



Coalition Thailand

เครือข่ายสิทธิเด็กประเทศไทย

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Convention on the Rights of the Child Coalition of Thailand submission to the

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Thailand

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The Convention on the Rights of the Child (CRC) Coalition of Thailand is composed of 37 civil society organizations and international non-governmental organizations working to promote the implementation of the Convention of the Rights of the Child in Thailand: ECPAT International, PLAN International Thailand, Save the Children, ECPAT Foundation, Child Soldiers International, The Centre for the Protection of Children's Rights Foundation (CPCR), Childine Thailand Foundation, Fight Against Child Exploitation (FACE), Foundation of Child Understanding (FOCUS), The Life Skills Development Foundation (TFSDF), Labour Rights Promotion Network Foundation (LPN), Alliance Anti-Traffic (AAT), Foundation for Children with Disability (FCD), GABFAI Community Theatre, World Vision Foundation of Thailand (WVFT), Pippala Scholarship Foundation, The Hill Area and Community Development Foundation (HADF), Right to Play Thailand Foundation, Internet Foundation for the Development of Thailand, Highland People Taskforce (HPT), Friends-International (Thailand), Capacity Improvement of Community in Namfang Basin (CIC), Starfish Country Home School Foundation, Association for Akha Education and Culture in Thailand (AFECT), Highland People Education and Development Foundation (HP-DEF), Raks Thai Foundation, Schools of Hope Foundation, LifePrep Foundation, One Sky Foundation, Center for Girls, Duang Prateep Foundation (DPF), Siam Care Foundation, Haven Children's home Chonburi, Hearty Support Group, Cross Cultural Foundation, National Catholic Commission Migration (NCCM), and Step Ahead Foundation.

The Convention on the Rights of the Child (CRC) Coalition submission to the Universal Periodic Review of Thailand

1. The CRC Coalition of Thailand welcomes the opportunity to contribute to the second cycle of the Human Rights Council's Universal Periodic Review (UPR) of Thailand. The CRC Coalition of Thailand is a network of civil society organisations, international non-governmental organisations and local activists working together to ensure the protection of children's rights in Thailand. The CRC Coalition's primary focus is on monitoring Thailand's implementation of its obligations under the *UN Convention on the Rights of the Child*, as well as the three optional protocols, for which Thailand is a State party.

2. In this submission, the CRC Coalition brings to the attention of the Working Group on the UPR (Working Group) and to the Human Rights Council (Council) six issues relating to the rights of children, and Thailand's implementation of its obligations under the *Convention on the Rights of the Child* and the three optional protocols (*Optional Protocol on the Involvement of Children in Armed Conflicts*; *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography*; *Optional Protocol on a Communications Procedure*): (1) Sexual Exploitation of Children (Article 8, OPSC, Article 3, CRC); (2) Online sexual abuse and violence against children; (3) Stateless children, refugee children and illegal migrant children, (Articles 22 and 7 CRC); (4) Recruitment of Child Soldiers (Article 4, OPAC); (5) Minimum age of criminal responsibility of children (Article 40(3)(a)); (6) Corporal Punishment (Article 19 CRC).

(1) Sexual exploitation of children

3. Sexual exploitation of childrenⁱ continues to be a significant problem in Thailand. The UN Committee on the Rights of the Child in its 2012 Concluding Observations noted with serious concern 'the widespread sexual exploitation and abuse of children, boys and girls, within the State party.'ⁱⁱ

4. Prostitution is criminalised under Thai law in the *Prevention and Suppression of Prostitution Act* (1996); however, the 'law is mostly ignored and prostitution is practiced quite openly, with involvement of large numbers of children.'ⁱⁱⁱ While the *Prevention and Suppression of Prostitution Act* treats prostitution of children as an aggravating offence, imposing harsher penalties for younger children, the Act does not exempt child victims of prostitution from penalties under the law.^{iv} Sections 5, 6 and 7 of the *Prevention and Suppression of Prostitution Act* criminalises all persons, including children above the minimum age of criminal responsibility, who engage in or are involved in prostitution.^v Section 34 provides for an exception where the 'offender' is not over the age of 18 year; however, only a Court can determine whether a child offender will be exempted from punishment. In its recent study on Access to Justice in Thailand, ECPAT International interviewed law enforcement officers, documenting their experiences in investigating and prosecuting cases involving child victims of sexual exploitation. ECPAT found that it was not common practice to arrest child victims for offences under the *Prevention and Suppression of Prostitution Act*.^{vi} That said, the child victim remains exposed to investigation, prosecution and conviction as the law is currently written. The CRC Coalition calls on the Government of Thailand to reform the *Prevention and Suppression of Prostitution Act* (1996) to ensure that any person under the age of 18 is exempt from prosecution or criminal sanction under the Act.

