



**12th Session of the Universal Periodic Review
Submission to the High Commissioner for Human Rights**

Joint Statement on

The Situation on the Rights of the Child in Thailand

submitted by

**IIMA – Istituto Internazionale Maria Ausiliatrice
VIDES - International Volunteerism Organization for Women, Education, Development**

NGOs in Consultative Status with ECOSOC

Submitted: March 2011

CONTEXT

1. The Istituto Internazionale Maria Ausiliatrice (IIMA) and VIDES International (International Volunteerism Organization for Women, Education, Development) welcome the efforts and remarkable achievements of Thailand in ensuring full enjoyment of human rights of all the citizens, including the right to education. IIMA and VIDES International also welcome the decision of the Government of Thailand to withdraw its reservations to articles 7 and 22 of the Convention on the Rights of the Child.

2. IIMA and VIDES International submit this report focusing on the persisting obstacles to the full enjoyment of human rights, especially the right to education, of the most vulnerable groups of children in Thailand.

POVERTY AND MOST VULNERABLE GROUPS

3. IIMA and VIDES International note with particularity their concern that children suffer most as a consequence of inadequate implementation of human rights in Thailand. Among the most vulnerable groups of children are identified as follows:

- **Children deprived of a stable family environment**, i.e., children abandoned by their parents and entrusted to grandparents who are often uneducated and unable to properly respond to the needs of the child; children of teenage parents who are not ready to take full responsibility for them; and children whose families work and live on tug boats thereby exposing them to unhealthy living conditions and uncondusive environment.
- **Economically and sexually exploited children**, e.g., those implicated in prostitution, pornographic media or in drug trade, either as users or runners;
- **Children belonging to ethnic groups**; and
- **Children with disabilities** whose families are unable to take care of them or abandon them due to poverty or lack of education.

4. Most children belonging to these groups live in poverty worsening their already difficult situation and endangering their future. The lack of State facilities to combat poverty and support families with low income hampers them to provide for their basic needs.

NON-DISCRIMINATION

5. Positive steps were undertaken by the Government of Thailand to combat any form of discrimination. However, IIMA and VIDES International remain concerned about the persistence of both direct and indirect discrimination against children belonging to the most vulnerable groups and those living in remote areas of the country, contrary to article 2 of the Convention on the Rights of the Child. In particular, IIMA and VIDES International express their concern with respect to girl children, children of ethnic minority communities, such as those belonging to Chao-kariang group, and children with disabilities. Ethnic minorities' children are being discriminated and marginalized because of their distinctive living habits and language making it difficult for them to associate and communicate with the majority of

the Thai society. Due to geographical isolation, ethnic communities do not have access to basic services, such as drinking water, passable roads, health care and quality of education.

6. These inadequate living conditions cultivate feelings of uneasiness and shyness among the youth who have considered their culture as a shame undermining any possibility of recovery and social ransom. The negative psychological effects resulting from deprivation of their fundamental rights obstruct their exercise of their right to participate in the cultural life, established under article 15(a) of the International Covenant on Economic, Social and Cultural Rights.

7. Regarding children with disabilities, article 2 of the Convention on the Rights of the Child prohibits all forms of discrimination, including on the ground of disability. The Committee on the Rights of the Child recognizes that “this explicit mention of disability as a prohibited ground for discrimination in article 2 [...] can be explained by the fact that children with disabilities belong to one of the most vulnerable groups of children.” IIMA and VIDES International have observed that the effects of disability-based discrimination are more prevalent in education, employment, housing, transport, cultural life, and access to public places and services. In many cases, multiple discrimination occur due to combination of factors which increase the vulnerability of these groups.

