282</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 21.

<sup>283</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 23.

<sup>284</sup> Committee on the Rights of the Child, 20 January 2012, *Implementation of the Convention on the Rights of the Child. List of issues concerning additional and updated information related to the third and fourth combined periodic report of Thailand (CRC/C/THA/3-4). Addendum - Written replies of Thailand*, page 14.

<sup>285</sup> <http://backoffice.onec.go.th/uploads/Book/1152-file.pdf>.

<sup>286</sup> <http://nsrf.nesdb.go.th/wp-content/uploads/2019/10/National-Strategy-Eng-Final-25-OCT-2019.pdf>

<sup>287</sup> <https://www.thailandlawonline.com/laws-in-thailand/thailand-criminal-law-text-translation#301>

<sup>288</sup> <https://www.loc.gov/law/foreign-news/article/thailand-abortion-in-first-trimester-legalized/>

<sup>289</sup> NHSO, JICA and UNICEF, 2018, *Learning by sharing: Thailand's experiences in MCH*, page 9.

<sup>290</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 17.

<sup>291</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 18.

<sup>292</sup> Human Rights Committee, 25 April 2017, *Concluding observations on the second periodic report of Thailand*, page 11.

<sup>293</sup> Government of Thailand, 2017, *Thailand's Voluntary National Review on the Implementation of the 2030 Agenda for Sustainable Development*, page 20.

- The 1977 National Immunisation Programme;<sup>294</sup>
- The 2000 PMTCT guidelines;<sup>295</sup>
- The 2001 Migrant Health Insurance Scheme;<sup>296</sup>
- The 2005 National Policy promoting prevention and control of Thalassemia through genetic counselling and screening for pregnant women;<sup>297</sup>
- The 2010 Thai National Antidote Programme;<sup>298</sup>
- The 2007-2011 National Thalassemia Prevention Plan;<sup>299</sup>
- The 2009-2011 Strategic plan on health development for children and teenagers;
- The 2017 Strategy for the prevention of teenage pregnancy;
- The 2017-2021 Master Plan on National Iodine Deficiency Disorders Control and Prevention;<sup>300</sup>
- The 2017-2021 Multi-year Plan for Immunisation;<sup>301</sup>
- Thailand National Strategy to End AIDS 2017- 2030.<sup>302</sup>

### 3.2.1.2 Removal of reservations and ratification

The government had withdrawn the reservation to article 29 in 1997,<sup>303</sup> and on article 7 in 2010. At present, Thailand, only country in the world,<sup>304</sup> still has a reservation (made in 1992) on the CRC article 22 (this might hamper the protection of child refugees), while considering the possibility of withdrawing it.<sup>305</sup> Article 22 “does not require the State to give refugees any specific rights or legal status”, but rather “take appropriate measures to protect refugee and asylum seeking children, while recognising that the needs of these children would be met if other articles of the Convention on the Rights of the Child were properly applied to them”.<sup>306</sup> It is true that the asylum system would provide the most exhaustive protection, but other forms of complementary protection are possible, and the Screening Mechanism regulations (see also section 2.6.2 of this CRSA), for instance, constitute a good starting point to develop child-centered sub-regulations.<sup>307</sup> In summary, Thailand’s recent advanced policy development on the protection of refugee and asylum-seeking children, probably makes reservation to Article 22 outdated.<sup>308</sup>

### 3.2.2 Ensuring that rights are justiciable - including access for children and their advocates to independent complaints mechanisms and courts with necessary legal and other assistance

There are two independent organisations in Thailand: the Ombudsmen (section 228 of the 2017 Constitution), and the National Human Rights Commission of Thailand. The latest CRC report explained that the NHRCT can “submit a case to the Courts of Justice or the Constitutional Court on behalf of the aggrieved person. During 2005-2008, the Commission received a total of 600-800 complaints of which 2% concerned the rights of the child and adolescent”.<sup>309</sup> On the other hand, the Ombudsmen can intervene in cases threatening public interests, and to analyse the omission of public officials or organs (in 2005-2008, 800-3,000 complaints were filed).

Access to both bodies is open to children thanks to mail, hotlines, individual complaints, and through human rights networks or NGOs.<sup>310</sup>

### 3.2.3 Ensuring that there is a systematic process of assessing new laws, policies or programme for their impact on children’s rights (child impact assessment)

The 2005 CSO Alternative Report recommended creating an effective evaluation system on the impact of laws and policies on child rights, with the involvement of NGOs and child and youth associations, to inform and amend the legislation and procedures.<sup>311</sup> The 2011 CRC report submitted by Thailand mentioned a sub-committee (with law experts and child rights practitioners) tasked with revising child laws to ensure compatibility with the Constitution and the CRC.<sup>312</sup> Key informants confirm that, at present, the Majestic Group is the expert team of law and child rights practitioners working as an advisory to the DCY. Moreover, a Sub-committee on Legislative Change to amend the 2003 Child Protection Act has been operational since 2019 to ensure the compatibility with the Constitution and the CRC.

<sup>294</sup> WHO, 2019, *Thailand Case Study: Checking vaccination status at entry to, or during, school*, page 2.

<sup>295</sup> Wong Joseph, Macikunas Andrea, Manduric Aylin, Dawkins Joy & Dhunna Simran, 2019, *Reaching the Hard to Reach in Thailand: Eliminating Mother-To-Child HIV Transmission, Health Systems & Reform*, 6:1, e1625498, DOI: 10.1080/23288604.2019.1625498, page 3.

<sup>296</sup> WHO, 2019, *Thailand Case Study: Checking vaccination status at entry to, or during, school*, page 2.

<sup>297</sup> NHSO, JICA and UNICEF, 2018, *Learning by sharing: Thailand’s experiences in MCH*, page 7.

<sup>298</sup> NHSO, JICA and UNICEF, 2018, *Learning by sharing: Thailand’s experiences in MCH*, page 15.

<sup>299</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 18.

<sup>300</sup> NHSO, JICA and UNICEF, 2018, *Learning by sharing: Thailand’s experiences in MCH*, page 10.

<sup>301</sup> WHO, 2019, *Thailand Case Study: Checking vaccination status at entry to, or during, school*, page 2.

<sup>302</sup> [https://hivhub.ddc.moph.go.th/Download/Strategy/EN\\_3Thailand%20National%20Strategy%20to%20End%20AIDS.pdf](https://hivhub.ddc.moph.go.th/Download/Strategy/EN_3Thailand%20National%20Strategy%20to%20End%20AIDS.pdf)

<sup>303</sup> UNICEF, no date (2019 or 2020), *Child Protection Policy brief - Closing the gap - Feasibility Review for Withdrawal of Thailand’s Reservation to Article 22 of the Convention on the Rights of the Child in Relation to Refugee and Asylum-Seeking Children*, page 2.

<sup>304</sup> UNICEF, no date (2019 or 2020), *Child Protection Policy brief - Closing the gap - Feasibility Review for Withdrawal of Thailand’s Reservation to Article 22 of the Convention on the Rights of the Child in Relation to Refugee and Asylum-Seeking Children*, page 2.

<sup>305</sup> Human Rights Council, 15 July 2016, Report of the Working Group on the Universal Periodic Review\* - Thailand, page 8.

<sup>306</sup> UNICEF, no date (2019 or 2020), *Child Protection Policy brief - Closing the gap - Feasibility Review for Withdrawal of Thailand’s Reservation to Article 22 of the Convention on the Rights of the Child in Relation to Refugee and Asylum-Seeking Children*, page 1.

<sup>307</sup> UNICEF, no date (2019 or 2020), *Child Protection Policy brief - Closing the gap - Feasibility Review for Withdrawal of Thailand’s Reservation to Article 22 of the Convention on the Rights of the Child in Relation to Refugee and Asylum-Seeking Children*, pages 21-24.

<sup>308</sup> UNICEF, no date (2019 or 2020), *Child Protection Policy brief - Closing the gap - Feasibility Review for Withdrawal of Thailand’s Reservation to Article 22 of the Convention on the Rights of the Child in Relation to Refugee and Asylum-Seeking Children*, page 39.

<sup>309</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 6.

<sup>310</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 6.

<sup>311</sup> National Council for Child and Youth Development (NCYD) Center for the Protection of Children’s Rights (CPCR) and child and youth development NGOs and youth groups, 2005, *NGO Report on The Implementation of the Convention on the Rights of the Child 2000 - 2004*, page 22.

<sup>312</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 4.

### 3.2.4 Developing a detailed, comprehensive national strategy or agenda for children, based on the UNCRC, and taking into account relevant policies

The information for this section can be retrieved from the overview of the main legislation, strategies and policies for the different thematic sections.

### 3.2.5 Developing permanent mechanisms in government to ensure effective coordination, monitoring and evaluation of implementation

Effective coordination among all entities and bodies (from different Ministries and departments) in charge of the implementation of the CRC is meant to be in place and operational.

The main agency responsible for the implementation of the CRC and its follow-up is the Ministry of Social Development and Human Security (MSDHS), through a variety of committees that formulate child-related policies and plans at different levels, which makes coordination and integration challenging.

The mechanisms to follow up on progress are:

- the National Child and Youth Development Promotion Commission (established under the 2007 National Child and Youth Development Promotion Act, and comprising representatives from different government's agencies, experts and child representatives), chaired by the Prime Minister;<sup>313</sup>
- the National Child Protection Committee, chaired by the Minister of MSDHS and in charge of policy formulation and supervision. Local child protection committees have been established in all 76 provinces; at provincial level, the monitoring is ensured by Provincial Child Protection Committees, chaired by the Governor of the province, and with representatives from relevant local agencies;<sup>314</sup>
- under the National Child Protection Committee, there are several Sub-Committees, for instance the Sub-Committee on the Protection and Welfare, the Sub-Committee on Legislative Change to amend the 2003 Child Protection Act, the Sub-committee on the Policy Monitoring and Evaluation. In addition, under the Department of Child and Youth, there are various mechanisms/committees focusing on children: for instance, the Committee on the Prevention and Solutions for Teenage Pregnancy, the

Committee on the Administration of Child Protection Fund, the Committee on ECCD, the Committee on the development of children and youth;<sup>315</sup>

- the main implementing agencies are the Secretariat of the National Child Protection Committee and Office of the Permanent Secretary of Social Development and Human Security;
- other involved agencies include: The Child Rights Sub-committee, in charge of the implementation and dissemination of the CRC and to revise that child-focused legislation is accord to the Constitution and the CRC; another sub-committee for reporting tasks; and 15 other sub-committees for different aspects of child development. All these committees have to submit their reports to the Commission;<sup>316</sup>
- concerning the *Optional Protocol on the sale of children, child prostitution and child pornography*, there are several mechanisms made under this, e.g. the set-up of Thailand Internet Crimes Against Children-TICAC Task Force and COPAT (under the Department of Children and Youth).

### 3.2.6 Developing training and capacity building for all those involved in the implementation process

In the 2011 CRC report submitted by Thailand, capacity building initiatives (workshops and sensitisations for officers, professionals, various types of mixed teams, and networks) are mentioned, together with the development of written materials and manuals, surveillance mechanisms and hotlines, leaflets and posters, and the activity of a district mobile unit to share information and offering civil manual registration.<sup>317</sup> Between 2006-2009, 11 child rights seminars and 2 trainings, with 1,548 participants, have been conducted, for example:

- Training of trainers for children at all levels: local, national, and international;
- A 2-day local training on child rights sensitisation for local leaders, community members, children and youth.
- Moreover, The Committee on Human Rights Studies (created in 2006 under the MoE), is "*responsible for developing guidelines to comply with Global Plan of Action on Human Rights Studies, adapting the curriculum to suit Thai context*";
- Child rights have also been integrated in curricula of institutes such as the Royal Police Cadet Academy and National Defense Studies Institute, and for medical and justice personnel, among others.<sup>318</sup>

<sup>313</sup> Committee on the Rights of the Child, 20 January 2012, *Implementation of the Convention on the Rights of the Child. List of issues concerning additional and updated information related to the third and fourth combined periodic report of Thailand (CRC/C/THA/3-4). Addendum - Written replies of Thailand*, page 2.

<sup>314</sup> Committee on the Rights of the Child, 20 January 2012, *Implementation of the Convention on the Rights of the Child. List of issues concerning additional and updated information related to the third and fourth combined periodic report of Thailand (CRC/C/THA/3-4). Addendum - Written replies of Thailand*, page 2.

<sup>315</sup> Source: key informant.

<sup>316</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, pages 33-34.

<sup>317</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 5.

<sup>318</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 34.

However, trainings addressed at human and child rights officials are not implemented in a systematic way or in the standard curriculum of professional development,<sup>319</sup> and various reports show no available evaluations concerning the impact of the training programmes.<sup>320</sup>

More recent information found on the DCY website is that, since 2014, a workshop is organised each year by the DCY according to the 2003 Child Protection Act. The latest one was held online on 8 March 2021, targeting 60 officers who work on child protection from the Provincial children and family shelters, and the Social Development and Human Security office, together with other relevant agencies.<sup>321</sup>

### 3.2.7 Ensuring awareness of children's rights among adults and children, and disseminating reports under the UNCRC



A child learning the food plate through 50 Healthy Schools lesson in Nakhon Ratchasima.

Concrete signs of commitment to improving the knowledge of the CRC and option protocols have been shown: for instance, after ratification of the Optional Protocol to the Convention on the Rights of the Child in 2012, the protocol has been translated into Thai and disseminated to the wider public.<sup>322</sup>

Moreover, representatives from the Child and Youth Council and other youth associations have prepared a child-friendly version of the child rights report. The CRC has been translated into Thai and disseminated online and through printed formats, concurrent with a wide dissemination to schools and communities.<sup>323</sup>

Despite these initiatives, in 2012 the Committee invited Thailand 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”, including through technical advice from UNICEF, the OHCHR, and the International Parliamentary Union.<sup>324</sup>

### 3.2.8 Making children visible in budgets and carrying out adequate budget analysis for children

In the 2011 CRC report, the budget allocation increased by 6-15% between 2000-2009, with 38-43% for community and social services, and an increasing amount allocated to decentralisation; only 0.38-0.54% of the national budget was allocated to the MSDHS between 2002-2009, while the government allocated the highest portion of the national budget to education (18-20%).<sup>325</sup> In general, every year approximately 20% of the national budget has been used for education,<sup>326</sup> indicating the great importance that Thailand attaches to the sector. In 2021, the requested budget was approximately 11,564,200,000 USD (363,452.4232 million THB),<sup>327</sup> but apparently, according to key informants, only 4,131,660,000 USD (129,854,825,700 THB) were finally granted. Concerning education for migrants and other vulnerable children in 2021, the strategic plan that involves this is n. 1: “Development and education management for social and country security” (76 projects). The specific plan is under the section of education access in the special areas (highland, borders, coastal area, persons with different races, religions and culture, marginalized persons and migrant group). According to the retrieved information, the requested budget for the special areas plan is 651,838 USD (20,486,725 million THB), but it is unknown the portion finally allocated to this specific thematic area.<sup>328</sup>

In the 2012 addendum report to the CRC, Thailand declared not to have exact figures on budget allocations.<sup>329</sup> Consequently, the Committee recommended the development of a child rights-based approach in future budget scheme preparations, and implementation of monitoring and evaluation, aka visibility, on the use of resources specifically directed toward children, and allocation of some strategic lines for the most vulnerable children, without potential to change their destination.<sup>330</sup>

<sup>319</sup> Committee on the Rights of the Child, 17 February 2012, *Consideration of reports submitted by States parties under article 44 of the Convention. Concluding observations: Thailand*, page 6.

<sup>320</sup> For instance, Committee on the Rights of the Child, 21 February 2012, *Consideration of reports submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*, page 4.

<sup>321</sup> [https://www.dcy.go.th/webnew/main/news\\_view.php?id=4682](https://www.dcy.go.th/webnew/main/news_view.php?id=4682)

<sup>322</sup> Human Rights Council - Working Group on the Universal Periodic Review, 12 February 2016, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21* - Thailand, page 6.

<sup>323</sup> National Council for Child and Youth Development (NCYD) Center for the Protection of Children's Rights (CPCR) and child and youth development NGOs and youth groups, 2005, *NGO Report on The Implementation of the Convention on the Rights of the Child 2000 - 2004*, page 13.

<sup>324</sup> Committee on the Rights of the Child, 17 February 2012, *Consideration of reports submitted by States parties under article 44 of the Convention. Concluding observations: Thailand*, pages 5-6.

<sup>325</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, pages 6 and 20.

<sup>326</sup> Source: Bureau of Budget, in Bureau of International Cooperation, Office of the Permanent Secretary for Education, Ministry of Education, Thailand, 2017, *Thai education in brief. Education as a Spearhead to Break through the Middle-Income Trap*, page 3.

<sup>327</sup> [https://www.bic.moe.go.th/images/stories/pdf/thai\\_education\\_in\\_brief\\_2017.pdf](https://www.bic.moe.go.th/images/stories/pdf/thai_education_in_brief_2017.pdf)

<sup>328</sup> [https://www.parliament.go.th/ewtadmin/ewt/parbudget/download/article/article\\_20200826094155.pdf](https://www.parliament.go.th/ewtadmin/ewt/parbudget/download/article/article_20200826094155.pdf)

<sup>329</sup> Committee on the Rights of the Child, 20 January 2012, *Implementation of the Convention on the Rights of the Child. List of issues concerning additional and updated information related to the third and fourth combined periodic report of Thailand (CRC/C/THA/3-4). Addendum - Written replies of Thailand*, page 2.

<sup>330</sup> Committee on the Rights of the Child, 17 February 2012, *Consideration of reports submitted by States parties under article 44 of the Convention. Concluding observations: Thailand*, pages 4-5.

### 3.2.9 Ensuring the development of appropriate indicators and sufficient collection of data on the situation of children

As stated in the 2011 CRC report submitted by Thailand, “Thailand’s data system faces difficulties. It lacks the capability of disaggregation, indicators for monitoring and evaluation system, and disintegration of sources of data from various agencies”.

The main body in charge of statistics is the National Statistical Office (created thanks to the 2007 Statistic Act), which in theory uses sex, age, and geographical disaggregation in its surveys and research.<sup>331</sup>

As additional mitigation measures, a National Information Centre was established in 2004 to analyse data from all sectors at different geographical levels and a database on children with disabilities is also active, further to the 2007 Persons with Disabilities’ Quality of Life Promotion Act.

Moreover, two sub-committees for data collection and subsequent policy development against child/youth violence were created in 2009, in the framework of the National Commission for Child and Youth Development Promotion, to collect data and formulate the national policy and plan for prevention of violence against children and youth.<sup>332</sup>

### Creating a mechanism or process to ensure all State and non-state (e.g., private sector, NGO/civil society) service providers respect the UNCRC

No information was retrieved during this CRSA.

### 3.2.10 Promoting cooperation and coordination with civil society – with professional associations, NGOs, children, etc



*The 7% Project, aiming to reduce child motorcycle injuries and fatality by increasing helmet use through using effective social behavior change method and engaging student/teacher helmet ambassador trainings at the pilot schools in Bangkok.*

Some entities which should participate in coordination efforts have already been mentioned in previous sections (National Child Protection Committee, National Commission for Child and Youth Development Promotion); moreover, the National Anti-Human Trafficking Committee, networks of CSOs and community organisations, and youth associations such as the Council for Child and Youth Development, the Task Force for Children in Thailand, and the Working Group on Stateless Children in Thailand.<sup>333</sup>

In Thailand, civil society is strong and diverse, and plays an important role in policy development for the promotion of child rights and in building awareness on child rights.<sup>334</sup>

The preparation of the CRC reports was ensured through the Sub-committee on Child Rights, which involved representatives from government’s bodies, civil society and child and youth networks in the mechanism, and “the draft report was put to five public hearings at both the regional and national levels with a final hearing on March 2010”, with recommendations integrated. The revised draft was submitted to the National Child and Youth Development Promotion Commission, which validated the last version of the report, receiving a green light by the Cabinet in May 2011.<sup>335</sup>

In a 2013 research on the mechanism to prepare the CRC report in some Asian countries, Plan International noted that in Thailand “... there was limited effort amongst CSOs working with children to produce alternative reports during the past two CRC reporting periods mainly because there is no coalition focused on CRC monitoring and alternative reporting”. It seems like there was no strong coordination work among child-centered NGOs. Moreover, it was found that some NGOs lack independence, others were not completely aware of the relevance of the CRC reporting, and that resources were not

<sup>331</sup> Committee on the Rights of the Child, 20 January 2012, *Implementation of the Convention on the Rights of the Child. List of issues concerning additional and updated information related to the third and fourth combined periodic report of Thailand (CRC/C/THA/3-4). Addendum - Written replies of Thailand*, page 4.

<sup>332</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, pages 7 and 14.

<sup>333</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 5.

<sup>334</sup> Institute of Human Rights and Peace Studies - Mahidol University for Save the Children Philippines, 2016, *Child Rights Situation Analysis Within the ASEAN Region*, pages 45 and 46.

<sup>335</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 3.

enough to produce alternative reports in Thai, thus accessible to grassroots organisations.<sup>336</sup>

However, another source reported in recent years that there is a CRC Coalition, a child-rights based organisation group based in Bangkok, formed with the main objective to “report the progress of work regarding the Convention on the Rights of the Child to the United Nations”, working with government actors and which set up different thematic working groups<sup>337</sup> (at present, three groups are operational: Ending corporal punishment, Alternative Care and Children on the Move).<sup>338</sup>

This coalition is the network of Child Rights’ CSOs in Thailand, working together on key policy and advocacy points: for instance, on banning corporal punishment in all settings, on the submission of a letter of concern to the government to stop using violence against children participating in the 2020 protests, and other several campaigns to promote children’s rights.<sup>339</sup>

The CRC Coalition is also mentioned as the source for the child-focused part of the report prepared by the Thai CSOs coalition for the 2016 UPR, and prepared a report for the UPR in March 2021.

Finally, in 2006, one alternative report was prepared and submitted by the National Council for Child and Youth Development - NCCYD (a non-governmental entity coordinating efforts between the government and the civil society) and the Centre for the Protection of Children’s Rights (CPCR), an NGO working in Bangkok.<sup>340</sup>

### 3.2.11 Promoting international cooperation in implementation

No specific information for this point was retrieved, although the thematic chapters contain information on examples of collaboration with different agencies.

### 3.2.12 Creating statutory independent children’s rights institutions/ombudsman office

Although mechanisms exist to guarantee child access to legal justice mechanisms, as outlined in previous sections of the CRSA, the CRC noted the absence of a unit in Thailand dedicated to children within the National Human Rights Commission.<sup>341</sup> Moreover, the Commission is a centralised body, and does not have regional offices.<sup>342</sup>

<sup>336</sup> Plan International, 2013. *Research into Achievements and Barriers to CRC Monitoring and Alternative Reporting in Asia Country reports*, page 35.

<sup>337</sup> Madini Khadijah & Brubeck Sahra for Key Assets & The Nippon Foundation, no date, *Thailand - Alternative care report*, page 19.

<sup>338</sup> Source: key informant.

<sup>339</sup> Source: key informant.

<sup>340</sup> Plan International, 2013. *Research into Achievements and Barriers to CRC Monitoring and Alternative Reporting in Asia Country reports*, page 35.

<sup>341</sup> Human Rights Council - Working Group on the Universal Periodic Review, 7 March 2016, *Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21-Thailand*, page 4.

### 3.2.13 Fulfilling UNCRC reporting obligations (article 4)

Thailand submitted the second periodic report, due in 1999, in June 2004. After submitting the third and fourth periodic reports combined in September 2011, due in 2009, the following expected submission were the fifth and sixth combined reports due in 2017,<sup>343</sup> but at the time of this CRSA, these reports have not been submitted.

## 3.3 CRC General principles

### 3.3.1 Non-discrimination (article 2)



In collaboration with SWING (Service Workers in Group Foundation), Save the Children hosted an internal gender workshop for staff to raise awareness on gender inclusion on the occasion of Transgender Day of Remembrance (TDOR) in 2020.

The principle of non-discrimination has always been enshrined in the Thai constitutions;<sup>344</sup> however, the CRC expressed “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”.<sup>345</sup> Consequently, it is recommended to the state party to prioritise resources to strengthen social services for the most vulnerable populations, and organise campaigns to prevent all forms of discrimination.

<sup>342</sup> Committee on the Rights of the Child, 17 February 2012. *Consideration of reports submitted by States parties under article 44 of the Convention. Concluding observations: Thailand*, page 4.

<sup>343</sup> Human Rights Council - Working Group on the Universal Periodic Review, 7 March 2016, *Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21-Thailand*, page 5.

<sup>344</sup> Human Rights Council, 7 September 2016, *Report of the Working Group on the Universal Periodic Review\* Thailand - Addendum. Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review*, page 4.

<sup>345</sup> Committee on the Rights of the Child, 17 February 2012. *Consideration of reports submitted by States parties under article 44 of the Convention. Concluding observations: Thailand*, page 7.

### 3.3.2 Best interest of the child (article 3)

Similarly, even if various child laws take into account the best interests of the child, the CRC noted that this principle is “*not fully applied in judicial and administrative proceedings and decisions regarding placement and management of alternative care*”.<sup>346</sup>

### 3.3.3 Right to life, survival and development (article 6)

The 2007 Criminal Procedure Code Amendment protects the right to life of the child by suspending the death sentence for pregnant women for 3 years after birth, and transforming the sentence into life imprisonment.<sup>347</sup> The most frequent causes of death for children are accidents and injuries, starting by road accidents.<sup>348</sup>

### 3.3.4 Respect to the child’s opinions (article 12)



*A group of students joined a consultation on child participation in human rights reporting mechanism, particularly for their rights regarding sexual orientation, gender identity, expression, and sex characteristics (SOGIESC).*

*“There is a lack of opportunity to voice out - nobody listens to us hardly enough, no channel or safe spaces for us to report or tell the stories when we feel frustrated or when something bad happen”.*<sup>349</sup>

The 2007 National Child and Youth Development Promotion Act materialises the child right to participation. In fact, mechanisms such as the child and youth councils are present in-country: in the 2011 CRC report, 954 councils are

mentioned: 877 at district level, 75 at provincial level, one at Bangkok level, and one at the national level. However, child participation is not guaranteed for all children in all settings. Moreover, the Child and Youth Councils lack support, resources and personnel to organise activities.<sup>350</sup>

Some children, for instance LGBTIQ+ children, find much more difficulties in expressing their views, “*are seen as “clowns”, are constantly being ridiculed in public*”.<sup>351</sup>

In reality, “*the concept of child participation is considered occidental and not fully appreciated by Thai adults, especially parents, older family members, teachers and policy makers due to the cultural characteristics of the Thai society and the demand for obedience that children are expected to show towards adults*”: child participation is more a matter of opportunity than a right, and most child participation initiatives are adult-led.<sup>352</sup> In Thailand, children occupy the lowest position of the hierarchical society, and “*the Thai word for child itself (‘dek’) seems to refer to a hierarchical state rather than a stage in development*”.<sup>353</sup>

Other bottlenecks include weak institutional coordination and the fact that the Department of Children and Youth, responsible for formulating youth policies across government agencies, is underfunded.<sup>354</sup>

However, child and youth representatives can participate in the implementation of the CRC, as members of the CRC Preparatory Committee. Moreover, Child Rights Fora have been organised since 1989, and child rights and child protection youth volunteers are actively engaged in the community.<sup>355</sup>

The importance of child participation to eradicate child abuse and violence is well acknowledged in literature: for instance, against Sexual Exploitation of Children (SEC). Thai children (including child survivors of SEC) provided recommendations on policy improvements at the Mekong Youth Forum.<sup>356</sup>

Concerning judicial processes, the 1999 and 2007 Criminal Procedure Code Amendment Acts contain provisions on the interrogation, investigation and identification of alleged persons by underage witnesses, managing the setting, and ensuring the presence of psychologists and other professionals used to deal with child victims. Moreover, in case the child “*expresses apprehension towards any of the persons present in the inquiry, that person must be replaced*”.<sup>357</sup>

**EVERYONE HAS THE RESPONSIBILITY TO MAKE CHILD RIGHTS A REALITY**

<sup>346</sup> Committee on the Rights of the Child, 17 February 2012, *Consideration of reports submitted by States parties under article 44 of the Convention. Concluding observations: Thailand*, pages 7-8.

<sup>347</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 7.

<sup>348</sup> Committee on the Rights of the Child, 17 February 2012, *Consideration of reports submitted by States parties under article 44 of the Convention. Concluding observations: Thailand*, page 8.

<sup>349</sup> Save the Children Thailand, 2021, *Internal document: consultations with children organised by SCI Thailand during the Country Strategic Planning process*.

<sup>350</sup> Committee on the Rights of the Child, 17 February 2012, *Consideration of reports submitted by States parties under article 44 of the Convention. Concluding observations: Thailand*, page 8.

<sup>351</sup> The Coalition of CSOs and INGOs for Children’s SOGIESC Rights -Thailand, 25 March 2021, *Joint submission to the United Nations Human Rights Council - 39th Session of the Working Group on the Universal Periodic Review*, page 7.

<sup>352</sup> National Council for Child and Youth Development (NCYD) Center for the Protection of Children’s Rights (CPCR) and child and youth development NGOs and youth groups, 2005, *NGO Report on The Implementation of the Convention on the Rights of the Child 2000 - 2004*, page 8.

<sup>353</sup> Institute of Human Rights and Peace Studies - Mahidol University for Save the Children Philippines, 2016, *Child Rights Situation Analysis Within the ASEAN Region*, page 26.

<sup>354</sup> UNICEF, 2016, *A situational analysis of adolescents in Thailand 2015 - 2016*, page 12.

<sup>355</sup> National Council for Child and Youth Development (NCYD) Center for the Protection of Children’s Rights (CPCR) and child and youth development NGOs and youth groups, 2005, *NGO Report on The Implementation of the Convention on the Rights of the Child 2000 - 2004*, pages 14-15.

<sup>356</sup> ECPAT, July 2011, *Alternative report following the initial report from Thailand on the implementation of the Optional Protocol to the Convention on the rights of the child on the sale of children, child prostitution and child pornography*, page 11.

<sup>357</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, pages 7-8.

During the Strategic Planning process, SCI Thailand has organised consultations with 49 children and 16 youth (above 18 years) to hear their main concerns and suggestions. For instance, one group of children clearly expressed the different level of responsibility to make child rights a reality:

*“1. Governments at every level need to come fix the problems for the children. They need to invest more in children and stop threatening or excluding the children. The conflict has impacted children and the government can make it better or make it worse. The government should treat the children fairly. No child should be excluded but protected by justice system. Somebody including children needs to monitor the government's action (e.g., how they spent their money). Right now, what children really need have been misled or have not been responded.*

*2. Other non-government organisations can also support children by giving children a chance to participate and design the project they can do to address the problems. The community can also support those children who are neglected or left unattended to receive what they need so they can go to school, live in a safe place, and have good adults who can take care of them, even though they parents died or are separated. Communities can help building safe places for children, which include encouraging positive attitudes for LGBTQI children.*

*3. Teachers should take actions to support children to learn and grow in accordance with their interest, their passion, and what they are good at. They should stop forcing children to take exams and enter into the university if they do not want to. The*

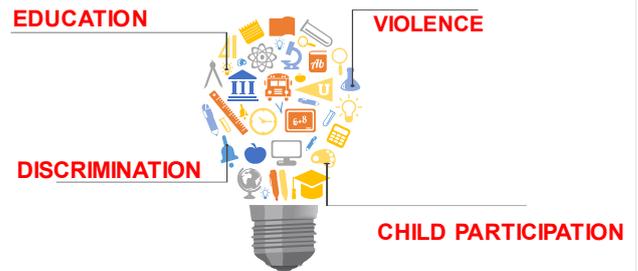
*fee to take that exam is expensive and some children do not have enough money to do so.*

*4. Parents should listen to their children - children have their own ideas. Using harsh words will not make children listen. Forcing them is also an abuse. Parents should give children encouragement and support for choices they have made”.*

*5. Children can do projects in their communities or in schools to talk with friends about children's rights, about how to protect themselves from drug abuse and other forms of violence, about equality, and gender identity. We can do fun activities, such as sport, that support girls and boys to participate equally [...] dancing competition/campaign, or creating interesting media to raise awareness with children”.*

To conclude this chapter, the main concerns expressed by children during the consultations held by SCI Thailand are presented. Other concerns were also shared, for instance child poverty, lack of good governance and unemployment.

### Four children's priorities



## 4. Child Protection

### 4.1. CRC Clusters

Articles - Family environments	Sub-theme
Article 5 and Article 18: parental responsibility	
Article 9: separation	
Article 10: family reunification	
Article 11: illicit transfer and non-return of children abroad	
Article 19: protection of the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse	Family environment and alternative care
Article 20: children deprived of family environment	
Article 21: adoption	
Article 25: periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.	
Article 27: right of every child to a standard of living adequate for the child's development	
Articles - Special protection	Sub-theme
Article 22: refugee children	Emergency context
Article 30: indigenous children or children belonging to ethnic, religious or linguistic minorities	Ethnic and indigenous children
Article 32: protection from hazardous work or economic exploitation	Work and exploitation
Article 33: protection from the illicit use of narcotic drugs and psychotropic substances	Exploitation
Article 34: sexual exploitation and sexual abuse	
Article 35: abduction of, sale of, or traffic in children	
Article 36: protection against all other forms of exploitation	
Article 38: protection of children in armed conflicts	Emergency context
Article 39: physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse, torture or armed conflicts	Emergency context, armed conflicts
Article 40: juvenile justice	Children in conflict with the law

## MAIN HIGHLIGHTS OF THIS SECTION



*School playground renovation for safety in Saraburi Province under 50 Healthy Schools Project.*

At the national level, Thailand has in place 17 national policies for the protection of children, which can be used as guidance. The Ministry of Social Development and Human Security (MSDHS) is the main actor, supported by partners of civil society and UN agencies. National and Local Child Protection Committees are in charge of policy formulation and implementation. Community volunteers ensure the closeness to local realities. Despite the progress made, challenges persist. There is a lack of clear leadership and mandates, poor understanding of the policies, and a fragmentation that hinders a harmonised systemic approach.

The reasons behind alternative care options can be obscured by a combination of various vulnerability factors, such as poverty, neglect, violence, special needs and disabilities, or inability of parents to provide care for their children. Apart from residential care, other options are foster care, kinship care and adoption. Thailand has made significant efforts in strengthening alternative care, particularly residential options. There are multiple actors of both governmental and private nature offering alternative care, which makes obtaining comprehensive data difficult, and many operate outside official regulations.

Despite a lack of data on the prevalence of violence, physical, psychological and sexual violence against children is widespread in Thailand, contributed to by social acceptance of violence. Parents generally employ corporal punishment as a means of disciplining their children. Sexual violence and abuse generally happen at home (but also in schools or other public places), with adolescent girls being most frequently targeted; however, sexual violence against boys is mostly invisible due to social stigma. There are good practices in terms of the available services, such as the One Stop Centers and various hotlines.

Child marriage still persists, especially in communities such as the hill tribes and other ethnic and indigenous communities in the Northeast and the Malay-Muslim communities in the South. Child marriage is driven by inequality and by customary practices against official legislation, often not enforced in rural areas.

Children from ethnic and indigenous communities may be subjected to stigmatisation and discrimination due to their language and way of life. They generally come from poor households with more limited opportunities than other children in accessing education, healthcare, and social services.

Stigma and discrimination also undermine the well-being and rights of children with disabilities, who often remain invisible. Among children with disabilities, more than one-third did not attend school. Almost all children with both physical and intellectual disabilities cannot take care of themselves or go out independently, relying on adult support from parents (who often have to leave their job).

Street-involved children represent a heterogeneous group of children, at risk for multiple forms of exploitation and abuse. They end up in the streets for a variety of reasons, particularly poverty and escaping from family violence and disruption. Their quality of life is often very poor, including hygienic and nutrition needs (especially those sleeping in the streets). They must rely on dangerous businesses, such as drugs, theft, and sexual exploitation for survival.

Child labour can assume different forms; in the case of children, most are involved in the worst forms of child labour, in particular agriculture, the tourist industry, domestic work, and begging. As in the case of street-involved children, there is no unified profile, but rather groups of children more prone to engage in such activities for survival: orphans, children from very poor families, and migrant children.

Child trafficking, with the complicity of some state officers and police, is a source of the most egregious forms of child labour, including SEC, drug trafficking, and the production of sexual abuse material. Case management for children-found victims of trafficking and exploitation is still poor. Children are sent to shelters for an indefinite period of time, against their will, and with difficult access to education/work during the judicial procedure.

Sexual exploitation can happen in private apartments or public venues, and even if it targets both Thai and trafficked children from neighbouring countries, there has been a decrease of Thai child victims (maybe also due to the extended length of compulsory education). Stateless children and children of migrants in irregular situation are particularly at risk.

Concerning children on the move, the respect of rights for all unaccompanied and accompanied children in Thailand is not guaranteed. Thailand is not signatory to the Refugee Convention: as a consequence, asylum seekers and refugees in country without visas are considered as “illegal urban refugees”. Under the Immigration Act, migrant children are sometimes detained with other adult detainees (with risk of physical abuse), and separated from their parents, with no access to school, without taking into account their best interest.

Child recruitment still happens in the South, even if data are, once more, not available.

Children in conflict with the law live in observation or juvenile centers. Even if corporal punishment is unlawful as a disciplinary means in penal institutions, it is impossible to state

that this does not happen. Monitoring measures have been strengthened to ensure that education and healthcare for these children are provided, but this still needs to improve and there is a general lack of information. In some parts of the country, juvenile centres do not exist and children have to face detention with adults.

Finally, the impact of COVID-19 has led to accrued vulnerabilities for all children, in particular for children already disadvantaged.

## 4.2 Overview of the child protection system



*We protect children through strengthening child protection systems, ensuring all children access basic services and advocating for children's rights.*

A Situation Analysis of the Child Protection System in Thailand is described by the National Child Protection Strategy 2017-2021, which covers six strategies, namely: empowerment of people surrounding children, capacity-building of professional teams, mobilisation of volunteers, upgrading standards in providing services, development of systems to support implementation and monitoring, and promoting international collaboration.<sup>358</sup>

As seen in the Legal and Institutional Chapter, Thailand has shown great effort in strengthening the legislative framework for the promotion of child rights,<sup>359</sup> particularly in the sectors of Child Protection and Education. The Ministry of Social Development and Human Security (MSDHS) is the main actor, supported by civil society partners. The Department of Children and Youth was established in 2015 under the MSDHS to work on the promotion and protection of child rights.<sup>360</sup>

National and Local Child Protection Committees are in charge of policy formulation and implementation.

<sup>358</sup> The Department of Children and Youth - The Ministry of Social Development and Human Security, *National Child Protection Strategy 2017-2021*, pages 7, 8 and 90.

<sup>359</sup> Madhihi Khadjjah & Brubeck Sahra for Key Assets & The Nippon Foundation, no date, *Thailand - Alternative care report*, page 22.

<sup>360</sup> Deesawas, R., 2015, *Child Rights Situational Analysis in Thailand*, Research Report (Unpublished), Mahidol University, cited in Institute of Human Rights and Peace Studies - Mahidol University for Save the Children Philippines, 2016, *Child Rights Situation Analysis Within the ASEAN Region*, pages 40 and 41.