5. Corruption continues to be cited as one of the key factors facilitating the sexual exploitation of children. In the words of the Committee on the Rights of the Child, 'corruption remains pervasive, among, inter alia, municipal and local government officials and law enforcement personnel.'^{vii} Thailand was downgraded to a Tier 3 country (the lowest ranking) by the United States State Department in their Trafficking in Persons Report (TIP Report) in 2014^{viii} and 2015^{ix} in large part

because of its lack of effective response to corruption. The TIP report cited incidents of law enforcement and officials protecting brothels and commercial sex venues involved in the sexual exploitation of children, claiming that corruption was directly linked with trafficking. The Committee on the Rights of the Child affirmed this stating, ‘that corruption and cases of police officers involved in the child sex trade contribute to the problem.’^x Corruption and impunity for sexual exploitation of children must be addressed through a national action plan.

6. Ensuring child victims their right to access effective remedy and reparations for sexual exploitation continues to be a problem in Thailand. The Committee on the Rights of the Child has previously noted with concern, the ‘lack of protection of child victims from perpetrators, especially in the family, a concern which is reinforced by the long duration of investigations and proceedings in criminal cases on sexual abuse.’^{xi}

7. In its recent study on Access to Justice in Thailand, ECPAT International interviewed child victims of sexual exploitation, documenting their experiences in accessing justice, remedy and reparations for their exploitation. A key barrier for child victims engaging with the justice system was fear: child respondents cited a lack of State provided services to protect them from harassment, threats and violence from their exploiter. For example, the practice of presumptively releasing accused in the pre-trial period has led to child victims and their families being subjected to threats, bribes or other harassment from their exploiters. In many cases, the defendants abscond before the case comes to trial. One Thai police officer estimated that only 2 out of 10 cases ever went forward to trial due to defendants absconding. It is also common for child victims and their families to be subjected to harassment and bribes from defendants during the pre-trial period, leading to cases being dismissed. A presumption of pre-trial detention in cases involving allegations of trafficking in persons for sexual purposes or sexual exploitation of children would provide more protection to child victims and victims, whilst also addressing the problem of absconding defendants.

8. The Access to Justice Study also revealed the ongoing practice of confining child victims in government shelters during the pre-trial detention period. Under Section 34 of the *Prevention and Suppression of Prostitution Act* and Section 33 of the *Anti-Trafficking Act*, a judge is permitted to order a child victim to be confined in a Protection and Occupational Development Centre (PODC) for their ‘rehabilitation’ for a period of up to two years. This practice discourages child victims from reporting and has led to many child victims running away during the criminal process. Currently, neither the *Prevention and Suppression of Prostitution Act* nor the *Anti-Trafficking Act* require a formal consideration of the child’s best interest prior to a decision being taken to commit a victim to long-term shelter care. As a State party to the *Convention on the Rights of the Child* and the *Optional Protocol on the sale of children, child prostitution and child pornography*, Thailand is obligated to ensure decisions affecting children are taken with the best interests of the child as the primary consideration. Equally, the views of a child must be taken into account and given due weight in accordance with their age and maturity, in all matters affecting them.

(2) Online sexual abuse and violence against children

9. With the rapid growth of internet connectivity in Thailand, there has been an equally rapid growth in the number of websites and online platforms hosted within the country, which contain sexual abuse materials and other child abuse materials. According to Thai Hotline and the International Association of Internet Hotlines (INHOPE), as many as 528 Thai websites were reported to be hosting sexual abuse and other child abuse materials in 2014 and as many as 321 websites were reported in the first eight months of 2015 (1 January to 31 August).^{xii} Under section 18 of the *Computer Crime Act B.E. 2550*, an official is empowered to investigate, seize and shut down a website, which is found to host materials contravening the Act. However, in order to exercise the powers conferred under section 18, a competent official must file a court petition and obtain approval from a judicial authority as per section 19. The petition must ‘identify a reasonable ground to believe

that the offender is committing or going to commit an offence under the Act, characteristics of the alleged offence, a description of the equipment used to commit the alleged offence and details of the offender.^{xiii} While section 19 states that, '[t]he court should adjudicate urgently such aforementioned petition,^{xiv} in practice, the process of obtaining approval under Section 19 can take months, if not longer, resulting in websites and other platforms remaining online and enabling perpetrators to continue downloading and disseminating sexual abuse materials and child abuse materials. Each time an image or video of child sexual abuse (or other violence) is downloaded, that child is victimized again.