8. IIMA and VIDES, therefore, recommend the Government of Thailand to:

- a. take more effective measures, in accordance with article 2, to ensure that all children within its jurisdiction enjoy all rights enshrined in the Convention on the Rights of the Child on the basis of non-discrimination;**
- b. prioritize social and health services and ensure equal opportunities to education of children of ethnic minorities and children with disabilities;**
- c. carry out comprehensive public education campaigns to prevent and combat all forms of discrimination; and**
- d. take effective measures to guarantee the right to take part in cultural life of ethnic minorities;**

BIRTH REGISTRATION

9. Despite the fact that Thailand has withdrawn its reservation on article 7 of the Convention on the Right of the Child¹, IIMA and VIDES International note with concern the persisting difficulties in ensuring the birth registration of the most vulnerable children above-mentioned, especially those belonging to ethnic minorities. This adversely affects the enjoyment of their basic rights, including their right to education, and renders them vulnerable to abuse, trafficking and exploitation. To date, significant number of children residing in Thailand remains stateless. IIMA and VIDES International lament the situation of children belonging to ethnical groups from the North, such as the Chao-khao, Chao-mang and Chao-Karing who do not receive support from the Government in acquiring Thai nationality. As a result, they are being excluded from basic services, including access to education.

¹ On 13 December 2010, the Government of Thailand notified the Secretary-General of its decision to withdraw the reservation to article 7 of the Convention.

10. IIMA and VIDES, therefore, recommend the Government of Thailand to:

- a. **fully implement article 7 of the Convention on the Rights of the Child ensuring all children the right to be registered immediately after birth, have a name, and acquire nationality;**
- a. **develop and implement an efficient system of birth registration through mobile registration offices or by establishing registration units in schools to benefit children who are not yet registered; and**
- b. **pay special attention to the birth registration of most vulnerable groups of children that shall confer them the necessary legal status to be freed from the difficult situation they live in.**

CHILDREN WITH DISABILITIES

11. While recognizing the Government's initiative to improve the situation of children with disabilities, IIMA and VIDES International note that children with disabilities often encounter serious barriers to the fully enjoyment of their rights especially those who live in the remote areas of Thailand. As the Committee on the Rights of the Child stressed in its General Comment n° 9 "the barrier is not the disability itself but rather a combination of social, cultural, attitudinal and physical obstacles which children with disabilities encounter in their daily lives"².

12. Children with disabilities in remote villages do not have access to adequate therapies for physical recovery, psychological assistance, special educational activities, and recreation opportunities, and programs in preparation for employment. The number of public infrastructures conducive for children with disabilities is insufficient. It keeps them away from the possibility of attaining complete social integration and physical and intellectual development, contrary to article 23 of the Convention on the Rights of the Child and article 7 of the Convention on the Rights of Persons with Disabilities.

13. IIMA and VIDES International acknowledge that the provision of 500 baht³ per month by the Government to families to assist children with disabilities in getting education is an important achievement. It demonstrates the Thailand's commitment in addressing the issue. Yet, it remains insufficient. Due to the lack of adequate structures, children with disabilities still suffer from discrimination in education, especially those who are in the most marginalized areas of the country.

14. In order to combat all forms of discrimination against children with disabilities, especially with regard to their right to education, IIMA and VIDES International recommend the Government of Thailand to:

- a. **ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms equally with other children according to article 7 of the Convention on the Rights of Persons with Disabilities;**

² Committee on the Rights of the Child, General Comment n°9, 2006, par 5.

³ Thai national currency.

- b. **provide adequate support to children with disabilities to reduce the secondary impacts of disabilities, often caused by the lack of early/timely intervention and to ensure their full development in compliance with article 23 of Convention on the Rights of the Child.**

RIGHT TO EDUCATION

15. IIMA and VIDES International note with deep concern that in Thailand a high number of children still do not fully enjoy their right to education. Despite efforts of the Government and the active participation of international organizations, such as UNICEF, FAO, and OHCHR country office, the policy initiatives do not reach all children and wide disparities still exist among the most vulnerable groups.

Accessibility to education

16. Despite significant progresses realized by the Thai government in the last years in protecting and strengthening the right to education, funds allocated to education are still discontinuous and insufficient especially in rural and most remote areas of the country. Once again, the most affected are children with disabilities. They suffer from lack of special structures and facilities to allow them to attend school. Also affected are children of ethnic minorities in several areas of the North and North-East regions of the country, e.g., Chiang-mai, Chiangrai and Udonthani. Due to geographical, social and cultural factors, families in villages of these remote areas are often dissuaded in sending their children to school. Parents do not care about their children's education, as they themselves were not educated in the first place.