<sup>361</sup> The Department of Children and Youth - The Ministry of Social Development and Human Security, *National Child Protection Strategy 2017-2021*, page 94.

<sup>362</sup> The Department of Children and Youth - The Ministry of Social Development and Human Security, *National Child Protection Strategy 2017-2021*, pages 11 and 96.

<sup>363</sup> UNICEF, May 2015, *Review of Alternative Care in Thailand - Policy to Implementation with Special Focus on Children Affected by HIV/AIDS (CABA)*, pages 18 and 20.

At the national level, Thailand has 17 national policies in place for the protection of children, which can be used for guidance. Despite the progress made, challenges persist, including a lack of clear leadership and mandates, and poor understanding of the policies, which are not translated into practice. In addition, policies are mostly sectoral, in an “... *absence of integrated policy and strategy that focus on overall picture of child protection*”, a fragmentation that hinders a harmonised systemic approach.<sup>361</sup> Child Protection Committees do not appear to be fully effective; personnel need capacity building and meetings are irregular.<sup>362</sup>

Each local area has a different context, with challenges in policy implementation and meeting standards of care; in case of doubts, the Child Protection Act is reported as a useful tool to guide the work of professionals active in alternative care provision.<sup>363</sup> In 2012, the CRC outlined the lack of harmonisation of central-level and local-level child protection.<sup>364</sup> According to key informants, the provincial MSDHS offices are the key entities to ensure harmonisation (supported by the Provincial and District Child Protection Committees), but their effectiveness depends on the commitment of each office, the possibility to collaborate with international agencies, the available resources, and the presence of CSOs in the area.

Concerning social work, the acknowledgment of its importance also passed through the development of a specialised curriculum: in 1954, Thammasat University began the first-degree programme of its kind and, at present, 6 universities offer social work training.<sup>365</sup> The latest report of the Social Service Workforce conducted by UNICEF in 2019 reveals that the Ratio of social workers in Thailand is 20.1 per 100,000 people. There are 2,176 licensed social workers out of the overall number (3,008). 30% of these social workers work primarily in services for children and young people and they are placed in different Ministries including MHDHS, MOPH, and MOJ.<sup>366</sup>

However, staff (social workers or government's officials) employed in the child protection system often lack technical capacity and tools for their role, which can undermine the quality of the offered services.<sup>367</sup> Staff shortage can also constitute capacity limits in responding to cases (although “*many child protection staff also reported that the actual number of cases that they handle per year is extremely low*”).<sup>368</sup> The 2017 study on the Judicial process for children revealed that the social workers working in the Probation for Young offenders are overwhelmed with numbers of caseload under their care: 2 caseworkers responsible for 300-400 cases.<sup>369</sup> According to an article by UNICEF, there is an

<sup>364</sup> Committee on the Rights of the Child, 20 January 2012, *Implementation of the Convention on the Rights of the Child. List of issues concerning additional and updated information related to the third and fourth combined periodic report of Thailand (CRC/C/THA/3-4). Addendum - Written replies of Thailand*, page 2.

<sup>365</sup> Madhihi Khadjjah & Brubeck Sahra for Key Assets & The Nippon Foundation, no date, *Thailand - Alternative care report*, page 25.

<sup>366</sup> UNICEF East Asia and the Pacific Regional Office and the Global Social Service Workforce Alliance, 2019, *The Social Service Workforce in the East Asia and Pacific Region: Multi-Country Review*, Bangkok.

<sup>367</sup> Child frontiers, 2014, *National child protection systems in the East Asia and Pacific region. A review and analysis of mappings and assessments*, page 44.

<sup>368</sup> Child frontiers, 2014, *National child protection systems in the East Asia and Pacific region. A review and analysis of mappings and assessments*, page 28.

<sup>369</sup> Arreerat Adisaidachcharint, 2017, *The Challenge of Social Work in Juvenile Justice System for Prevention and Solution of Recidivism in Juvenile*.

estimated shortage of 7,000 social workers; the same article suggests that, at any sub-district office level, social workers are appointed (or a staff is well trained as focal child protection point) to ensure coordination with local government networks, for the detection and referral of children at risk prior to the abuse takes place.

Outreach to all children, so that none fall into the cracks of the system, is challenging,<sup>370</sup> entailing the need of a different, more holistic conceptualisation of child protection. In fact, traditional child protection systems tend to focus on specific categories of children with (one or more) accrued vulnerability factors, neglecting the importance of a holistic approach in working with families and communities, encompassing not only response but also prevention.<sup>371</sup> The reasoning behind this conceptualisation resides also in the interests of the international community into specific issues (such as child trafficking), dealt with through “a short-term approach”.<sup>372</sup>

Finally, in Thailand, as in many other regional countries, links with local communities are ensured through health volunteers (100/200 in each local government unit), who receive a financial motivation (around \$20 per month), deliver services and collect data, and ensure close contact with the villagers.<sup>373</sup> It is also to be noted that working with community members may entail dealing with some conservative reactions, such as the choice not to speak out and report abuse to preserve harmony within the community.<sup>374</sup>

### 4.3 Family environment and alternative care

Thai society has consistently changed as the country transitioned into a middle-income economy. One of the primary consequences is the disaggregation of families; for example, children left behind in villages to be cared for by grandparents or other family members when parents leave rural areas to find work in cities are more at risk of malnutrition and developmental problems.<sup>375</sup> In fact, the MICS 2019 presents a section on these children *left behind*, as “while the amount of literature is growing, the long-term effects of the benefits of remittances versus the potential adverse psychosocial effects are not yet conclusive”, with more than 90% of these children left behind not living with their parents.<sup>376</sup>

Concerning adoption, the 2010 Child Adoption Act (2010) does not provide a definition of *adoption*. The Thai adoption process “is an administrative proceeding rather than judicial proceeding”, led by the Child Adoption Board (CAB) of Thailand, in collaboration with the Child Adoption Center, the

Department of Child and Youth (DCY) of the Ministry of Social Development and Human Security.<sup>377</sup> There are 2 types of available adoption in Thailand under the Civil and Commercial Code: domestic adoption and inter-country adoption. The adopter should be over 25 years of age, and the minimum age difference with the child should be 15 years; foreign applicants must be married and qualified to legally adopt a child in their country of domicile.<sup>378</sup>

The MICS 2019 reports the percentage of children not living in parental care: 23.5% (with a big difference between urban and rural areas, 19.2% and 26.3% respectively, while from a geographical point of view, the Northeast is the region with the highest percentage - 36%). However, 97.7% of children were living in households headed by a family member.<sup>379</sup>

The reasons behind alternative care options encompass various vulnerability factors, frequently combined together, such as poverty, neglect, violence, special needs and disabilities, or inability of parents to take care of their children; even broken families due to migration, and weaker bonds of community solidarity.<sup>380</sup>

Thailand has made significant progress towards alternative care in the framework of child protection, but these efforts have been mostly concentrated in developing residential care alternatives, rather than family-based care or preventing family separation, despite the UN Guidelines prioritising family-based care.<sup>381</sup> Sometimes, the same social workers prefer to refer children to residential homes rather than return them to families, in the absence of safe means of monitoring the situation in the home environment.<sup>382</sup> None of this appears to be aligned with research outlining the negative impact that institutional care can have on the child's physical and emotional development.<sup>383</sup>

In Thailand, institutionalisation is sometimes considered by parents as a means to provide better opportunities for their children and is the reason why a majority of Thai children in orphanages retain one or two living parents (with only 6% of children living in these facilities being orphans),<sup>384</sup> leading to the issue of *paper orphans*, children placed in a facility despite having parents.<sup>385</sup> In fact, in a case study from One Sky in Sangkhlaburi district in 2014, it was found that 90% of children residing in unregistered, private children's homes reported having at least one living parent.<sup>386</sup>

This is crucial to understanding that poverty and abandonment are among the strongest pushing factors for residential care, demonstrating the necessity of working on the deepest causes

<sup>370</sup> Risser Gary, Chief of Child Protection, UNICEF Thailand, 22 April 2019, *Thailand needs more child protection expertise at community level*. <https://www.unicef.org/thailand/stories/thailand-needs-more-child-protection-expertise-community-level>

<sup>371</sup> Child frontiers, 2014, *National child protection systems in the East Asia and Pacific region. A review and analysis of mappings and assessments*, page 7.

<sup>372</sup> Child frontiers, 2014, *National child protection systems in the East Asia and Pacific region. A review and analysis of mappings and assessments*, page 68.

<sup>373</sup> Child frontiers, 2014, *National child protection systems in the East Asia and Pacific region. A review and analysis of mappings and assessments*, page 50.

<sup>374</sup> Child frontiers, 2014, *National child protection systems in the East Asia and Pacific region. A review and analysis of mappings and assessments*, page 42.

<sup>375</sup> The Borgen Project, 15 July 2015, *10 Shocking Facts About Child Poverty in Thailand*. <https://borgenproject.org/child-poverty-in-thailand/#:~:text=Around%20380%2C000%20children%20have%20been,one%20to%20care%20for%20them>

<sup>376</sup> National Statistical Office and UNICEF, 2020, *Multiple Indicator Cluster Survey*, pages 44- and 6.

<sup>377</sup> Madhi Khadijah & Brubeck Sahra for Key Assets & The Nippon Foundation, no date, *Thailand - Alternative care report*, page 40.

<sup>378</sup> <https://www.harwell-legal.com/child-adoption/>

<sup>379</sup> National Statistical Office and UNICEF, 2020, *Multiple Indicator Cluster Survey*, pages 47 and 48.

<sup>380</sup> UNICEF, May 2015, *Review of Alternative Care in Thailand - Policy to Implementation with Special Focus on Children Affected by HIV/AIDS (CABA)*, pages 3, 11 and 18.

<sup>381</sup> UNICEF, May 2015, *Review of Alternative Care in Thailand - Policy to Implementation with Special Focus on Children Affected by HIV/AIDS (CABA)*, pages 14 and 15.

<sup>382</sup> Child frontiers, 2014, *National child protection systems in the East Asia and Pacific region. A review and analysis of mappings and assessments*, page 38.

<sup>383</sup> Van Doore, 2016, cited in Rogers Justin M. and Karunan Victor, 2020, *Is the deinstitutionalisation of alternative care a 'wicked problem'? A qualitative study exploring the perceptions of child welfare practitioners and policy actors in Thailand*, in International social work, page 2. <https://journals.sagepub.com/doi/full/10.1177/0020872820940016>

<sup>384</sup> Madhi Khadijah & Brubeck Sahra for Key Assets & The Nippon Foundation, no date, *Thailand - Alternative care report*, page 32.

<sup>385</sup> Van Doore, 2016, cited in Rogers Justin M. and Karunan Victor, 2020, *Is the deinstitutionalisation of alternative care a 'wicked problem'? A qualitative study exploring the perceptions of child welfare practitioners and policy actors in Thailand*, in International social work, page 3. <https://journals.sagepub.com/doi/full/10.1177/0020872820940016>

<sup>386</sup> One Sky Foundation, December 2014, *Exploring the "Orphan Myth" in Thailand*, page 1.

of this problem.<sup>387</sup> In this regard, some organisations work to strengthen family assistance, such as the United Hearts Foundation, providing temporary shelter and offering an alternative to institutional care for unwed mothers. One Sky Foundation (an income generation project) is another example of an initiative working to prevent family separation, reaching out to 250 children and 157 adults in 2015.<sup>388</sup>

There are multiple actors, of both governmental and private nature, offering alternative care, which makes it difficult to obtain comprehensive data, also because some “operate outside of the regulations”.<sup>389</sup> Alternative care in 2015 included 5,000 children up to 18 years of age, and this high number led to few new children being able to officially enter the formal system on an ongoing basis.<sup>390</sup> Long-term institutionalisation also depends on families refusing to take the children back, or stigmatisation encountered by children sent to external schools, with the risk of preferring in-house education or training within the structure.<sup>391</sup>

In 2014, out of the 50,000 children living in various residential care settings in Thailand, 67.4%, resided in the 51 government boarding schools, 14.7% in government residential care facilities, 10% in registered kinship care, 4.7% in private registered residential care, 1.8% in non-registered private residential care, 0.9% in provincial shelters for children and families, and 0.5% in foster care.<sup>392</sup> For the whole of 2019, 2,409 children benefitted from the protection services of the Department of Children and Youth (DCY) through shelters: 30.76% were in difficult situations, 16.39% victims of domestic violence, 14% abused, and 6.84% were living in the streets.<sup>393</sup>

According to the latest statistics from the DCY for the period October 2019-April 2020, there were 979 people using the services offered by the shelters, out of which 763 were children (among them, there were 48 neglected children and 360 children living in the streets).<sup>394</sup>

In governmental facilities, efforts converge more on basic care standards such as clothing, hygiene and health, and education. In 2017, there were a total number of 23 state-run care facilities/orphanages (8 out of 23 were baby homes) in Thailand.<sup>395</sup>

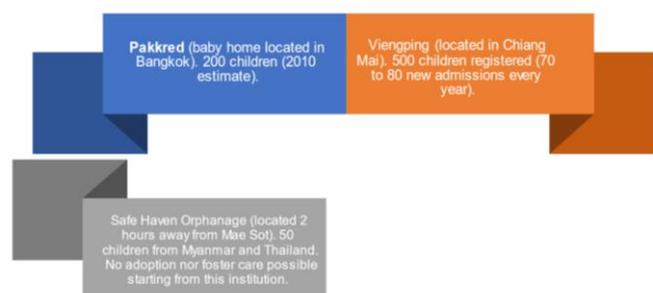
Government-run residential care facilities host children affected by HIV/AIDS, and institutionalisation is considered the main option, but this approach does not help overcome stigma and marginalisation; in addition, there is a weak focus on development of social and emotional competencies.<sup>396</sup> According to UNICEF, in the South, packages for children

affected by AIDS/HIV are available through the Provincial Social Development and Human Security office (PSDHS) and the Provincial Public Health Office.<sup>397</sup>

Conversely, in 2015 there were 137 registered private residential care facilities; registration makes it possible for them to apply for government funding, but is often a difficult process due to time-consuming administrative barriers.<sup>398</sup> In fact, one of the biggest challenge of alternative care institution remains the requirement to register.<sup>399</sup> The MSDHS’ Provincial Social Development and Human Security offices are responsible for institutional oversight, with guidelines on standards to follow less defined compared to governmental facilities, although theoretically the general framework for governments and private institutions should be the same.<sup>400</sup> However, staff do not have an official qualification, or well-proven skills for social work (and to implement an individualised plan), and corporal punishment is accepted.<sup>401</sup> In addition, there are hundreds of unregistered private organisations.<sup>402</sup>

Many of these orphanages are located at Thailand-Myanmar border, particularly in Mae Sot district<sup>403</sup> (however, according to a key informant, the location with the highest number of institutions is not Tak province). Finally, in the Deep South there are 7,000 orphaned children due to the conflict.<sup>404</sup>

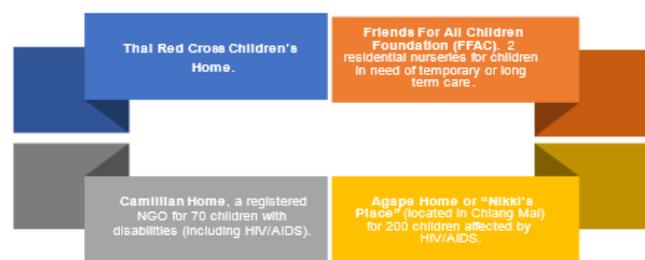
### Examples of government’s and private facilities



<sup>387</sup> Madihi Khadijah & Brubeck Sahra for Key Assets & The Nippon Foundation, no date, *Thailand - Alternative care report*, page 32.  
<sup>388</sup> Madihi Khadijah & Brubeck Sahra for Key Assets & The Nippon Foundation, no date, *Thailand - Alternative care report*, page 35.  
<sup>389</sup> Van Doore, 2016, cited in Rogers Justin M. and Karunan Victor, 2020, *Is the deinstitutionalisation of alternative care a wicked problem? A qualitative study exploring the perceptions of child welfare practitioners and policy actors in Thailand*, in International social work, page 4. <https://journals.sagepub.com/doi/full/10.1177/0020872820940016>  
<sup>390</sup> UNICEF, May 2015, *Review of Alternative Care in Thailand - Policy to Implementation with Special Focus on Children Affected by HIV/AIDS (CABA)*, page 15.  
<sup>391</sup> UNICEF, May 2015, *Review of Alternative Care in Thailand - Policy to Implementation with Special Focus on Children Affected by HIV/AIDS (CABA)*, page 25.  
<sup>392</sup> UNICEF, May 2015, *Review of Alternative Care in Thailand - Policy to Implementation with Special Focus on Children Affected by HIV/AIDS (CABA)*, page 8.  
<sup>393</sup> [http://www.dcy.go.th/webnew/upload/download/file\\_th\\_20201705214233\\_1.pdf](http://www.dcy.go.th/webnew/upload/download/file_th_20201705214233_1.pdf)  
<sup>394</sup> [http://www.dcy.go.th/webnew/upload/download/file\\_th\\_20201305145701\\_1.pdf](http://www.dcy.go.th/webnew/upload/download/file_th_20201305145701_1.pdf)  
<sup>395</sup> Madihi Khadijah & Brubeck Sahra for Key Assets & The Nippon Foundation, no date, *Thailand - Alternative care report*, page 14.

<sup>396</sup> UNICEF, May 2015, *Review of Alternative Care in Thailand - Policy to Implementation with Special Focus on Children Affected by HIV/AIDS (CABA)*, pages 34 and 46.  
<sup>397</sup> UNICEF, May 2015, *Review of Alternative Care in Thailand - Policy to Implementation with Special Focus on Children Affected by HIV/AIDS (CABA)*, page 50.  
<sup>398</sup> UNICEF, May 2015, *Review of Alternative Care in Thailand - Policy to Implementation with Special Focus on Children Affected by HIV/AIDS (CABA)*, page 24, 27.  
<sup>399</sup> Source: key informant.  
<sup>400</sup> UNICEF, May 2015, *Review of Alternative Care in Thailand - Policy to Implementation with Special Focus on Children Affected by HIV/AIDS (CABA)*, page 24, 27.  
<sup>401</sup> UNICEF, May 2015, *Review of Alternative Care in Thailand - Policy to Implementation with Special Focus on Children Affected by HIV/AIDS (CABA)*, pages 29 and 30.  
<sup>402</sup> Madihi Khadijah & Brubeck Sahra for Key Assets & The Nippon Foundation, no date, *Thailand - Alternative care report*, page 11.  
<sup>403</sup> Madihi Khadijah & Brubeck Sahra for Key Assets & The Nippon Foundation, no date, *Thailand - Alternative care report*, page 14. The information of the diagrams is taken from pages 14-18 of this document.  
<sup>404</sup> Source: Database for the Healing of those affected by the Conflict in the Deep South - the SBPAC

### Examples of non-profit facilities



### Examples of faith-based facilities



According to the 2011 CRC report, there are two types of foster care in Thailand,<sup>405</sup> under the Department of Public Welfare Regulation on foster care: foster families who care for unrelated children without any financial support, and those receiving a monthly allowance.<sup>406</sup> Foster care is still very limited, and the variety of funding, combined with lack of an integrated management system between multiple programmes, has hindered the growth of this form of alternative care.<sup>407</sup> The main form of foster care run by the Thai government is called the Foster Care Programme (established in 1999). The Holt Sahathai Foundation (HSF) is the first organisation which implemented foster care in Thailand in 1976, and is probably the best known one, caring from the very beginning for children with medical needs, including HIV affected.<sup>408</sup>

Finally, kinship care<sup>409</sup> is *"the most acceptable form of non-parental care in Thailand. Intergenerational families have been a traditional form of family support in Thailand"*,<sup>410</sup> but its scale is also limited, and again, the fragmentation of responsibility among different involved government's units creates a system inconducive to sharing and capitalising of good practices.<sup>411</sup> However, according to another source, kinship care is *"by far the most used form of alternative care for children in Thailand*

*[...]approximately 90% of all alternative care"*.<sup>412</sup> Formalised kinship options are organised by the Child Adoption Centre.

For both foster care and kinship care, no official standards have been established regarding the type of support needed by foster families (in terms of financing, but also to support the caregivers' resilience). In addition, a lack of unified database for alternative care, and time-consuming procedures to be followed by families, undermine these alternative care modalities. Moreover, there are very different experiences of foster care, such as a temporary placement renewed on regular basis (with the risk of the child being moved from family to family, or back and forth into the residential structure), or the opposite, as *"foster care placements can become more long-term and act as a de facto adoption system/transition into formal adoption, or can become a barrier to longer-term solutions"*.<sup>413</sup>

## 4.4 Violence

The description of violence is undermined by a lack of data, as national prevalence of *"psychological and sexual violence against children before they reach the age of 18 are unknown. While service data are available from various agencies, including hotlines, hospitals, and welfare services, there are no prevalence data, only the estimation from some of the MICS results..."*.<sup>414</sup>

This said, according to the statistics reported by the media and consolidated by the DCY, in 2020 there were 126 cases of physically abused children: 629 children experienced domestic violence,<sup>415</sup> and were hosted in shelters in the period between October 2019 and April 2020.<sup>416</sup> However, these data only refer to children using DCY protection services, thus mirroring a very minor part of the problem. In general, the Thailand Domestic Violence Information Center reported that *"the number of cases involving violence against children has increased by an average of 17% per year over the past 10 years"*, raising concerns about the effectivity of laws to act as violence deterrents.<sup>417</sup> According to official statistics, since 2016-2020, domestic violence and violence against children has increased to 1,400 cases each year, and 87% of sexual assault are not reported.<sup>418</sup>

Apparently, in Thailand, one of the strongest barriers in the fight against child abuse is the parental perception that violence is a positive method of promoting discipline.<sup>419</sup> In the MICS 2019, 57.6% (60.5% of the boys, and 54.6% of the girls) of the participating children aged 1-14 years, confirmed they had experienced any violent discipline method, with eight-

<sup>405</sup> Family-based care provided by a person/s who take on and care for a child as their own offspring. In United Nations, 2009, *Guidelines for the Alternative Care of Children*, Geneva.

<sup>406</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 11.

<sup>407</sup> UNICEF, May 2015, *Review of Alternative Care in Thailand - Policy to Implementation with Special Focus on Children Affected by HIV/AIDS (CABA)*, pages 41 and 42.

<sup>408</sup> Madihi Khadijah & Brubeck Sahra for Key Assets & The Nippon Foundation, no date, *Thailand - Alternative care report*, page 39.

<sup>409</sup> Family-based care within the child's extended family or with close friends of the family known to the child, whether formal or informal in nature. In United Nations, 2009, *Guidelines for the Alternative Care of Children*, Geneva.

<sup>410</sup> UNICEF, May 2015, *Review of Alternative Care in Thailand - Policy to Implementation with Special Focus on Children Affected by HIV/AIDS (CABA)*, page 34.

<sup>411</sup> UNICEF, May 2015, *Review of Alternative Care in Thailand - Policy to Implementation with Special Focus on Children Affected by HIV/AIDS (CABA)*, page 37.

<sup>412</sup> Madihi Khadijah & Brubeck Sahra for Key Assets & The Nippon Foundation, no date, *Thailand - Alternative care report*, page 37.

<sup>413</sup> UNICEF, May 2015, *Review of Alternative Care in Thailand - Policy to Implementation with Special Focus on Children Affected by HIV/AIDS (CABA)*, page 44.

<sup>414</sup> Oxford Policy Management and United Nations in Thailand, July 2020, *Social Impact Assessment of COVID-19 in Thailand*, page 131.

<sup>415</sup> [http://www.dcy.go.th/webnew/main/file/Report\\_on\\_the\\_Situation\\_of\\_Children\\_and\\_Youth\\_2563.pdf](http://www.dcy.go.th/webnew/main/file/Report_on_the_Situation_of_Children_and_Youth_2563.pdf)

<sup>416</sup> [https://www.dcy.go.th/webnew/upload/download/file\\_th\\_20201305145701\\_1.pdf](https://www.dcy.go.th/webnew/upload/download/file_th_20201305145701_1.pdf)

<sup>417</sup> <https://tdri.or.th/en/2020/08/time-to-give-child-protection-a-boost/>, 12 August 2020.

<sup>418</sup> <https://www.dmh.go.th/news-dmh/view.asp?id=30544>

<sup>419</sup> Study cited by Suwannarong Kanokwan for Save the Children, 2017, *A desk review for Research for Promoting Rural Opportunities for Children's Empowerment, Education, and Development (PROCEED)*, page 72.

point difference between urban and rural areas. The biggest difference was the wealth index quintile, from 69.6% for the poorest, to 42.1% for the richest. Globally, 52.8% of the mothers/caretakers believed that a child needed physical punishment.<sup>420</sup>

In fact, a recent research by World Vision Foundation of Thailand outlined that *“Three out of five children aged 1-14 years in Thailand have experienced some form of emotional violence and over half have been subjected to physical punishment, while 4% have endured severe disciplinary maltreatment by family members”*.<sup>421</sup> The social acceptance of corporal punishment as a way to educate children is not contained by a clear prohibition of this practice in laws, since corporal punishment is still lawful in the home, alternative care, and day care facilities.<sup>422</sup> According to a Baseline assessment for ending all physical and humiliating punishment against children project, carried out by Save the Children in 2017 in eight communities, there are no many channels for children victims of punishment to inform authorities,<sup>423</sup> and *“28.1% of parents think parents cannot report to the police if teachers use physical punishment with students because it is a teacher’s right to punish students”*,<sup>424</sup> and only 4.2% of parents do not use any physical punishments or humiliating methods.<sup>425</sup>

The drivers behind violence against children are multiple, and are tied to a lack of knowledge regarding positive parenting, difficult home situations and poverty; in general, the most vulnerable children are those living with a disability or chronic illness.<sup>426</sup>

Conversely, the consequences of violence can have a strong impact on the child physical and psychological health, and these children are at increased risk of reproducing the cycle of violence.<sup>427</sup>

#### 4.4.1 Sexual violence

Sexual abuse and exploitation are “widespread” according to the CRC, and investigations on cases of sexual abuse usually take a long time.<sup>428</sup>

Child victims of sexual abuse and those benefitting from protection services from the DCY were 343 between October 2019 and May 2020, 502 in 2019, and 1,296 in 2018.<sup>429</sup> Statistics on rape and obscene acts are separated, and account for 204 children and 45 youth (although on the consulted

website it was impossible to determine the age group for the youths).<sup>430</sup> Disaggregated data per gender are not available.

However, according to Thai Civil Rights and Investigative Journalism (TCIJ) website, the information collected from 662 hospitals in 2017 shows that there were almost 9,000 children admitted in the hospitals because of physical and sexual abuse (without disaggregated data).<sup>431</sup> this is only *“the tip of the iceberg, as often only the most severe cases of abuse are reported”*.<sup>432</sup>

The Situation Analysis of adolescents 2015-2016 noted that 88% of sexual violence victims are adolescent girls aged 10 -18 years: victims usually know the aggressor (family member, friend or boyfriend), and violence happens at home. Reporting of sexual abuse of boys is less common due to social stigma and therefore more rarely prosecuted.<sup>433</sup>

With regard to online sexual offences, the increased access to connected devices (the average user spends 9h online each day)<sup>434</sup> has a potential negative impact on a high number of youth and children. For instance, 50% of users of TikTok, in June 2020, were between 13 and 17 years.<sup>435</sup> Connectivity has also increased among refugee and migrant communities (in 2014, 59.1% of refugees in Thailand had access to 3G through mobile phones, and this percentage is probably much higher at present).<sup>436</sup>

*“I often spend my free time after school on my cellphone playing Facebook and I often find pop-up content of pornography video clip. Sometimes I open the content and later share it with my friends”*.<sup>437</sup>

Websites and platforms with sexual abuse material have increased in number and, according to key informants, this kind of DVDs are easily available in city streets. However, investigations and shutdowns of the sites are complicated, as cooperation from the website administrators and telecommunication providers is needed.<sup>438</sup> Moreover, such material has been produced offline, thus closely connected to sexual violence and exploitation.

#### 4.4.2 Examples of available services

Some of the services available to respond to violence are the One-Stop Crisis Centre (OSCC) and the hotlines. The OSCC are active nationwide under the supervision of the Ministry of Public Health to assist victims of domestic violence

<sup>420</sup> National Statistical Office Thailand and UNICEF, August 2020, *Multiple Indicator Cluster Survey 2019*, pages 193-195.

<sup>421</sup> <https://www.bangkokpost.com/thailand/general/1579346/kids-caught-in-vicious-cycle-of-violence>, published 21 November 2018.

<sup>422</sup> Global Initiative to End All Corporal Punishment of Children, January 2020, *Corporal punishment of children in Thailand*, page 2.

<sup>423</sup> Save the Children International, 2017, *Baseline assessment for ending all physical and humiliating punishment against children project*, page 21.

<sup>424</sup> Save the Children International, 2017, *Baseline assessment for ending all physical and humiliating punishment against children project*, page 23.

<sup>425</sup> Save the Children International, 2017, *Baseline assessment for ending all physical and humiliating punishment against children project*, page 28.

<sup>426</sup> <https://www.bangkokpost.com/thailand/general/1579346/kids-caught-in-vicious-cycle-of-violence>, published 21 November 2018.

<sup>427</sup> <https://www.bangkokpost.com/thailand/general/1579346/kids-caught-in-vicious-cycle-of-violence>, published 21 November 2018.

<sup>428</sup> Committee on the Rights of the Child, 17 February 2012, *Consideration of reports submitted by States parties under article 44 of the Convention. Concluding observations: Thailand*, page 16.

<sup>429</sup> [http://www.dcy.go.th/webnew/main/file/Report\\_on\\_the\\_Situation\\_of\\_Children\\_and\\_Youth\\_2563.pdf](http://www.dcy.go.th/webnew/main/file/Report_on_the_Situation_of_Children_and_Youth_2563.pdf)

<sup>430</sup> [http://www.dcy.go.th/webnew/main/file/Report\\_on\\_the\\_Situation\\_of\\_Children\\_and\\_Youth\\_2563.pdf](http://www.dcy.go.th/webnew/main/file/Report_on_the_Situation_of_Children_and_Youth_2563.pdf)

<sup>431</sup> [http://dcy.go.th/webnew/main/download\\_list.php?id=47](http://dcy.go.th/webnew/main/download_list.php?id=47)

<sup>432</sup> <https://www.tcijthai.com/news/2019/02/scoop/9099>

<sup>433</sup> Risser Gary, Chief of Child Protection, UNICEF Thailand, 22 April 2019, *Thailand needs more child protection expertise at community level*. <https://www.unicef.org/thailand/stories/thailand-needs-more-child-protection-expertise-community-level>, published 22 April 2019.

<sup>434</sup> UNICEF, 2016, *A situation analysis of adolescents in Thailand 2015-2016*, page 34.

<sup>435</sup> *Datereportal 2020 report Thailand*. <https://datereportal.com/reports/digital-2020-thailand>

<sup>436</sup> TikTok stats. [https://www.bangkokpost.com/tech/1928660/how-tiktok-won-our-hearts?view\\_comment=1](https://www.bangkokpost.com/tech/1928660/how-tiktok-won-our-hearts?view_comment=1)

<sup>437</sup> UNHCR, September 2016, *Connecting refugees*, Geneva, page 37. <https://www.unhcr.org/5770d43c4.pdf>

<sup>438</sup> Thai CSOs coalition for the UPR, 2016, *2nd Cycle Universal Periodic Review - Thailand UPR 2016 - Information on the status of the human rights situation in Thailand*, page 39.

psychologically, physically, and sexually.<sup>439</sup> There were 10,712 cases of violence on children calling the OSCC in 2015.<sup>440</sup>

## ONE-STOP CRISIS CENTERS

The one-stop crisis centers established in Thailand are made up of multidisciplinary teams coordinating with the police, courts, Office of the Attorney-General, NGOs, and the MSDHs, to respond to child victims of violence and abuse in an integrated fashion and avoid multiple interventions that could lead to revictimisation. These centers are based in hospitals and provide care for a child or woman only when they come into hospitals themselves.<sup>441</sup>

An initiative in support of victims of violence is the Prachabodi Centre 24-hour hotline (in Bangkok), managed by the MSDHS, with the objective of receiving complaints from the population on a variety of social issues besides child protection, and coordinating with other appropriate governmental units. Another hotline dealing exclusively with child abuse is the Thai Hotline, an organisation with focus on internet and online child sexual exploitation and abuse. Moreover, ChildLine Thailand Foundation (CTF) is the sole operator of the 24 hour “SaiDek 1387” hotline, which operates according to a reporting system not linked to government’s agencies. According to a report, the CTF receives approximately 500 yearly calls.<sup>442</sup> In addition, there are Provincial Emergency Shelters for Children and Families, which provide case management, counseling, accommodation, food, referral to social and medical services, and reintegration of residents back into their community.<sup>443</sup>

### 4.4.3 Harmful and discriminatory practices

Under this section, practices linked to sexual and gender-based violence are analysed (SGBV).

There is still no national plan or strategy to address child marriage in Thailand, despite the country ranking 19th among 193 UN States concerning the highest number of girls under 18 years married or in a union (as people could live together or celebrating a ceremony even without getting the official certificate of marriage). Thailand ranks 11th concerning boys. Child marriage is especially found in rural areas, in Northeast of Thailand, among hill tribe people such as the Akha and Hmong (who consider child marriage and early pregnancy to be economic benefits), and Muslim communities:<sup>444</sup> in all these settings, girls have limited empowerment and decision-making on their lives, and families consider their marriage as a means of ensuring security for their daughters and for

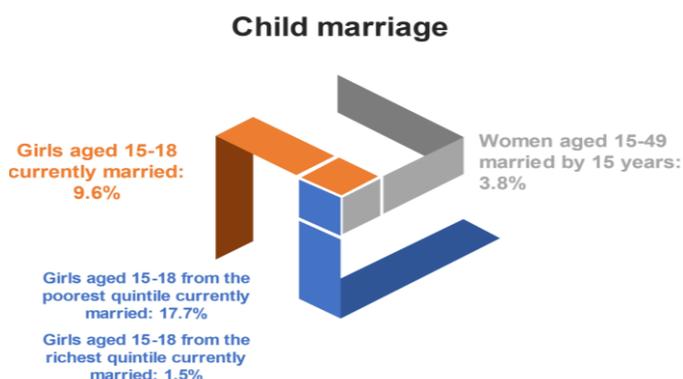
themselves, as rich men can offer a dowry to the bride’s family.<sup>445</sup> In summary, child marriage is driven by inequality, and by customary practices against official legislation, often not enforced in rural areas. Muslim communities apply Islamic law and can marry girls and boys aged 17 and younger, with the agreement of the Islamic court or the parents.<sup>446</sup>

According to *Girls, not brides*, “unlike in South Asia where an early marriage usually provides the means for socially sanctioned sex to then occur, with adolescent pregnancy quickly following, unplanned pregnancy in Thailand often leads to early marriage due to stigma”,<sup>447</sup> as even today, girls are expected to “behave” in a traditional way, be virtuous and not starting their sexual life before wedding.<sup>448</sup> It is true that unplanned adolescent pregnancies lead to an unsupportive environment for girls at home and in schools (being often compelled to drop out),<sup>449</sup> and adolescent marriage can be both a cause and a consequence of pregnancy.

As specified in the Legal and Institutional framework chapter, the Civil and Commercial Code may approve a reason for the marriage of individuals under the age of 17 in case there is an “appropriate reason”, without specifying the exact reasons themselves.<sup>450</sup> In summary, according to the *NGO CEDAW Shadow report on behalf of indigenous women in Thailand*, “Criminal Law Article 277 allows girls between 13 and 15 years of age to marry their alleged rapists, in the place of criminal punishment”.<sup>451</sup>

According to the MICS 2019, the percentage of women aged 20-49 married before 18 years is 18.3%, with seven-point difference between urban and rural areas; from the point of view of the educational level, the biggest percentage difference was between 29.7% with pre-primary education level, versus 4.4% with higher level.

Below, are summarised some other meaningful data on child marriage:<sup>452</sup>



<sup>439</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 14.

<sup>440</sup> The Department of Children and Youth - The Ministry of Social Development and Human Security, *National Child protection strategy 2017-2021*, page 10.

<sup>441</sup> Child frontiers, 2014, *National child protection systems in the East Asia and Pacific region. A review and analysis of mappings and assessments*, page 30.

<sup>442</sup> Madhni Khadijah & Brubeck Sahra for Key Assets & The Nippon Foundation, no date, *Thailand - Alternative care report*, page 24.

<sup>443</sup> UN National Economic and Social Development Council, October 2020, *Socio-Economic Impact Assessment of COVID-19 in Thailand*, page 123.

<sup>444</sup> <https://atlas.girlsnotbrides.org/map/thailand>

<sup>445</sup> The Borgen Project, 15 July 2015, 10 *Shocking Facts About Child Poverty in Thailand*. <https://borgenproject.org/child-poverty-in-thailand/#:~:text=Around%20380%2C000%20children%20have%20been,one%20to%20care%20for%20them>

<sup>446</sup> <https://atlas.girlsnotbrides.org/map/thailand>

<sup>447</sup> <https://atlas.girlsnotbrides.org/map/thailand>

<sup>448</sup> Office of the National Economic and Social Development Board, 2013, cited in UNICEF, 2016, *A situation analysis of adolescents in Thailand 2015–2016*, page 39.

<sup>449</sup> Office of the National Economic and Social Development Board, 2013, cited in UNICEF, 2016, *A situation analysis of adolescents in Thailand 2015–2016*, pages 23 and 131.

<sup>450</sup> <https://atlas.girlsnotbrides.org/map/thailand>

<sup>451</sup> Thailand NGO, July 2017, *CEDAW Shadow report on behalf of indigenous women in Thailand for the 67th Session of CEDAW (Sixth and Seventh Periodic Report)*, July 2017, page 10.

<sup>452</sup> National Statistical Office Thailand and UNICEF, August 2020, *Multiple Indicator Cluster Survey 2019*, pages 195-197.

Finally, 4.2% of boys aged 15 -19 are currently married, and 7% of men aged 20-49 were married before 18 years.<sup>453</sup>

Concerning Female genital mutilation (FGM),<sup>454</sup> there is no specific legislation criminalising FGM in country, in the Southern region: it is practiced within the Malay Muslim community, under the belief that it protects women.<sup>455</sup>

## 4.5 Vulnerabilities

*“Each group of children have their own complexity and their problems are different”.*<sup>456</sup>

In the following sections, the focus will be on some groups of vulnerable children. By no means we want to “label” disadvantaged children; however, this choice has been made for the sake of content presentation.

### 4.5.1 Ethnic and indigenous children and children with disabilities

The number of people residing in hill tribe areas is 514,887 people, but there is no data on age groups. In 2018, there was a total of 110,516 children of hill tribe people and indigenous group (born in Thailand and registered as ID ‘0’ and ‘7’).<sup>457</sup>

Children from ethnic and indigenous communities can be subjected to stigmatisation and discrimination because of their language and way of living. They generally come from poor households and have limited opportunities than other children to access education, healthcare and social services.<sup>458</sup> Specific information will be reported in the Health and Education chapters, whenever possible.