(3) Stateless children, refugee children and illegal migrant children

10. It is widely recognised that Thailand has large populations of illegal migrants, stateless persons and refugees – with children representing significant percentages of these groups. It was reported in 2006 that about 250,000 migrant children (5–18 years of age) from Cambodia, Laos and Myanmar were living in Thailand.^{xv} In its report to the Committee on the Rights of the Child in 2011, Thailand cited statistics from the United Nations High Commissioner for Refugees that of the 150,000 displaced Burmese people living in Thailand, half were children.^{xvi}

11. The International Organization for Migration (IOM) reported in 2011 that there were 377,000 children of international migrants in Thailand, or about 11% of the total migrant population. The total included 113,000 children of registered ethnic minorities, 128,000 children of registered migrant workers, 54,000 children of displaced persons and 82,000 children of unregistered migrants.^{xvii} Save the Children has noted that this data “contain[ed] a considerable margin of error due to the difficulty of estimating actual numbers.”^{xviii}

12. It has been estimated that Thailand has a stateless population of around two million people and, in 2007 the government reportedly estimated that there were one million stateless children in the country.^{xix} More recent statistics from UNHCR in 2011 estimate the number of stateless persons in the country to be around 500,000 (506,197).^{xx} In 2011, it was reported that almost one million people identified as ethnic minorities without birth certificates were living in Thailand and as a result lacked formal social protection.^{xxi} While efforts are appearing to be made to address the high population of children among these groups and their increased risks to discrimination, violence and exploitation, there are reportedly a large proportion of children that remain unprotected.

13. Under the *Nationality Act B.E. 2508*, Section 7bis, a child born in Thailand does not acquire Thai nationality if the child’s parents entered Thailand without permission under the law on immigration; the child’s parents only have permission to temporarily reside in Thailand; or the child’s parents have leniency to reside in Thailand temporarily as a special case. Section 7bis paragraph 3 of the *Nationality Act*, amended by the *National Act (No. 4) B.E. 2551 (2008)* enables children born in Thailand without citizenship to reside in the Thai Kingdom under conditions stipulated in the Ministerial Regulation with due consideration given to the human rights of the child as well as principles of national security. However, the child is still ‘deemed to have entered and resided in the Thai Kingdom without permission under the law on immigration unless the Ministerial Regulation is formulated.’ The amendment to Section 7bis paragraph 3, while an improvement, still exposes stateless children to arrest and detention under the *Immigration Act, B.E. 2522*. Section 7 and Section 7bis of the *Nationality Act* contravene Thailand’s obligations under Article 7 of the *UN Convention on the Rights of the Child* to ensure that all children born in Thailand have the right to acquire nationality.

(4) Recruitment of Child Soldiers

14. The recruitment and use of children as soldiers, most notably by non-state armed groups continues in Thailand. Research conducted by Child Soldiers International and the Cross Cultural

Foundation (CrCF) in 2013 and 2014 shows that children as young as 14 have been recruited and used to participate in hostilities by armed groups operating in southern Thailand.^{xxii} In December 2013, children under the age of 18 were present in the ranks of the dominant armed opposition groups, including the Patani Malay National Revolutionary Front (Barisan Revolusi Nasional Melayu Patani or BRN).

15. Child Soldiers International and CrCF interviewed 26 former and current members of armed groups, at least 13 of whom were recruited below the age of 18. Among these were five children, who were recruited between 2011 and 2012 in Narathiwat province and continued to be with the BRN in late 2013.

16. Recruitment of under-18s into the ranks of the BRN 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 and human rights violations. Child Soldiers International and CrCF found no direct evidence of under-18s being forcibly recruited into the ranks of the BRN.^{xxiii} However social pressure and religious indoctrination often places a notable onus on children and youth to join.