17. Further, parents cannot pay for the tuition fees, uniforms, school materials, and transportation. Despite the State's improvement of school facilities, establishment of promotional activities for integral development of a child, and monetary provision for all students, more efforts are necessary to effectively provide free education for all. The monetary provision given to families to encourage attendance in school, is still insufficient to cover for all school expenses especially for the poorest families that do not have any possibility to pay even the minimal school expenses.

Quality of education

18. IIMA and VIDES International recognize the concrete advances realized by the Thai Government in building infrastructures and employing more qualified teachers through allocation of considerable financial resources to education last year. Nevertheless, in the North and North-East regions of the country, good quality education is still being impeded by a number of factors, including inconsistency in educational policy decisions, inadequate preparation of teachers and linguistic barriers.

17. **Educational Policy.** Inconsistent policy measures resulting from periodic political turnovers negatively affect the efficiency of previously established initiatives to improve education. To be truly effective, any interventions or programs on education must be sustained irrespective of the change in the government. Moreover, it has been noted that there exist a gap between the Government's political agenda and the realities in the country. While recognizing the significance of uniformity of national educational standards with other Asian countries to improve the general educational level, it is still fundamental to take into account specificities of local realities and to ensure that the process be undertaken gradually.

18. **Teacher preparation.** While setting up of a national certificate for teaching staff ensures uniformity of quality of standards for the teaching profession, IIMA and VIDES International note that more adequate measures are needed to duly assist teachers in obtaining the certificate. At the moment, absenteeism of teachers increased because they are preparing for the exam to obtain the national certificate. Further, despite national legislation requiring teaching staff to be adequately trained in technology and modern communication, most teachers do not pass the level of national standards.

19. **Linguistic difficulties.** Concerning ethnical minorities, IIMA and VIDES International note that bilingual education has not been fully established. Disparities due to linguistic deficiency become particularly evident in the access to higher levels of education and to labor market. In both cases, children belonging to ethnic minorities are constrained to leave their villages and deal with the reality of Thai main cities.

Human Rights education

20. In spite of remarkable advancement by the government in providing teachers with human rights training, many teachers are still not trained. Consequently, they are not able to pass the knowledge to their students. In the most marginalized areas of North and North-East regions, human rights education has not been integrated in the school curriculum. IIMA and VIDES International highlight that human rights education, whenever included in school programs, is neglected and limited in “social sciences” class.

Secondary and university education

21. The Thai education system is highly competitive and extremely demanding. This tendency to expect optimum results generates undue special attention to the most promising and brilliant students to the detriment of other students. IIMA and VIDES International also note that children belonging to the most vulnerable groups are discriminated with respect to access to secondary and higher/university education which may be attributed to the low quality of their basic education.

22. While recognizing the importance of the five-year project aiming at building contact between the school and its students’ families, there is a strong need to improve the implementation of this project. Public schools still require to give special attention to children living in difficult situations who need special educational intervention allowing them access to and to complete higher education.

Access to labor market

23. Poverty and lack of work opportunities in little villages, especially in mountainous and rural zones attract large number of the working-age population to move to main cities in the hopes of being employed. Particularly disadvantaged in the labor market are unskilled workers and those belonging to ethnic minorities without regular identity card. In this context, IIMA and VIDES International highlight the persistence of discrimination in access to work for these most vulnerable groups. This difficulty in entering labor market, the consequent unemployment and poverty are closely linked with the issues of birth registration and lack of quality education. In fact, majority of unemployed persons belong to ethnic minority groups, the same group that suffer from non-birth registration and educational deficiencies. These serious problems cause inequality in work opportunities and worsen the poverty situation of the most vulnerable groups, especially ethnic minority groups.

24. In order to fully and equally ensure the right to education, IIMA and VIDES International recommend Thailand to:

- a. **carry out in remote areas of the country campaigns to raise awareness on the importance of getting an education;**
- b. **oversee co-curricular activities in primary education to make schooling attractive to students and their parents, particularly in rural areas;**
- c. **provide adequate training to teachers and suitable teaching materials in order to guarantee equal opportunities in education for all children;**
- d. **put in place formal and informal educational interventions to respond to specific children's needs, in accordance with the principle of the best interests of the child;**
- e. **prioritize human rights education of both teachers and students;**
- f. **incorporate human rights education in school programs, utilizing an interdisciplinary approach; and**
- g. **undertake adequate measures to combat discrimination in access to work, by focusing on multifactor causes of the issue, such as non-birth registration and education.**

ECONOMIC AND SEXUAL EXPLOITATION OF CHILDREN

25. In Thailand **child labor** is generally diffused because of the support that it offers to augment family income. In fact, due to poverty, many children as young as 13 years old abandon school before having completed compulsory junior secondary education to be employed in informal labor. Majority of them belong to vulnerable groups. They usually work as countrymen, bricklayer or industrial worker.