Stigma and discrimination also undermine the wellbeing and rights of children with disabilities, who often remain invisible, as some parents refuse to register them at the Department of Empowerment of Persons with Disabilities.<sup>459</sup> To increase the chance for these children to receive the services they need, community collaboration and social acceptance of disability is key.<sup>460</sup>

A 2019 study estimated that there were 93,129 children aged 0 to 14 years (0.87%) with some kind of physical and intellectual disabilities, mostly congenital disabilities. Among children with disabilities, more than one-third did not attend school. Almost all children with both physical and intellectual disabilities could not take care of themselves or go out independently (81.6% and 94.5%).<sup>461</sup>

Organisations such as 4Life and the Christian Care Foundation for Children with Disabilities associate abandonment to “religious beliefs and social stigmas surrounding disabilities”.<sup>462</sup> Children with disabilities have often to face poverty, in particular if they live in single parent-headed households, or if a parent must care for them full-time, without the possibility of working, while on the other hand disability grants are not frequently allocated.<sup>463</sup> Women and girls with disabilities are at increased risk of exploitation and abuse, including human trafficking. Moreover, disability is not mainstreamed in policies for the protection from violence and exploitation.<sup>464</sup>

The justice system is not always accessible (even physically) to people with disabilities, and legal aid and sign language interpreters are not available. The Civil Procedure Code can also limit the possibility to accept the testimony of a person with disability.<sup>465</sup>

Finally, families of children with disabilities are generally not aware of their rights, and entities working with them lack training and coordination.<sup>466</sup>

### 4.5.2 LGBTI children



*Save the Children staff in Mae Sot office attended SOGIESC workshop under HEARTS project.*

According to the 2017 CEDAW Shadow report, different websites and social media report attacks against LGBTI people, “explicitly encouraging rape, gang rape and physical attacks. This has detrimental effects on LGBTI’s mental and physical health, forcing them to conceal themselves and live with fear”.

<sup>453</sup> National Statistical Office Thailand and UNICEF, August 2020, *Multiple Indicator Cluster Survey 2019*, pages 198.

<sup>454</sup> “A traditional harmful practice that involves the partial or total removal of external female genitalia or other injury to female genital organs for non-medical reasons”. [https://www.who.int/health-topics/female-genital-mutilation#tab=tab\\_1](https://www.who.int/health-topics/female-genital-mutilation#tab=tab_1)

<sup>455</sup> Orchid Project and the Asia-Pacific Resource and Research Centre for Women (ARROW), March 2020, *Asia Network to End Female Genital Mutilation/Cutting (FGM/C) Consultation report “I didn’t know it happened there”*, page 51.

<sup>456</sup> Save the Children Thailand, 2021, *Internal document: consultations with children organised by SCI Thailand during the Country Strategic Planning process*.

<sup>457</sup> <http://118.174.31.163/images/snb/str/book/describe/61/Status%20of%20person.pdf>

<sup>458</sup> Committee on the Rights of the Child, 17 February 2012, *Consideration of reports submitted by States parties under article 44 of the Convention. Concluding observations: Thailand*, page 18.

<sup>459</sup> Committee on the Rights of the Child, 17 February 2012, *Consideration of reports submitted by States parties under article 44 of the Convention. Concluding observations: Thailand*, page 3.

<sup>460</sup> Chosita Pavasuthipaisit, Luechai Sringemyuang, Narongrid Asavaroungpipop, Thanvaruj Booranasukakul, Vanida Chaniyuthong, Wimonwan Panyawong, Thawanrat Sriwilas, 2019, *Situation of Disability and Access to*

*Essential Public Services of Children with Disabilities in the Community of Thailand*, Health System Research Institute, page 477. <https://kb.hsri.or.th/dspace/handle/11228/4942>

<sup>461</sup> Butchon Rukmanee, Doungthipsirikul Suradech, Permpolsuk Suppawat, Vishwanath Dabak Saudamini, Teerawattananon Yot, 2019, *Situation, Personal and Household Characteristics Associated with Disability in Children*, Health System Research Institute. <https://kb.hsri.or.th/dspace/handle/11228/5039>

<sup>462</sup> Committee on the Rights of Persons with Disabilities, 12 May 2016, *Concluding observations on the initial report of Thailand*, page 24.

<sup>463</sup> Committee on the Rights of Persons with Disabilities, 12 May 2016, *Concluding observations on the initial report of Thailand*, page 9.

<sup>464</sup> Committee on the Rights of the Child, 17 February 2012, *Consideration of reports submitted by States parties under article 44 of the Convention. Concluding observations: Thailand*, pages 5 and 6.

<sup>465</sup> Committee on the Rights of Persons with Disabilities, 12 May 2016, *Concluding observations on the initial report of Thailand*, pages 5 and 6.

<sup>466</sup> Committee on the Rights of the Child, 17 February 2012, *Consideration of reports submitted by States parties under article 44 of the Convention. Concluding observations: Thailand*, page 3.

Without public recognition that LGBTI rape and threats of rape is a crime, this group remains more subject to abuse and violence, but it is rare that they report rape cases, due to lack of trust in the public system, and the fear not to be listened to and understood.<sup>467</sup> As children point out, social media can severely undermine their well-being:

*“LGBTIQ+ people get insults on Facebook. People constantly commented, asking me why I am not dating men and who is going to take care of me when I’m old. I am judged because my relationship is different from ‘ordinary people.’ This is making me feel bad.”*<sup>468</sup>

There is a general lack of safe spaces for counselling of children victims of online abuse, so *“cyberspace has aggravated conditions of those already pushed to the margins”*.<sup>469</sup>

More information on mental health issues will be found in section 5.8.2 (*Health*), and more information on bullying and violence suffered by LGBTI children and youth in schools can be found in section 6.8 (*Education*).

### 4.5.3 Street-involved children

Throughout the years, there has been a debate in the social work sector around the definition “street children”, that goes well beyond this CRSA. In summary, the definition can be broken down into different sub-categories, such as street-living children (sleeping in public places), street-working children (returning home at night), children of families living in the streets, etc... They are not a homogenous group, and different vulnerability factors can be present to worsen their situation. In this section, we will use the term *street-involved children*, as part of the new terminological trends.<sup>470</sup>

In 2019, out of the 2,409 children receiving DCY’s protection services, 6.84% of them (164) were children living in the street.<sup>471</sup> Between October 2019 and April 2020, 360 street-involved children, or who ran away from home, were in shelters.<sup>472</sup> However, this likely represents only a very limited part of the actual number of street-involved children, who presumably are not targeted through assistance: for instance, in the 2011 CRC report submitted by Thailand, the estimate of street children was around 20,000 (most engaged in begging and child labour).<sup>473</sup> In 2020, Asia news estimated the number of children living in the streets to more than double (50,000 children), also including children from neighbouring countries

(Cambodia, Myanmar, Vietnam, the Rohingya). According to two articles, street-involved children can be particularly found in provinces such as Bangkok, Chiangmai, Pitsanuloak, Konkhan, Nakhon Ratchasima, Nonthaburi, and Samutprakarn,<sup>474</sup> and street-involvement can be permanent, temporary, or due to the migration situation.<sup>475</sup>

Street-involved children in Thailand are aged 1.5 to 18 years, and end up on the streets for a variety of reasons, often abandoned as babies, and later run away or are kicked out of orphanages. Most of these children are unregistered at birth, being *de facto* invisible, and must survive by relying on dangerous businesses such as drugs, theft, and sexual exploitation.<sup>476</sup> Educational access for street-involved children is undermined by various factors, such as a lack of official identification documents or birth certificates, impossibility of paying school fees due to a lack of stable family income, and also drug and alcohol use, which damages their nervous system and impedes concentration and learning.<sup>477</sup>

Poverty is a major driver of street involvement: when families live in urban slums and must face different aspects of poverty, basic services such as housing, health and sanitation, education, transportation, etc are simply not available, and children try to find alternatives on their own. Consequently, street involvement can represent a quest for freedom and adventure, escaping the strict norms of a rigid social structure.

Street involvement also means escaping violence or difficult family environments, with family disruption, divorce or death of a parent, neglect, domestic violence as predominant triggers.<sup>478</sup> Finally, another driver may be the general community environment, for example, a slum surrounded by nightclubs and game centers, that attract children to live outside.<sup>479</sup>

Street-involved children spend their time in the streets, begging and even sleeping on the road or in bus stations and markets. Among them are also children who return home at night, but spend the day selling flowers, toys or other articles, or trying to earn money with similar activities (washing windshields, rag picking, etc.) during holidays or after school.<sup>480</sup> They are often engaged in menial work such as assisting a vendor at the market, or working in construction.<sup>481</sup>

Spending daytime (and sometimes night-time) out in public places means exposure to all manner of risks, such as SEC and sexual abuse. A study in Chiang Mai found that 43% of the respondents acknowledged being compelled by adults to

<sup>467</sup> Togetherness For Equality (TEA) and The Working Group for Gender Equality, Rights and Freedom in Thailand, June 2017, *Thailand: Discrimination and Violence against Women and LGBTI Persons - Shadow report to the Committee on the Elimination of Discrimination Against Women (CEDAW) for consideration at the 67<sup>th</sup> session*, 2017, page 4.

<sup>468</sup> The Coalition of CSOs and INGOs for Children’s SOGIESC Rights - Thailand, 25 March 2021, *Joint submission to the United Nations Human Rights Council - 39<sup>th</sup> Session of the Working Group on the Universal Periodic Review*, page 8.

<sup>469</sup> The Coalition of CSOs and INGOs for Children’s SOGIESC Rights - Thailand, 25 March 2021, *Joint submission to the United Nations Human Rights Council - 39<sup>th</sup> Session of the Working Group on the Universal Periodic Review*, page 8.

<sup>470</sup> Davis Jarrett, Fiss Judith, Miles Glenn, PhD, February 2016, *To Help My Parents... An Exploratory Study on the Hidden Vulnerabilities of Street-Involved Children and Youth in Chiang Mai, Thailand*, page 8.

<sup>471</sup> [http://www.dcy.go.th/webnew/upload/download/file\\_th\\_20201705214233\\_1.pdf](http://www.dcy.go.th/webnew/upload/download/file_th_20201705214233_1.pdf)

<sup>472</sup> [https://www.dcy.go.th/webnew/upload/download/file\\_th\\_20201305145701\\_1.pdf](https://www.dcy.go.th/webnew/upload/download/file_th_20201305145701_1.pdf)

<sup>473</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 28.

<sup>474</sup> Kowitwanij Weena for Asia news, 6 April 2020, *Protecting and educating Thailand’s street kids*. <http://www.asianews.it/news-en/Protecting-and-educating-Thailand%E2%80%99s-street-kids-50258.html>

<sup>475</sup> *Street children: vulnerable group who cannot access to basic services*, Thairath news. <https://www.thairath.co.th/news/society/2006131>

<sup>476</sup> <https://borgenproject.org/street-children-thailand/#:~:text=Street%20children%20in%20Thailand%20range,are%20because%20of%20family%20problems.&text=These%20children%20have%20no%20birth%20date%2C%20no%20family%20and%20no%20security,> 2 July 2015.

<sup>477</sup> Natchanon Kritritthesh (student of BA in Humanity, Silpakorn University), 2020, *The process of how children living in the street near the Buddhayodfar bridge, Bangkok has become on the edge and no access to education*, pages 51-52. Not official translation.

<sup>478</sup> Davis Jarrett, Fiss Judith, Miles Glenn, PhD, February 2016, *To Help My Parents... An Exploratory Study on the Hidden Vulnerabilities of Street-Involved Children and Youth in Chiang Mai, Thailand*, pages 9 and 10.

<sup>479</sup> Lalita Surakhachonhet, Nanthaporn U-saard, 2017, *Behavior and Immigration of Street Children: A Case Study of Khon Kaen Municipality, Khon Kaen Province, Thailand*, page 198.

<sup>480</sup> Kowitwanij Weena for Asia news, 6 April 2020, *Protecting and educating Thailand’s street kids*. <http://www.asianews.it/news-en/Protecting-and-educating-Thailand%E2%80%99s-street-kids-50258.html>

<sup>481</sup> Davis Jarrett, Fiss Judith, Miles Glenn, PhD, February 2016, *To Help My Parents... An Exploratory Study on the Hidden Vulnerabilities of Street-Involved Children and Youth in Chiang Mai, Thailand*, page 23.

engage in unwanted activities such as drug use, anal rape, and sex without condoms. Some boys and girls were also filmed for pornographic films.<sup>482</sup>

The most vulnerable street-involved children are the ones sleeping in the streets, as “...*human trafficking agents will try to build a rapport with these children and gain their trust by offering them food, money, games or toys before asking them to work*”.<sup>483</sup>

Sexual violence among street-involved children and youth is very common for both boys and girls, but despite this evidence, research on boys’ experiences in this regard is not developed, and may be connected to sex tourism.<sup>484</sup>

In the Chiang Mai study, children outlined the people they consider most dangerous: firstly, their peers, but also family members, business owners, and to a lesser extent, drug users and police officers.<sup>485</sup>

During the CRSA, limited information was found on specific services available for street-involved children, for example ChildLine Thailand Foundation, which manages a youth centre, known as the HUB, since 2012, open between 9am-6pm and 9pm-6am for street children in Pomprab District (Bangkok). This centre deals with very serious cases of child protection.<sup>486</sup>

In general, there are still several challenges for NGOs working with this group of children: private organisations, NGOs, civil society including roadside teachers, who worked closely with the street children but gradually shut down or reduced field workers. The government sector continues to work in accordance with the regulatory framework and do not reach out to this group of children (government’s working hours are inconsistent with the child’s lifestyle; for example, staff work from 8:30 AM to 4:00 PM, but street children emerge from 5pm until midnight).<sup>487</sup>

#### 4.5.4 Child labour and child trafficking



To demonstrate our commitment to combat human trafficking in collaboration with the Thai government, we joined Anti-Trafficking Day Event in 2017.

<sup>482</sup> Davis Jarrett, Fiss Judith, Miles Glenn, PhD, February 2016, *To Help My Parents... An Exploratory Study on the Hidden Vulnerabilities of Street-Involved Children and Youth in Chiang Mai, Thailand*, pages 26-28.  
<sup>483</sup> Suwannarong Kanokwan for Save the Children, 2017, *A desk review for Research for Promoting Rural Opportunities for Children’s Empowerment, Education, and Development (PROCEED)*, page 12.  
<sup>484</sup> Davis Jarrett, Fiss Judith, Miles Glenn, PhD, February 2016, *To Help My Parents... An Exploratory Study on the Hidden Vulnerabilities of Street-Involved Children and Youth in Chiang Mai, Thailand*, pages 7 and 34.  
<sup>485</sup> Davis Jarrett, Fiss Judith, Miles Glenn, PhD, February 2016, *To Help My Parents... An Exploratory Study on the Hidden Vulnerabilities of Street-Involved Children and Youth in Chiang Mai, Thailand*, pages 24 and 25.

## GOVERNMENTAL UNITS FOR THE ERADICATION OF WORST FORMS OF CHILD LABOUR<sup>488</sup>

- Department of Labour Protection and Welfare (DLPW) of the Ministry of Labour (MOL): in charge of inspections (in 2019, 43 child labour violations identified), although the number of inspectors may be insufficient; the department operates hotline 1509 (in 2019, and the call centre received 453 calls). Labour protection offices at provincial level receive complaints about child labour.
- The Anti-Human Trafficking Units and The Anti-Trafficking in Person Division of the Royal Thai Police (RTP): concerned with forced labour, human trafficking, SEC. Operates Hotline 191 to receive complaints on human trafficking. In 2019, it developed a mobile application (“Police I lert u”) to report on human trafficking violations, with a 24/7 operations centre. 343 RTP police investigators were trained, and 111 victims of child trafficking for SEC and child pornography were found. 141 individuals were prosecuted for other crimes.
- The Department of Trafficking in Persons Litigation under the Office of the Attorney General (OAG): investigates on human/child trafficking offenses and monitors of provincial human trafficking cases.
- The Thailand Anti-Trafficking in Persons Taskforce (TATIP): enforces laws against human and child trafficking in the sex trade and mainstream industries.
- The TATIP collaborates closely with the Thailand Internet Crimes Against Children Taskforce (TICAC), and with the National Centre for Missing and Exploited Children.
- The Department of Special Investigation’s (DSI) Bureau of Human Trafficking Crime is in charge of enforcing and investigating human trafficking cases.
- The Department of Juvenile Observations and Protection: in 2019, dealt with 2,314 cases of children involved in the narcotic production and trade.
- The Ministry of Health: in 2019, a Health Service System Development to Rescue and Protect Against the Worst Forms of Child Labour training programme was initiated, for health workers to identify and refer child labour victims to rehabilitation services.

<sup>486</sup> Madihi Khadijah & Brubeck Sahrafor Key Assets & The Nippon Foundation, no date, *Thailand - Alternative care report*, page 24.  
<sup>487</sup> Faculty of Education, Chulalongkorn University, 2020, *Children living in the street*, [https://www.matichon.co.th/columnists/news\\_1527070](https://www.matichon.co.th/columnists/news_1527070)  
<sup>488</sup> U.S. Department of Labour - Bureau of International Labor Affairs, 2019, *Child Labor and Forced Labor Report – Thailand*, pages 4, 6 and 9. [https://www.dol.gov/sites/dolgov/files/LAB/child\\_labor\\_reports/tda2019/Thailand.pdf](https://www.dol.gov/sites/dolgov/files/LAB/child_labor_reports/tda2019/Thailand.pdf)

The 2018 National Working Children Survey was the first representative survey of working children at the national level, conducted with ILO, and found approximately 177,000 children engaged in child labour, out of which 133,000 children engaged in hazardous work.<sup>489</sup> The labour force of 15-17 years old was 205,400 in 2019 (150,000 boys, 55,400 girls).<sup>490</sup>

Past years have seen several efforts to deal with child labour, such as the 2013 National Committee to Eliminate the Worst Forms of Child Labour, which compiled the list of hazardous works; in 2014, the minimum age for working in the agricultural sector was raised from 13 to 15 years, as well as in sea fishing vessels (from 16 to 18 years of age). Since 2015, partnership between the government and the private sector in the sugar industry has also been strengthened to eradicate child labour in this sector.<sup>491</sup> Despite this, the CRC expressed concern regarding the protection of informal workers in agriculture, tourist industry, begging, and domestic work, *“where children aged below 15 years, especially foreign children and children in street situations, are mostly involved”*.<sup>492</sup>

In 2019, the US Department of Labour defined Thailand’s progress in eradicating the worst forms of child labour as “moderate”, outlining positive factors such as the increase of inspections by 6%; being the first country in Asia to ratify ILO Convention 188 (2019); and having approved regulations in the fishing sector.

Despite this, children remain engaged in the worst forms of child labour, including SEC; children as young as 15 years old participate in Muay Thai competitions (an area around which illegal gambling is proliferating), and are at risk of head injuries.<sup>493</sup>

Children employed in agriculture activities *“face health risks from lifting heavy loads, risks of injury from operating dangerous machinery and using sharp equipment, exposure to pesticides, sun, and heat, and long hours from very early in the morning until night time”*.<sup>494</sup>

Even if a precise profile of children at increased risk of hazardous work is impossible to obtain, there are certainly some categories of children more prone to engaging in hazardous work; for example, in 2015 there were around 380,000 children orphans due to the AIDS epidemic. With no adult caregivers, many of these children are at risk of poverty and forced to live on the streets or accept any type of work. The 2011 CRC report stated that an estimated 100,000 foreign children were engaged in child labour, generally facing poor work conditions and forced to work over 8 hours per day.<sup>495</sup> Thai and migrant children may also work with their parents in

construction, or as housekeepers. Children from the Greater Mekong Subregion work in the shrimp and seafood processing industry, cleaning and carrying heavy loads.<sup>496</sup> Using children for begging purposes is one of the most lucrative types of child exploitation.<sup>497</sup>



Despite all these deployed efforts, the enforcement of laws against child labour remains problematic, particularly in sectors such as fishing, agriculture, textile manufacture, domestic work, and the general informal sector.<sup>498</sup> Cross-border agreements with neighbouring countries have been signed to oppose trafficking in children, but need strengthening.<sup>499</sup>

ILO supports the government fight against the worst forms of child labour, through the International Programme on the Elimination of Child Labour (IPEC), a five-year project in six provinces (Chiang Rai, Pattani, Samut Sakhon, Songkhla, Tak and Udon Thani). Children in these areas are from Myanmar, Lao, and Cambodia, but also come from hill tribes in the North, poor families in the Northeast, and Muslim children in the South.

Child trafficking, already been mentioned in the Context chapter of this CRSA, is a rich source for the worst forms of child labour, engaging children in SEC, drug trafficking, and the production of sexual abuse material.<sup>500</sup>

A serious concern for child trafficking is the case of babies delivered across the border with Myanmar (Mae Sot district) who, lacking any official identification, are easy prey for human traffickers.<sup>501</sup>

Missing adolescents are another concern, most of whom end up being trafficked. The Missing Persons Management Centre (led by the police) refers to the missing persons database set up by the Mirror Foundation in Bangkok, with 30 missing persons a month (70% of the cases are solved). According to this data, from 2003 to 2015, 1,862 adolescents were reported missing (349 males and 1,513 females).<sup>502</sup>

Weak law enforcement, also noted for child labour, is a strong barrier in the fight against child trafficking and exploitation,

<sup>489</sup> [www.nso.go.th/sites/2014/DocLib13/การคุ้มครอง/การคุ้มครอง/Labor\\_of\\_children/การคุ้มครองเด็ก61.pdf](http://www.nso.go.th/sites/2014/DocLib13/การคุ้มครอง/การคุ้มครอง/Labor_of_children/การคุ้มครองเด็ก61.pdf)  
<sup>490</sup> <https://www.mol.go.th/wp-content/uploads/sites/2/2020/06/สถิติแรงงานเด็ก-2562.pdf>  
<sup>491</sup> Human Rights Committee, 25 April 2017, *Concluding observations on the second periodic report of Thailand*, page 12.  
<sup>492</sup> Committee on the Rights of the Child, 17 February 2012, *Consideration of reports submitted by States parties under article 44 of the Convention. Concluding observations: Thailand*, page 16.  
<sup>493</sup> US Department of Labour - Bureau of International Labor Affairs, 2019, *Child Labor and Forced Labor Report - Thailand*, page 1. [https://www.dol.gov/sites/dolgov/files/ILAB/child\\_labor\\_reports/tda2019/Thailand.pdf](https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/Thailand.pdf)  
<sup>494</sup> U.S. Department of Labour - Bureau of International Labor Affairs, 2019, *Child Labor and Forced Labor Report - Thailand*, page 1. [https://www.dol.gov/sites/dolgov/files/ILAB/child\\_labor\\_reports/tda2019/Thailand.pdf](https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/Thailand.pdf)

<sup>495</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 28.  
<sup>496</sup> [https://www.ilo.org/asia/projects/WCMS\\_099122/lang-en/index.htm](https://www.ilo.org/asia/projects/WCMS_099122/lang-en/index.htm)  
<sup>497</sup> Suwannarong Kanokwan for Save the Children, 2017, *A desk review for Research for Promoting Rural Opportunities for Children's Empowerment, Education, and Development (PROCEED)*, pages 9 and 10.  
<sup>498</sup> UNICEF, 2016, *A situation analysis of adolescents in Thailand 2015-2016*, page 37.  
<sup>499</sup> [https://www.ilo.org/asia/projects/WCMS\\_099122/lang-en/index.htm](https://www.ilo.org/asia/projects/WCMS_099122/lang-en/index.htm)  
<sup>500</sup> [https://www.ilo.org/asia/projects/WCMS\\_099122/lang-en/index.htm](https://www.ilo.org/asia/projects/WCMS_099122/lang-en/index.htm)  
<sup>501</sup> Madihi Khadijah & Brubeck Sahra for Key Assets & The Nippon Foundation, no date, *Thailand - Alternative care report*, page 15.  
<sup>502</sup> UNICEF, 2016, *A situation analysis of adolescents in Thailand 2015-2016*, page 36.

due to corruption, bribery, and involvement of officials in human smuggling networks.<sup>503</sup>

In 2012, the CRC noted that case management for children-found victims of trafficking and exploitation was still poor, strongly relying on foreign donors and UN agencies. Despite the government stating they established a compensation fund for victims of trafficking, there was a lack of information concerning this.<sup>504</sup> However, in the past decade the government put in place several efforts to tackle trafficking, including different approved MoUs and tools.

Children are sent to shelters for an indefinite period of time, against their will, and without access to education/work during the judicial procedure.<sup>505</sup> This can lead to the release of false testimonies and quicker repatriation. Moreover, although their testimony can theoretically be obtained through child-friendly methods, such as video recordings, some judges do not accept that.<sup>506</sup>

SC in Thailand has developed three joint interventions (the EASE, the PROMPT and the SPACE projects) to ensure a better coordination of services for trafficking survivors, to capitalise good practices for their protection (including the introduction of child safeguarding standards), and to ensure that child victims of trafficking experience safe and child-friendly legal systems and processes. The Baseline of EASE project had found that *“shelter staffs tend to do discriminate children in regards to their caste and country of origin. All group of children haven’t equal access on the services providing by shelter (food, play, education)”*.<sup>507</sup> The baseline for the SPACE project outlined that *“only Thai girls are provided with education. Foreign survivors do not get an opportunity to study”*.<sup>508</sup> Primary education is offered inside the shelters, while children in secondary education are placed in external schools. Unfortunately, the teachers inside the shelters usually speak only Thai, and this undermines the access to education for non-Thai children.<sup>509</sup>

The final evaluation of the three projects found *“a dramatic improvement in the provision and quality of basic services to survivors”*, even if Rohingya survivors reported more challenges in accessing services such as attending school, working outside of the shelter, having access to a psychologist.<sup>510</sup>

One of the strengths was SC’s active role in the development of national policies such as the *Reflection Periods* for victims of

trafficking.<sup>511</sup> legally, migrant children are not allowed to stay in the country unless testified as victims of trafficking, but they might need some time to recover and decide to collaborate with government’s officials. The reflection periods allow to have more time, get more information and offer legal protection for migrant children rather than expelling them.

#### 4.5.5 Sexual exploitation of children (SEC)

*“I live with my sister and brother-in-law who drinks and is violent but I don’t want to talk about it. One day a stranger came and offered to buy me for 30,000 THB!”*.<sup>512</sup>

*“When children receive what they need and are entitled to, it will prevent them from all forms of abuse and violation including exploitation and trafficking in children”*.<sup>513</sup>

In 2012, the CRC noted with concern the lack of disaggregated data (sex, age, nationality, ethnic origin and socioeconomic status) of child victims of sale, prostitution and pornography. The lack of data on SEC continues today: even the latest report published by ECPAT in 2021 refers to outdated statistics by the US State Department’s 2008 Human Rights Report (60,000 children), adding that *“in 2010, Thailand’s health Research Institute estimated that 40% of all prostitution in the country involved child victims. Whilst these are only estimates and are dated, they are important indicators that exploitation of children in prostitution likely continues today”*.<sup>514</sup>

This is an illegal practice, particularly concerning sexual exploitation of children, but *“practiced quite openly, with involvement of large numbers of children”*, helped by the corruption of police officers involved in child sex trade.<sup>515</sup> Child victims are not exempt from penalties, such as the obligation to reside for two years in a Protection and Occupational Development Centre for rehabilitation, which can act as a deterrent in case reporting.<sup>516</sup> Moreover, other barriers to accessing justice are fear of retaliation, because offenders are released on bail, and a general lack of application of the best interest of the child in the process. In general, very few offenders have been arrested,<sup>517</sup> and many children are still exploited through sex tourism.<sup>518</sup>

Apart from brothels and massage parlours, sexual exploitation of women and children now also take place in hotel rooms and private apartments, making detection more complicated.<sup>519</sup> The city of Udon Thani (in Isan) is the epicenter of foreign child sexual exploitation, as well as the provinces connected to the Khong River, where Laotian child sexual exploitation in the nightlife industry is a widespread issue. Most children are

<sup>503</sup> UNICEF, 2016, *A situation analysis of adolescents in Thailand 2015–2016*, page 37.

<sup>504</sup> Committee on the Rights of the Child, 21 February 2012, *Consideration of reports submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*, page 7.

<sup>505</sup> Human Rights Council, 23 February 2016, *Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 Thailand*, page 7.

<sup>506</sup> Committee on the Rights of the Child, 21 February 2012, *Consideration of reports submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*, page 7.

<sup>507</sup> 14-year old girl, Save the Children Thailand Country Office, August 2016, *Baseline Study Report Ensuring Appropriate Safeguarding for Emigrant and trafficked children (EASE)*, page 7.

<sup>508</sup> Ratirose Supaporn for Save the Children, December 2019, *Baseline Assessment - Standardized Protection and Care Embraced in Government Shelters (SPACE) Project*, page 5.

<sup>509</sup> Ratirose Supaporn for Save the Children, December 2019, *Baseline Assessment - Standardized Protection and Care Embraced in Government Shelters (SPACE) Project*, page 22.

<sup>510</sup> Levante for Save the Children, 24 March 2021, *Progress Assessment & Final Evaluation - Save the Children Thailand, Anti-Trafficking (PROMPT, SPACE, EASE II)*, pages 10 and 14.

<sup>511</sup> Levante for Save the Children, 24 March 2021, *Progress Assessment & Final Evaluation - Save the Children Thailand, Anti-Trafficking (PROMPT, SPACE, EASE II)*, page 11.

<sup>512</sup> Save the Children, *Children’s voices - Findings from different consultations with children*, page 12.

<sup>513</sup> Consultations with children organised by SCI Thailand during the Country Strategic Planning process.

<sup>514</sup> ECPAT and Thailand Institute of Justice, 2021, *Global initiative to explore the sexual exploitation of boys - Thailand report*, page 68.

<sup>515</sup> Human Rights Council, 23 February 2016, *Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 Thailand*, page 5.

<sup>516</sup> Human Rights Council, 23 February 2016, *Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 Thailand*, page 5.

<sup>517</sup> Thai CSOs coalition for the UPR, 2016, *2nd Cycle Universal Periodic Review - Thailand UPR 2016 - Information on the status of the human rights situation in Thailand*, page 39.

<sup>518</sup> Committee on Economic, Social and Cultural Rights, 19 June 2015, *Concluding observations on the combined initial and second periodic reports of Thailand*, page 7.

<sup>519</sup> Suwannarong Kanokwan for Save the Children, 2017, *A desk review for Research for Promoting Rural Opportunities for Children’s Empowerment, Education, and Development (PROCEED)*, pages 9 and 10.

exploited by an agent that will search for customers, and attend school or vocational training.<sup>520</sup>

While Thai child victims have decreased (perhaps also due to the extended length of compulsory education), ECPAT noted in 2011 that among the most vulnerable children to sexual exploitation, stateless children born before 2008, as children of migrants in irregular state, were particularly at risk, reaching approximately 50,000 children born each year. The prevention of SEC involves reducing families' vulnerabilities and poverty, and increasing access to education and social services.

More training would be needed to strengthen the approach to SEC, as "research indicates that there is a lack of understanding of the use of male children in commercial sexual exploitation among some provincial government and court officials due to the preconceived notion that boys are stronger than girls and should be able to defend themselves...". In this regard, one praiseworthy initiative is The Thailand Institute of Justice showing attention to developing appropriate prevention, protection, and recovery work for boy victims of sexual exploitation. For example, in December 2019, a public event, *Shedding the light on the sexual exploitation against boys*, was organised to initiate raising public attention.

The focus of studies and policies on sexual exploitation has been for a long time on girls: without denying the importance of supporting girls experiencing sexual exploitation, practitioners and researchers have acknowledged the need to also explore boys' experiences. A 2021 study by ECPAT reveals that frontline providers mention the following factors which would increase boys' vulnerabilities to sexual exploitation: extreme poverty, cultural practice of adult's touching boys' genitals in childhood, access to child abuse images, increased exposure to the Internet. On the contrary, "taboos surrounding sex and sexuality, belonging to an ethnic minority group and living with one or more disabilities were factors least considered by service providers to impact a boy's vulnerability to sexual exploitation".<sup>521</sup>

Concerning the demand for child sexual exploitation, even if authorities focus mostly on foreign travellers, this is "masking the reality of an even larger population of local people seeking sexual services", practically ignored.<sup>522</sup> Cultural beliefs are also a push factor for child sexual exploitation, such as the idea that sex with a virgin has healing or virility-enhancing powers.<sup>523</sup>

#### 4.5.6 Migrant children, unaccompanied children on the move and refugees



*Classroom environment in Mae La Camp from ACCESS project (2016) which has the main objective of enrolling out-of-school children and ensuring they receive a quality education.*

Children on the move are not a homogenous group, may move for a variety of reasons, and within the so-called mixed-migration flows, which include different profiles and needs of involved people.<sup>524</sup>

Children on the move may include:

- Children of migrant workers, in a regular or irregular situation;
- Accompanied refugee or asylum seeker children;
- Unaccompanied children, moving alone for a series of reasons: economic reasons, education, escaping violence, asylum seekers, refugees.

In 2018, there were 131,768 children of registered migrant workers, while the number of children of migrant workers with illegal status is unknown.<sup>525</sup> Children of stateless parents or migrants in illegal status are considered "illegal migrants" and not afforded their full rights.<sup>526</sup> In 2021, there were 250,873 children aged 0-18 registered in the household, but without nationality.<sup>527</sup>

Lack of birth registration/certificates is a major challenge and is due to a series of reasons: concerning children of migrants, their parents do not know the correct process to register their child's birth, the community leader cannot confirm the birth in case it happened outside of the hospital, or simply, parents fear that register their child would lead to an arrest for their illegal status.

Concerning stateless children, the law stated that stateless children must graduate with bachelor degree to be able to request for Thai nationality. In addition, the policy often focus on children who were born in Thailand or those who do not know their own roots. Other challenges refer to factors such as: government's officials lack knowledge and understanding

<sup>520</sup> Suwannarong Kanokwan for Save the Children, 2017, *A desk review for Research for Promoting Rural Opportunities for Children's Empowerment, Education, and Development (PROCEED)*, page 11.

<sup>521</sup> ECPAT and Thailand Institute of Justice, 2021, *Global initiative to explore the sexual exploitation of boys - Thailand report*, page 6.

<sup>522</sup> ECPAT, July 2011, *Alternative report following the initial report from Thailand on the implementation of the Optional Protocol to the Convention on the rights of the child on the sale of children, child prostitution and child pornography*, pages 5 and 8.

<sup>523</sup> Suwannarong Kanokwan for Save the Children, 2017, *A desk review for Research for Promoting Rural Opportunities for Children's Empowerment, Education, and Development (PROCEED)*, page 12.

<sup>524</sup> "Mixed flows have been defined as 'complex population movements including refugees, asylum seekers, economic migrants and other migrants. Unaccompanied minors, environmental migrants, smuggled persons, victims of trafficking and stranded migrants, among others, may also form part of a mixed flow.' <https://www.iom.int/files/live/sites/iom/files/Country/docs/Mixed-Migration-HOA.pdf>

<sup>525</sup> <http://118.174.31.163/images/snb/str/book/describe/61/Status%20of%20person.pdf>

<sup>526</sup> Tai CSOs coalition for the UPR, 2016, *2nd Cycle Universal Periodic Review - Thailand UPR 2016 - Information on the status of the human rights situation in Thailand*, page 40.

<sup>527</sup> [https://stat.bora.dopa.go.th/stat/statnew/statyear/?fbclid=IwAR25epUQi8HvCSCU4OKK6ko\\_Pa9o9QlePJ40gR8bv1BMbDmgIPtB29N3vo#/TableAge](https://stat.bora.dopa.go.th/stat/statnew/statyear/?fbclid=IwAR25epUQi8HvCSCU4OKK6ko_Pa9o9QlePJ40gR8bv1BMbDmgIPtB29N3vo#/TableAge)

of status registration, and the updated policies did not circulate to local areas.<sup>528</sup>

Thailand is not signatory to the Refugee Convention; consequently, asylum seekers and refugees in-country without visas are considered “*illegal urban refugees*”.<sup>529</sup> Despite that, there are nine temporary shelters along the Thai-Myanmar borders, where people reside on grounds of humanitarian protection, without the possibility of returning to their home countries; some of these people have been living in Thailand for over 30 years.<sup>530</sup> As outlined in the Context chapter, in April 2021, 38.9% of the 91,795 refugees at the Myanmar/Thailand border were children.<sup>531</sup>

Under the Immigration Act, migrant children are sometimes detained with other adult detainees (with risk of physical and sexual abuse), and separated from their parents with no access to school, and without taking into account their best interest.<sup>532</sup> At the end of 2016, UNHCR reported 43 children in official Immigration Detention Centers (IDCs) in Thailand and 113 children out on bail. Arrests take place during raids at houses or workplaces, or at random police checkpoints; sometimes, those speaking Thai or holding UNHCR cards can negotiate with the authorities and avoid detention, but this often does not avoid detention. Prosecution and criminal sentencing of asylum seekers and refugees, even as young as 15 years old, are frequent. If their parents are jailed, young children are theoretically sent to shelters of the MSDHS, or stay with other family members, and when their parents are transferred to Immigration centers, they are detained with them (often because of their parents’ fear of custody loss), and rarely stay in appropriate shelters. Even UASC are detained without guardianship solutions. In detention, women and young children are separated from men and boys above 12 years (or even younger), children are separated from their fathers and detained with other adult detainees, and detention can last for months or even years in unhygienic conditions, without access to education and proper healthcare. Moreover, “*many detained children suffer from stress, depression, fear, and alienation and cannot access education otherwise available*”.<sup>533</sup> The *Thailand: End Child Detention Scorecard* analyses the situation of children in terms of immigration detention, and identifies four groups of children at risk: Rohingya victims of trafficking, urban refugees, camp-based refugees along the Thai-Myanmar border, and migrant children or children of migrant workers. In fact, based on domestic legislation, Thailand does not have any law explicitly prohibiting the detention of children,

unaccompanied children on the move, nor children seeking international protection.<sup>534</sup>

In fact, despite Thailand signing the Memorandum of Understanding to End Child Detention in 2019,<sup>535</sup> children, including refugee children and ethnic and indigenous children, are detained for more than one month, and children of migrant workers in irregular status are also detained for several days before being sent back to their country of origin. However, Principles 4.1 and 4.2 of The MoU on The Determination of Measures and Approaches Alternative to Detention of Children in Immigration Detention Centers state that “*Children shall not be detained, except in necessary and unavoidable circumstances, whereby they may be detained at the Immigration Detention Centres, as the last resort and for the shortest possible duration*”, and that “*Decisions and/or actions affecting the child shall always take into consideration his/her best interests and views*”.<sup>536</sup> A Standard Operating Procedure has been developed to ensure harmonisation, and child protection case management based on the best interest of the child. In fact, multi-disciplinary working group meetings are organised to develop individual care plans for children and their families.<sup>537</sup>

According to Thai Lawyers for Human Rights, at present there are 41 youths prosecuted for expressions and political gatherings (but their nationality is not specified).<sup>538</sup> Comprehensive data on child asylum seekers and refugee children in immigration detention facilities is not available: for instance, in a 2017 report, Save the Children could only indicate the number of children in detention in December 2016 (43), but the number for the whole year was unknown.<sup>539</sup>

Regarding child-sensitive screening procedures (leading to children who appear to be older being detained in adult cells separated from their parents), children of migrant workers’ ages are assessed based on their size, maturity or aspect.<sup>540</sup>

Best Interest Determination and proper case management scores are at a medium level.<sup>541</sup> However, in 2018 a new system of case management and SOP for screening refugee children and determining their ages was adopted, which represented an improvement, although some “*problems persist and led to some children being misidentified as adults and therefore not offered protection*”, and some unaccompanied children on the move are neglected, “*not appointed legal guardians as required by the law*”.<sup>542</sup> Concerning identity cards, government social workers generally apply for the cards on behalf of the Rohingya victims

<sup>528</sup> European Union, Faculty of Law of Chiang Mai University, LRDC, and UNICEF, 2021, *Life that nobody can see: 40 years of stateless children situation in Thailand*, page 8.