26. With regard to **sexual exploitation of children**, IIMA and VIDES International note with deep concern that prostitution and trafficking of persons is widespread and a systematic phenomenon in Thailand. It has become a multibillion business, more lucrative than the drug trade. In the past, Thailand was the forefront exporter of trafficked women, now, it has also become a destination country, receiving women from other Asian and non-Asian countries.

27. Among the victims, are girls 12 to 16 years old, belonging to ethnic groups living in the North and North-East region of the country. Most of the internally trafficked girls are sent to closed brothel operating under prison-like conditions. The main cause that pushes children into prostitution is poverty, which often correlates with illiteracy, limited employment opportunities, and financial difficulties of the family. Children belonging to these families, and even more those deprived of birth registration and nationality, become easy targets of recruiters who promise them jobs in the cities only to force them into prostitution thereafter.

28. Some poor families themselves prostitute their own children or sell their children into sex trade. Cultural factors also play an important role. In some ethnic minorities, children are strongly bound by a feeling of gratitude to their parents that encourage them to economically support the family, even through prostitution. Gender discrimination also works in tandem

with poverty. In fact, female children have less educational and work opportunities. Consequently, they must find other means of earning a living.

29. The internet has facilitated the recent rise of child sex tourism by providing a convenient marketing channel. Websites provide potential child sex tourists with pornographic accounts and information on how to procure child prostitutes. The easy availability of information on the internet strongly favors child pornography on line and facilitates child sex abusers in making their travel plans.

30. Concerning **violence against children**, IIMA and VIDES International note with concern the existence of sexual violence against female children in the villages and episodes of child abuse by teachers.

31. In order to combat economic and sexual exploitation, IIMA and VIDES International recommend Thailand to:

- a. **Address the root causes of these phenomena, such as poverty and deficiencies in the educational system;**
- b. **Punctually punish those responsible for recruiting and delivering children for sexual and economic exploitation, including all persons accepting children for these activities;**
- c. **Take effective measures in order to combat child pornography and sexual trade of children on illegal websites; and**
- d. **Submit a complete and comprehensive report to the Committee on the Rights of the Child concerning the sale of children, child prostitution and child pornography in compliance with the relevant Optional Protocol to the Convention.**

RIGHT TO HEALTH

32. Concerning **access to health service**, IIMA and VIDES International welcome the effort of the Thai government in establishing a number of health centers in the villages and in providing mobile health services in the most remote villages. Also, the introduction of a health card at a minimal cost of 30 baht allowing citizens access to basic health care is a positive achievement. Nevertheless, we are concerned about persisting disparities in the quality of health services between main cities and mountain and rural villages.

33. Moreover, IIMA and VIDES International underline the increasing phenomenon of **drug addiction among adolescents** aged 12 to 16 years old. In particular, the North of Thailand has been a shelter of drug production and trade, which involve young people. The existing legal provisions aiming to prevent and punish drug related crimes are not adequately implemented and we particularly note the lack of seriousness to repress drug syndicates by local authorities. With regard to the main causes, a strong link exists between children excluded from school and those who are involved in drug trade.

34. **Other issues of concern.** A high number of adolescents experience early pregnancy and related health problems. While recognizing the campaigns for sexual education launched by the Government, measures taken in this regard are still insufficient. In particular, the practice

of illegal abortions is widespread, seriously endangering the health of women especially adolescents. Furthermore, the suicidal rate among adolescents is constantly increasing in Thailand in the last years.

35. In order to ensure adequate health assistance to all people, IIMA and VIDES International recommend Thailand to:

- a. eliminate disparities in quality of health care among main cities and remote villages of the country;**
- b. pay special attention to drug addiction of children and adolescents by addressing economic, social, educational and psychological causes of the problem; and**
- c. take effective measures to eliminate the dangerous practices of illegal abortions.**