<sup>529</sup> Save the Children, May 2017, *Unlocking Childhood: Current immigration detention practices and alternatives for child asylum seekers and refugees in Asia and the Pacific*, page 27.

<sup>530</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 26.

<sup>531</sup> RTG/MOI-UNHCR Verified Refugee Population, 30 April 2021. <https://data2.unhcr.org/en/situations/thailand>

<sup>532</sup> Human Rights Committee, 25 April 2017, *Concluding observations on the second periodic report of Thailand*, page 6.

<sup>533</sup> Tai CSOs coalition for the UPR, 2016, *2nd Cycle Universal Periodic Review - Thailand UPR 2016 - Information on the status of the human rights situation in Thailand*, page 32.

<sup>534</sup> Country Committee consisting of Asia Pacific Refugee Rights Network (APRRN), Coalition for Rights of Refugee and Stateless Person (CRSP), Fortify Rights and Save the Children, 2017, *Thailand End Child Detention Scorecard Summary Report*, page 3.

<sup>535</sup> [https://www.ohchr.org/Documents/Issues/Migration/CallEndingImmigrationDetentionChildren/Member\\_States/Thailand\\_submission.docx](https://www.ohchr.org/Documents/Issues/Migration/CallEndingImmigrationDetentionChildren/Member_States/Thailand_submission.docx)

<sup>536</sup> 2019, *Memorandum of Understanding on The Determination of Measures and Approaches Alternative to Detention of Children in Immigration Detention Centers* B.E. 2562.

<sup>537</sup> *Standard Operating Procedure - SOP Under MOU on The Determination of Measures and Approaches Alternative to Detention of Children in Immigration Detention Centers* B.E.2562.

<sup>538</sup> <https://lhr2014.com/archives/24941>

<sup>539</sup> Save the Children, May 2017, *Unlocking Childhood: Current immigration detention practices and alternatives for child asylum seekers and refugees in Asia and the Pacific*, page 1.

<sup>540</sup> Country Committee consisting of Asia Pacific Refugee Rights Network (APRRN), Coalition for Rights of Refugee and Stateless Person (CRSP), Fortify Rights and Save the Children, 2017, *Thailand End Child Detention Scorecard Summary Report*, pages 3-8.

<sup>541</sup> Country Committee consisting of Asia Pacific Refugee Rights Network (APRRN), Coalition for Rights of Refugee and Stateless Person (CRSP), Fortify Rights and Save the Children, 2017, *Thailand End Child Detention Scorecard Summary Report*, pages 3-8.

<sup>542</sup> Country Committee consisting of Asia Pacific Refugee Rights Network (APRRN), Coalition for Rights of Refugee and Stateless Person (CRSP), Fortify Rights and Save the Children, 2017, *Thailand End Child Detention Scorecard Summary Report*, pages 8 and 9.

of trafficking due to complicated procedures and language barriers; no evidence was found on the possibility of urban child refugees to obtain an identity card, even if born in Thailand.<sup>543</sup>

After several international commitments, the practice of granting bail to avoid detention, particularly for vulnerable people and families, represents some progress, but no information has been collected regarding this, or on the screening mechanisms to detect people in need of protection.<sup>544</sup>

#### 4.5.7 Recruitment into armed groups or forces

There is a lack of data and acknowledgment of the issue of children recruited by armed groups or forces, or children enrolled in military schools.<sup>545</sup>

In the highly militarised context of Southern Thailand, children have been victims of violence, bombing, killings and different types of attacks by armed groups. The extent of child involvement in their activities is unclear, but it certainly happens. In 2011, Child Soldiers spoke of the association of children from 9 to 17 years old with Chor Ror Bor, a village defense militia.<sup>546</sup>

According to Child Soldiers International and the Cross Cultural Foundation, up to 2014, 14-year-olds were recruited by armed groups in Southern Thailand, such as the opposition group, the Patani Malay National Revolutionary Front (*Barisan Revolusi Nasional Melayu Patani* or BRN, likely the dominant group in the ground), in fighting roles, shooting and bombing operations, and also as spies.<sup>547</sup> Even if there was no evidence of forced recruitment, and that “*recruitment of under-18s [...] appears to be voluntary, the result of community pressure and a sense of solidarity with the Malay-Muslim community combined with a sense of outrage at state repression*”, or sometimes out of religious sentiment.<sup>548</sup> It is important to consistently outline that child recruitment is a child rights violation, regardless of the alleged “willingness” of the child to join the group (as stated also in the Child Protection Act, according to which it is forbidden to employ a child in a harmful activity, regardless of their consent).<sup>549</sup>

Concerning the methods of child recruitment, some traditional Islamic schools have likely contributed to indoctrination through an oath ceremony in which the name of the group is

not disclosed, and after a specific training on Patani’s history, Islam, jungle survival, and military issues. However, the role of family members and friends can also be predominant,<sup>550</sup> and since 2009, recruitment was increasingly carried out outside school environments.<sup>551</sup>

Unfortunately, there are no monitoring programmes for children recruited by armed groups and available services for reintegration established by the government, and children suspected of association are sometimes detained, and/or compelled to follow military-run vocational training programmes.<sup>552</sup>

Finally, in 2011, Child Soldiers noted that even Thai-based, non-state armed groups from Myanmar continued to recruit children in Thai territory, for their fight against the Myanmar military.<sup>553</sup> Moreover, there is a lack of protection of children formerly associated with armed groups or forces among the asylum-seeking and refugee population, and children who can be forcibly returned to Myanmar and recruited again or detained.<sup>554</sup>

#### 4.5.8 Children in conflict with the law

Even if “*depriving adolescents of their liberty is, in principle, considered a last resort option, putting this principle into practice is still a major challenge*”. For example, under the Martial Law and Emergency Decree, in Southern Thailand there have been reports of children arrested and detained up to 30 days, “*subjected to ill-treatment and detention in isolation or with adult detainees*”.<sup>555</sup>

In general, some alternatives to detention have been put in place through vocational structure, faith-based organisations and apprenticeship possibilities, but the success of these programmes has not been monitored.<sup>556</sup> According to a secondary source, a program on pre-trial alternatives to detention was implemented in June 2017 by the Department of Juvenile Observation and Protection.<sup>557</sup>

Child victims and those testifying in criminal procedures must generally appear in criminal courts, and there are still rare occasions where the environment has been made more child-friendly: for example, in the courts of the biggest cities.<sup>558</sup>

The MSDHS reported 29,295 children in conflict with the law in 2016, with the number of cases of child offenders between 10-15 years reached 3,927 (13.40% of all cases).<sup>559</sup>

<sup>543</sup> Country Committee consisting of Asia Pacific Refugee Rights Network (APRRN), Coalition for Rights of Refugee and Stateless Person (CRSP), Fortify Rights and Save the Children, 2017, *Thailand End Child Detention Scorecard Summary Report*, page 11.

<sup>544</sup> Save the Children, May 2017, *Unlocking Childhood: Current immigration detention practices and alternatives for child asylum seekers and refugees in Asia and the Pacific*, page 29-32.

<sup>545</sup> Committee on the Rights of the Child, 21 February 2012, *Consideration of reports submitted by States parties under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*, page 3.

<sup>546</sup> Child Soldiers International, September 2014, *Southern Thailand - Ongoing recruitment and use of children by armed groups*, pages 3 and 6.

<sup>547</sup> Child Soldiers International, September 2014, *Southern Thailand - Ongoing recruitment and use of children by armed groups*, pages 8 and 11.

<sup>548</sup> Child Soldiers International, September 2014, *Southern Thailand - Ongoing recruitment and use of children by armed groups*, pages 3 and 9.

<sup>549</sup> *Child Protection Act*, <https://www.thailandlawonline.com/thai-family-and-marriage-law/child-protection-act>

<sup>550</sup> Child Soldiers International, September 2014, *Southern Thailand - Ongoing recruitment and use of children by armed groups*, pages 10-11.

<sup>551</sup> Child Soldiers International, September 2011, *Thailand - Report to the Committee on the Rights of the Child in advance of Thailand's initial report on the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*, page 9.

<sup>552</sup> Child Soldiers International, September 2011, *Thailand - Report to the Committee on the Rights of the Child in advance of Thailand's initial report on the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*, page 13.

<sup>553</sup> Child Soldiers International, September 2011, *Thailand - Report to the Committee on the Rights of the Child in advance of Thailand's initial report on the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*, page 17.

<sup>554</sup> Committee on the Rights of the Child, 21 February 2012, *Consideration of reports submitted by States parties under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*, page 4.

<sup>555</sup> Committee on the Rights of the Child, 21 February 2012, *Consideration of reports submitted by States parties under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*, page 5.

<sup>556</sup> UNICEF, 2016, *A situation analysis of adolescents in Thailand 2015-2016*, page 34.

<sup>557</sup> Source: *Ending violence against children in ASEAN Member States: Mid-term review of priority areas under the ASEAN Regional Plan of Action on the Elimination of Violence against Children 2016-2025*, in The Ateneo Human Rights Center in partnership with Save the Children Philippines, 2020, *Children's rights situation in the ASEAN: recent developments, trends and issues*, page 23.

<sup>558</sup> Child frontiers, 2014, *National child protection systems in the East Asia and Pacific region. A review and analysis of mappings and assessments*, page 131.

<sup>559</sup> The Department of Children and Youth - The Ministry of Social Development and Human Security, *National Child protection strategy 2017-2021*, pages 9-10.

In 2017, there were 76 observation and protection centres, 34 reception centres, and 17 training centres for children in conflict with the law, supervised by the Ministry of Justice (MOJ); since 2004, three inspections in these centres have happened, to ensure conformity with the UN standards.<sup>560</sup> Despite the fact that centres can be found in all 76 provinces,<sup>561</sup> in some parts of the country, juvenile centres do not exist and children must face detention with adults.<sup>562</sup> A 2003-2006 monitoring project outlined persistent challenges, such as quality of education and nutrition, legal aid, length in referring juveniles to juvenile centres, and insufficient human resources.<sup>563</sup>

Even if corporal punishment is unlawful as a disciplinary means in penal institutions,<sup>564</sup> there is no information on the reality. In 2004, a pilot project to promote the best interest of the child and adopt a caring approach was implemented at Kanjanapisek Training Center for Juvenile Delinquents, and this concept was further applied to other four training centres. In addition, research on the rehabilitative approach for juveniles in centres was conducted by the Department of Juvenile Observation and Protection, in cooperation with Thammasart University and the Thai Public Health Foundation.<sup>565</sup>

Children of female inmates are a special case: in 2005, an agreement was signed between the MOJ and the MSDHS (and a working group created) concerning the protection of these children. According to the Department of Corrections, every year 300 children live with their mothers or are born in prison. A child may stay with their mother for a maximum of three years, after which, they must live with a foster family or other family members, which is the preferred alternative (also promoted through the capacity building of these families, as through a project by the Holt Sahathai Foundation (2004), in collaboration with the government).<sup>566</sup>

## 4.6 The impact of COVID-19 on Child Protection



*Save the Children staff interviewed a beneficiary in Yala province, assessing the needs from the flood in the Deep South on the day of school supplies distribution.*

Several sources state that economic stresses place women and children at greater risk of sexual abuse and exploitation and, generally speaking, domestic violence. Lockdown, together with economic concerns and loss of family income, leads to parents being more prone to apply corporal punishment with their children.<sup>567</sup> Prolonged stays at home also increased time spent online by children, exposing them to greater risks of cyber violence and online grooming, as shown by COPAT's 2020 national survey, according to which "children 12-18 years of age are increasingly exposed to different forms of online abuse with 69% of children respondents reported experiencing cyber bullying [...], 45% [...] reported being involved in collecting, downloading and sharing illicit materials i.e., child pornography, while 17% of respondents reported having been sexually harassed".<sup>568</sup>

Deprived of a healthy school routine, children are isolated and lack support from other adults and children.

It is expected that COVID-19 restrictions have led to additional underreporting. In fact, the Thai Development Research Institute reports that the outbreak of Covid-19 and subsequent lockdown have worsened the situation: in March and April, the 1300 hotline noted a drop in calls for domestic violence cases, likely due to the high number of calls for social support (including emergency shelters) using the hotline. In April and June 2020, the number of cases increased only by 11% compared to 2019.<sup>569</sup> A possible explanation for the lack of calls and requests for external help is based on a number of factors, such as a hope that after the lockdown, the situation would improve, shame and fear of sharing such experiences

<sup>560</sup> Human Rights Committee, 25 April 2017, *Concluding observations on the second periodic report of Thailand*, page 11.

<sup>561</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 30.

<sup>562</sup> National Council for Child and Youth Development (NCYD) Center for the Protection of Children's Rights (CPCR) and child and youth development NGOs and youth groups, 2005, *NGO Report on The Implementation of the Convention on the Rights of the Child 2000 - 2004*, page 3.

<sup>563</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 13.

<sup>564</sup> See the Department of Corrections Regulation 2005 on Abolition of the Department of Corrections Regulations No. 3 on Punishment by Means of Physical Chastisement (1937), cited in Global Initiative to End All Corporal Punishment of Children, 2020, *Corporal punishment of children in Thailand*, page 3.

<sup>565</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, pages 12 and 13.

<sup>566</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, pages 15 and 30.

<sup>567</sup> Fraser, 2020, mentioned in Oxford Policy Management and United Nations in Thailand, July 2020, *Social Impact Assessment of COVID-19 in Thailand*, page 126.

<sup>568</sup> Convention on the Rights of the Child Coalition of Thailand, 25 March 2021, *Submission to the Universal Periodic Review of Thailand*, page 2.

<sup>569</sup> <https://tdri.or.th/en/2020/08/time-to-give-child-protection-a-boost/>, 12 August 2020.

with other people, but also the impossibility of making the call, living with the abuser or not having access to virtual services.<sup>570</sup> Migrant people face additional barriers in calling a Hotline due to language barriers, or fear for personal security.<sup>571</sup>

Moreover, in 2020 the *Social impact assessment of COVID 19* highlighted that “many emergency shelters for children and families have not taken new cases, placing acutely vulnerable children and women subject to violence in a precarious position. Police capacity has been stretched by the state of emergency and courts are either closed or in irregular session. In summary [...] systems and processes offering protection from violence, exploitation, and abuse are badly overstretched or disrupted”.<sup>572</sup> Some doctors were moved from the OSCC, to help with the COVID-19 response; other times, OSCC services were often offered through online platforms, and when it continued onsite, social distance restrictions prevented them from creating a climate of trust with already traumatised and very vulnerable patients.<sup>573</sup>

Among the most vulnerable children, the situation of children with disabilities consistently places them at a higher risk of violence than their peers: they are 3.7 times more likely to be victims of any type of violence, 3.6 times more likely to be victims of physical violence, and 2.9 times more likely to be victims of sexual violence, while children with mental impairments are 4.6 times more at risk of sexual violence.<sup>574</sup> Youth and children with visual, intellectual, learning, mental or behavioral impairments had to face increased problems such as difficulties to go out and access shops and services, and lack of sanitation products; moreover, 79% of disabled youth in employment before the COVID-19 experienced some sort of disruption of their work situations.<sup>575</sup>

LGBTI’s situation has also been impacted by COVID-19, through mistreatment such as “verbal insults, unequal treatment, and physical violence”.<sup>576</sup> Homeless people, including street-involved children, have been more vulnerable to violence by strangers and state actors.<sup>577</sup>

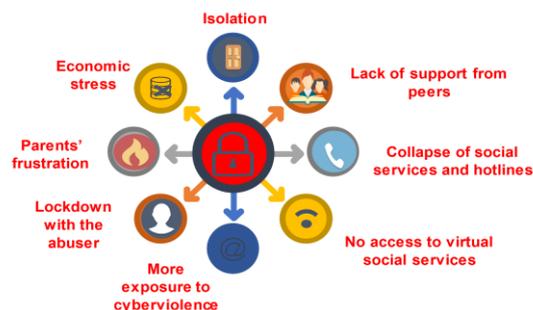
Finally, street-involved children and youth, who always struggle to gain access to social services, had to face additional challenges not to be excluded during the response to the COVID-19 pandemic. To mitigate risks for these children, for instance, ChildLine Thailand provided special survival bags with two-week supply of face masks, soap, hand gel and vitamins to strengthen the immune system.<sup>578</sup>

## INCREASED CHILD PROTECTION RISKS IN MAE HONG SON AND MAE SARIANG CAMPS BECAUSE OF COVID-19

The Protection Analysis in Mae Hong Son (4 out of 9 camps along Thai-Myanmar border) and Mae Sariang provinces conducted by the Working Group identified some protection risks increased due to COVID 19. The camps are under the control of the Ministry of Interior, with limited outside movements and visits from UNHCR and the NGOs.<sup>579</sup> Restrictions exacerbated underreporting of domestic violence cases for lack of privacy at home: in many cases, instead of reporting to the justice, an informal mediation was led by local leaders. However, between January and June, there was an increase of reporting, probably thanks to outreach activities for COVID-19 prevention.

Neglect of children was frequent, due to factors such as absence of parents from the house (in particular, because of work opportunities), child disability, drug and alcohol abuse, and gambling. During COVID-19 2020 restrictions, the number of newly identified child neglect cases increased by 26%. Child marriage is usually severely underreported in the community, and often happen because of teenage pregnancy (which in that period increased by 4%), but also gender discrimination, with girls and women being assigned a lower status than men and boys: in this regard, girls’ education is underestimated, and their role in the household is considered as the most important for their future life. Concerning education, school dropout remains linked to parental education level, but also family income and school attendance by other siblings or nearby friends. During the restrictions, children did not attend school, but alternative home-schooling measures were put in place, leading to the enrolment situation remaining stable.<sup>580</sup>

### Concerns – COVID-19 and Child Protection



<sup>570</sup> Oxford Policy Management and United Nations in Thailand, July 2020, *Social Impact Assessment of COVID-19 in Thailand*, page 139.

<sup>571</sup> Oxford Policy Management and United Nations in Thailand, July 2020, *Social Impact Assessment of COVID-19 in Thailand*, page 140.

<sup>572</sup> Oxford Policy Management and United Nations in Thailand, July 2020, *Social Impact Assessment of COVID-19 in Thailand*, page 77.

<sup>573</sup> Oxford Policy Management and United Nations in Thailand, July 2020, *Social Impact Assessment of COVID-19 in Thailand*, page 143.

<sup>574</sup> Oxford Policy Management and United Nations in Thailand, July 2020, *Social Impact Assessment of COVID-19 in Thailand*, page 136.

<sup>575</sup> UNFPA, UNICEF and others, 6 August 2020, *Youth with disabilities Covid-19 online survey*, pages 25 and 26.

<sup>576</sup> Oxford Policy Management and United Nations in Thailand, July 2020, *Social Impact Assessment of COVID-19 in Thailand*, page 136.

<sup>577</sup> Oxford Policy Management and United Nations in Thailand, July 2020, *Social Impact Assessment of COVID-19 in Thailand*, page 137.

<sup>578</sup> <https://childlinethailand.org/idscc2021/>

<sup>579</sup> Protection Working Groups based in Mae Hong Son and Mae Sariang, July 2020, *Protection Analysis: Mae Hong Son and Mae Sariang*, pages 1 and 3.

<sup>580</sup> Protection Working Groups based in Mae Hong Son and Mae Sariang, July 2020, *Protection Analysis: Mae Hong Son and Mae Sariang*, pages 6-8.

## 5. Health and Nutrition



A group of teachers participated in nutrition education workshop under 50 Healthy Schools project to equip with nutrition teaching technique.

### 5.1 CRC Clusters

Articles	Sub-theme
Article 6: right of the child to life, survival and development	Primary health Nutrition
Article 23: right of children with disabilities	Health Nutrition
Article 24: right of the child to the highest attainable standard of health	Health Nutrition
Article 26: right of the child to social security	Social protection
Article 27: right of the child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development	Health and development

### MAIN HIGHLIGHTS OF THIS SECTION

The Ministry of Public Health (MoPH) is the main national health authority. Since the 1980s, it has invested in a two-pronged strategy involving a bottom-up and top-down approach, which has led to significant results in the field of Maternal and Child Health (MCH), particularly reduction of the Maternal Mortality Ratio (MMR) and of the Infant Mortality Rate (IMR). 82.92% of pregnant women attended their first antenatal care in the first quarter of their pregnancy, but only 74.24% continued their visits throughout the entire pregnancy. Newborn health check-ups have been strengthened, as well as detection of congenital problems. In 2020, the percentage of fully immunised children was 75.16% for children aged 3, and 67.81% for children aged 5.

Breastfeeding still needs to be strengthened: in 2016, only 40% of infants were breastfed within the first hour of life and only 23% were exclusively breastfed during their first six months. In the past decade, there has been a decline in the prevalence of

stunting (particularly highly prevalent in hill tribes), but not of wasting, overweight, and obesity prevalence. In 2019, the MoPH reported that, globally, 61.77% of 7,951,611 children under 5 the nutritional status according to three anthropometric indices. However, Iodine Deficiency remains of concern.

Concerning HIV/AIDS, in 2016, the WHO acknowledged Thailand as the second country in the world to eliminate the Mother-to-Child Transmission (MTCT) of HIV and syphilis. In 2019, it was estimated that there were 471,061 persons living with HIV/AIDS, out of which 0.8% were children. Hundreds of thousands of children have been left orphans of HIV/AIDS along the years.

Apart from drug and alcohol abuse, the main concern for adolescent health is adolescent pregnancy, which is also the consequence of social taboo-related lack of sex education: in 2019, there were 94,584 girls aged 10-19 years who gave birth (14.2% of all childbearing in Thailand).

Healthcare is less guaranteed for the most vulnerable children (ethnic and indigenous children, children with disabilities, LGBTI, and children on the move). In particular, migrant children are not covered by the Universal Health Coverage (UHC): their registered parents can pay a yearly fee for the coverage, while the unregistered must rely mainly on humanitarian assistance. The same applies to WASH and sanitation: even if, in 2017, 99.2% of the population lived in households with improved sanitation facilities, there are major disparities between urban and rural areas. Also, national monitoring apparently does not include stateless people, refugees, undocumented migrants.

Finally, there are increasing concerns for child health due to environmental factors, online game addiction, and death rates from road accidents (the second highest in the world). In addition, juvenile mental health issues should not be overlooked, and are certainly exacerbated by the COVID-19 pandemic, when the treatment for COVID-19 was prioritised against all other diseases. Unfortunately, children must face the harshest consequences of the crisis, in terms of indirect impacts (financial and social consequences), and the absence of social safety nets.

## 5.2 The health system in a snapshot



A group of children participated in Road Safety Project (7% Project) roadshow.

The Ministry of Public Health (MoPH), established in 1942, is the main national health authority in-country, supported by the Thai Health Promotion Foundation, the National Health Commission, the Emergency Medical Institute role, and the Health Systems Research Institute, which is in charge of research. The National Health Security Office (NHSO) is responsible for Universal Health Coverage (UHC), adopted in 2002 to overcome financial barriers, cover people not previously included, and strengthen data collection and triangulation between different agencies.<sup>581</sup> Today, the national health insurance is fragmented by three schemes that depend on employment status, with the result that each scheme has its own legal framework and offers a different health care package.<sup>582</sup>

Since 1979, the health system combined a two-pronged strategy, involving a bottom-up and a top-down approach:<sup>583</sup> central entities keep the main responsibilities of policymaking and planning, while service delivery passes through local levels.<sup>584</sup> To strengthen the local part, in past decades health personnel have received free scholarships, with the condition that they must return to local sites and work there for a period of time. Village Health Volunteers have been supporting Public Health Officers to broaden outreach,<sup>585</sup> providing medicine, conducting simple checks, and increasing hygiene awareness.<sup>586</sup>

The administrative system includes 76 provinces plus the Bangkok Metropolitan Area, with a separate administration system. For all the provinces, there are 9,770 health promoting hospitals (sub-district level), focusing on primary care, and 771 community (district) hospitals providing secondary health service. In Bangkok, 68 public health centres (health promoting

hospitals), 39 public hospitals and 92 private hospitals.<sup>587</sup> Moreover, the MoPH manages 25 regional hospitals and 69 provincial hospitals, while 21% of the total hospital beds in Thailand is private.<sup>588</sup> There are 878 District Health Services (DHS) across the whole country, focusing mostly on primary health.<sup>589</sup>

Concerning the general government domestic health expenditure, the Ministry of Public Health ranks number 6 (4.3%) out of all ministries.<sup>590</sup> Among the measures introduced by the government, the monthly provision of 6,000 Baht (171.43 USD) to support childcare from 0 to 3 years for poor households should be highlighted.<sup>591</sup>

## 5.3. Progress in maternal and child health



Mae La camp, the largest refugee camp for Burmese in Thailand, was established in 1984 in Tha Song Yang District, Tak Province in the Dawna Range area and currently houses 50,000 refugees.

Maternal and Child Health (MCH) “has been prioritised for a long time as part of the continuum of care, in particular concerning mortality and morbidity rates”,<sup>592</sup> with the consequence that Maternal Mortality Ratio (MMR) dropped to 24.6 per 100,000 live births,<sup>593</sup> reaching 23.10 per 100,000 in 2020.<sup>594</sup> The main causes of maternal mortality were non-obstetric complication (44%), obstetric haemorrhage (20%) and other obstetric complications (20%). The main factors leading to maternal mortality are delay in seeking care, delay in reaching the health care service, and delay in receiving adequate and quality health care service.<sup>595</sup>

According to the Institute for Health Metrics and Evaluation, Thailand’s mortality trend in the under-5 group has been decreasing from 25.5 deaths per 1,000 live births in 1990 to 7.8

<sup>581</sup> NHSO, JICA and UNICEF, 2018, *Learning by sharing: Thailand's experiences in MCH*, page 1.

<sup>582</sup> Sumriddetchkajorn Kanisorn, Kenji Shimazaki, Taichi Ono, Kusaba Teshu, Sato Kotaro, & Kobayashi Naoyuki, 2019, *Universal health coverage and primary care, Thailand*. Bulletin of the World Health Organization, 97(6), 415–422, page 417.

<sup>583</sup> NHSO, JICA and UNICEF, 2018, *Learning by sharing: Thailand's experiences in MCH*, page 2.

<sup>584</sup> Tejatitvadhana Phudit, Briggs David, Singhadej Orapin and Hinoguin Reggie, 2018, *Developing primary health care in Thailand. Innovation in the use of socio-economic determinants, Sustainable Development Goals and the district health strategy*, published in Public Administration and Policy Vol. 21 No. 1, 2018 pp. 36-49. Emerald Publishing Limited, pages 38-41.

<sup>585</sup> NHSO, JICA and UNICEF, 2018, *Learning by sharing: Thailand's experiences in MCH*, pages 1 and 2.

<sup>586</sup> Tontisirin K, Winichagoon P., *Community-based programmes: Success factors for public nutrition derived from the experience of Thailand*, Food Nutr Bull. 1999;20(3):315-322, mentioned in NHSO, JICA and UNICEF, 2018, *Learning by sharing: Thailand's experiences in MCH*, page 2.

<sup>587</sup> WHO, 2019, *Thailand Case Study: Checking vaccination status at entry to, or during, school*, page 3.

<sup>588</sup> Teerawattananon Yot and Luz Alia for Asian Development Bank Institute, March 2017, *Obesity in Thailand and its economic cost estimation*. ADBI Working Paper Series No. 703, page 2.

<sup>589</sup> Tejatitvadhana Phudit, Briggs David, Singhadej Orapin and Hinoguin Reggie, 2018, *Developing primary health care in Thailand. Innovation in the use of socio-economic determinants, Sustainable Development Goals and the district health strategy*, published in Public Administration and Policy Vol. 21 No. 1, 2018 pp. 36-49. Emerald Publishing Limited, pages 38-41.

<sup>590</sup> <https://www.bangkokbiznews.com/news/detail/886985>

<sup>591</sup> Government of Thailand, 2017, *Thailand's Voluntary National Review on the Implementation of the 2030 Agenda for Sustainable Development*, page 9.

<sup>592</sup> NHSO, JICA and UNICEF, 2018, *Learning by sharing: Thailand's experiences in MCH*, page 3.

<sup>593</sup> Government of Thailand, 2017, *Thailand's Voluntary National Review on the Implementation of the 2030 Agenda for Sustainable Development*, page 13.

<sup>594</sup> <http://dashboard.anamai.moph.go.th/dashboard/mmr/index?year=2020>

<sup>595</sup> [https://ddc.moph.go.th/uploads/ckeditor/files/5\\_1\\_170862.pdf](https://ddc.moph.go.th/uploads/ckeditor/files/5_1_170862.pdf)

deaths per 1,000 live births in 2019.<sup>596</sup> In 2018, there were 3,800 infant deaths (under 1 year), with the highest number from the Northeastern region, and Central Region (excluding Bangkok),<sup>597</sup> but Infant Mortality Rate - IMR - dropped to 4.2 per 1,000 in 2020.<sup>598</sup>

Undoubtedly, delivery in medical facilities is one of the key reasons for the decrease in IMR and MMR; in fact, as of 2019, 99% of 1,843 women with a live birth within the last two years reported delivering their baby in a health facility with a skilled attendant, 89.7% in the public health sector and 9.2% in the private health sector.<sup>599</sup>

Maternal care provides 5 antenatal care visits and 3 follow-ups after delivery, and counselling on how to care for the newborn. Clinical Practice Guidelines on mothers and infants have also been developed, together with training on labour and delivery.<sup>600</sup> Breastfeeding has been strengthened.<sup>601</sup> Every baby has the right to health check-ups at 9, 18, 30 and 42 months.<sup>602</sup>

In fact, 82.92% of pregnant women in 2020 attended the first antenatal care before the 12<sup>th</sup> week of their pregnancy. Out of all pregnant women, 74.24% of them continued their visits throughout the entire pregnancy.<sup>603</sup> There were 67.59% of women giving birth in 2020 who received three postpartum cares.<sup>604</sup> Moreover, since 1977, the MoPH implemented provision of tetanus toxoid vaccinations to all pregnant women to prevent neonatal tetanus (replaced by three vaccinations to include the prevention of diphtheria in 2005).<sup>605</sup> Since 2015, Thailand did not have neonatal tetanus, while in 2019 there was one reported case of neonatal tetanus in Thailand.<sup>606</sup>

The low-birth-weight rate of Thailand in 2020 is 6.53% nationwide.<sup>607</sup>

Birth defects contribute to nearly 25% of neonatal deaths, and 24,000-40,000 congenital anomalies per year (the most common being heart problems, limb anomalies, cleft lip or palate, Down syndrome, and congenital hydrocephalus). The Birth Defects Registry was formally established in 2012 and extended in 2016, but challenges persist, with no systematic registry of the cases in place, and even less data collection guaranteed from private hospitals.<sup>608</sup>

Neonatal screening has also been expanded to strengthen detection and response to congenital hypothyroidism (one of the most common causes of preventable mental problems), reaching 95% coverage; however, challenges persist in the delayed development of 500 new cases every year, and decentralisation would be key to improve the treatment.<sup>609</sup>

Thalassemia (chronic anaemic disorder) remains a major public health concern, as the prevalence of Thalassemia carriers among Thais is 37%, with 8000 new cases per year. Thanks to the UHC package, prevention and treatment among babies led to a decrease.<sup>610</sup>

Finally, concerning abortion issues, legally approved abortion is not available in all hospitals. The procedure is difficult. According to a report on post-abortion complications cited by UNICEF in 2016, every year 200,000-300,000 women seek abortion services; in 2011, 10,564 adolescent girls aged 15-19 were hosted in government facilities for complications due to miscarriage or abortion. Another report speaks of 29% of women seeking abortion who were under 20 years of age.<sup>611</sup>

In February 2020, the Constitutional Court of Thailand ruled that provisions contained in sections 301, 302 and 305 of the Penal Code were partially unconstitutional. In January 2021, the Thai National Assembly amended regulations on abortion in the Penal Code, and the amendment took effect on 7 February 2021. At present, Under the new section 301, abortions are justified for pregnancies until the 12th weeks, when pregnancy poses a threat to the mother's physical or mental health, there is a high risk of infant deformities or disabilities, or in case of pregnancy as a consequence of sexual offence.<sup>612</sup>

## 5.4 Vaccinations

Since 2005, immunisation coverage of 96-99% among Thai children was achieved, and an annual work plan for immunisation activities is approved each year (the private sector also plays an important role in this regard).<sup>613</sup> As per the vaccination schedule in Thailand, basic vaccinations for children include BCG, HBV1, IPV, DTP-HBV3, Polio3 and MMR1. In 2020, the percentage of fully immunised children was 80.48% of children aged 1, 75.16% of children aged 3, and 67.81% of children aged 5.<sup>614</sup> A vaccination screening policy in schools is only recommended, not compulsory, and without effective promotion. Furthermore, if a child is identified as having an incomplete vaccination, they are either referred to receive vaccines, or health care staff may come to the school. In case of objections from the parents, sensitisations are conducted by education or health personnel, but the child is ultimately still allowed to attend school.<sup>615</sup>

<sup>596</sup> <http://www.healthdata.org/thailand>

<sup>597</sup> National Statistic Office, 2020, *Statistical Yearbook Thailand 2020*, page 35.

<sup>598</sup> [http://healthkpi.moph.go.th/kpi2/kpi/index?id=1439&kpi\\_year=2563](http://healthkpi.moph.go.th/kpi2/kpi/index?id=1439&kpi_year=2563)

<sup>599</sup> National Statistical Office Thailand and UNICEF, August 2020, *Multiple Indicator Cluster Survey 2019*, pages 77.

<sup>600</sup> Government of Thailand, 2017, *Thailand's Voluntary National Review on the Implementation of the 2030 Agenda for Sustainable Development*, pages 14 and others.

<sup>601</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 18.

<sup>602</sup> NHSO, JICA and UNICEF, 2018, *Learning by sharing: Thailand's experiences in MCH*, page 3.

<sup>603</sup> <http://dashboard.anamai.moph.go.th/dashboard/anc12/index?year=2020>

<sup>604</sup> <http://dashboard.anamai.moph.go.th/dashboard/postnatal/index?year=2020>

<sup>605</sup> Department of Disease Control, February 2019, *Guideline to Provide Vaccines to Adults in Clinics*, page 1.

<sup>608</sup> [https://apps.who.int/immunization\\_monitoring/globalsummary/countries?countrycriteria%5Bcountry%5D%5B%5D=THA](https://apps.who.int/immunization_monitoring/globalsummary/countries?countrycriteria%5Bcountry%5D%5B%5D=THA)

<sup>607</sup> <http://dashboard.anamai.moph.go.th/dashboard/lbw/index?year=2020>

<sup>609</sup> NHSO, JICA and UNICEF, 2018, *Learning by sharing: Thailand's experiences in MCH*, pages 11 and 12.

<sup>610</sup> NHSO, JICA and UNICEF, 2018, *Learning by sharing: Thailand's experiences in MCH*, page 7.

<sup>611</sup> UNICEF, 2016, *A situation analysis of adolescents in Thailand 2015-2016*, page 21.

<sup>612</sup> <https://www.loc.gov/law/foreign-news/article/thailand-abortion-in-first-trimester-legalized/>

<sup>613</sup> WHO, 2019, *Thailand Case Study: Checking vaccination status at entry to, or during, school*, pages 1 and 6.

<sup>614</sup> <https://hdcservice.moph.go.th/hdc/main/search.php?search=ฉีด>

<sup>615</sup> WHO, 2019, *Thailand Case Study: Checking vaccination status at entry to, or during, school*, pages 1-6.

## 5.5 Nutrition



Children from 50 Healthy Schools Project, a project aiming at promoting positive nutritional practices and physical activity among children, teachers, caretakers, and communities in Saraburi and Nakhon Ratchasima Provinces.

In 2012, the Committee on the Rights of the Child was concerned about the low rates of breastfeeding, and lack of legal regulations for marketing of breast milk substitutes.<sup>616</sup> The Situation Report of Children and Women in Thailand in 2016 found that only 40% of new-borns were breastfed within the first hour of life and only 23% were exclusively breastfed during their first six months.<sup>617</sup> Since then, the Ministry of Public Health approved the policy to promote breastfeeding in Thailand. In 2020, the Department of Health reported that 62.07% of 283,900 mothers exclusively breastfed<sup>618</sup> their baby for the first six months of life.<sup>619</sup>

During 2004/2005 to 2015/2016, the prevalence of child stunting declined from 11.9% to 10.5% (lower than in Asia, where it reached 21.8%), but wasting and overweight passed from 4.1% to 5.4% (lower than in Asia - 9.1%),<sup>620</sup> and from 6.9% to 8.2%.<sup>621</sup>

In particular, stunting is highly prevalent in hill tribes, as “villagers considered strength and independence of children to be hallmarks of health; the size of children featured rarely. Volunteers did not perceive local benefits of growth monitoring, and the extent of child malnutrition was unclear to them”.<sup>622</sup> In 2019, the Ministry of Health reported that 61.77% of 7,951,611 children under age 5 passed the nutritional status according to three anthropometric indices: weight for age, height for age, and weight for height. The provinces in the Northern region were among the ones with lowest percentage in Thailand.<sup>623</sup>

According to the Developmental Surveillance and Promotion Manual in 2020, 86.98% of children under 5 are developmentally on track<sup>624</sup> and, according to the Multiple Indicator Cluster Survey 2019, Thailand’s early child development index score is 92.9.<sup>625</sup>

Measures taken to ensure Universal Salt Iodisation (USI) to reduce micro-nutrient deficiencies have been taken from 2000, including monitoring of household consumption, iodine intake for pregnant women, and iodized drinking water,<sup>626</sup> but iodine deficiency (one of the most preventable causes of brain damage) remains a major concern.<sup>627</sup>

Concerning obesity, no progress has been made against reduction, also due to overconsumption of high sugar and fat-content food (which also causes increased dental problems), and less physical exercise.<sup>628</sup> In fact, according to the NHES, obesity prevalence increased more than 2.5 times over 23 years, with higher rates for females compared to males. In the 2014 NHES, the prevalence of child obesity was higher for children aged 12-14 (7.2%), then 1-5 years (4.6%) and 6-11 years old (3.5%).<sup>629</sup>

Even if, from a social perspective, “children are considered cute when chubby”,<sup>630</sup> overweight children are at risk of developing long-term health problems (such as type 2 diabetes, cardiovascular diseases, and cancer), and the obesity trend “reflects the differences in average income per capita across Thai regions”.<sup>631</sup> Two key factors with a strong impact on childhood obesity are biological factors and social environment factors, such as socioeconomic background, geographical location, media promotion of unhealthy food, and availability of unhealthy foods and beverages. Urban environments would contribute to children’s risks of obesity, as well as community wealth concentration and television coverage (with fast and unhealthy food advertised).<sup>632</sup>

## 5.6 HIV/AIDS

In 2016, the WHO acknowledged Thailand as the second country in the world to eliminate the Mother-to-Child Transmission (MTCT) of HIV and syphilis.<sup>633</sup> In fact, the rate fell from 10.3 in 2002/2003<sup>634</sup> to 1.97% in 2019.<sup>635</sup> 96% of HIV-positive pregnant women and almost all babies born to positive mothers receive antiretroviral treatment, with equal coverage for Thai and non-Thai population.<sup>636</sup>

<sup>616</sup> Committee on the Rights of the Child, 17 February 2012, *Consideration of reports submitted by States parties under article 44 of the Convention. Concluding observations: Thailand*, page 12.

<sup>617</sup> Institute of nutrition, Mahidol University & 2 Department of pediatrics, Faculty of Medicine Ramathibodi Hospital, 2020, *Breastfeeding Situation, Facilitators and Obstacles, Policy and Program to Promote Breastfeeding in Thailand*, page 69.

<sup>618</sup> However, there might be some misunderstanding in the data collection of this indicator, particularly in the way the question on exclusive breastfeeding is asked.

<sup>619</sup> <https://dashboard.anamai.moph.go.th/dashboard/breastfeed/index?year=2020>

<sup>620</sup> Global Nutrition Reports, 2020 Country nutrition profile. <https://globalnutritionreport.org/resources/nutrition-profiles/asia/south-eastern-asia/thailand/>

<sup>621</sup> Government of Thailand, 2017, *Thailand’s Voluntary National Review on the Implementation of the 2030 Agenda for Sustainable Development*, page 20.

<sup>622</sup> Roesler Anna, Smithers Lisa G., Winichagoon Pattaness, Wangpakapattanawong Prasit, and Moore Vivienne Moore, 2018, *Health Workers’ and Villagers’ Perceptions of Young Child Health, Growth Monitoring, and the Role of the Health System in Remote Thailand*. Food and Nutrition Bulletin 2018, Vol. 39(4) 536-548, pages 1 and 2.

<sup>623</sup> [http://healthkpi.moph.go.th/kpi2/kpi/index/?id=1390&kpi\\_year=2563](http://healthkpi.moph.go.th/kpi2/kpi/index/?id=1390&kpi_year=2563)

<sup>624</sup> [http://healthkpi.moph.go.th/kpi2/kpi/index/?id=1384&kpi\\_year=2563](http://healthkpi.moph.go.th/kpi2/kpi/index/?id=1384&kpi_year=2563)

<sup>625</sup> National Statistical Office Thailand and UNICEF, August 2020, *Multiple Indicator Cluster Survey 2019*, pages 193-195.

<sup>626</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 18.

<sup>627</sup> NHSO, JICA and UNICEF, 2018, *Learning by sharing: Thailand’s experiences in MCH*, page 9.

<sup>628</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 18.

<sup>629</sup> Teerawattananon Yot and Luz Alia for Asian Development Bank Institute, March 2017, *Obesity in Thailand and its economic cost estimation*, ADBI Working Paper Series No. 703, pages 3-4.

<sup>630</sup> Teerawattananon Yot and Luz Alia for Asian Development Bank Institute, March 2017, *Obesity in Thailand and its economic cost estimation*, ADBI Working Paper Series No. 703, page 13.

<sup>631</sup> Teerawattananon Yot and Luz Alia for Asian Development Bank Institute, March 2017, *Obesity in Thailand and its economic cost estimation*, ADBI Working Paper Series No. 703, page 6.

<sup>632</sup> Teerawattananon Yot and Luz Alia for Asian Development Bank Institute, March 2017, *Obesity in Thailand and its economic cost estimation*, ADBI Working Paper Series No. 703, pages 6-9.

<sup>633</sup> Government of Thailand, 2017, *Thailand’s Voluntary National Review on the Implementation of the 2030 Agenda for Sustainable Development*, page 13.

<sup>634</sup> NHSO, JICA and UNICEF, 2018, *Learning by sharing: Thailand’s experiences in MCH*, page 5.

<sup>635</sup> [https://hivhub.ddc.moph.go.th/Download/RRTRR/Factsheet\\_HIV\\_2562\\_TH.pdf](https://hivhub.ddc.moph.go.th/Download/RRTRR/Factsheet_HIV_2562_TH.pdf)

<sup>636</sup> NHSO, JICA and UNICEF, 2018, *Learning by sharing: Thailand’s experiences in MCH*, page 5.

In the 2011 CRC report, Thailand reported that a total of 345,196 people were living with AIDS, the majority being women aged 15-29 (27.80%); among children aged up to 14 years, the percentage was 3.97%. The government also provided assistance to children living in families with AIDS patients, and offered shelters to orphans.<sup>637</sup> In 2019, it was estimated that there were 471,061 persons living with HIV/AIDS. Out of this number, 262,798 were male and 208,263 were females; in total, 3,342 were children. The majority of those who have been tested for HIV/AIDS are men who have sex with men and female sex workers.<sup>638</sup>

According to a 2015 source, 380,000 children have been left orphans of AIDS, and out of 20,000 children affected by HIV/AIDS, only 1,000 have access to medical care.<sup>639</sup> Finally, at present, the guidelines for HIV testing allow underage persons access to testing without parental consent, but adolescents are still reluctant to be tested, out of fear that the result will be reported to their parents, and due to negative judgment by health personnel towards underage sex.<sup>640</sup>

## 5.7 Adolescent health

In Thailand, there is a general lack of information on sex education and HIV transmission, and in 2013 there were 130,000 pregnant girls under the age of 20.<sup>641</sup> In 2019, there were 94,584 girls aged 10-19-years who gave birth, which was 14.2% of all childbearing in Thailand. From this group, there were 2,746 pregnant girls aged 10-14: it is estimated that there were 8 pregnant girls giving birth per day. However, since 2012, the ratio of pregnant girls aged 10-14 years and adolescent birth rate have been decreasing, and in 2020, the adolescent birth rate of girls aged 10-14 years is at 1.2 per 1,000.<sup>642</sup> The ratio among adolescents aged 15-19 has decreased to 42.5 per 1,000, but remains in excess of the MoPH target (42 per 1,000);<sup>643</sup> in fact, not all hospitals provide adolescent services, and birth control can be expensive and not easily available. Moreover, there is a mismatch between the age of consented sex, access to sexual services, being tested for HIV without parental consent, and receiving HIV treatment without parental consent.<sup>644</sup>

In 2016, UNICEF cited a 2015 media report, according to which 70% of sexually transmitted HIV infections were occurring among youth aged 15-24 years, due to risky behaviours such as unprotected sex, commercial sex, and drug use. Sex is still a taboo subject, and parents do not discuss it, avoid open conversations, and do not provide help.<sup>645</sup> Sexuality and life skills education are now part of the school curriculum, although *“The key message that we get from sex education in*

*schools is that sex is bad. Lessons focus on the biology [...]. Details about relationships, intimacy [...] are never discussed. Information about same-sex attraction [...] is completely avoided.”*<sup>646</sup>

*“I feel too shy to ask my male teacher about “health education”. I expect to consult a female teacher of my friends. Right now, I wonder why I get bad stomach pain at the time of having menstruation. I don’t touch condoms because I find it dirty”.*<sup>647</sup>

According to UNICEF, adolescent perception of a normal sexual relationship is in contrast with Thai traditional norms, and *“young females are discouraged from seeking information and services about reproductive health while being expected to shoulder the responsibility of pregnancy prevention and the consequences should they get pregnant. Young males are encouraged through media and peer pressure to increase their sexual prowess”.*<sup>648</sup>

Concerning drug abuse, the 2011 CRC report outlined that, out of the youth aged 12-24, 25.8% had used some psychoactive substances (mainly alcohol and marijuana).<sup>649</sup> According to the speech of the Deputy Minister of Ministry of Culture in 2019, from the survey on the cultural situation of children and youth in Thailand, there were 2.7 million young people aged 15 to 19 years addicted to drugs, and 300,000 of them were in rehabilitation.<sup>650</sup>

Alcohol abuse features as well as a high-risk activity, and campaigns on the effects of alcohol and substance abuse and rehabilitation services have been implemented.

## 5.8 Vulnerable children

*“The local authorities... if they care about the children's rights, they can be the most helpful ones to get rid of barriers that prevent children to have access to services e.g. facilitate birth registration process for children and make sure children have access to health care when they need to”.*<sup>651</sup>

<sup>637</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 19.

<sup>638</sup> [https://hivhub.ddc.moph.go.th/Download/RRTTR/Factsheet\\_HIV\\_2562\\_TH.pdf](https://hivhub.ddc.moph.go.th/Download/RRTTR/Factsheet_HIV_2562_TH.pdf)

<sup>639</sup> The Borgen Project, 15 July 2015, *10 Shocking Facts About Child Poverty in Thailand*. <https://borgenproject.org/child-poverty-in-thailand/#:~:text=Around%20380%2C000%20children%20have%20been,one%20to%20care%20for%20them>

<sup>640</sup> UNAIDS, cited in UNICEF, 2016, *A situation analysis of adolescents in Thailand 2015–2016*, page 24.

<sup>641</sup> Tai CSOs coalition for the UPR, 2016, *2nd Cycle Universal Periodic Review - Thailand UPR 2016 - Information on the status of the human rights situation in Thailand*, page 23.

<sup>642</sup> <https://rtdata.anamai.moph.go.th/index.php/dashboard>

<sup>643</sup> Ministry of Public Health, 2018, *Inspection Guideline of Ministry of Public Health of the 2018 Financial Year*, pages 61-62

<sup>644</sup> UNICEF, 2016, *A situation analysis of adolescents in Thailand 2015–2016*, page 26.

<sup>645</sup> UNICEF, 2016, *A situation analysis of adolescents in Thailand 2015–2016*, pages 23 and 26.

<sup>646</sup> Cited in UNICEF, 2016, *A situation analysis of adolescents in Thailand 2015–2016*, page 25.

<sup>647</sup> Grade 8 student, Save the Children, *Children's voices - Findings from different consultations with children*, page 1.

<sup>648</sup> UNICEF, 2016, *A situation analysis of adolescents in Thailand 2015 - 2016*, page 26.

<sup>649</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 18.

<sup>650</sup> <https://dmh.go.th/news-dmh/view.asp?id=28478>

<sup>651</sup> Save the Children Thailand, 2021, *Internal document: consultations with children organised by SCI Thailand during the Country Strategic Planning process*.

### 5.8.1 Children with disabilities



Student from the Southern province of Thailand.

In 2017, the National Statistical Office conducted a disability survey from 109,000 households, which found that there were 140,000 children aged 2 to 17 years with a disability (1.1% of all children). There were more boys with disabilities than girls (1.3% and 0.8% respectively). The Southern and Northeastern regions of Thailand had the highest percentages of children with disabilities. Moreover, it was found that the poorest households had the highest percentage (1.2% for the poorest, 0.7% for the middle-income, and 0.1% for the richest).<sup>652</sup>

In this CRSA, not much additional information was found regarding access to health for children with disabilities, but in 2016, the Committee on the Rights of Persons with Disabilities stated that information and care are not accessible for people with disabilities, particularly in rural areas, and health personnel are not trained on the rights of persons with disabilities.<sup>653</sup>

### 5.8.2 LGBTI children



Name cards with choice to be pronounced. One of the ways to give SOGIESC knowledge to participants during Transgender Remembrance Day Event in 2020.

LGBTI children still face stigma and discrimination when seeking healthcare services, which seem unprepared to respond to the needs of individuals with gender and sexual diversity: in fact, in general there are no specific provisions on health and mental health for these children in national plans and strategies.<sup>654</sup> In addition, health personnel still have prejudices against LGBTI. Public health insurance plans do not cover gender transitioning treatments, and same-sex partners of employees with such plans are not covered, unlike heterosexual partners.<sup>655</sup> For transgender boys and men, discrimination in accessing health services is even stronger.<sup>656</sup>

Mental health is a big concern for many LGBTIQ+ children and youth with diverse SOGIESC, as children state that “rigid norms are reported by children as sex assigned at birth dictates your actions, sexual orientation and behaviour.”<sup>657</sup> These children may need specialised psychological support as they explore and express their sexual orientation and gender identity, having to confront discrimination, harassment and social reject even at home.<sup>658</sup>

“Parents do not accept our identities. Some parents are conservative. They would say ‘I do not want my children to be the third gender.’ This has become a major problem at home.”<sup>659</sup>

“When I was 13-14, my father cursed at me a lot. It was as if he hated me then. But what was I to do?... I acted normal. I cooked, cleaned, did my laundry. I did the chores I had since I was young. I’m close to my mother. As a daughter, I avoided my father...”<sup>660</sup>

According to consulted children, in some ethnic communities, families believe that there is no such thing as LGBTIQ+.<sup>661</sup>

Unfortunately, there is limited access to SOGIESC-friendly services, and parental consent is required for children and adolescents under 18 years to seek medical health support.<sup>662</sup>

### 5.8.3 Ethnic and indigenous children

Under the Committee for the Coordination of Assistance for Persons Affected by the Unrest in the Deep South, special assistance measures are guaranteed to orphaned children and widows for orphaned children, including monthly living expenses for persons disabled by the unrest and psychological

<sup>652</sup> National Statistical Office, 2019, *Main Finding of Disability Survey 2017*, Page 6.  
<sup>653</sup> Committee on the Rights of Persons with Disabilities, 12 May 2016, *Concluding observations on the initial report of Thailand*, page 8.  
<sup>654</sup> The Coalition of CSOs and INGOs for Children’s SOGIESC Rights -Thailand, 25 March 2021, *Joint submission to the United Nations Human Rights Council - 39th Session of the Working Group on the Universal Periodic Review*, pages 4 and 5.  
<sup>655</sup> Thai CSOs coalition for the UPR, 2016, *2nd Cycle Universal Periodic Review - Thailand UPR 2016 - Information on the status of the human rights situation in Thailand*, page 48.  
<sup>656</sup> UNDP, MSDHS, 2018, *Legal gender recognition in Thailand - A legal and policy review*, page 19.  
<sup>657</sup> Convention on the Rights of the Child Coalition of Thailand, 25 March 2021, *Submission to the Universal Periodic Review of Thailand*, page 6.  
<sup>658</sup> Save the Children, 2018, *LGBTIQ Children in Thailand*, pages 18-20.

<sup>659</sup> The Coalition of CSOs and INGOs for Children’s SOGIESC Rights -Thailand, 25 March 2021, *Joint submission to the United Nations Human Rights Council - 39th Session of the Working Group on the Universal Periodic Review*, page 5.  
<sup>660</sup> Transgender women, quote from *Being LGNT in Asia Report*, Save the Children, *Children’s voices - Findings from different consultations with children*, page 16.  
<sup>661</sup> The Coalition of CSOs and INGOs for Children’s SOGIESC Rights -Thailand, 25 March 2021, *Joint submission to the United Nations Human Rights Council - 39th Session of the Working Group on the Universal Periodic Review*, page 6.  
<sup>662</sup> Source: key informant.

rehabilitation for affected children. However, in 2011, these measures had apparently not produced clear effects.<sup>663</sup> According to a 2019 article, “as many as half of the ethnic minority population in Thailand do not possess Thai citizenship, thereby limiting their health care access”.<sup>664</sup>

### 5.8.4 Children on the move



*Promoting the girl's on the move empowerment and their inspiring story.*

Although in the 2011 CRC report, Thailand stated that health checks and insurance against diseases such as tuberculosis, leprosy, and elephantiasis had been provided to migrant workers, as well as mother and child health care and vaccination, many challenges persist.<sup>665</sup>

Migrant children, particularly under an illegal status, are more vulnerable to diseases and MTCT, as they are not included in the UCS.<sup>666</sup> Children of officially registered migrant workers are entitled to health insurance coverage at the cost of 1,300 Baht/child/year. However, UNICEF notes that “some hospitals are still reluctant to sell migrant health insurance for fear of incurring net losses or administrative procedures”.<sup>667</sup> Children of unregistered migrant workers “are provided with health care and treatment, including immunization at their communities on a humanitarian basis”; medical treatment for children in shelters is provided by the MoPH and different NGOs.<sup>668</sup>

The attempts to implement a Migrant Insurance Card remain ineffective, and access to healthcare is still undermined by the same barriers that will be observed in the Education section: language barriers, fear of arrest, discrimination, and lack of financial resources.<sup>669</sup> Pregnant women cannot attend health visits because of their employers, and almost never enjoy the 45 days of paid maternity leave. In addition, pregnant migrant women have been threatened with deportation.<sup>670</sup>

## 5.9 WASH



*Save the Children Expanding IMPACT project provided hygiene kits to promote good sanitation among migrant children.*

A Draft Water Act has been under discussion in Thailand since 1992. State enterprises under the MoI (Metropolitan Waterworks Authority and the Provincial Waterworks Authority) provide piped water to 20% of households, particularly in urban areas, while local authorities provide piped and non-piped water to the vast majority. The Wastewater Management Authority, a State enterprise under the MoI, oversees wastewater treatment in cooperation with local authorities.<sup>671</sup> In 2017, it was reported by Thailand that the most important source of drinking water was rainwater boiled, or treated with bleach or chlorine.<sup>672</sup> In 2020, the Department of Health reported that 40.08% of 1,215 water sources passed the quality test as drinkable water.<sup>673</sup>

With regard to sanitation, in 2017 99.2% of the population was living in households with improved sanitation facilities, with the majority using a flush toilet connected to a septic tank;<sup>674</sup> according to the 2019 MICS, 99.6% of 101,020 households used improved sanitation. In urban areas, use of piped sewer systems is higher than in rural areas (22.9% and 10.5% respectively) while the urban areas used septic tanks less than in rural areas (75.9% and 85.5% respectively).<sup>675</sup>

However, the Special Rapporteur on the human right to safe drinking water and sanitation noted during her visit in 2013 that although the country has achieved 96% coverage of improved drinking water sources, in the Southern provinces it was around 78%. Moreover, “current global monitoring does not measure [...] affordability of access to water and sanitation [...], and national monitoring excludes stateless people,

<sup>663</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, pages 31 and 32.

<sup>664</sup> Wong Joseph, Macikunas Andrea, Manduric Aylin, Dawkins Joy & Dhunna Simran, 2019, *Reaching the Hard to Reach in Thailand: Eliminating Mother-To-Child HIV Transmission*, Health Systems & Reform, 6:1, e1625498, DOI: 10.1080/23288604.2019.1625498, page 7.

<sup>665</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 28.

<sup>666</sup> Wong Joseph, Macikunas Andrea, Manduric Aylin, Dawkins Joy & Dhunna Simran, 2019, *Reaching the Hard to Reach in Thailand: Eliminating Mother-To-Child HIV Transmission*, Health Systems & Reform, 6:1, e1625498, DOI: 10.1080/23288604.2019.1625498, page 7.

<sup>667</sup> UNICEF, 2016, *A situation analysis of adolescents in Thailand 2015–2016*, page 42.

<sup>668</sup> WHO, 2019, *Thailand Case Study: Checking vaccination status at entry to, or during, school*, page 6.

<sup>669</sup> Wong Joseph, Macikunas Andrea, Manduric Aylin, Dawkins Joy & Dhunna Simran, 2019, *Reaching the Hard to Reach in Thailand: Eliminating Mother-To-Child HIV Transmission*, Health Systems & Reform, 6:1, e1625498, DOI: 10.1080/23288604.2019.1625498, page 7.

<sup>670</sup> UNICEF, 2016, *A situation analysis of adolescents in Thailand 2015–2016*, page 42.

<sup>671</sup> Human Rights Council, 16 July 2013, *Report of the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque Addendum. Mission to Thailand (1-8 February 2013)*, pages 4 and 5.

<sup>672</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 19.

<sup>673</sup> <https://dashboard.anamai.moph.go.th/en/waterquality/en/waterquality/index?year=2020>

<sup>674</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 19.

<sup>675</sup> National Statistical Office Thailand and UNICEF, August 2020, *Multiple Indicator Cluster Survey 2019*, page 223.

refugees, undocumented migrants or migrants in an irregular situation - including sex workers - and those in informal settlements".<sup>676</sup> In fact, one refugee camp visited in Chiang Mai only had 10 non-sex segregated toilets and 1 open bathing point, shared by 300 persons, including women, suffering not only from limited access to water and sanitation, but also from lack of privacy and dignity.<sup>677</sup> In remote areas, women and girls must fetch water by waiting in long queues, with prejudice for their work or education. In addition, 10% of families in urban areas live in informal settlements with problems in accessing water and sanitation. Finally, in overcrowded detention facilities, "the lack of access to sanitation in conditions of safety and dignity can be tantamount to inhuman or degrading treatment".<sup>678</sup>

## 5.10 Children's Environmental Health in Thailand



According to 50 Healthy Schools Project, 1 in 10 children in Thailand are severely or moderately stunted and about 15.3% of children aged 1-14 years old are obese.

According to a 2015 article, "over the past 20 years, environmental hazards have been changing from traditional threats, such as bacterial contamination of drinking water and wood smoke in poorly ventilated residences, to new environmental threats".<sup>679</sup>

Concerning risks for children due to environmental factors, the three main types of chemical exposure cited in 2018 were pesticides, heavy metals, and air pollution, especially from agricultural activities in countryside, industrial enterprises, mining, and traffic.<sup>680</sup> In fact, air pollution caused more than 48,000 deaths in 2013.<sup>681</sup> Chronic arsenic exposure related to mining is also a threat that remains relatively unstudied.

Even if awareness of environmental health problems needs to be improved among health personnel and the general population, compared to 20 years ago, "the approach of the health care system towards environmental problems has improved", as well as the policies, research and coordination with various involved actors.<sup>682</sup>

In general, the six major health effects on children are neurotoxicity, respiratory impairment, renal effect, endocrine disorder, allergic diseases, and cancer risk.<sup>683</sup>

## 5.11 Other health issues



A group of students was learning road safety lesson from 7% project through designing their own helmet.

The 2011 CRC report cited a 2004 report mentioning the main causes of death among children. For those aged 10-14 years: accidents, non-communicable diseases, drowning and infection. For those aged 15-17 years: accidents, non-communicable diseases, infection and suicide.<sup>684</sup>

Concerning road accidents, Thailand has the world's second highest death rate from road accidents (36.2 deaths per 100 000 people), due to lack of enforcement of road and vehicle safety laws.<sup>685</sup> In 2019, there were 19,904 children and adolescents who died from road accidents, 1,968 of them aged 15-19, 911 aged 10-14, 237 aged 5-9, and 182 aged 0-4 (while the others were aged 20 years or more).<sup>686</sup>

Another recent threat to child health is addiction to online games: according to a 2014 survey cited by UNICEF, between 10% and 15% of children might be heavily addicted to online games and social networks, "a modern-day psychological disorder falling within the obsessive-compulsive disorder spectrum" which leads children to stay in game cafes and play

<sup>676</sup> Human Rights Council, 16 July 2013, *Report of the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque Addendum, Mission to Thailand (1-8 February 2013)*, page 6.

<sup>677</sup> Human Rights Council, 16 July 2013, *Report of the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque Addendum, Mission to Thailand (1-8 February 2013)*, page 7.

<sup>678</sup> Human Rights Council, 16 July 2013, *Report of the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque Addendum, Mission to Thailand (1-8 February 2013)*, page 10.

<sup>679</sup> Sinitkul, R., Wongrathanandha, C., Sirirattanapruk, S., Pitponkarnpim, A., Maude, R.J. and Marczylo, E.L., 31 August 2018, *Children's Environmental Health in Thailand: Past, Present, and Future*, Annals of Global Health, 84(3), pp.306-329. DOI: <http://doi.org/10.29024/aogh.2301>, pages 307 and 308.

<sup>680</sup> Sinitkul, R., Wongrathanandha, C., Sirirattanapruk, S., Pitponkarnpim, A., Maude, R.J. and Marczylo, E.L., 31 August 2018, *Children's Environmental Health in Thailand: Past, Present, and Future*, Annals of Global Health, 84(3), pp.306-329. DOI: <http://doi.org/10.29024/aogh.2301>, pages 307 and 308.

<sup>681</sup> Sumridetchajorn Kanitsorn, Kenji Shimazaki, Taichi Ono, Kusaba Teshu, Sato Kotaro, & Kobayashi Naoyuki, 2019, *Universal health coverage and primary care, Thailand*, Bulletin of the World Health Organization, 97(6), 415-422, page 416.

<sup>682</sup> Sinitkul, R., Wongrathanandha, C., Sirirattanapruk, S., Pitponkarnpim, A., Maude, R.J. and Marczylo, E.L., 31 August 2018, *Children's Environmental Health in Thailand: Past, Present, and Future*, Annals of Global Health, 84(3), pp.306-329. DOI: <http://doi.org/10.29024/aogh.2301>, pages 307 and 308.

<sup>683</sup> Sinitkul, R., Wongrathanandha, C., Sirirattanapruk, S., Pitponkarnpim, A., Maude, R.J. and Marczylo, E.L., 31 August 2018, *Children's Environmental Health in Thailand: Past, Present, and Future*, Annals of Global Health, 84(3), pp.306-329. DOI: <http://doi.org/10.29024/aogh.2301>, page 322.

<sup>684</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 18.

<sup>685</sup> Sumridetchajorn Kanitsorn, Kenji Shimazaki, Taichi Ono, Kusaba Teshu, Sato Kotaro, & Kobayashi Naoyuki, 2019, *Universal health coverage and primary care, Thailand*, Bulletin of the World Health Organization, 97(6), 415-422, page 416.

<sup>686</sup> <http://www.thaincd.com/2016/news/hot-news-detail.php?gid=18&id=13860>

up to 10 hours a day, consume unhealthy food while doing so, skip classes, and stay up late at night.<sup>687</sup>

Finally, eye healthcare is also a concern which could lead to blindness; thus, a research study was implemented to explore whether pre-primary and primary teachers could provide refractive error screening for early detection.<sup>688</sup>

## 5.12 The impact of COVID-19 on child health



Save the Children in partnership with Cargill initiated 50 Healthy Schools Project to promote positive nutritional practices and physical activity among children, teachers, caretakers, and communities in Saraburi and Nakhon Ratchasima Provinces.

Overall, Thai healthcare is strong and well prepared to respond to shocks such as COVID-19: UHC allowed the government to provide free tests and medical care, and at the beginning of the pandemic, hospitals were equipped with additional medical instruments, while field hospitals were prepared.

As one of the biggest food producing countries, Thailand can rely on food security during times of hardship like the COVID-19 pandemic. However, past economic crises showed that *“the hardest hit are children in the first 1,000 days of their lives”*,<sup>689</sup> especially in poor provinces and families, with poor nutrition having a severe impact in later years. Drivers behind malnutrition are insufficient quantity due to cuts in food consumption, feeding practices, health environments, and substitution of healthy food with cheaper products.<sup>690</sup>

Another consequence was children with pre-existing medical conditions or disabilities being left behind due to the prioritisation of COVID-19 treatment.<sup>691</sup>

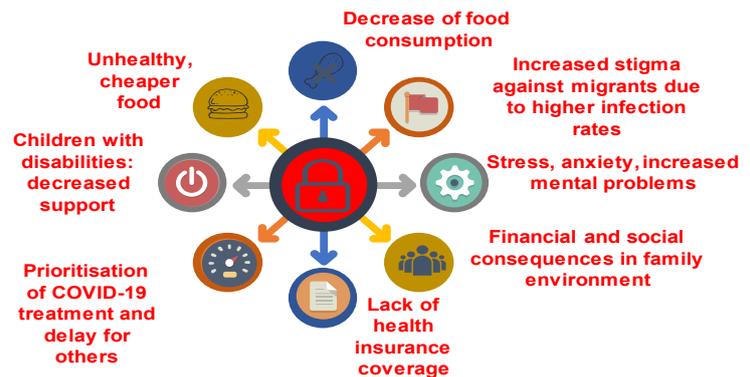
On a positive side, during the pandemic there was also a dramatic decrease in traffic accidents, lower incidences of communicable diseases such as dengue and scrub typhus; however, suicide and mental health issues increased.<sup>692</sup> Children also experienced mental health issues, reporting

stress, worry and anxiety about family income and about their ability to pursue an education.<sup>693</sup>

As usual, the most vulnerable population and the migrant population paid the highest toll; for example, providing healthcare for children within mobile working communities is an additional challenge, and health insurance cannot be paid by most migrant families.<sup>694</sup> Children and youth with hearing/communication impairments, apparently, reported more challenges in accessing health care due to the Covid-19 pandemic, compared to other disability groups.<sup>695</sup>

In conclusion, children must face the harshest consequences of the crisis, in terms of indirect impacts (financial and social consequences), and through the absence of social safety nets. Another consequence was the increase of stigma and discrimination among migrant communities, also due to the fact that *“Reports of high infection rates among migrant workers have contributed to stigma and discrimination, further alienating migrant communities and adding to a sense of insecurity”*.<sup>696</sup>

### Concerns -COVID-19 and Child Health



## 6. Education

### 6.1 CRC Articles

- Article 28: right to education.
- Article 29: objectives of education.
- Article 31: the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts (this article will not be included in the CRSA).

<sup>687</sup> UNICEF, 2016, *A situation analysis of adolescents in Thailand 2015–2016*, page 36.

<sup>688</sup> NHSO, JICA and UNICEF, 2018, *Learning by sharing: Thailand's experiences in MCH*, page 2.

<sup>689</sup> UN National Economic and Social Development Council, October 2020, *Socio-Economic Impact Assessment of COVID-19 in Thailand*, page 16.

<sup>690</sup> UN National Economic and Social Development Council, October 2020, *Socio-Economic Impact Assessment of COVID-19 in Thailand*, page 24.

<sup>691</sup> Save the Children, 2020, *Protect a generation - The impact of COVID-19 on children's lives*, page 38.

<sup>692</sup> UN National Economic and Social Development Council, October 2020, *Socio-Economic Impact Assessment of COVID-19 in Thailand*, page 24.

<sup>693</sup> Oxford Policy Management and United Nations in Thailand, July 2020, *Social Impact Assessment of COVID-19 in Thailand*, page 76.

<sup>694</sup> Save the Children, February 2021, *Protecting children on the move in Asia - Child rights and the implementation of the Global Compact for Migration*, pages 5-7.

<sup>695</sup> UNFPA, UNICEF and others, 6 August 2020, *Youth with disabilities Covid-19 online survey*, page 25.

<sup>696</sup> Save the Children, February 2021, *Protecting children on the move in Asia - Child rights and the implementation of the Global Compact for Migration*, page 13.

## MAIN HIGHLIGHTS OF THIS SECTION

Thailand has been working on Education Reform since 1999, and developed an articulate system at both the central and local level. Apart from the MoE, there are a variety of government and private actors offering education opportunities: the Thai education system is a multi-layered system with multiple providers and challenges to coordination due to this fragmented landscape. Fifteen years of free education are now guaranteed by law; in practice, universal schooling has been reached until the Lower Secondary level (however, the completion rate for this level would need to be improved), with parity between girls and boys. Thailand has also made a significant effort to strengthen vocational training, offered through formal or informal opportunities, and enhanced partnerships with the private and industrial sector; however, the mismatch between learnt skills and market demands still exists.

Despite the progress made, in 2020, there were still 250,000 Out of School Children (OOSC) aged 3 to 6 years, and 592,396 OOSC aged 3 to 17 years (and these numbers are probably underestimated). Poverty and social factors, but also systemic issues, are the main reasons behind exclusion of children from education.

Children with disabilities, as usual, experience more challenges due to unavailability of consistent specialised education, especially in remote areas. Ethnic and indigenous children struggle to learn a curriculum in a language of instruction which is not their mother tongue, for instance in hill tribes in the North. In the South, there are different education sub-systems, including government-run schools and Islamic schools.

Moreover, in the South, education continues to be under attack by insurgent groups.

Children on the move surely account for a great percentage of out-of-school children. Enrolled migrant children are mainly integrated into the formal system or follow courses at the Migrant Learning Centres, which are of different quality and experience challenges such as lack of funding and materials, inexperienced teachers, and lack of official accreditation. Lack of recognition of the certificates also undermines education for refugee children in shelters. Camp and urban refugees, in theory, are entitled to follow public schools, (although they are technically not allowed to leave the camps) but the number of enrolled children is low (especially beyond Primary level), particularly out of the population's fear, or for reasons of poverty and transportation fees (among others). Quality concerns for camp education are similar to the ones in the Migrant Learning Centres'.

Quality is still an issue of concern within the Thai official education system, as shown by the results of students on official international and national tests, such as PISA or O-NET. Teacher shortages in remote areas needs to be addressed, quality of teaching needs to be improved, and teacher training to facilitate the newly approved, modern curriculum should be strengthened. Teachers should also receive vastly increased training and resources on the integration of migrant and refugee children enrolled into the public system, with multilingual support being paramount to ensure access, retention, and success of migrant children in education.

Globally, another important component of quality is the learning environment; unfortunately, violence in school is widespread, through negative discipline methods applied by teachers, but also bullying among peers. LGBTI students are particularly at risk of abuse and discrimination, which can even lead them to suicide. Finally, the impact of COVID-19 exacerbated already existing weaknesses of the system, and calls for a comprehensive, innovative approach to lead the Thai Education System into the 21st century.

## 6.2 Overview of the education system

There have been a series of five-year national education plans serving as guidance for the sector.<sup>697</sup> After the 12th Education Plan (2017-2021),<sup>698</sup> the updated version of the latest Education Strategic plan 2020-2022 includes 6 priority areas:<sup>699</sup>

1. Curriculum development, learning management process, monitor and evaluation (with the goal of enhancing the quality of education).
2. Teacher and Educational Personnel Development.
3. Production and development of manpower including research that is consistent with the needs of the country.
4. Continuously increase opportunities for people of all ages to access educational services for all their lifetime.
5. Promote and develop digital technology systems for education which aims to reduce inequality for learners.
6. Develop management systems and promote participation in all sectors in the management of education.

In 2018, National Education Standards were developed focusing on four areas: learning achievement, English for communication, technology proficiency, and preparing a good citizen.<sup>700</sup>

According to the 2011 CRC submitted, in Thailand there are 185 education districts,<sup>701</sup> and the MoE is the main responsible for the provision of formal and non-formal education at all

<sup>697</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand\**, pages 21-22.

<sup>698</sup> Government of Thailand, 2017, *Thailand's Voluntary National Review on the Implementation of the 2030 Agenda for Sustainable Development*, pages 17 and 18.

<sup>699</sup>[https://www.moe.go.th/moe2019\\_assets/pdf/%E0%B9%81%E0%B8%9C%E0%B8%99%E0%B8%A2%E0%B8%B8%E0%B8%97%E0%B8%98%E0%B8%A8%E0%B8%B2%E0%B8%AA%E0%B8%95%E0%B8%A3%E0%B](https://www.moe.go.th/moe2019_assets/pdf/%E0%B9%81%E0%B8%9C%E0%B8%99%E0%B8%A2%E0%B8%B8%E0%B8%97%E0%B8%98%E0%B8%A8%E0%B8%B2%E0%B8%AA%E0%B8%95%E0%B8%A3%E0%B)

<sup>700</sup> UNICEF and Thailand Development Research Institute, May 2020, *Youth Employability Scoping Study*, page 1.

<sup>701</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand\**, pages 21-22.

levels, from basic to higher education. The Office for National Education Standards and Quality Assessment is in charge of establishing the standard indicators every five years, and the Bureau of Monitoring and Evaluation of Basic Education ensures regular internal monitoring.<sup>702</sup>

The Thai organisational education system is structured at three levels: central, regional, and provincial.<sup>703</sup>

Central level:<sup>704</sup>

- Office of the Permanent Secretary (coordination, implementation of the Ministry’s policy, supervision of the provision of non-formal, informal and private education).
- Office of the Education Council (formulation of policies and laws, plans and standards, mobilisation of resources, evaluation).
- Office of the Basic Education Commission (provision of general education from pre-primary to upper secondary levels, to ensure access for all school-aged children).
- Office of the Vocational Education Commission (provision of technical and vocational education, from upper secondary level to post-secondary education).
- Ministry of Higher Education, Science, Research and Innovation (supervision of standards and quality of public and private higher education).

Regional level: 18 Regional Education Offices.<sup>705</sup>

Provincial level: Currently, there are 245 educational area districts: 62 Secondary education service districts, and 183 Primary education service districts.

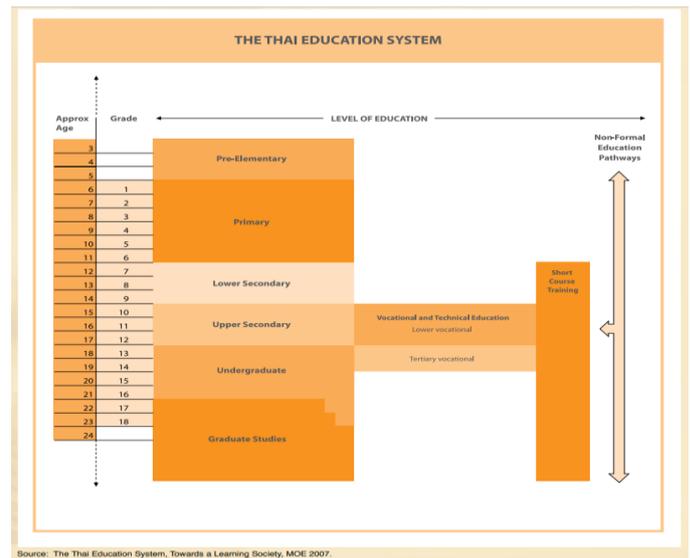
Apart from the MoE, there are a variety of agencies and actors providing or overseeing education; for example, in 2016 it was reported that approximately 20% of Thai students attended private institutions. In Tak Province, the Primary Education Service Area Office (PESAO) has a special department devoted to supporting quality education in 60 Migrant Learning Centers (MLCs) in the province. They are responsible for training teachers and school directors and providing awareness to communities with information on processes for accreditation. They also facilitate the enrolment of migrant students into Thai government schools.<sup>706</sup> The Royal Border Patrol Police oversees 180 pre-primary or primary schools in remote areas for migrant and hill tribe children. The National Buddhism Bureau has more than 400 schools under its supervision, and Islamic education is offered in the Southern region (with 270 schools recognised and subsidised by the government, 200 registered private Islamic schools, and a large number of

traditional private and unregistered schools, called *pondoks*).<sup>707</sup>

Supervision of ECCD, a crucial part of the child’s development process, has been placed at local administration level, to strengthen the collaboration with private sector and with the community child care centres (in 2011, 18,067 centres in the whole of Thailand).<sup>708</sup>

Clearly, Thai education system is a multi-layered system with multiple providers and a lack of coordination between central and decentralised levels, and “... *policy implementation is challenged by heavy bureaucracy and administrative bottlenecks*”; the multiplication of the offices seems to have worsened the problem, with overlapping responsibilities and weak accountability.<sup>709</sup>

Formal education is divided into two levels, basic and higher education. Basic education includes six years of primary education (G1-G6), three years of lower secondary (G7-G9), and three years of upper secondary (G10-G12). The 1999 National Education Act extended compulsory education from six to nine years (until the completion of lower secondary). After that, students can choose two paths: academic education or vocational education. Moreover, the Act “*specifies that not less than twelve years of education shall be provided free of charge. In addition, an initiative to provide 3 years pre-primary up to the completion of upper secondary education free of charge was initiated in 2009*”, leading to a total of 15-year free education provided by Thai system.<sup>710</sup>



Source: The Thai Education System, Towards a Learning Society, MOE 2007.

However, despite significant progress in achieving universal access to primary education, research outlines that “*Thailand*

<sup>702</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, pages 21-22.

<sup>703</sup> Bureau of International Cooperation, Office of the Permanent Secretary for Education, Ministry of Education, Thailand, 2017, *Thai education in brief. Education as a Spearhead to Break through the Middle-Income Trap*, pages 2 and 3. [https://www.bic.moe.go.th/images/stories/pdf/thai\\_education\\_in\\_brief\\_2017.pdf](https://www.bic.moe.go.th/images/stories/pdf/thai_education_in_brief_2017.pdf)

<sup>704</sup> There are also 4 government-supervised agencies: the Teachers’ Council of Thailand, the Office of the Welfare Promotion Commission for Teachers and Educational Personnel, the Institute for the Promotion of Teaching Science and Technology, and the National Scout Organization of Thailand. Moreover, 3 public organizations: the International Institute for Trade and Development, Mahidol Witthayanuson School, and the National Institute of Educational Testing Service. In Bureau of International Cooperation, Office of the Permanent Secretary for Education, Ministry of Education, Thailand, 2017, *Thai education in brief. Education as a Spearhead to Break through the Middle-Income Trap*, page 2.

<sup>705</sup> Bureau of International Cooperation, Office of the Permanent Secretary for Education, Ministry of Education, Thailand, 2017, *Thai education in brief. Education as a Spearhead to Break through the Middle-Income Trap*, pages 2 and 3. [https://www.bic.moe.go.th/images/stories/pdf/thai\\_education\\_in\\_brief\\_2017.pdf](https://www.bic.moe.go.th/images/stories/pdf/thai_education_in_brief_2017.pdf)

<sup>706</sup> Source: key informant.

<sup>707</sup> See all the involved actors in OECD/UNESCO, 2016, *Education in Thailand: An OECD-UNESCO Perspective, Reviews of National Policies for Education*, OECD Publishing, Paris, pages 48 and 49. <http://dx.doi.org/10.1787/9789264259119-en>

<sup>708</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 21.

<sup>709</sup> OECD/UNESCO, 2016, *Education in Thailand: An OECD-UNESCO Perspective, Reviews of National Policies for Education*, OECD Publishing, Paris, pages 32 and 33. <http://dx.doi.org/10.1787/9789264259119-en>

<sup>710</sup> Bureau of International Cooperation, Office of the Permanent Secretary for Education, Ministry of Education, Thailand, 2017, *Thai education in brief. Education as a Spearhead to Break through the Middle-Income Trap*, page 2.

risks developing a two-tier education system - leaving children in poorer rural households behind”: equity and inclusion appear to be a significant challenge to overcome, and will be analysed in other sections of this chapter.<sup>711</sup>

### 6.3 Access and inclusion

#### 6.3.1 Alphabetisation

The literacy rate is an important indicator, as it provides information on the success of primary education in the past 30/40 years, thus “it is seen as a proxy measure of social progress and economic achievement”. In the MICS 2019, the literacy rate for women and men is very similar (respectively, 94.1% and 93.7%). The main differences reside in the economic factor (for women, 98.8% of the richest versus 81.4% of the poorest; for men, 99.5% of the richest versus 80% of the poorest;), and the origin (women: 95.9% for Thai native language of household head versus 66.3% for non-Thai native language; men: 96.3% for Thai native language of household head versus 59.6% for non-Thai native language). The literacy rate in the Northeast is 94.5% for women and 95.2% for men; in the South, 92.1% for women and 91.1% for men.<sup>712</sup>

#### 6.3.2 Access to education



Migrant children in Expanding IMPACT project.

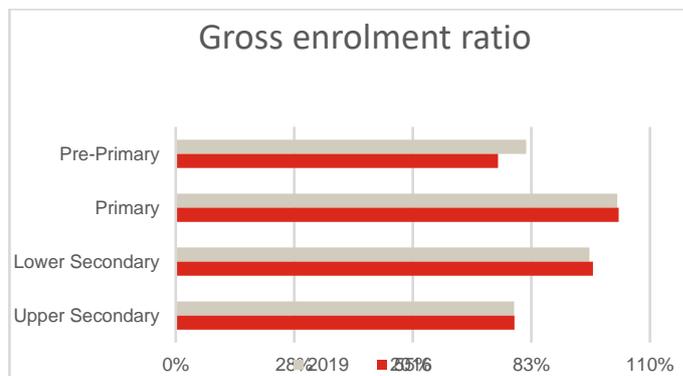
Thailand has made considerable efforts in achieving universal access to education. In the academic year 2019, there were 2,472,664 students in pre-primary level (out of which, almost 31% were in non-formal schools); 4,819,237 students in the elementary level (out of which, approximately 1.4% were in

### 6.4 Retention, transition and drop-out

The initial enrolment ratio is an indicator for the access to education, but the other side of the coin is retention and performance in schools. Another section of the report will present some findings on quality education and performance of students; in the table

non-formal schools), and 4,989,139 in secondary level (out of which, approximately 16% were in non-formal schools).<sup>713</sup>

The number of enrolled children at pre-primary level (aged 3-5) can still be improved, especially from non-Thai speaking households, where the percentage of children attending ECCD in 2019 is 79.8%), against the global percentage of 86.3%: surprisingly, the highest percentages were found in the Northeast (92.4%) and South (89.6%), while in Bangkok this percentage is 71.2%.<sup>714</sup>



The gross enrolment ratio<sup>715</sup> for the four educational level are presented in the diagram below. The comparison between 2016 and 2019 statistics shows no big variation in the ratios. It is possible to outline the issue of the gross enrolment rate for the Upper Secondary level (78.50% in 2019).<sup>716</sup>

Even if the official Education Statistics data are not disaggregated per gender, Thailand profile and indicators on the UNESCO UIS website show a parity between boys and girls at both, Primary and Secondary levels.<sup>717</sup> Reasons for this positive achievement are varied. For instance, according to a source reported by UNESCO, “in Thailand, households were more likely to spend on girls’ education, especially at ages 12 to 19, an effect stronger in rural areas, because they are expected to be primary caregivers to elderly parents and more likely to send remittances”.<sup>718</sup> The participation rate of girls in tertiary education has also improved (even if higher education fields such as engineering and mathematics are still male-dominated),<sup>719</sup> and in 2016, girls’ gross enrolment ratio was 57.8% versus 41% of boys.<sup>720</sup> This is completely in line with the Gender Parity Index (GPI), reported at 1 (=absolute parity) for Primary (gross) level, 0.97 at Secondary (gross) level, and 1.29 at Tertiary (gross) level.<sup>721</sup>

<sup>711</sup> OECD/UNESCO, 2016, *Education in Thailand: An OECD-UNESCO Perspective, Reviews of National Policies for Education*, OECD Publishing, Paris, pages 3 and 15. <http://dx.doi.org/10.1787/9789264259119-en>

<sup>712</sup> National Statistical Office, 2020, *Multiple Indicator Cluster Survey*, pages 37-39.

<sup>713</sup> Office of the Permanent Secretary, Ministry of Education, 2019, *Educational Statistics*, page 21.

<sup>714</sup> Office of the Permanent Secretary, Ministry of Education, 2019, *Educational Statistics*, page 34 and Office of the Permanent Secretary, Ministry of Education, 2019, *Educational Statistics*, page 34. National Statistical Office and UNICEF, 2020, *Multiple Indicator Cluster Survey*, page 157.

<sup>715</sup> Number of students enrolled in a given level of education, regardless of age, expressed as a percentage of the official school-age population corresponding to the same level of education, <http://uis.unesco.org/en/glossary-term/gross-enrolment-ratio#:~:text=Divide%20the%20number%20of%20students,multiply%20the%20result%20by%20100>. The ratio can

exceed 100% due to the inclusion of over-aged and under-aged students because of early or late entrants, and grade repetition.

<sup>716</sup> Office of the Permanent Secretary, Ministry of Education, 2019, *Educational Statistics*, page 34 and National Statistical Office and UNICEF, 2020, *Multiple Indicator Cluster Survey*, page 157.

<sup>717</sup> <http://uis.unesco.org/country/TH>

<sup>718</sup> Wongmonta and Glewwe, 2017, cited in UNESCO, 2020, *Global Education Monitoring Report. Inclusion and education: All means all*, page 335.

<sup>719</sup> Committee on the Elimination of Discrimination against Women, 24 July 2017, *Concluding observations on the combined sixth and seventh periodic reports of Thailand*, page 10.

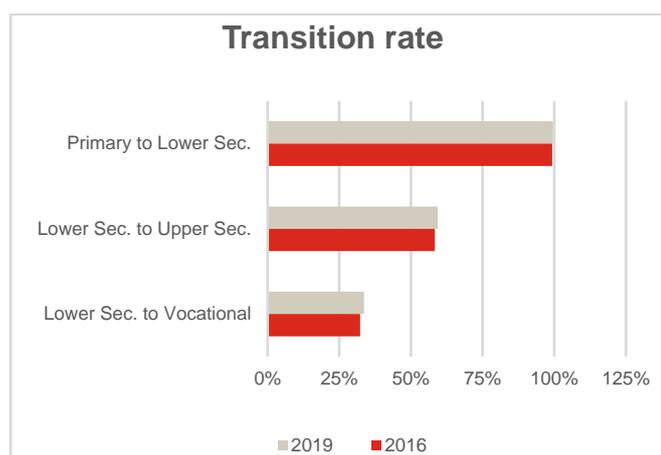
<sup>720</sup> <http://uis.unesco.org/country/TH>

<sup>721</sup> <https://data.worldbank.org/indicator/SE.ENR.TERT.FM.ZS>

below, two meaningful indicators of the education system are summarised: the completion rate and percentage of repeaters.<sup>722</sup> Regarding the completion rate,<sup>723</sup> it is possible to see that the lower secondary completion needs significant improvement for both girls and particularly boys, taking into account that a low completion rate can be related to different factors, such as delayed entry into a given level, dropout, late completion, or high repetition. High repetition does not seem to be the case in Thailand. Since, in general, the performance of students in school is still in need of improvement (as it will be described in the *Quality* section), one could venture that the low percentage of repeaters could be based more on a decision to “let students go ahead” even without acquisition of the expected skills. If this is the case (which has not been verified in the CRSA, thus it is only a hypothesis), it could be dangerous, leading to a decrease in completion rates, an increase of dropout rates, and a lack of student motivation.

Concerning the transition rate,<sup>724</sup> it is confirmed the almost universal transition from Primary to Lower Secondary, but also a very high transition from Lower to Upper Secondary or Vocational Certificate (in total, transition from Lower to Upper or Vocational reached the percentage of 92.94% in 2019, increasing from 90.58% in 2016). In the coming years, it will be important to analyse the potential impact of COVID-19 in transitioning.

	Primary girls	Primary boys	Lower Secondary girls	Lower Secondary boys
Completion rate	94% (2019)	94% (2019)	84.8%: girls (2018)	77.4%: male (2018)
Percentage repeaters	0.8% (2018)	1.9% (2018)	3.32% (2018)	



Finally, the drop-out rate is mentioned below, which accounts for children left behind at different levels. For the academic year 2018:

- Primary: 1,756 students (Drop-out rate=0.06%);
- Lower Secondary: 3,607 students (Drop-out rate=0.21%);
- Upper Secondary: 4,308 students (Drop-out rate=0.44%).<sup>725</sup>

## 6.5 Out of school children

Based on the ISEE 2.0 database by the Equitable Education Fund (a management software which aims to reduce inequality among students in Thailand, used to identify students who

need grants and monitor the results to ensure they will have the opportunity to keep studying and reach their potential), in July 2020, 1.1 million children (15%) were not found or recorded in the Thai education system, out of which 7% were from the Central region, 43% from the Northeastern region, 23% from the Eastern region, 7% from the Western region and 15% from the Southern region. Bangkok had the highest number of unregistered or non-recorded children in the education system: 306,273 children (34.03%).<sup>726</sup>

Even if a system of per-head subsidies (scholarships, subsidies for schools, school kits for children, meals, and transportation) has been established by the government to mitigate exclusion from education,<sup>727</sup> the Deputy Manager of the Equitable Education Fund presented the following data for the year 2019: 250,000 Out of School Children (OOSC) aged 3 to 6 years, and 592,396 OOSC aged 3 to 17 years.<sup>728</sup>

Estimates of the number of out of school migrant children (referenced in section 6.5.3 of this CRSA, from a 2019 source) speak of 200,000 children: although this number is not disaggregated per age, it shows that the share of out of school migrant children could be more than 20% of the total out of school number.

Possible reintegration opportunities for these children are mostly non-formal education opportunities and Accelerated Learning Programmes (ALP).<sup>729</sup>

<sup>722</sup> <http://uis.unesco.org/country/TH>; <https://data.worldbank.org/indicator/SE.SEC.CMPT.LO.ZS> and <https://tradingeconomics.com/thailand/percentage-of-repeaters-in-lower-secondary-general-education-all-grades-both-sexes-percent-wb-data.html>

<sup>723</sup> Percentage of a cohort of children or young people aged 3-5 years above the intended age for the last grade of each level of education who have completed that grade. The intended age for the last grade of each level of education is the age at which pupils would enter the grade if they had started school at the official primary entrance age, had studied full-time and had progressed without repeating or skipping a grade. <http://uis.unesco.org/en/glossary-term/completion-rate-primary-education-lower-secondary-education-upper-secondary-education#:~:text=A%20completion%20rate%20at%20or,the%20given%20level%20of%20education>.

<sup>724</sup> The number of pupils (or students) admitted to the first grade of a higher level of education in a given year, expressed as a percentage of the number of pupils (or students) enrolled in the final grade of the lower level of education in the previous year. [http://uis.unesco.org/sites/default/files/documents/education-indicators-technical-guidelines-en\\_0.pdf](http://uis.unesco.org/sites/default/files/documents/education-indicators-technical-guidelines-en_0.pdf)

<sup>725</sup> Source: <http://mis.moe.go.th/images/StatFiles/62/2562p.pdf>

<sup>726</sup> <https://thaipublica.org/2020/10/eef-isee-version2-03/>

<sup>727</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 22.

<sup>728</sup> <https://workpointtoday.com/student-poor/>

<sup>729</sup> [https://www.schoolofchangemakers.com/knowledge/25955/#\\_ftn3](https://www.schoolofchangemakers.com/knowledge/25955/#_ftn3)

The *term out of school* refers to both, children not attending schools, and children who dropped out before completing their compulsory education. Considering the achievement of universal access to education in Thailand, in this context being out of school is most likely a consequence of dropout. In addition, there are particular groups of children at special risk of access and exclusion, which will be analysed in the following sections of this CRSA: for instance, children with special needs, ethnic and indigenous children, and children on the move.

In general, children from poor backgrounds “*are twice as likely to middle and high-income families not to be in school*”.<sup>730</sup> Dropout factors can vary from economic (dropout for working and supporting poor families) to social reasons (including pregnant girls, young living in juvenile centres, and drug problems),<sup>731</sup> to family issues (parents with addiction problems, orphaned children)<sup>732</sup> and system-related reasons (for instance, low performance in school and consequent lack of self-esteem).<sup>733</sup>

The consequences of exclusion from the school system are dire, for instance:

- lack of opportunity for obtaining well-paid jobs (without required certification), unemployment and consequently low quality of life and poverty;
- lack of social skills usually learnt in schools and crucial for the development of each individual;
- high risk of engagement in illegal activities (drugs, sexual exploitation, gambling, etc...).<sup>734</sup>

### 6.5.1 Children with special needs

Under the 1999 National Education Act, twelve years of education are guaranteed to everyone, so persons with physical, mental, intellectual, emotional, social, physical, communication or learning disabilities are entitled to receive special opportunities for basic education.<sup>735</sup>

The Special Education Bureau supervises special education for children with disabilities, with three types of available education: special schools; special centres (one in each province of the country), similar to the previous one, that operates in inclusive schools, hospitals, and in private domiciles, also through short-term training for students with disabilities; and inclusive or regular schools, the most frequent option, where these students can receive additional support from special schools and special centres.<sup>736</sup>

Data on enrolled children with special needs is scarce in-country, and this also includes scarcity of education details. In the 2011 CRC report, Thailand affirmed that 276,129 people

with disabilities could access education: 272,506 in 43 special schools, 1,670 through 9 vocational education under government management, and 1,953 in higher education.<sup>737</sup>

Official statistics of October 2020 report the number of students with disabilities, disaggregated by the type of disability (but not by age):

- Visual Impairment: 1,143 boys, 873 girls.
- Hearing impairment: 771 boys; 584 girls.
- Intellectual disability: 14,329 boys; 7,250 girls.
- Physical, movement and health impairments: 3,599 boys; 2,976 girls.
- Learning disorder: 262,858 boys; 93,096 girls.
- Speech and language impairment: 1,934 boys; 793 girls.
- Behavioral and Emotional Disorders: 5,201 boys; 968 girls.
- Autism: 4,932 boys; 1,361 girls.
- Multiple disabilities: 6,098 boys; 2,795 girls.<sup>738</sup>

According to the statistics reported on the situation of persons with disabilities in Thailand, in 2019, by the Department of Promotion and Development of the Quality of Life of People with Disability (under the MSDHS), there are approximately 2 million people with disabilities (3.01% of the Thai people in the country): in general, the highest possible education level attained is the primary one (62.13%), with only 7.98% with secondary education level, and 0.20% at bachelor's degree level.<sup>739</sup>

In fact, in a 2016 report, the Committee on the Rights of Persons with Disabilities expressed concern on the out-of-school children with disabilities, especially beyond pre-primary level, and affirmed that “*some schools refuse to admit students with disabilities; and that staff and educational establishments, particularly in rural and remote areas, have limited capacity, skills and resources*”.<sup>740</sup> Access to education for children with disabilities relies on a number of factors, such as economics, family status, and residence in rural areas. However, rich families could have often referred their children to private services instead of “*have publicly acknowledged children with disabilities in their families*”.<sup>741</sup>

According to key informants, obstacles for these children to access education include transportation and physical accessibility of structures, lack of trained teachers who could respond to the diversity of students and lack of inclusive education settings, lack of technology devices, and general low expectations for children with special needs.

Another source maintains that special education must be viewed through the Buddhism lens, in terms of good or bad

<sup>730</sup> Suwannarong Kanokwan for Save the Children, 2017, *A desk review for Research for Promoting Rural Opportunities for Children's Empowerment, Education, and Development (PROCEED)*, page 49.

<sup>731</sup> Vayachuta Pattra, Ratana-Ubol Archanya and Soopanyo Weerachat, 2016, *The study of 'out-of-school' children and youth situations for developing a lifelong education model for 'out-of-school' children and youth*, SHS Web of Conferences 26 shsconf/20162601015 ERPA2015, pages 2-4.

<sup>732</sup> <https://thaijpublica.org/2020/10/eef-isee-version2-03/>

<sup>733</sup> Vayachuta Pattra, Ratana-Ubol Archanya and Soopanyo Weerachat, 2016, *The study of 'out-of-school' children and youth situations for developing a lifelong education model for 'out-of-school' children and youth*, SHS Web of Conferences 26 shsconf/20162601015 ERPA2015, pages 2-4.

<sup>734</sup> Vayachuta Pattra, Ratana-Ubol Archanya and Soopanyo Weerachat, 2016, *The study of 'out-of-school' children and youth situations for developing a lifelong education model for 'out-of-school' children and youth*, SHS Web of Conferences 26 shsconf/20162601015 ERPA2015, page 2.

<sup>735</sup> <http://www.ratchakitcha.soc.go.th/DATA/PDF/2560/A/040/1.PDF>

<sup>736</sup> Vorapanya Sermsap and Dunlap Diane, no date, *Buddhist Ideology towards Children with Disabilities in Thailand: Through the Lens of Inclusive School Principals*, page 235.

<sup>737</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 17.

<sup>738</sup> [http://www.specialset.bopp.go.th/set\\_index/index.php?page=student-special.php](http://www.specialset.bopp.go.th/set_index/index.php?page=student-special.php)

<sup>739</sup> <https://www.prachachat.net/csr-hr/news-544198>

<sup>740</sup> Committee on the Rights of Persons with Disabilities, 12 May 2016, *Concluding observations on the initial report of Thailand*, pages 7 and 16.

<sup>741</sup> Vorapanya Sermsap and Dunlap Diane, no date, *Buddhist Ideology towards Children with Disabilities in Thailand: Through the Lens of Inclusive School Principals*, page 234.

reincarnation based on the previous life conducted, so “...disability is widely viewed as a deserved failure to lead positive previous life”. On the other hand, compassion for all living beings could be a strong motivation for practitioners to apply inclusive education practices in Thailand.<sup>742</sup>

## 6.5.2 Ethnic and indigenous children



*Our ECD programming focused to most vulnerable, ethnic and indigenous children, conflict-affected children in Si Sakhon and Rueso district in the Deep South of Thailand, using holistic view of child development approach through Eat, Play, Love, & Read (EPLR).*

The 1999 Decentralisation Act took into account cultural and linguistic diversity, but many children in the North, Northeast and Deep South have still to face several barriers to education.<sup>743</sup> Many ethnic and indigenous children (and migrant children) live in remote or rural villages, which means only having access to underfunded schools with poor material and inexperienced human resources. Discrimination and social exclusion are among the main barriers for ethnic and indigenous children to access education: for example, it is

common for school directors, in cases of budget cuts, to give Thai children priority.<sup>744</sup> Despite the official legislation, local school Directors can decide at their discretion the number of vulnerable children, such as undocumented migrants or hill tribes children able to enrol into the schools, and disadvantaged children and adults in remote areas or from ethnic and indigenous communities can more easily access non-formal education, thanks also to the offers put in place by NGOs.<sup>745</sup>

In the 2011 CRC report, Thailand acknowledged the following issues still presently undermining education for ethnic and indigenous children, and according to consulted literature during this CRSA, it is unlikely that these barriers have been removed in the past decade:

- Lack of knowledge of current legislation and delay in implementing the regulations, in the coordination among different agencies at national and local levels, and in disbursing subsidies;
- Cultural and language-sensitive education needs a substantial investment and specialised resources, in particular skilled teaching personnel.

Thailand also highlighted some possible solutions, such as making education more flexible and learner-centered, but also focusing on the enactment of regulations.<sup>746</sup>

In reality, the Research Institute of Languages and Cultures of Asia of Mahidol University outlined that, under the main priority of preserving national unity, the needs of ethnic and indigenous children are not always considered,<sup>747</sup> even if in some areas with a unique identity, bi-lingual education has been introduced (such as Thai-Pattani Malay or Thai-other local languages)<sup>748</sup> although most of the time, bilingual schools are in urban settings.<sup>749</sup> This is also done for the sake of performance improvement. The MoE has also launched “Project for Long Distance Learning through Satellite to reach out to schools nationwide including those in the southern border provinces and rural areas”.<sup>750</sup>

In the South, children can follow different types of education: government-run schools, traditional Islamic *pondok* schools, private secondary level Islamic schools that conjugate Islamic religious and government education coursework, and *Tadikas* (private primary level schools usually attached to mosques, whose curriculum is in theory supervised by the MoE). In general, parents prefer to send their children to private Islamic schools, which led to a de facto parallel system “*segregating Malay Muslim and Thai Buddhist communities*”, depriving children of the most powerful tool to peace-building; that is, living together in a multicultural environment.<sup>751</sup>

<sup>742</sup> Vorapanya Semsap and Dunlap Diane, no date, *Buddhist Ideology towards Children with Disabilities in Thailand: Through the Lens of Inclusive School Principals*, pages 234 and 237.

<sup>743</sup> U. Hanemann (Ed.), last update 25 July 2017, *Patani Malay - Thai Bilingual / Multilingual Education, Thailand*, UNESCO Institute for Lifelong Learning, <https://uil.unesco.org/case-study/effective-practices-database-litbase-0/patani-malay-thai-bilingual-multilingual-education>

<sup>744</sup> Del Fabbro Elena, Lanzoni Ilaria for Save the Children, March 2019, *Market Research for Save the Children Thailand*, pages 2-3.

<sup>745</sup> Suwannarong Kanokwan for Save the Children, 2017, *A desk review for Research for Promoting Rural Opportunities for Children's Empowerment, Education, and Development (PROCEED)*, page 48.

<sup>746</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 23.

<sup>747</sup> U. Hanemann (Ed.), last update 25 July 2017, *Patani Malay - Thai Bilingual / Multilingual Education, Thailand*, UNESCO Institute for Lifelong Learning, <https://uil.unesco.org/case-study/effective-practices-database-litbase-0/patani-malay-thai-bilingual-multilingual-education>

<sup>748</sup> Human Rights Council - Working Group on the Universal Periodic Review, 12 February 2016, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 - Thailand*, page 10.

<sup>749</sup> Suwannarong Kanokwan for Save the Children, 2017, *A desk review for Research for Promoting Rural Opportunities for Children's Empowerment, Education, and Development (PROCEED)*, page 48.

<sup>750</sup> Human Rights Council - Working Group on the Universal Periodic Review, 12 February 2016, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 - Thailand*, page 10.

<sup>751</sup> UNICEF, 2014, *Thailand Case Study in Education, Conflict and Social Cohesion*, pages 11-14.

According to UNESCO, the use of Malay as language of instruction is “limited to pilot projects”.<sup>752</sup> In 2008, the Institute of Languages and Cultures of Asia of Mahidol University initiated 23 ethnic language valorisation projects, among which the Patani Malay - Thai Bilingual/Multilingual Education in Thailand’s Deep South (PMT-MLE) programme, “to support peace and reconciliation efforts in the south by reducing Patani Malay people’s fears of being assimilated by the Thai majority through a Thai-only educational system”. In 2017, the programme had reached 1,200 students, through teaching different languages, including Patani Malay, Thai, Standard Malay and English. Bilingual education materialises in the fact that Thai speaking-teachers are supported by Patani Malay assistants, plus a certain number of unpaid volunteers; the project is meant to be a reconciliation opportunity not only for children but also their families. The success of the programme was one of the inspirations for the Thai Royal Institute to draft a national language policy.<sup>753</sup> According to key informants, a draft was in process for several years, and was endorsed by the Prime Minister in 2010 and again in 2013; an implementation plan has apparently been drafted as well. However, based on the 2019 Bangkok Statement on Language and Inclusion, it seems like the document has not been finalised.<sup>754</sup>

A particular case is that of stateless children, predominantly from hill tribes: when able to complete Grade 9, they can rarely access higher education due to the lack of citizenship.<sup>755</sup>

### 6.5.3 Children on the move (migrants and refugee children)



To ensure refugee students stay in school, we did this by enrolling out-of-school children into school in the refugee camps and across the border in Karen State through our ACCESS project.

As stated in the Child Protection chapter, children move for a variety of reasons, and children on the move does not represent a univocal category. This is true also when examining

educational opportunities; the following section will try to give an overview which takes into account the specificities of the main CoM group, although not in an exhaustive way.

Under the 1999 Education Act and the Cabinet Resolution 2005, all children are entitled to free-of-charge primary and secondary education, with or without citizenship; this also accounts for migrant children, refugees and asylum seekers, and stateless children. In the 2011 CRC report, it is mentioned that in 2005 there were 53,000 children of this type enrolled in government-run structures, and 16,000 enrolled in 100 facilities run by private and non-governmental actors.<sup>756</sup> Despite a certain dissemination of official guidelines for the enrolment of migrant and stateless children, the policy implementation varies and is also undermined by high rotation of Thai personnel.<sup>757</sup> On the other hand, migrant knowledge of the government’s Education for All policy is scarce and needs to be improved as well.<sup>758</sup>

### Migrant children

The lack of accurate data on the number of migrant children undermines the possibility to assess their access to education. According to a 2019 estimate, the share of migrant children for each type of education facility is the following:

- 145,379 in government-run Formal Schools;
- 2,562 in government-run Non-Formal Education Learning Centres;<sup>759</sup>
- 16,350 in Migrant Learning Centres;
- 200,000 out of school.<sup>760</sup>

Migrant children face several barriers to accessing formal or non-formal education, often relying on community-based migrant schools. The main barriers are school fees, language difficulties, and fear of discrimination. These children are stigmatised also due to their poor environments, and living conditions, with nutrition problems, scarcity of water and accrued risk of infections, diarrhoea, malaria, etc.<sup>761</sup> Often, children drop out, as they must work and support their families.<sup>762</sup> Absenteeism due to the families moving in search of work is a serious challenge for retention and a driver of low performance. Many Thai primary schools don’t want to enrol migrant children above 12 years, preventing them from concluding the first education cycle.<sup>763</sup>

A 2014 research by SCI in Thailand found that migrant children attending government’s schools were “more likely to be born in Thailand or arrived in Thailand at a younger age than their counterparts in learning centres”.<sup>764</sup>

<sup>752</sup> UNESCO, 2020, *Global Education Monitoring Report. Inclusion and education: All means all*, page 112.

<sup>753</sup> U. Hanemann (Ed.), last update 25 July 2017, *Patani Malay - Thai Bilingual / Multilingual Education, Thailand*, UNESCO Institute for Lifelong Learning, <https://uil.unesco.org/case-study/effective-practices-database-litbase-0/patani-malay-thai-bilingual-multilingual-education>

<sup>754</sup> UNESCO and others, 25 September 2019, *The Bangkok Statement on Language and Inclusion*, <https://unesdoc.unesco.org/ark:/48223/pf0000372785>

<sup>755</sup> Alto for Porticus Asia, 2019, *Searching for an education - The education crisis for displaced learners in South and South East Asia. A study in Bangladesh, Malaysia, Myanmar and Thailand*, page 85.

<sup>756</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 22.

<sup>757</sup> UNICEF, 2019, *Education knows no borders: a collection of good practices and lessons learned on migrant education in Thailand*, page 13.

<sup>758</sup> Alto for Porticus Asia, 2019, *Searching for an education - The education crisis for displaced learners in South and South East Asia. A study in Bangladesh, Malaysia, Myanmar and Thailand*, page 10.

<sup>759</sup> “The Office of Non-Formal and Informal Education (ONIE) only has the capacity to provide non-formal education programme service for about 10 percent of estimated 200,000 out-of-school migrant children in Thailand in 2014”, cited in Committee on Economic, Social and Cultural Rights, 19 June 2015, *Concluding observations on the combined initial and second periodic reports of Thailand*, page 3.

<sup>760</sup> IOM and others, (ed. Harkins Benjamin), 2019, *Thailand Migration Report 2019, United Nations Thematic Working Group on Migration in Thailand* (Bangkok), page 103.

<sup>761</sup> Love Frankie for Save the Children, 2016, *Every Last Child Campaign. Baseline Situational Analysis of Migrant and Refugee Access to Education in Thailand*, pages 4-8.

<sup>762</sup> Love Frankie for Save the Children, 2016, *Every Last Child Campaign. Baseline Situational Analysis of Migrant and Refugee Access to Education in Thailand*, pages 4-8.

<sup>763</sup> UNICEF, 2019, *Education knows no borders: a collection of good practices and lessons learned on migrant education in Thailand*, pages 14-15.

<sup>764</sup> Save the Children, 2014, *Pathways to a Better Future: A Review of Education for Migrant Children in Thailand*, page 10.

One governmental measure to improve access to school for migrant children are subsidies to schools, disbursed by the Office of the Basic Education Commission's based on the number of non-Thai and without identification students. The subsidy is transferred to school Directors and covers for fees, school material but also lunch.<sup>765</sup> Despite this, school-associated costs still persist (for instance, uniforms and transportation, and lunch for the secondary level); in addition, schools may ask families to contribute to the general school management through a sum of money ranging from 1,000 to 10,000 THB/student/year.<sup>766</sup>

In May 2018, the Equitable Education Fund was also approved as a means to reduce inequities and support disadvantaged children, including migrant children, in country.<sup>767</sup> However, according to another source, migrant children are not eligible for the Equal Education Fund scholarships.<sup>768</sup>

Regardless of the economic bottlenecks, it is also important to outline that stigmatisation and hostility from Thai families towards migrant children, mentioned by a variety of sources, is also a strong deterrent for migrants' schooling.

Moreover, migrant perception of the value of education has a heavy impact on access to school. Some parents from Myanmar choose not to enrol their children into Thai schools, especially if they plan to stay for a short time, as they believe that these schools could not prepare their children for a return to their home country, and prefer to send their children to Migrant Learning Centres (MLCs),<sup>769</sup> which can provide a good starting point for migrant children's access to education, as they offer information on culture, politics, and social aspects of both aspects of the Thai border,<sup>770</sup> but they often have quality issues, which will be mentioned under the *Quality* section.

## Urban refugees, refugees and asylum seekers

Thailand constitutes one of the few Asian examples of a context wherein refugee children are accepted into the public system, but the number of actual integrated children is low, and *"appears more a result of relationship and influence rather than an explicit political commitment laid out in policy that guarantees refugee children education rights"*.<sup>771</sup> Although, in theory, these children's right to education is recognised in Thailand, there are still many challenges undermining the refugee children's to education.

According to the Human Rights Council, there are *"urban refugee children waiting up to seven years for the necessary paperwork to be recognised as a refugee or found a durable*

*solution in the third country resettlement, which results in seven years without proper schooling"*.<sup>772</sup> Rohingya children, but also refugees and asylum seeker children, who lack citizenship or birth registration, cannot access education, as there is often additional documentation required for them.<sup>773</sup>

As *"urban refugees and asylum seekers will generally try to live 'under the radar' for fear of arrest and detention"*, this is one of the most significant causes of children not being enrolled in schools (and unable to access healthcare as well).

*"Children report mistreatment from teachers, one group talked about teachers who would threaten them by saying they would send them back to their country of origin or call the immigration police, though bullying from other student is often the toughest on children"*.<sup>774</sup>

This is very detrimental not only for their future, but also their present, as wearing a school uniform appears to be a protective factor against immigration detention practices.<sup>775</sup> According to some estimates, in truth only 34% of refugee children are enrolled in government schools, especially at kindergarten or primary levels.<sup>776</sup> In fact, Thailand is generally considered by urban refugees as a 'transit' country, rather than a stable place, due to the non-ratification of the Refugee Convention.<sup>777</sup>

Out of the available initiatives, the Bangkok Refugee Center (BRC) provides counselling to urban refugees and asylum seekers, as well as intensive Thai language and support to enrol in Thai government schools for children aged 6-17 years.<sup>778</sup>

Regarding refugees living in camps, approximately 50% of refugees living within the nine refugee camps along the Thailand - Myanmar border are children, and in 2019, 24,540 school-aged children were following basic education schools in a total of 75 schools (with 1,130 refugee teachers) in the camps. This parallel education system is supported by a consortium of NGOs led by Save the Children, managed by the Karen Refugee Committee Education Entity in 7 predominantly Karen camps, and the Karenni Education Department in the 2 predominately Karenni refugee camps.<sup>779</sup>

In general, access-related issues for children among UNHCR population of concern are: lack of infrastructures, necessity of implementing a double-shift to accommodate all children (with reduced time per child), focus on primary education, and short-term funding,<sup>780</sup> also severely affecting pre-school education.<sup>781</sup> Finally, another initiative to strengthen access is implemented by UNHCR, in collaboration with the Catholic Office for Emergency Relief and Refugees, working with urban refugee

<sup>765</sup> UNICEF, 2019, *Education knows no borders: a collection of good practices and lessons learned on migrant education in Thailand*, pages 11 and 12.

<sup>766</sup> UNICEF, 2019, *Education knows no borders: a collection of good practices and lessons learned on migrant education in Thailand*, page 1.

<sup>767</sup> UNICEF, 2019, *Education knows no borders: a collection of good practices and lessons learned on migrant education in Thailand*, pages 11 and 12.

<sup>768</sup> U.S. Department of Labour - Bureau of International Labor Affairs, 2019, *Child Labor and Forced Labor Report - Thailand*, page 8. [https://www.dol.gov/sites/dolgov/files/LLAB/child\\_labor\\_reports/tda2019/Thailand.pdf](https://www.dol.gov/sites/dolgov/files/LLAB/child_labor_reports/tda2019/Thailand.pdf)

<sup>769</sup> UNICEF, 2019, *Education knows no borders: a collection of good practices and lessons learned on migrant education in Thailand*, page 17.

<sup>770</sup> Love Frankie for Save the Children, 2016, *Every Last Child Campaign. Baseline Situational Analysis of Migrant and Refugee Access to Education in Thailand*, pages 4-8.

<sup>771</sup> Alto for Porticus Asia, 2019, *Searching for an education - The education crisis for displaced learners in South and South East Asia. A study in Bangladesh, Malaysia, Myanmar and Thailand*, page 9.

<sup>772</sup> Human Rights Council, 23 February 2016, *Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 Thailand*, page 10.

<sup>773</sup> Suwannarong Kanokwan for Save the Children, 2017, *A desk review for Research for Promoting Rural Opportunities for Children's Empowerment, Education, and Development (PROCEED)*, page 48.

<sup>774</sup> Urban refugee, Save the Children, *Children's voices - Findings from different consultations with children*, page 17.

<sup>775</sup> Save the Children, May 2017, *Unlocking Childhood: Current immigration detention practices and alternatives for child asylum seekers and refugees in Asia and the Pacific*, pages 28 and 29.

<sup>776</sup> Save the Children, May 2017, *Unlocking Childhood: Current immigration detention practices and alternatives for child asylum seekers and refugees in Asia and the Pacific*, page 29.

<sup>777</sup> Save the Children, May 2017, *Unlocking Childhood: Current immigration detention practices and alternatives for child asylum seekers and refugees in Asia and the Pacific*, page 29.

<sup>778</sup> Alto for Porticus Asia, 2019, *Searching for an education - The education crisis for displaced learners in South and South East Asia. A study in Bangladesh, Malaysia, Myanmar and Thailand*, page 79.

<sup>779</sup> Alto for Porticus Asia, 2019, *Searching for an education - The education crisis for displaced learners in South and South East Asia. A study in Bangladesh, Malaysia, Myanmar and Thailand*, page 4.

<sup>780</sup> Alto for Porticus Asia, 2019, *Searching for an education - The education crisis for displaced learners in South and South East Asia. A study in Bangladesh, Malaysia, Myanmar and Thailand*, page 4.

<sup>781</sup> Alto for Porticus Asia, 2019, *Searching for an education - The education crisis for displaced learners in South and South East Asia. A study in Bangladesh, Malaysia, Myanmar and Thailand*, page 82.

and asylum-seeking children for reintegration into Thai government schools.<sup>782</sup>

### 6.5.4 Other categories of concern for inclusivity

*“I am lucky to be enrolled in a Thai Buddhist school. They gave me a school ID Card which means I can travel with the school for sports and other activities. However, as a Muslim there is a lot of limitations that I will have to work around while learning at the temple”.*<sup>783</sup>

To complete this heterogeneous section on the challenges of access (and retention) to/in education, some other factors of concerns are briefly mentioned:

- Discrimination against gender non-conforming children is persistent in all education cycles and contexts, encompassing admission, school rules, and ceremonies.<sup>784</sup>
- Children living with health problems. For instance, children with asthma, recognised as a chronic condition, can often miss school. Their inclusion is based on the school’s inclusiveness.<sup>785</sup>
- Children living in protection shelters.
- Children living in juvenile centres: very rare information is found for this specific group of children.<sup>786</sup>
- Children living on the streets have their right to education neglected. They may be assisted by “street teachers”, personnel from the Government and the private sectors, who work with them in the streets, using diverse techniques adapted to the particular situation of the children. The ultimate objective is to refer the child and reintegrate them into formal or non-formal education.<sup>787</sup>
- “Disadvantaged” children in welfare schools: in 2016, approximately 40,000 disadvantaged children, including orphans, were in such schools which also had boarding facilities.<sup>788</sup>

#### Challenges– access and inclusion



## 6.6 School environment and sanitation

Although generalisation of information is not possible, surveys conducted in specific provinces show that school environment and WASH seem to stand at various levels according to the sources. For instance, a survey in 293 schools under the Office of Basic Education Commission of Thailand showed that over 80% of schools had drinking water and food sanitation management policies in place. More than 50% of drinking water serviced for students was tap water, always improved by water filters, and the food handlers washed their hands before cooking and toilet usage (74.2%). However, the coliform bacteria contaminated food, drinking water, ice, utensils and hands in different percentages. The highest level of contamination in the secondary school was in food (47.3%). In addition, the canteens who did not meet the standard of canteen sanitation were 82.3%, mostly from the Northeast.<sup>789</sup>

Another more recent source highlighted that the majority of the schools (96.90%) did not meet the acceptable standard of environmental sanitation; for example, there was no soap for hand-washing and no trash receptacles with lids in the toilets. In addition, 65.60% of the schools did not meet the acceptable standard of environmental sanitation because they lacked their own water containers. Also, food sanitation did not meet acceptable standards (placing cutlery and storing cooked food), with consequent food contamination by coliform bacteria (70% of the sample).<sup>790</sup>

Finally, although not strictly related to infrastructures and WASH, following are two remarks on conditions affecting the quality of school environments: air pollution, which can impact cognitive ability, and the important issue of safety as students’ transit to school. Apparently, only 7% of the more than one million children riding to school by scooters wear helmets.<sup>791</sup>

## 6.7 Quality

### 6.7.1 Teachers and curriculum

According to the 2004 Public School Teacher and Educational Personnel’s Act, the supervision of the MoE, through a central government agency called the Teacher Civil Service and Educational Personnel Commission (TPEC), with the Office of the Teacher Civil Service and Educational Personnel Commission (OTEPC) as a secretariat office.<sup>792</sup> Another responsible agency is the Teachers’ Council of Thailand.<sup>793</sup>

<sup>782</sup> Alto for Porticus Asia, 2019, *Searching for an education - The education crisis for displaced learners in South and South East Asia. A study in Bangladesh, Malaysia, Myanmar and Thailand*, pages 83-84.

<sup>783</sup> Child residing at a shelter for children and families. Save the Children, *Children’s voices - Findings from different consultations with children*, page 3.

<sup>784</sup> Togetherness For Equality (TEA) and The Working Group for Gender Equality, Rights and Freedom in Thailand, June 2017, *Thailand: Discrimination and Violence against Women and LGBTI Persons - Shadow report to the Committee on the Elimination of Discrimination Against Women (CEDAW) for consideration at the 67<sup>th</sup> session, 2017*, pages 10 and 11.

<sup>785</sup> Thai PBS News, 2019 cited by UNESCO, 2020, *Global Education Monitoring Report. Inclusion and education: All means all*, page 160.

<sup>786</sup> UNESCO, 2020, *Global Education Monitoring Report. Inclusion and education: All means all*, page 160.

<sup>787</sup> Committee on the Rights of the Child, 20 January 2012, *Implementation of the Convention on the Rights of the Child. List of issues concerning additional and updated information related to the third and fourth combined periodic report of Thailand (CRC/C/THA/3-4). Addendum - Written replies of Thailand*, page 6.

<sup>788</sup> Source: Special Education Bureau, Office of the Basic Education Commission, cited in Bureau of International Cooperation, Office of the Permanent Secretary for Education, Ministry of Education Thailand, 2017, *Thai education in brief. Education as a Spearhead to Break through the Middle-Income Trap*, page 6. [https://www.bic.moe.go.th/images/stories/pdf/thai\\_education\\_in\\_brief\\_2017.pdf](https://www.bic.moe.go.th/images/stories/pdf/thai_education_in_brief_2017.pdf)

<sup>789</sup> [http://203.157.71.139/group\\_sr/allfile/1423450604.pdf](http://203.157.71.139/group_sr/allfile/1423450604.pdf)

<sup>790</sup> <https://he02.tci-thaijo.org/index.php/phjbuu/article/view/87290>

<sup>791</sup> UNESCO, 2020, *Global Education Monitoring Report. Inclusion and education: All means all*, pages 289-291.

<sup>792</sup> <https://otepc.go.th/th/englishversion/website/13-english>

<sup>793</sup> <https://www.ksp.or.th/ksp2018/>

According to the 2018 statistics, there are 430,525 government teachers and education personnel positions.<sup>794</sup> A 2016 research by OECD/UNESCO found that the number of teachers was higher than needed in-country, but they are not uniformly distributed.<sup>795</sup> The global teacher: student ratio is 1:25 for the Primary level, and 1:20 for the Secondary level.<sup>796</sup> The decreasing birth rate might lead to increasingly manageable class sizes, although this consideration does not account for the number of foreign children not enrolled in schools.<sup>797</sup> Another issue of concern is the shortage of teachers in remote and dangerous areas; the 2011 CRC report stated that incentives had been offered to overcome this problem, but apparently without good results.<sup>798</sup>

According to the OTEPC website, starting from October 2021, all civil servant teachers should sign the Performance Agreement with the Director as a measure of performance assessment, to decide on promotions and teacher status.<sup>799</sup> However, quality teaching still needs improvement; in fact, staff costs made up only 51% of the allocated education budget in 2010, a low share compared to other countries.<sup>800</sup> Teacher training is lacking, as well as professional development support to materialise the country's reforms.<sup>801</sup>

Another important element to consider in quality assessment, apart from the teacher situation, is the curriculum used. Although the 1999 National Education Act gave a boost to include human rights into the curriculum, especially in higher education,<sup>802</sup> gender and sexual diversity stereotypes and biases persist. Apparently, *“the social value attached to ‘maleness’ and ‘femaleness’ were transmitted and can be seen through the teachers’ attitudes and beliefs, which are neither conscious nor intentional, and are further reinforced by the media, textbooks, schools and parental practices”*, contributing to perpetuate gender inequality. In textbooks, boys and men are more often represented and portrayed in leadership roles, while girls and women are less present, and often seen performing traditional gender roles. In school, girls are expected to behave, while boys are allowed some transgression (vulgar words and aggression). Similarly, boys are considered to be more performant in maths and science.<sup>803</sup>

Moreover, in 2016 the Human Rights Council noted a lack of curriculum on sexual orientation, and LGBTI people were portrayed negatively in textbooks.<sup>804</sup> Significant progress has been made in this regard, beginning in May 2019, as physical

and health education textbooks from grades 1 to 12 began including sexual diversity.<sup>805</sup>

In addition, with reforms in 2001 and 2008, the content-based curriculum was changed to a standards-based approach, which was more learner-centered. However, *“the decentralisation of responsibility inherent in a standard-based approach has not been matched by adequate support to local officials and teachers”*.<sup>806</sup>

Finally, to facilitate successful integration of migrant children into the public system, and also for successful performance of ethnic and indigenous children, schools need, first and foremost, well-trained teachers and multi-lingual teachers.<sup>807</sup>

These children need one-to-one classes or tuition after school, especially to gain proficiency in Thai, but teachers report not having enough materials to use, and not receiving any compensation for this work, essentially acting as de-facto volunteers for the extra lessons.<sup>808</sup>

## ALTERNATIVE PATHWAYS FOR CHILDREN ON THE MOVE: QUALITY CONCERNS

In some cases, donors and service providers have succeeded in developing standards amongst partner working in MLCs, and this *“helped increase management and financial transparency, safety and security of students, standardized hiring and reimbursement schemes, lesson planning quality and classroom management”*. However, this did not lead to establish nationwide standardisation.<sup>809</sup>

Quality education offered by MLCs can vary according to systems and procedures of implementing organisations: when the teachers are volunteers, quality can suffer and possible reintegration into the formal system is even more challenging. Other quality concerns for MLCs include a general lack of educational quality monitoring and a lack of accreditation.<sup>810</sup>

However, some examples of good practices have been presented for *“some border provinces such as Tak, where local authorities have built trust and good working relations with other key education stakeholders from civil society”*.<sup>811</sup> SCI carried out a literacy assessment in early grades with students aged 9 and 10 in MLCs (language of instruction: Burmese) and in government's schools in Mae Sot (language of instruction: Thai). Even if the sample was reduced, students in learning centers were performing better than those in public schools.<sup>812</sup>

<sup>794</sup> [https://otepc.go.th/content\\_page/item/2844-2020-01-06-09-22-49.html](https://otepc.go.th/content_page/item/2844-2020-01-06-09-22-49.html)

<sup>795</sup> OECD/UNESCO, 2016, *Education in Thailand: An OECD-UNESCO Perspective, Reviews of National Policies for Education*, OECD Publishing, Paris, page 29.

<sup>796</sup> <http://www.secondary29.go.th/blog/data/annualpolicy/1002.pdf>

<sup>797</sup> Bureau of International Cooperation, Office of the Permanent Secretary for Education, Ministry of Education, Thailand, 2017, *Thai education in brief. Education as a Spearhead to Break through the Middle-Income Trap*, page 6. [https://www.bic.moe.go.th/images/stories/pdf/thai\\_education\\_in\\_brief\\_2017.pdf](https://www.bic.moe.go.th/images/stories/pdf/thai_education_in_brief_2017.pdf)

<sup>798</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 23.

<sup>799</sup> [https://otepc.go.th/content\\_page/item/3265-pa.html](https://otepc.go.th/content_page/item/3265-pa.html)

<sup>800</sup> OECD/UNESCO, 2016, *Education in Thailand: An OECD-UNESCO Perspective, Reviews of National Policies for Education*, OECD Publishing, Paris, page 69. <http://dx.doi.org/10.1787/9789264259119-en>

<sup>801</sup> OECD/UNESCO, 2016, *Education in Thailand: An OECD-UNESCO Perspective, Reviews of National Policies for Education*, OECD Publishing, Paris, page 16. <http://dx.doi.org/10.1787/9789264259119-en>

<sup>802</sup> Human Rights Council - Working Group on the Universal Periodic Review, 12 February 2016, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 - Thailand*, page 19.

<sup>803</sup> 29 October 2015, *Gender in Thai schools: Do we grow up to be what we are taught?*

<https://blogs.worldbank.org/eastasiapacific/gender-in-thai-schools-do-we-grow-up-to-be-what-we-are-taught>

<sup>804</sup> Human Rights Council, 23 February 2016, Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 Thailand, page 8.

<sup>805</sup> Thai PBS News, 2019, cited by UNESCO, 2020, *Global Education Monitoring Report. Inclusion and education: All means all*, page 117.

<sup>806</sup> OECD/UNESCO, 2016, *Education in Thailand: An OECD-UNESCO Perspective, Reviews of National Policies for Education*, OECD Publishing, Paris, page 15. <http://dx.doi.org/10.1787/9789264259119-en>

<sup>807</sup> UNICEF, 2019, *Education knows no borders: a collection of good practices and lessons learned on migrant education in Thailand*, page 1.

<sup>808</sup> UNICEF, 2019, *Education knows no borders: a collection of good practices and lessons learned on migrant education in Thailand*, page 14.

<sup>809</sup> Save the Children, 2014, *Pathways to a Better Future: A Review of Education for Migrant Children in Thailand*, page 37.

<sup>810</sup> UNICEF, 2019, *Education knows no borders: a collection of good practices and lessons learned on migrant education in Thailand*, page 17.

<sup>811</sup> Save the Children Thailand, 2019, *OOSC Policy briefing. No child should be discriminated against because of where he or she is from*.

<sup>812</sup> Save the Children, 2014, *Pathways to a Better Future: A Review of Education for Migrant Children in Thailand*, page 41.

In an assessment of an ECCD SC project in twenty ECCD MLC in Tak province, *“the relationship between development and background is far more complex than the usual statement that migrant children are disadvantaged. Language, gender, nutrition, health, and caregiver practices all interact”*.<sup>813</sup> This clearly calls for a comprehensive approach to migrant education, involving the broader child environment, including not only the overall education system, but also the family and community. On a positive note, the IDELA child assessment shows little difference between children in MLCs and Thai ECCD Centres regarding results, which is an encouraging sign that MLCs can be nurturing environments for child development. Unfortunately, significant differences were found in the child background characteristics; for example, children from MLCs come from poorer and larger family (with subsequently less potential attention from their caregivers), have access to fewer learning material and toys at home, and experience more physical discipline by mothers.<sup>814</sup>

In summary, MLCs provide education to an exceptionally high number of children. Despite some good practices and good proven results, globally, they rarely meet required standards to gain recognition: as a consequence, MLCs students are faced with the challenge of getting unaccredited diplomas and transcripts, which indeed *“destroys a lot of potential”*.<sup>815</sup>

Concerning **urban refugees**, most of them follow informal education in **community learning centres (CLC)**, *“established by NGOs, CSOs, communities and individuals throughout Bangkok to meet the education needs of urban refugee and asylum seeker children”*. Due to the variety of stakeholders and initiatives put in place, it is impossible to know the number of CLCs. The majority of centers use English and the mother tongue of the children as languages of instruction, but teachers are generally volunteers without qualifications of training, quality is perceived as low and provided education is, once more, not accredited.<sup>816</sup> However, these centers allow to mitigate education disruption, help build social cohesion, and contribute to the child’s well-being.<sup>817</sup>

Sometimes, in an attempt to offer education to these children, small-scale education initiatives take also place in private apartments, or through online courses, to reduce the risk of arrest.<sup>818</sup>

Limited opportunities are available for refugee and asylum seeker youth, as CLCs generally provide only primary level education, with some exceptions such as the Urban Education Project by the JRS (offering education guidance, language support and vocational and life skills education),<sup>819</sup> without any

accreditation on the curriculum, and the impossibility of transitioning into official higher education.<sup>820</sup>

In **refugee camps**, the curriculum is generally based on refugee culture/identity, and on the use of the children’s mother tongue as the instructional language, while English and Burmese are subjects. Thailand and Myanmar do not recognise this as official education, with lack of accreditation; refugee children repatriated in Myanmar face several challenges on reintegration into the official school system. Quality of infrastructure is poor (schools built in bamboo and thatch), materials are scarce,<sup>821</sup> teacher retention is low (due to resettlement, unfair salaries and competition from better paid NGOs jobs). There is also a lack of non-multilingual teachers without skills on catch-up classes, with lack of training and high turnover, and absence of PSS offered to children who might live in high distress. However, on a positive note, *“there has been a consolidation of basic education services in the camps and a transition program is currently being developed to support the return and integration of refugee students into schools in Myanmar”*.<sup>822</sup> However, given the recent renewal of instability in Myanmar following the Coup Feb. 1, 2021, student returns to the country for continued studies is now unlikely in the immediate. Moreover, reform of in-service teacher training has been recently introduced by SC and partners to improve this aspect, having a positive impact on teacher motivation and retention and student performance.<sup>823</sup> In fact, the evaluation assessment of teachers’ professional development and competencies conducted in 2018 in two shelters on the Thai/Myanmar borders, show that teachers score high for most competencies, even if they also expressed the desire to learn more on subjects such as Math, Science, English and Myanmar Language contents.<sup>824</sup>

The problem for both, migrant and refugee curriculums, is that, according to the government of Thailand, the curriculum is deemed *“inconsistent with the development of each age group and caused problems in adaptation and separation of children. Education in the learning centre cannot be used as evidence to transfer to the higher education or other education which is required for further study or employment opportunity in Thailand”*.<sup>825</sup>

## 6.7.2 Students’ performance

### 6.7.2.1 Government-run schools

According to the OCED/UNESCO review of education in Thailand, half of Thai students in school do not acquire the expected skills and *“Thailand will need to significantly enhance*

<sup>813</sup> Save the Children and Mahidol University, February 2018, *Unlock every child’s potential*, page 3.

<sup>814</sup> Save the Children and Mahidol University, February 2018, *Unlock every child’s potential*, pages 22-29.

<sup>815</sup> Save the Children, June 2016, *Addressing the issues of Non-Thai Education system in Thailand*, page 4.

<sup>816</sup> Alto for Porticus Asia, 2019, *Searching for an education - The education crisis for displaced learners in South and South East Asia. A study in Bangladesh, Malaysia, Myanmar and Thailand*, pages 73.

<sup>817</sup> Alto for Porticus Asia, 2019, *Searching for an education - The education crisis for displaced learners in South and South East Asia. A study in Bangladesh, Malaysia, Myanmar and Thailand*, pages 83.

<sup>818</sup> UNICEF, 2019, *Education knows no borders: a collection of good practices and lessons learned on migrant education in Thailand*, page 103.

<sup>819</sup> Alto for Porticus Asia, 2019, *Searching for an education - The education crisis for displaced learners in South and South East Asia. A study in Bangladesh, Malaysia, Myanmar and Thailand*, pages 84.

<sup>820</sup> Country Committee consisting of Asia Pacific Refugee Rights Network (APRRN), Coalition for Rights of Refugee and Stateless Person (CRSP), Fortify Rights and Save the Children, 2017, *Thailand End Child Detention Scorecard Summary Report*, page 15.

<sup>821</sup> Alto for Porticus Asia, 2019, *Searching for an education - The education crisis for displaced learners in South and South East Asia. A study in Bangladesh, Malaysia, Myanmar and Thailand*, pages 79-81.

<sup>822</sup> Alto for Porticus Asia, 2019, *Searching for an education - The education crisis for displaced learners in South and South East Asia. A study in Bangladesh, Malaysia, Myanmar and Thailand*, pages 72.

<sup>823</sup> Alto for Porticus Asia, 2019, *Searching for an education - The education crisis for displaced learners in South and South East Asia. A study in Bangladesh, Malaysia, Myanmar and Thailand*, pages 79-81.

<sup>824</sup> TeacherFOCUS Myanmar, June-August 2018, *Resilience: A Comprehensive Evaluation of Teacher Competencies and Professional Development in 2 Temporary Shelters on the Thai-Myanmar Border*, pages 6-9.

<sup>825</sup> Office of the Education Council, Ministry of Education, 2018, *Report on education management for non-Thai students and children of migrant workers in Thailand*, page E.

the effectiveness, equity and efficiency of its education system in order for students to achieve positive outcomes that match the country's investment in education and socioeconomic aspirations".<sup>826</sup> Too much variance remains in terms of school sizes and locations, and the government acknowledged in 2017 that creating a learning-conducive environment was a main challenge for the education sector.<sup>827</sup>

Aligned with this, results of the 2018 Programme for International Student Assessment (PISA)<sup>828</sup> showed that high-performing students were concentrated in some schools. Scores of students in reading, maths and science were lower than the OECD average. The percentage of students with the highest proficiency levels was also lower. Girls' results show the performance gains obtained thanks to enhanced access to education:

- Reading: 40% of students attained at least Level 2 proficiency (OECD average: 77%), while more than 10% of students were top performers. This was the lowest PISA score in reading ever for Thailand. Girls outperformed boys by 39 points (OECD average: 30).
- 47% of students in Thailand attained Level 2 or higher in mathematics (OECD average: 76%). Performance appeared to be stable. Girls outperformed boys by 16 points (OECD average: boys outperformed girls by 5 points).
- 56% of students in Thailand attained Level 2 or higher in science (OECD average: 78%). 1% of students were top performers in science. Performance appeared to be stable.<sup>829</sup> Girls outperformed boys by 20 points (OECD average: 2 points).

In addition, it is important to outline that "...socio-economic status was a strong predictor of performance [...]. It explained 11% of the variation in mathematics performance in PISA 2018 in Thailand (compared to 14% on average across OECD countries), and 12% of the variation in science performance (compared to the OECD average of 13% of the variation)".<sup>830</sup>

Regarding internal assessments, in the O-NET results most students do not perform well and, once again, results tend to be different across geographical locations.<sup>831</sup> The results of the 2019 O-net test at Primary 6 level demonstrated that students from the Northeast had the lowest mean score in three subjects, and students from the South had the lowest mean score in Thai language and the second lowest in three other subjects. The results for Upper and Lower Secondary O-net show are quite similar (for instance, for the Lower cycle, mean Northeastern scores in all four subjects were the lowest, and the second lowest were in the South).<sup>832</sup> According to

OECD/UNESCO, the "rigour" and methodology of tests should generally be strengthened.<sup>833</sup>

Finally, the prevalence of private tutoring is a significant issue, as a sort of "shadow education system" (number of private tutoring schools from 1985 and 2004 increased by 125% in Bangkok, and by 325% nationwide), with the risk of exacerbating the gap between poor students and rich students who can afford this extra support.<sup>834</sup>

### 6.7.2.2. Ethnic and indigenous children



One of family which participated in positive parenting workshop from Eat, Play, Love, & Read (EPLR) Project in the Deep South of Thailand.

Children from the Muslim Patani Malay communities have worse performances than their Thai majority peers. For example, a 2017 study mentions Thai writing test taken in 2008 by all third graders: 42.11% failed compared to 5.8% in the whole of Thailand. These results can be attributed to the necessity of using Thai, which is not their mother tongue. The use of English can also constitute a barrier for ethnic and indigenous communities.<sup>835</sup> On the opposite side of the country, stateless children from hill tribes do not speak Standard or Central Thai, which is the official language of instruction, contributing to several difficulties in the learning process. Northeast students and Deep South students scored respectively 7.81% and 14.09% worse than peers in Central regions in 2010 Grade 9 O-NET scores. It is therefore possible to say that "ethnicity is the single largest difference that predicts education success", because of the different home languages and lower quality education offered in schools.<sup>836</sup>

<sup>826</sup> OECD/UNESCO, 2016, *Education in Thailand: An OECD-UNESCO Perspective, Reviews of National Policies for Education*, OECD Publishing, Paris, page 15.

<sup>827</sup> Government of Thailand, 2017, *Thailand's Voluntary National Review on the Implementation of the 2030 Agenda for Sustainable Development*, page 19.

<sup>828</sup> "Triennial survey of 15-year-old students that assesses the extent to which they have acquired the key knowledge and skills essential for full participation in society. The assessment focuses on proficiency in reading, mathematics, science and an innovative domain", in OECD, 2018, *Country Note Thailand - Programme for International Student Assessment (PISA) results from PISA 2018*, page 1. [https://www.oecd.org/pisa/publications/PISA2018\\_CN\\_THA.pdf](https://www.oecd.org/pisa/publications/PISA2018_CN_THA.pdf)

<sup>829</sup> OECD, 2018, *Country Note Thailand - Programme for International Student Assessment (PISA) results from PISA 2018*, pages 1-6. [https://www.oecd.org/pisa/publications/PISA2018\\_CN\\_THA.pdf](https://www.oecd.org/pisa/publications/PISA2018_CN_THA.pdf)

<sup>830</sup> OECD, 2018, *Country Note Thailand - Programme for International Student Assessment (PISA) results from PISA 2018*, page 14. [https://www.oecd.org/pisa/publications/PISA2018\\_CN\\_THA.pdf](https://www.oecd.org/pisa/publications/PISA2018_CN_THA.pdf)

<sup>831</sup> OECD, 2018, *Country Note Thailand - Programme for International Student Assessment (PISA) results from PISA 2018*, page 139. [https://www.oecd.org/pisa/publications/PISA2018\\_CN\\_THA.pdf](https://www.oecd.org/pisa/publications/PISA2018_CN_THA.pdf)

<sup>832</sup> [http://www.newonetestresult.niets.or.th/AnnouncementWeb/PDF/SummaryONETP6\\_2562.pdf](http://www.newonetestresult.niets.or.th/AnnouncementWeb/PDF/SummaryONETP6_2562.pdf)

<sup>833</sup> OECD/UNESCO, 2016, *Education in Thailand: An OECD-UNESCO Perspective, Reviews of National Policies for Education*, OECD Publishing, Paris, page 16. <http://dx.doi.org/10.1787/9789264259119-en>

<sup>834</sup> OECD/UNESCO, 2016, *Education in Thailand: An OECD-UNESCO Perspective, Reviews of National Policies for Education*, OECD Publishing, Paris, page 158. <http://dx.doi.org/10.1787/9789264259119-en>

<sup>835</sup> Suwannarong Kanokwan for Save the Children, 2017, *A desk review for Research for Promoting Rural Opportunities for Children's Empowerment, Education, and Development (PROCEED)*, pages 52 and 57.

<sup>836</sup> Draper 2012, cited in Alto for Porticus Asia, 2019, *Searching for an education - The education crisis for displaced learners in South and South East Asia. A study in Bangladesh, Malaysia, Myanmar and Thailand*, page 85.



## 6.8 Violence in schools

*“Adults who should be the first caretaker or the protector such as teachers, police, community members are the one who destroy the feeling and the dignity of the children”.*<sup>837</sup>

Bullying and discrimination in schools is prevalent, as social norms tolerate violence, with heavy impacts on students, such as dropping out and depression.<sup>838</sup> However, according to a 2011 article, *“violence rates among the Thai youths are moderate compared with some other nations”.*<sup>839</sup>

Concerning corporal punishment by teachers, the 2011 CRC report outlined that most teachers considered negative discipline methods necessary, such as physical and verbal abuse.<sup>840</sup> Apparently, males are victims of higher rates of physical punishment and violence by peers in schools.<sup>841</sup>

With regard to bullying, the Ramjitti Institute estimated that there were 700,000 student victims of physical and verbal abuse.<sup>842</sup> According to the PISA assessment, 27% of students in Thailand reported having been bullied sometimes every month (more than the OECD average, 23%). 77% of students in country affirmed that it is good to help students who cannot defend themselves (88% is the OECD average).<sup>843</sup> Apparently, a project of positive discipline and classroom management was conducted by the MoE from 2011 to 2018, but this CRSA could not find further information on such a project.<sup>844</sup>

Sexual violence is also committed, especially against girls, and *“given the patriarchal structure of Thai society, cultural sex role stereotypes play an important role in endorsing violent behaviour”* and reinforce a double standard for men and women concerning sexual violence.<sup>845</sup>

LGBTIQ+ and gender non-conforming children are particularly at risk of bullying, even by teachers (for instance, sarcastic

comments or mockery). Schools are not safe places for LGBTIQ+ children and adolescents: they contribute to reproduce unequal power dynamics and stigmatise “diversity”, considering being LGBTI as a disease:

*“The school tells students not to get too close to the “third gender.” My friend, who was supposed to be someone whom I trust, obeyed this teaching and did not accept me. I want my friend to accept me for who I am.”*<sup>846</sup>

This can lead the LGBTIQ+ children and youth to suicide attempts. LGBTI are also at risk of sexual harassment, and *“female students who identify as lesbian, or tom (more masculine) are the least accepted group of students”.*<sup>847</sup> Trans students do not go to toilets in schools for fear of sexual harassment, and if they report an incident, teachers often say it was their fault; they are isolated and considered sexual deviants.<sup>848</sup>

## 6.9 Non-formal education

Concerning non-formal education, the Office of the Non-formal and Informal Education under the MoE is in charge of organising non-formal opportunities for out-of-school children. Another governmental entity is the Quality Learning Foundation, tasked with data collection on disadvantaged children and providing support by way of healthcare, education, and social aid.<sup>849</sup>

Non-formal education relates to lifelong learning opportunities for the out-of-school population, from primary to vocational levels.<sup>850</sup> In 2019, there were a total of 1,643,111 students enrolled in non-formal education,<sup>851</sup> in a myriad of opportunities offered by the MoE (Office of the Private Education Commission, through Religious Study, Arts and Sports, Enrichment for life skills, Pondok, Tadika among others); the Office of Vocational Education Commission also offers a wide range of vocational training, short-term training, Agricultural short courses, collaboration with Border Patrol Police Course Training, and many others. In addition, 20 institutions are managed by the Ministry of Higher Education, Science, Research and Innovation. Finally, the Bangkok Metropolitan Administration manages 10 vocational training schools.<sup>852</sup>

The Equitable Education Fund (EEF) includes a great number of initiatives to support children, but also youth, who are in greater need, including vocational education and internship. Migrant and stateless adolescents tend to often choose a non-formal educational path, but the problem of access due to the

<sup>837</sup> Save the Children Thailand, 2021, *Internal document: consultations with children organised by SCI Thailand during the Country Strategic Planning process.*

<sup>838</sup> UNICEF, 2016, *A situation analysis of adolescents in Thailand 2015 - 2016*, page 37.

<sup>839</sup> Pradubmook Sherer Penchan, Sherer Moshe, *Violence among high school students in Thailand: Cultural perspectives*. *International Journal of Intercultural Relations - INT J INTERCULT RELAT.* 35, 10.1016/j.ijintrel.2011.06.004, page 876.

<sup>840</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 14.

<sup>841</sup> Pradubmook Sherer Penchan, Sherer Moshe, *Violence among high school students in Thailand: Cultural perspectives*. *International Journal of Intercultural Relations - INT J INTERCULT RELAT.* 35, 10.1016/j.ijintrel.2011.06.004, page 877.

<sup>842</sup> UNICEF, 2016, *A situation analysis of adolescents in Thailand 2015–2016*, page 33.

<sup>843</sup> OECD, 2018, *Country Note Thailand - Programme for International Student Assessment (PISA) results from PISA 2018*, page 7. [https://www.oecd.org/pisa/publications/PISA2018\\_CN\\_THA.pdf](https://www.oecd.org/pisa/publications/PISA2018_CN_THA.pdf)

<sup>844</sup> Committee on the Rights of the Child, 20 January 2012, *Implementation of the Convention on the Rights of the Child. List of issues concerning additional and updated information related to the third and fourth combined periodic report of Thailand (CRC/C/THA/3-4). Addendum - Written replies of Thailand*, pages 8 and 9.

<sup>845</sup> Pradubmook Sherer Penchan, Sherer Moshe, *Violence among high school students in Thailand: Cultural perspectives*. *International Journal of Intercultural Relations - INT J INTERCULT RELAT.* 35, 10.1016/j.ijintrel.2011.06.004, page 876.

<sup>846</sup> The Coalition of CSOs and INGOs for Children's SOGIESC Rights -Thailand, 25 March 2021, *Joint submission to the United Nations Human Rights Council - 39th Session of the Working Group on the Universal Periodic Review*, pages 6 and 7.

<sup>847</sup> Tai CSOs coalition for the UPR, 2016, *2nd Cycle Universal Periodic Review - Thailand UPR 2016 - Information on the status of the human rights situation in Thailand*, page 47.

<sup>848</sup> Togetherness For Equality (TEA) and The Working Group for Gender Equality, Rights and Freedom in Thailand, June 2017, *Thailand: Discrimination and Violence against Women and LGBTI Persons - Shadow report to the Committee on the Elimination of Discrimination Against Women (CEDAW) for consideration at the 67th session*, 2017, pages 10 and 11.

<sup>849</sup> Vayachuta Pattra, Ratana-Ubol Archanya and Soopanyo Weerachai, 2016, *The study of 'out-of-school' children and youth situations for developing a lifelong education model for 'out-of-school' children and youth*. *SHS Web of Conferences 26 shsconf/20162601015 ERPA2015*, page 4.

<sup>850</sup> UNICEF and Thailand Development Research Institute, May 2020, *Youth Employability Scoping Study*, page 2.

<sup>851</sup> <http://statbbi.nso.go.th/staticreport/page/sector/th/03.aspx>

<sup>852</sup> Office of the Permanent Secretary, Ministry of Education, *Thailand, 2019, Educational Statistics 2019*, page 64.

lack of official documentation, especially identity cards, is an obstacle even in this regard. UNICEF notes that *“There is a gap in providing education for adolescent migrants who have just arrived in Thailand, particularly those with no or little prior education”*.<sup>853</sup>

## 6.10 Vocational education

Thailand attaches great importance to vocational education and training through, for example, strategy 3 of the 2018-2036 National Strategy which focuses on *Capital development and strengthening* by looking at learning and employability.<sup>854</sup>

Vocational education is offered through three different types of services:

- Upper secondary level (with a lower vocational certificate).
- Post-secondary level (with a higher vocational certificate).
- Tertiary vocational education (with a bachelor’s degree).<sup>855</sup>

The Office of Vocational Education Commission offers vocational education to 1,012,580 students through 913 public institutions (technical and industrial colleges, Business Administration and Tourism Colleges, Commercial Colleges, Arts and Crafts Colleges, Polytechnic, College of Technology and Management, Agricultural and Technology Colleges, Industrial and Ship building Colleges, Fishery Colleges, Vocational Education Colleges). It is to be outlined that these public institutions are mainly found in provinces other than Bangkok (respectively, 814 against 99). In addition, there are also 484 Private Vocational Schools (406 in other provinces, 78 in Bangkok). Finally, through *“other organisations’ institutions”*, were enrolled 2,883,447 students (approximately one third of which in Bangkok).<sup>856</sup>

### 6.10.1. Transition to work

Thailand is a country facing myriad challenges, such as an aging society requiring a prepared young<sup>857</sup> labour force, and the use of technology as a potential threat to some types of employment (with a consequent need for transformation and learning new skills). According to the 2018 Labour Force Survey, *“young people have nearly seven times the adult unemployment rate [...] High youth unemployment (4.87 per cent) suggests a rather painful transition for young people as they attempt to enter the labour force”*.<sup>858</sup> Surprisingly, child labour protection laws are considered complex and may lead to employers avoiding hiring young people under 20 (age at which parental consent to work is not necessary anymore).

At present, 4.11 million youth are in the labour force, versus 5.34 million not in the labour force (this may also be due to the

opportunity of staying in education longer, thanks to the fifteen years of free education). More than 50% are private employees, followed by those employed in a family business (especially agriculture); young female workers are employed in professional and service-related jobs, while male workers are employed as skilled agricultural forestry and fishery workers or assemblers.

Education background does impact wages, while male youth earn more than females in some, but not all, sectors (mainly agriculture and industry); the opposite is happening in the service and communication sectors, but gender disparity continues to persist, for example, in terms of employer presences when choosing their candidate.<sup>859</sup>

Beyond this, Thai youth consider the option of becoming entrepreneurs in high esteem, but *“a certain number of them still lack a growth mindset compared to their counterparts in other countries”*.<sup>860</sup>

The legitimate question as to whether or not higher education attainments help reduce the unemployment rate has a negative answer. For example, for those with higher education, this raises the question of the link between studies and market demand, and *“Educational mismatch occurs mainly at the tertiary education level since there are various specialised subjects that neither truly serve the existing market demands, nor learners’ true aspirations”*.<sup>861</sup>

Moreover, a desirable employability skillset includes learning to learn, communication, teamwork and problem-solving, and non-formal and informal education can nowadays also be perceived as providing a quality education.<sup>862</sup> Change should begin with the educational process and curriculum; active learning and problem-solving are valuable skills that can be learnt in school, whether formal or non-formal.<sup>863</sup>

It is certain that automation is changing the employability landscape, and people need lifelong learning and employability skills in order to be prepared. In addition, skills are not written in stone and immovable; on the contrary, a flexible approach is needed.<sup>864</sup> The public sector should also cooperate with the private sector to enhance skill trainings and adjust demand and offer:<sup>865</sup> In this regard, the Government established vocational education schemes, on a bilateral basis, between Chambers of Commerce in 18 groups of Provinces and relevant public institutions”.<sup>866</sup> Moreover, the government supports the Dual Vocational Education Initiative (*“introduced to prepare students with practical knowledge and skills for employment by moving the classroom into the workplace”*)<sup>867</sup>, merging curricula of normal and vocational education, and the

<sup>853</sup> UNICEF, 2019, *Education knows no borders: a collection of good practices and lessons learned on migrant education in Thailand*, page 14.

<sup>854</sup> UNICEF and Thailand Development Research Institute, May 2020, *Youth Employability Scoping Study*, page 15.

<sup>855</sup> Bureau of International Cooperation, Office of the Permanent Secretary for Education, Ministry of Education, Thailand, 2017, *Thai education in brief. Education as a Spearhead to Break through the Middle-Income Trap*, page 2. [https://www.bic.moe.go.th/images/stories/pdf/thai\\_education\\_in\\_brief\\_2017.pdf](https://www.bic.moe.go.th/images/stories/pdf/thai_education_in_brief_2017.pdf)

<sup>856</sup> Office of the Permanent Secretary, Ministry of Education, Thailand, 2019, *Educational Statistics 2019*, page 32.

<sup>857</sup> In the study of reference, the UN definition of youth is people aged 15-24 years.

<sup>858</sup> UNICEF and Thailand Development Research Institute, May 2020, *Youth Employability Scoping Study*, page 1.

<sup>859</sup> UNICEF and Thailand Development Research Institute, May 2020, *Youth Employability Scoping Study*, page 8.

<sup>860</sup> UNICEF and Thailand Development Research Institute, May 2020, *Youth Employability Scoping Study*, page 14.

<sup>861</sup> UNICEF and Thailand Development Research Institute, May 2020, *Youth Employability Scoping Study*, page 26.

<sup>862</sup> UNICEF and Thailand Development Research Institute, May 2020, *Youth Employability Scoping Study*, pages 1, 5, 6, 7, 9, 10, 11, 12.

<sup>863</sup> UNICEF and Thailand Development Research Institute, May 2020, *Youth Employability Scoping Study*, page 25.

<sup>864</sup> UNICEF and Thailand Development Research Institute, May 2020, *Youth Employability Scoping Study*, page 25 and 26.

<sup>865</sup> UNICEF and Thailand Development Research Institute, May 2020, *Youth Employability Scoping Study*, page 23.

<sup>866</sup> Government of Thailand, 2017, *Thailand’s Voluntary National Review on the Implementation of the 2030 Agenda for Sustainable Development*, page 19.

<sup>867</sup> UNICEF and Thailand Development Research Institute, May 2020, *Youth Employability Scoping Study*, page 43.

*Cooperative Education Initiative* to enhance work experience at the tertiary and vocational level.<sup>868</sup>

Finally, internship skills, which are a powerful tool for employability, and vocational education in particular, fulfil a paramount role for skill development in the private sector.<sup>869</sup>

## 6.11 Education under attack



*Under Eat, Play, Love, & Read (EPLR) Project in the Southern most provinces of Thailand, Save the Children focused to support children's early development through improved parent support and access to books.*

While the conflict is fuelled by fears of assimilation within the Patani Malay population, government schools are seen as symbols of power and become targets of attacks.<sup>870</sup> In summary, “*Malay Muslims fear that the use of Thai in education would initiate the erosion of the Malay language and culture*”. In 2014, the Southern Border Provinces Administrative Centre’s Deputy Secretary General agreed that education had been used as a “*manipulative tool*”, based on a biased curriculum.<sup>871</sup>

The violence and militarisation of the conflict in the Southern region has had a strong impact on education, resulting also in the “*fracturing of the social fabric of inter-community relations and social cohesion*” between the Thai Buddhist and Malay Muslim communities.<sup>872</sup>

Thailand has not endorsed the 2015 Safe Schools Declaration<sup>873</sup> and, according to the 2020 Global Coalition to Protect Education from Attack, Thailand is placed in category n. 3, meaning 499 or fewer incidents of attacks on education or military use of educational facilities, or 499 or fewer students and education personnel harmed by attacks on education.<sup>874</sup>

No new reports on school-related child recruitment had been communicated for the period 2015 to 2019, but this may also be due to changes in monitoring access, not as certain sign of a decrease of child recruitment.<sup>875</sup>

Attacks on schools decreased between 2017 and 2019 (but “*a spike in armed clashes and bombings occurred in the Southern border provinces in 2018 and 2019*”), while attacks on school personnel were stable compared to the 2013-2017 reporting period.<sup>876</sup> For the period between 2017-2019, nine reports of attacks to schools were reported, with burning and also bombing; in addition, at least 20 attacks on students and education personnel were reported, many of which were aimed at targeting police or volunteer defense guards, but also affected students and teachers through injury or death.<sup>877</sup> Finally, for the same period from 2017-2019, nine reports of attacks on higher education, including explosions and gunfire, were communicated.<sup>878</sup>

The consequence is the disruption of education for approximately 1 million regional children (according to a 2014 secondary source) who became accustomed to living in constant state of fear and insecurity,<sup>879</sup> and the way to peace should pass through policy initiatives. The National Reconciliation Commission recommended maintaining educational diversity and establishing joint learning centres in Pattani and Narathiwat, but also promoting collaboration with *Tadika* schools to develop a secular and religious curriculum. Another important point would be to promote cultural exchanges between Thai Buddhist and Malay Muslim students.<sup>880</sup> In this sense, the Bureau of Education Development for Special Administrative Zone in the South is implementing more pluralist policies, for example through pilot projects in bilingual education, and attempting to promote a more balanced history curriculum. The creation of an integrated education system would be a paramount step in overcoming segregation. In the last decade, a variety of initiatives have been implemented by UN agencies, universities

<sup>868</sup> Government of Thailand, 2017, *Thailand's Voluntary National Review on the Implementation of the 2030 Agenda for Sustainable Development*, page 19.

<sup>869</sup> UNICEF and Thailand Development Research Institute, May 2020, *Youth Employability Scoping Study*, page 42.

<sup>870</sup> <https://uil.unesco.org/case-study/effective-practices-database-litbase-0/patani-malay-thai-bilingual-multilingual-education>

<sup>871</sup> UNICEF, 2014, *Thailand Case Study in Education, Conflict and Social Cohesion*, pages 8 and 9.

<sup>872</sup> UNICEF, 2014, *Thailand Case Study in Education, Conflict and Social Cohesion*, pages 5-7.

<sup>873</sup> <https://ssd.protectingeducation.org/endorsement/>

<sup>874</sup> Global Coalition to Protect Education from Attack, 2020, *Education under attack 2020*, page 28, 47,

<sup>875</sup> Global Coalition to Protect Education from Attack, 2020, *Education under attack 2020*, page 28, 47,

<sup>876</sup> Global Coalition to Protect Education from Attack, 2020, *Education under attack 2020*, page 232.

<sup>877</sup> Global Coalition to Protect Education from Attack, 2020, *Education under attack 2020*, page 232 and 233.

<sup>878</sup> Global Coalition to Protect Education from Attack, 2020, *Education under attack 2020*, page 234.

<sup>879</sup> UNICEF, 2014, *Thailand Case Study in Education, Conflict and Social Cohesion*, page 10.

<sup>880</sup> UNICEF, 2014, *Thailand Case Study in Education, Conflict and Social Cohesion*, page 16.

and CSO, to promote peacebuilding and social cohesion in the region.<sup>881</sup>

## 6.12 Impact of COVID-19



*Students in 50 Healthy Schools Project learning about hygiene and protection from COVID-19.*

It has been stated that, around the world, “school closures caused by the pandemic will exacerbate existing inequalities and set progress back even further, particularly for the most marginalised and deprived children”.<sup>882</sup> For example, this may include not being re-enrolled into school to contribute to family income, increases in child marriage, increased risk of violence and sexual abuse, but also strengthen the equity gap between children upon return, due to loss of learning.<sup>883</sup> For pre-primary children, the lockdown and school closure meant lack of development, as parents often do not engage in learning and playing with their children. To mitigate this, some government initiatives included an online training for parents, and enhanced use of the ‘KhunLook’ app for parents with support from ECCD teachers.<sup>884</sup>

The impact of COVID 19 on education and on leisure time activities, including sport, was heavy. For children aged 5-17 years in Thailand, the year 2020 was the most worrisome on physical activities comparing to the period from 2012 to 2019. Only 25% of children practiced sufficient physical activities that met the WHO’s standard of at least 60 minutes of physical activities per day (every year, girls had less physical activities than boys). The estimate time of sedentary behaviour between 2012-2017 was 13.5 hours per day, while between 2018-2020, it was 14 hours per day. The lack of physical activity may have severe consequences, as sport helps the development of muscles and bones, reinforces the body’s strength, but it also has a positive impact on the brain and nervous system.<sup>885</sup>

Schools were on holidays when the state of emergency was declared in March 2020, and this gave the government time to organise the education response.<sup>886</sup> As happened in many other countries, until August 2020, different schooling methods have been implemented: online classes and blended approaches. Vocational colleges were also closed, and communication continued through platforms such as Zoom, MS Teams, and Facebook. The MoE cancelled the 5,000 Baht annual fee for the 350,000 vocational college students at higher diploma level for the academic year 2020-2021.<sup>887</sup>

The main bottlenecks for access to education during the pandemic have been:<sup>888</sup>

- Lack of electronic devices (tablets or computers). Even when available, the issue remains of how to use/share them when there is more than one child in the family;<sup>889</sup>
- Weak Internet connection;
- Poor online materials. Moreover, learning materials are not available for ethnic and indigenous communities speaking other languages;<sup>890</sup>
- Lack of teacher training on ICT to deliver online classes;
- Home environment not conducive to learning (for instance, in Thailand, 30% of children aged 15 lack access to a quiet room to study);<sup>891</sup>
- Social impact of closure on education personnel;<sup>892</sup>
- Increased protection risks for children;
- And even decreased quality of nutrition for the most vulnerable children: for them, the impact of school closure also materialised into hunger. For ECCD children, the MoE and Ministry of Interior managed meals to be collected by parents, while for the Primary level, Through the Equitable Education Fund approved (1st May 2020), 2,000 million Baht were allocated to support food for children in households of 750,000 low earning labourers.<sup>893</sup>

As pointed out in the *Social impact assessment of COVID-19*, “students from poorer (COVID-affected) urban households, including in Bangkok and the Southern provinces, are likely to see the largest increase in dropout [...], learning losses from school closures, and reduced learning overall due to the adoption of blended learning approaches”.<sup>894</sup>

Distance education has evidenced weak aspects of education, but also social systems as well; for example, the digital divide, which can worsen inequality, leaving behind even more children.<sup>895</sup> In fact, only 45% students in rural areas reported having access to a computer at home, compared to 70% in urban areas.<sup>896</sup>

<sup>881</sup> UNICEF, 2014, *Thailand Case Study in Education, Conflict and Social Cohesion*, page 18.

<sup>882</sup> Save the Children, 2020, *Protect a generation - The impact of COVID-19 on children's lives*, page 47.

<sup>883</sup> Save the Children, 2020, *Protect a generation - The impact of COVID-19 on children's lives*, page 47.

<sup>884</sup> Oxford Policy Management and United Nations in Thailand, July 2020, *Social Impact Assessment of COVID-19 in Thailand*, page 94.

<sup>885</sup> Mahidol University, TPAK and Thai Health Promotion Foundation, 2020, *Physical activity in Thailand after COVID-19 Pandemic*, pages 20-22.

<sup>886</sup> Oxford Policy Management and United Nations in Thailand, July 2020, *Social Impact Assessment of COVID-19 in Thailand*, page 75.

<sup>887</sup> Oxford Policy Management and United Nations in Thailand, July 2020, *Social Impact Assessment of COVID-19 in Thailand*, page 77.

<sup>888</sup> Oxford Policy Management and United Nations in Thailand, July 2020, *Social Impact Assessment of COVID-19 in Thailand*, page 77.

<sup>889</sup> Oxford Policy Management and United Nations in Thailand, July 2020, *Social Impact Assessment of COVID-19 in Thailand*, page 77.

<sup>890</sup> Oxford Policy Management and United Nations in Thailand, July 2020, *Social Impact Assessment of COVID-19 in Thailand*, page 77.

<sup>891</sup> Oxford Policy Management and United Nations in Thailand, July 2020, *Social Impact Assessment of COVID-19 in Thailand*, page 77.

<sup>892</sup> Oxford Policy Management and United Nations in Thailand, July 2020, *Social Impact Assessment of COVID-19 in Thailand*, page 77.

<sup>893</sup> Oxford Policy Management and United Nations in Thailand, July 2020, *Social Impact Assessment of COVID-19 in Thailand*, page 77.

<sup>894</sup> Oxford Policy Management and United Nations in Thailand, July 2020, *Social Impact Assessment of COVID-19 in Thailand*, page 77.

<sup>895</sup> Oxford Policy Management and United Nations in Thailand, July 2020, *Social Impact Assessment of COVID-19 in Thailand*, page 77.

<sup>896</sup> Oxford Policy Management and United Nations in Thailand, July 2020, *Social Impact Assessment of COVID-19 in Thailand*, page 77.

<sup>890</sup> Oxford Policy Management and United Nations in Thailand, July 2020, *Social Impact Assessment of COVID-19 in Thailand*, page 90.

<sup>891</sup> OECD 2020, cited in UNESCO, 2020, *Global Education Monitoring Report. Inclusion and education: All means all*, page 60.

<sup>892</sup> Oxford Policy Management and United Nations in Thailand, July 2020, *Social Impact Assessment of COVID-19 in Thailand*, page 15.

<sup>893</sup> Oxford Policy Management and United Nations in Thailand, July 2020, *Social Impact Assessment of COVID-19 in Thailand*, pages 8 and 16.

<sup>894</sup> Oxford Policy Management and United Nations in Thailand, July 2020, *Social Impact Assessment of COVID-19 in Thailand*, page 77.

<sup>895</sup> <https://www.aksorn.com/learningviaonline>

<sup>896</sup> Oxford Policy Management and United Nations in Thailand, July 2020, *Social Impact Assessment of COVID-19 in Thailand*, page 90.

Improvements have been implemented in Thailand such as introducing free wi-fi into 4,000 villages (cost: 325 million USD).<sup>897</sup> The country should also enhance teacher capacity to use ICT in their classes, while promoting student development of computer skills. In fact, OECD outlines that “a higher rate of ICT use is not necessarily associated with greater ICT proficiency. This seems to be the case in Thailand, where students reported an above-average use of computers”.<sup>898</sup>

However, as some secondary sources point out, behind every crisis there can be an opportunity: in this case, a pedagogical renewal and the development of a strategy relying on different types of technology. If imperfect, distance learning showed the potentiality of remote modalities for pedagogical reasons.<sup>899</sup> In this sense, the MoE launched a “new alternative initial teacher education programs” in teacher education colleges, which was a proactive decision. Significantly, subjects missing in the traditional curriculum, such as professional development, change of routine in space and time, and individualised learning are part of this programme. As a consequence, the Coronavirus forced the Thai teacher education system into the 21st century, with the new challenge of maintaining and reinforcing the lessons learnt and “new” good practices.<sup>900</sup>

However, this “entry into the 21<sup>st</sup> century” is not fully inclusive; for child migrants, it is possible to argue that the disruption of education has been further exacerbated by accrued language barriers, a particularly severe digital divide, lack of support from parents, and of course greater risk of involvement in child labour.<sup>901</sup> This is worsened by the prolonged closure: while the government education system reopened on 1 July, 2020, migrant children were studying from home, and a reopening was decided for October 2020.<sup>902</sup> Unfortunately, the MLCs remain closed at this time, which means not only the loss of one whole academic year for thousands of children, but also loss of the sense of normalcy and routine that only schools can provide, multiplied risks of exploitation and abuse, potential dropout. Sometimes, home-based learning is provided by teachers, but this is not a sustainable option, while online learning might not be possible for migrant children.<sup>903</sup> Approximately “19,410 migrant children are affected as a result of the school closure”.<sup>904</sup>

<sup>897</sup> UNESCO, 2020, *Global Education Monitoring Report. Inclusion and education: All means all*, page 57.  
<sup>898</sup> See all the involved actors in OECD/UNESCO, 2016, *Education in Thailand: An OECD-UNESCO Perspective, Reviews of National Policies for Education*, OECD Publishing, Paris, pages 17 and 254. <http://dx.doi.org/10.1787/9789264259119-en>  
<sup>899</sup> Vanpetch Yingsak, Sattayathamrongthian Mahachai, 2020, *The challenge and opportunities of Thailand education due to the covid-19 pandemic: case study of Nakhon Pathom, Thailand*. E3S Web of Conferences 210, 18058 (2020) ITSE-2020, pages 1 and 2.  
<sup>900</sup> Vanpetch Yingsak, Sattayathamrongthian Mahachai, 2020, *The challenge and opportunities of Thailand education due to the covid-19 pandemic: case study of Nakhon Pathom, Thailand*. E3S Web of Conferences 210, 18058 (2020) ITSE-2020, page 4.  
<sup>901</sup> Sasaki Mia for TeacherFOCUS 2020, June 2020, *Education reimaged. COVID-19 emergency response for migrant education - Tak province, Thailand*, page 17.



## 7. Civil rights and freedoms

### 7.1. CRC Clusters

Articles	Themes
Article 7: Right to a name and to acquire a nationality	Citizenship
Article 8: Right to preserve his or her identity	
Article 13: Right to freedom of expression	Citizenship and participation
Article 14: Right to freedom of thought, conscience and religion	
Article 15: Right to freedom of association and to freedom of peaceful assembly	
Article 16: Right to privacy	
Article 17: Right to access to information	

### 7.2 Birth (article 7) and Nationality (article 7)

Birth registration is the key that allows access to all other rights and social services (education and healthcare), but is also the first powerful protection guarantee for all children. The lack of birth records means lack of an identity and of a nationality; stateless condition is, de facto, a condition of invisibility. Statelessness can be also provoked by loss of birth records, or attempt to register a Thai child too late (after 15 years of age).<sup>905</sup>

The 2008 Civil Registration Act establishes these procedures for birth registration for all children born in Thailand.<sup>906</sup> The birth document can be issued by the hospital or the village leader (in case of births out of the hospital), and parents are responsible to report the birth at the district registration unit within 15 days; after which, the certificate and personal identification number are communicated by the District Registrar.<sup>907</sup> Moreover, the Act also allows for the late registration of a Thai child’s birth (until 15 years), with available evidence of the

<sup>902</sup> <https://www.unicef.org/thailand/stories/children-and-teachers-migrant-learning-centres-face-challenges-due-covid-19>  
<sup>903</sup> Source: key informant.  
<sup>904</sup> Convention on the Rights of the Child Coalition of Thailand, 25 March 2021, *Submission to the Universal Periodic Review of Thailand*, page 4.  
<sup>905</sup> Suwannarong Kanokwan for Save the Children, 2017, *A desk review for Research for Promoting Rural Opportunities for Children’s Empowerment, Education, and Development (PROCEED)*, pages 44 and 45.  
<sup>906</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand\**, page 9.  
<sup>907</sup> National Statistical Office and UNICEF, 2020, *Multiple Indicator Cluster Survey*, page 191.

facts,<sup>908</sup> even if there are financial sanctions in these cases.<sup>909</sup> Both women and men can register the birth of their children and pass on their nationality to him/her (Civil and Commercial Code).<sup>910</sup>

In 2016, the Human Rights Council noted that, thanks to the amendments to the 2008 Nationality Act and the 2008 Civil Registration Act, all children born in-country have the right to be registered regardless of parental status.<sup>911</sup> This led to an almost universal achievement of birth registration: 99.8% according to the MICS.<sup>912</sup> However, there are still gaps between registration of Thai or non-Thai children, and concerning the right to nationality for abandoned children.<sup>913</sup> In general, lack of registration can be also caused by parental fears of drawing attention to their status.<sup>914</sup>

According to the 2008 Nationality Act, a child born of a Thai father out of wedlock has the right to acquire the nationality of the father, and the amendment *“requires the word “father” to include a person proved to be the father of the child in accordance with the procedures prescribed under the ministerial regulation”*. Moreover, the Act recognises the equal right of a child, wife or husband of a Thai person to apply for naturalisation as a Thai.<sup>915</sup>

### 7.3 Name (article 7)

The 1962 Person Name Act, as amended in 2005, sets in its Section 5 that *“A Thai national must have a first name and a last name, and may also have a middle name”*.<sup>916</sup>

### 7.4 Freedom of expression (article 13)/Freedom of thought, conscience and religion (article 14)

Section 34 of the Thai Constitution states: *“A person shall enjoy the liberty to express opinions, make speeches, write, print, publicise and express by other means. The restriction of such liberty shall not be imposed, except by virtue of the provisions of law specifically enacted for the purpose of maintaining the security of the State”*.<sup>917</sup> However, in 2016, the Human Rights Council highlighted that legal restrictions on the freedom of expression were applied to silence critics, for instance lèse majesté (section 112 of the Criminal Code), sedition (section 116 of the Criminal Code), defamation (sections 326 and 328 of the Criminal Code). Moreover, *“requests for a country visit by the Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression, on the rights to*

*freedom of peaceful assembly and of association and on Torture had remained pending since 2012, 2013 and 2014 respectively”*.<sup>918</sup>

According to Thai Lawyers for Human Rights, since the 2020 protests, at least 44 children (the youngest being 14 years old) have been charged with laws such as Lèse majesté (section 112) and Sedition (section 116) *“from simply expressing their voice through the freedom of expression and freedom of assembly”*.<sup>919</sup> In March 2021, 32 protesters, including 7 children, were arrested, while *“the investigation of the juvenile court has been uncommon and does not follow the guidelines on the best interest of the child”*.<sup>920</sup> The Juvenile and Family Court do not take into account *“facts and testimonies related to physical assaults and harms, all procedures conducted by riot police being excluded from the process of hearing arrest”*.<sup>921</sup> At the time of writing, 29 are still being held by police without warrants. Moreover, children going through criminal proceedings experience stigmatization in school and family, and their family members can be as well targeted by officials and questioned about their children.<sup>922</sup> Finally, children charged with criminal offences might face a financial crisis and being excluded from the education system.<sup>923</sup>

Further to the recent events in Thailand, in August 2020, UNICEF issued a statement requiring that all stakeholders should respect the right of children and youth to freedom of expression, without intimidation.<sup>924</sup> In October 2020, the Child Rights Coalition Thailand issued a statement on the children’s rights to freedom of expression, *“including to seek, receive and impart information and opinions”*, and urging the government *“to protect the rights of children and youth to meaningfully participate in discussions affecting their futures and to express opinions”*.<sup>925</sup>

### 7.5 Access to information (article 17)

Gaining access to public information is a constitutional right, confirmed by the 1997 Official Information Act.<sup>926</sup> However, it seems that no specific clause exists in terms of the right to the child to have access to information.

Concerning the protection of children from inappropriate information, in the 2011 CRC report the government informed that a *“television content rating system, by virtue of the Public Relations Department Announcement dated 18 January 2008”*. Moreover, the aim of the 2007 Computer Crimes Act is to

<sup>908</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 9.

<sup>909</sup> Committee on the Rights of the Child, 20 January 2012, *Implementation of the Convention on the Rights of the Child. List of issues concerning additional and updated information related to the third and fourth combined periodic report of Thailand (CRC/C/THA/3-4). Addendum - Written replies of Thailand*, page 8.

<sup>910</sup> OECD Development Centre, 2019, *Social Institutions and Gender Index*, <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/TH.pdf>

<sup>911</sup> Human Rights Council, 23 February 2016, *Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 Thailand*, page 2.

<sup>912</sup> National Statistical Office and UNICEF, 2020, *Multiple Indicator Cluster Survey*, page 191.

<sup>913</sup> Committee on Economic, Social and Cultural Rights, 19 June 2015, *Concluding observations on the combined initial and second periodic reports of Thailand*, page 5.

<sup>914</sup> Suwannarong Kanokwan for Save the Children, 2017, *A desk review for Research for Promoting Rural Opportunities for Children’s Empowerment, Education, and Development (PROCEED)*, page 44.

<sup>915</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, pages 9 and 10.

<sup>916</sup> [http://thailaws.com/law/t\\_laws/tlaw0490.pdf](http://thailaws.com/law/t_laws/tlaw0490.pdf)

<sup>917</sup> [https://www.constituteproject.org/constitution/Thailand\\_2017.pdf](https://www.constituteproject.org/constitution/Thailand_2017.pdf)

<sup>918</sup> Human Rights Council, 23 February 2016, *Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 Thailand*, pages 3 and 7.

<sup>919</sup> <https://th2014.com/archives/24941>

<sup>920</sup> <https://www.amnesty.or.th/en/latest/news/896>

<sup>921</sup> Amnesty International Thailand, July 2021, *Prosecution against Children: Challenges and Recommendations*, page 2.

<sup>922</sup> Amnesty International Thailand, July 2021, *Prosecution against Children: Challenges and Recommendations*, pages 2 and 3.

<sup>923</sup> Amnesty International Thailand, July 2021, *Prosecution against Children: Challenges and Recommendations*, pages 2 and 3.

<sup>924</sup> Human Rights Watch, 2021, *World report 2021*, <https://www.hrw.org/world-report/2020/country-chapters/thailand>

<sup>925</sup> [https://reliefweb.int/sites/reliefweb.int/files/resources/CRC%20Coalition%20171063%20Statement\\_EN.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/CRC%20Coalition%20171063%20Statement_EN.pdf)

<sup>926</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 10.

control unlawful use or dissemination of data that undermine a person's reputation or the State security.<sup>927</sup>

## 7.6 Freedom of peaceful assembly and association (article 15)

Section 44 of the Constitution states the freedom to assemble peacefully, only restricted to maintain the State's security.<sup>928</sup> In reality, the Human Rights Council reported the arrest in 2015 of 14 student activists at a peaceful rally,<sup>929</sup> and OHCHR was concerned about *"the restrictions on fundamental freedoms imposed by the National Council for Peace and Order"*.<sup>930</sup> According to Amnesty International Thailand, in May 2021, 256 events were dispersed by officials; from January to June 2021, at least 871 events related to freedom of expression and assembly have been restricted. Moreover, *"the use of force has been disproportionate and excessive"*.<sup>931</sup>

## 7.7 Protection of privacy (article 16)

Sections 32, 33 and 26 of the Constitution protect the privacy for all citizens. In addition, there is a list of laws specifically protecting the rights of the child, for instance the 1991 Act Instituting Juvenile and Family Courts and the Juvenile and Family Procedures, the 2003 Child Protection Act and the 2007 Domestic Violence Victim Protection Act.<sup>932</sup>

However, according to the Human Rights Council, *"the media did not fully respect the children's right to privacy in their reporting and children's identity could often be established"*.<sup>933</sup>

## 8. Recommendations

### 8.1 According to the Theory of Change



### Be the voice:

- Mainstream child participation in SCI Thailand's programmes: ensure staff are trained on the importance of Child participation and on child-friendly methods; for every project, strengthen FGDs with community members and children; maintain or initiate accountability mechanisms to beneficiary communities.
- This CRSA could not retrieve much information on the existence and activity of the Child Forum in Thailand, at either central or provincial levels. However, retrieved information allows to state that Save the Children and its partners, such as The Life Skills Development Foundation, invest in child participation initiatives.<sup>934</sup> If possible, this support should continue.
- Conduct a CRSA focusing specifically on the right to participation and to play and leisure activities, two sectors not analysed into this CRSA. The target audience for this exercise is the same as the present CRSA (government, CSO, UN agencies, etc...).
- 30 years after Thailand's ratification of the CRC (anniversary in 2022), conduct a participative research *with* and *for* children on the diffusion and knowledge of the CRC in Thailand. Similar studies have been conducted in other countries, and examples of methodologies are available in this regard.
- Although capacity building initiatives and dissemination activities of the CRC have been implemented, SCI Thailand could strengthen dissemination of child-friendly materials to increase children's awareness on their rights. Translation of the material into the language of ethnic and indigenous communities will allow to reach the most vulnerable ones.
- Select some findings of the CRSA as the basis for advocacy actions.
  - The latest report submitted to the CRC was issued in 2011, and the following expected submission were the fifth and sixth combined reports, due in 2017. At present, these have not been submitted by Thailand, with a lack of updated information on the legal framework in country, and a lack of follow up of the recommendations given in the latest *Concluding observations* issued by the CRC (2012).
  - Thailand still had a reservation on the CRC made in 1992 (article 22, which hampered the protection of child refugees): this could be a clear point for advocacy.
  - Article 26 of the 2003 Child Protection Act prohibits tortures or harsh punishment of a child,

<sup>927</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, pages 10 and 11.

<sup>928</sup> [https://www.constituteproject.org/constitution/Thailand\\_2017.pdf](https://www.constituteproject.org/constitution/Thailand_2017.pdf)

<sup>929</sup> Human Rights Council, 23 February 2016, *Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 Thailand*, page 8.

<sup>930</sup> Human Rights Council - Working Group on the Universal Periodic Review, 7 March 2016, *Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 - Thailand*, page 11.

<sup>931</sup> Amnesty International Thailand, July 2021, *Prosecution against Children: Challenges and Recommendations*, page 1.

<sup>932</sup> Committee on the Rights of the Child, 14 September 2011, *Consideration of the reports submitted by States parties under article 44 of the Convention. Combined third and fourth periodic reports of States parties due in 2009 - Thailand*, page 10.

<sup>933</sup> Human Rights Council - Working Group on the Universal Periodic Review, 7 March 2016, *Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 - Thailand*, page 10.

<sup>934</sup> For instance, see the process Thailand In-Country Children's Meeting on Digital Environment. Upholding Child Rights to Participation in the Virtual World, 20-23 November 2020, Bangkok, Thailand.

but does not clearly prohibit all corporal punishment. Save the Children has conducted research and prepared baseline reports on this issue, which could be of use for advocacy actions.

- While Thailand appears to have planned for gender budgeting, no information has been collected for child-sensitive budgeting processes.
- Updated data on Child Protection and Education are difficult to source, even from the official Ministries' websites: advocate to increase visibility and, if possible, also provide increased updated data in English, for harmonisation and transparency purposes.
- In particular, in collaboration with CSO, data collection should be strengthened for statistics on violence against children (including LGBTIQ+ children) and statistics on sexual exploitation of children.

### Achieve results at scale:

- At present, SCI Thailand is focusing on implementation efforts in the Myanmar-Thailand border region, and also in the South and in urban areas near Bangkok, which is a laudable selection of areas by the organisation. SCI Thailand should keep focusing on these, and strengthening the work in Bangkok metropolitan areas is also recommended, in particular with street children and urban refugees. A programmatic focus on ethnic and indigenous children, and migrant children in remote hill tribes' areas and urban settings, would also be recommended.
- Even if, at present, the Education Cluster is not operational in Thailand, SCI is co-leading the Inter-Sectoral Working Group led by UNHCR. The organisation shall continue to work towards reinforced coordination with other CSO stakeholders in the phases of needs assessments and implementation.
- Considered that gender mainstreaming is now requested as a preliminary condition to improve the quality and effectiveness of all programmatic choices and interventions, and considered the importance of working for and with LGBTIQ+ people in country, SCI Thailand could hire a Gender Specialist to closely collaborate with all departments.

### Be the innovator:

- During this CRSA, SCI Thailand has shared a variety of endlines and evaluations conducted with reference to the organisations' projects. Continue to conduct evaluations with the aim of promoting reflection, capitalisation of lessons learnt and best practices.
- While acknowledging SCI Thailand's efforts for capitalisation, promote further social research, as the first

step in discussing innovation and making projects more context-relevant. This CRSA can be a source of inspiration for some of the gaps/areas where social research would be beneficial, such as conducting in-depth research on the gaps, available initiatives and possible areas for growth concerning ethnic and indigenous children; a multi-sectoral study on children with disabilities, for which information is always scarce; and promoting additional research on the social acceptance of violence among Thai and non-Thai population.

- According to the findings of this research, "*making children visible in the budget planning and analysis*" is not operational at present. SCI Thailand could initiate/lead the work of a CSO platform to provide advice to appropriate government's institutions.
- Follow up on the "Reflection period" policy that SCI Thailand has successfully contributed to implement, to ensure that this is in place beyond the life span of the projects.
- The focus of the present CRSA is children (e.g. until 17 years), with some information on adolescents and youth also included. A Situation Analysis of adolescents in Thailand was published in 2016 by UNICEF, and it would be recommended to conduct a CRSA on adolescents or youth at present. The age group should be carefully defined, as the category of youth is somewhat subjective, and can change according to the different contexts. The definition of youth used by the UN Secretariat refers to those aged 15-24 years,<sup>935</sup> but in Thailand, the 2007 National Child and Youth Development Promotion Act and the 2012 Youth Development Plan define a youth as a person between 18 and 25 years.<sup>936</sup>

### Build partnerships:

- Whenever possible, contribute to create a more serene climate between Thai and non-Thai population in-country, through promoting awareness-raising among host communities, suggesting methods to contain hate speech depicting migrants as COVID-19 infectors, promoting collaboration initiatives and games between schools in the shelters and public schools, etc.
- During this CRSA, SCI Thailand has shared the submission of the Convention on the Rights of the Child Coalition of Thailand's to the Universal Periodic Review. The Convention on the Rights of the Child Coalition of Thailand is composed of 41 civil society organisations and international non-governmental organisations working to promote implementation of the Convention on the Rights of the Child in Thailand, and according to the available information, this coalition is led by the Centre for the

<sup>935</sup> United Nations., no date, *Definition of youth*. Retrieved from <http://www.un.org/esa/socdev/documents/youth/fact-sheets/youth-definition.pdf>.

<sup>936</sup> <https://www.youthpolicy.org/factsheets/country/thailand/>

Protection and Promotion of Children’s Rights Foundation. Nevertheless, thanks to the well-known expertise in Child Protection and Education sectors, SCI Thailand could strengthen its role and co-lead the coalition. Moreover, in 2019, one of Save the Children’s partners, The Life Skills Development Foundation, has convened the “Lanna CRC Coalition”, a collaborating network of government’s agencies and non-governmental agencies, focusing on child rights, in three Upper northern Thai provinces, and the two organisations are committed to strengthen promotion and protection of child rights especially dealing with post-COVID 19 era.

This indeed constitutes a very good example of partnership for child rights, and SCI Thailand should invest time and resources to strengthen this mechanism.

- In the framework of its collaboration with the Convention on the Rights of the Child Coalition of Thailand, SCI Thailand could implement child safeguarding trainings and offer counselling to CSO partners so as to enhance their internal procedures.
- Initiate a dialogue with the National Human Rights Commission, to inspire and offer to conduct research on child rights in partnership with the Commission.
- Concerning local partners, according to key informants, SCI Thailand is working closely with local partners. Partnership assessments should be conducted/updated to identify the strong and weak points of such partnerships, and inform strategic decision-making.
- Actively promote information exchange and best practices with other SCI programmes in Asia. Cross-learning can be ensured not only through staff exchanges, but also through routine modalities/meetings.

## 8.2 According to programme sectors

### Child Protection

- Some programmatic areas should be covered by SCI Thailand, if feasible with the types of funding and country office’s capacity:
  1. Child marriage, a subject related to both Child Protection and Education.
  2. Street-involved children: considering the severity of this issue and its multifaceted nature, it is strongly recommended for SCI Thailand to engage in this theme.
  3. Children in conflict with the law (not only migrant children in detention): there is a general lack of information on this issue, besides the fact that sometimes they are not detained separately from adults.
- In collaboration with UN and CSO partners, follow up with the MSDHS concerning the minimum age of criminal responsibility in the Criminal Code to be changed to 12 years of age.

- In collaboration with UN and CSO partners, follow up with the MSDHS on the legal provision on lowering the age limit of marriage for children who are sexually abused.
- Literature consulted during this CRSA has shown that there is a variety of mechanisms and coordination committees in charge of different Child Protection issues and on the implementation of the CRC. It could be beneficial to conduct a mapping of all existing operational mechanisms, to ensure that SCI, together with other CSOs, is represented in appropriate fora and enhance its role as Child Rights organisation.
- Continue with strong engagement in Child Protection (and Education) in shelters at the Myanmar-Thailand border.
- Following the ASEAN’s declaration on Training of social workers (through a centre which will be based in Thailand), it is recommended that SCI Thailand could contribute to this initiative, to mitigate the issue of lack of well-trained professionals in this sector.
- Conduct an independent study on the Child Protection system in Thailand. For instance, a multi-country study conducted by Child Frontiers in 2014 (*National child protection systems in the East Asia and Pacific region. A review and analysis of mappings and assessments*) presents some specific findings for Thailand, but it is not updated, and not focusing solely on Thailand.

### Health

- In collaboration with other NGOs and UN agencies, organise advocacy for the health and free coverage of children on the move.
- Due to the difficulties of the static health system in offering services to the mobile migrant population, advocate for the implementation of mobile units that could reach the most vulnerable ones.
- Even if SCI Thailand does not currently implement a Health programme *per se*, Education and Child Protection could be entry points for intersectoral health activities, such as contributing to the fight against child pregnancy and enhancing sex education.
- In particular, the detection of children with mental problems, or in need of psychological support, could be organised in Education programmes, for referral to CSO or government’s available services.

### Education

- First and foremost, advocate for the reopening of MLCs after one academic year of closure.
- In collaboration with other CSO partners, donors and service providers, work towards the quality standardisation of MLCs: due to its vast experience and programmatic experience in this sector, SCI Thailand could take the lead to initiate coordination work and draft some preliminary ideas in this sense.

- Continue and strengthen engagement in teacher training in refugee camps: this has led to very positive results, and is a very well recognised initiative.
- Even if the importance of MLCs is paramount to ensure migrant children can access education, one of the priorities must be work with other CSOs, Equity Education Fund, and UN agencies on Education for All advocacy campaigns, thus on the inclusion of these children in government-run schools.
- For all kinds of education opportunity, strengthen language support to ensure that migrant children receive additional classes in Thai and, if possible, support the government to create bilingual material for a smoother language transition.
- On the other hand, in MLCs where other non-Burmese students also attend classes, and in public Thai schools, it would be beneficial to introduce some extracurricular classes of Burmese (and other?) language, also to enhance social cohesion between children and make migrant children “proud” of having their mother tongue taught to Thai children. Teachers could be hired within the migrant/refugee communities.
- Considering the statistics reported by the latest MICS (2019), the percentages of children attending ECCD in 2019 are different compared to what was expected: surprisingly, the highest percentages were found in the Northeast (92.4%) and South (89.6%), while in Bangkok this percentage was 71.2%. The consulted secondary sources for this CRSA did not report the reason behind this, and only outdated documents were found on the Internet. It is recommended that SCI Thailand conducts a research on ECCD in country, looking at the possible cultural and social factors undermining access of children to ECCD education, beyond poverty.
- Continue with implementation of nutrition actions in the education programmes, also to support retention and better performance. Education could also be an entry point for other nutrition activities, such as sensitisations of children’s mothers on breastfeeding. breastfeeding promotion and monitoring (in collaboration with the Health Promotion Hospital at sub-district level).
- SCI Thailand could support the Ministry of Education to strengthen protection in schools: for instance, suggest to review the Codes of Conduct to ensure that violence and discrimination against all children, including LGBTIQ+ children, is addressed.
- SCI Thailand is engaging in a campaign on positive parenting: there could be another parallel action reinforcing positive teaching in government-run schools. The organisation could make its experts and Thematic Advisors available to conduct sensitisations and coaching on positive parenting under the aegis of the government.

## 8.3 How to use the CRSA

- Ensure buy-in and ownership of the CRSA within SCI Thailand team.
- Use this CRSA as a starting point to keep updated qualitative and quantitative information on child rights: for instance, each year, SCI team could update the document with the main highlights and progress made in the different thematic sectors, including updated statistics, recent events that affected the child rights’ environment, feedback by communities and children on specific issues of interest. SCI’ GRID tool should also be frequently consulted as a valuable internal resource.
- The bibliographic list of this CRSA is made up of almost 300 secondary sources. SCI Thailand Technical Advisors/Heads of departments should carry on and continue to classify relevant documents regarding their specific sectors of interest (creation of a “library” on selected thematic issues on child rights in Thailand).

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All websites, if not specified otherwise in the footnotes, have been consulted between 11 March and 31 May 2021. Secondary sources, classified per chapter, can also be found as reference in other chapters.

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# ANNEXES

## Annex 2: Ratification status UN treaties

### UN Human Rights treaty bodies

Treaty Description	Treaty Name	Signature Date	Ratification Date, Accession(a), Succession(d) Date
Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	CAT		02 Oct 2007 (a)
Optional Protocol of the Convention against Torture	CAT-OP		
International Covenant on Civil and Political Rights	CCPR		29 Oct 1996 (a)
Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty	CCPR-OP2-DP		
Convention for the Protection of All Persons from Enforced Disappearance	CED	09 Jan 2012	
Interstate communication procedure under the International Convention for the Protection of All Persons from Enforced Disappearance	CED, Art.32		
Convention on the Elimination of All Forms of Discrimination against Women	CEDAW		09 Aug 1985 (a)
International Convention on the Elimination of All Forms of Racial Discrimination	CERD		28 Jan 2003 (a)
International Covenant on Economic, Social and Cultural Rights	CESCR		05 Sep 1999 (a)
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	CMW		
Convention on the Rights of the Child	CRC		27 Mar 1992 (a)
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	CRC-OP-AC		27 Feb 2006 (a)
Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography	CRC-OP-SC		11 Jan 2006 (a)
Convention on the Rights of Persons with Disabilities	CRPD	30-mar-07	29-jul-08

### International Humanitarian Law

#### [Hague Convention on Hospital Ships, 1904](#)

Ratification / Accession:26.03.1907

#### [Final Act of the Geneva Conference, 1949](#)

Signature:12.08.1949

#### [Geneva Conventions, 1949](#)

Ratification / Accession:29.12.1954

#### [Final Act of the Diplomatic Geneva Conference, 1974-1977](#)

Signature:10.06.1977

## ILO ratified Conventions

Convention	Date	Status
<a href="#">C029 - Forced Labour Convention, 1930 (No. 29)</a> <b>P029 - Protocol of 2014 to the Forced Labour Convention, 1930 ratified on 04 Jun 2018 (In Force)</b>	26 Feb 1969	In Force
<a href="#">C100 - Equal Remuneration Convention, 1951 (No. 100)</a>	08 Feb 1999	In Force
<a href="#">C105 - Abolition of Forced Labour Convention, 1957 (No. 105)</a>	02 Dec 1969	In Force
<a href="#">C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)</a>	13 Jun 2017	In Force
<a href="#">C138 - Minimum Age Convention, 1973 (No. 138)</a> <i>Minimum age specified: 15 years. Pursuant to Article 5, the provisions of the Convention shall be applicable to the following branches of economic activity: mining and quarrying; manufacturing; construction; electricity; gas and water; sanitary services; transport; storage service and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes, with the exception of family and small-scale holdings producing for local consumption and not regularly employing hired workers.</i>	11 May 2004	In Force
<a href="#">C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)</a>	16 Feb 2001	In Force

## Additional international instruments

- 1) Thailand is not part to the **1951 Refugee Convention relating to the Status of Refugees, and its 1967 Protocol Relating to the Status of Refugees.**
- 2) Thailand has not endorsed the **2015 Safe Schools Declaration.**



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