17. The Thai state has responded to the resurgence of violence in the south with a heavy deployment of forces and the imposition of special security laws in different parts of southern Thailand, under which children have been subjected to administrative detention. The Internal Security Act (ISA) is enforced in Sabayoi, Nathawi, Chana and Thepa districts in Songkhla province, and Mae Lan district in Pattani province, where the situation is considered less critical. Martial Law and the Emergency Decree have been concurrently imposed throughout the remaining districts in Pattani, Yala and Narathiwat provinces. Under these laws, individuals, including children, have been detained for up to 37 days without charge. According to a study completed in 2013, there have been persistent reports of torture during detention under these laws.^{xxiv}

18. DNA samples have also been taken during rehabilitation and vocational training courses run by the military, such as *Jalan Baru*,^{xxv} giving rise to concerns that the motivation for the training is, at least in part, to profile Muslim men.^{xxvi} In May 2015, the UN Committee on the Elimination of Racial Discrimination (CERD) stated that allegations regarding the collection of DNA samples from Malayu Muslims during military and police operations, if verified, could amount to ethnic profiling in contravention of the International Convention on the Elimination of All Forms of Racial Discrimination. These practices have been criticised by local civil society organisations, and in April 2015 the National Human Rights Commission launched an inquiry regarding the collection of DNA samples under Martial Law. The authorities have stated that all persons subjected to DNA tests had given written consent, but in some cases, including those involving children under 18 years old, consent was obtained by force.

19. To date, effective monitoring and appropriate responses to the on-going recruitment and use of children by armed groups have been almost entirely lacking.

(5) Age of criminal responsibility

19. In the first cycle of the UPR, Thailand agreed to consider raising the minimum age of criminal responsibility,^{xxvii} and subsequently amended Section 73 of the Penal Code raising the age from 7 years to 10 years. However, the Committee on the Rights of the Child stated in its General Comment on Children's Rights in juvenile justice that, 'a minimum age of criminal responsibility below the age of 12 years is considered by the Committee not to be internationally acceptable.'^{xxviii} In its Concluding Observations on Thailand in 2012, the Committee reiterated that '10 years still remains below internationally acceptable standards'^{xxix} and recommended that Thailand '[r]aise the minimum

age of criminal responsibility to an internationally acceptable age and *in no circumstances below the age of 12 years*'[emphasis added].^{xxx}

(6) Corporal Punishment

20. Corporal punishment continues to be practised in the homes of Thai families. Under Article 1567, paragraph 2 of the *Civil and Commercial Code*, a person exercising parental authority (the natural guardian) has the right to 'punish the child in a reasonable manner for disciplinary purposes.' The use of any form of corporal punishment or other cruel or degrading forms of punishment contravenes the right of children to be free from any form of violence.

RECOMMENDATIONS

21. The CRC Coalition of Thailand calls upon the Working Group and the Council to urge the Government of Thailand to:

- i). *Concerning the need to prevent, prohibit and protect children from all forms of sexual exploitation:*
 - a. Amend Sections 5, 6 7 and 34 of the *Prevention and Suppression of Prostitution Act* (1996) to ensure that any person under the age of 18 years is exempt from the provisions of the Act and is not treated as an offender but as a victim;
 - b. Undertake a comprehensive national strategy to tackle corruption amongst law enforcement and improve accountability for human rights violations committed by State officials;
 - c. Take the necessary measures to reduce the duration of investigation and proceedings in criminal cases regarding sexual exploitation of children and ensure appropriate protection of child victims from perpetrators at each stage of the criminal justice process;
 - d. Amend section 34 of the *Prevention and Suppression of Prostitution Act* (1996) *Prostitution Act* to require that any judicial decision regarding a child's confinement in a Protection and Occupational Development Centre be made with due consideration to the best interests of the child, and reviewed at regular intervals before a judge;
 - e. Amend section 33 of the *Anti-Trafficking Act* to require that any judicial decision regarding a child's confinement in a Protection and Occupational Development Centre be made with due consideration to the best interests of the child, and reviewed at regular intervals before a judge;
 - f. Amend Section 86 of the *Code of Criminal Procedure* to create a presumption of pre-trial detention for suspects allegedly involved in trafficking in children or sexual exploitation of children;
 - g. Implement fully the recommendations of the UN Committee on the Rights of the Child made in its Concluding Observations of 2012 under the *Optional Protocol on the sale of children, child prostitution and child pornography* (UN Doc. CRC/C/OPSC/THA/CO/1) as well as the recommendations of the UN Special Rapporteur on trafficking in persons, especially women and children, after her visit to Thailand in August 2011;
 - h. Accept at the earliest opportunity the requests to undertake official missions in Thailand by the Special Rapporteur on Sale of Children, Child Prostitution and Child Pornography, and the Special Rapporteur on trafficking in persons, especially women and children; and extend to them reasonable cooperation and assistance to facilitate timely and effective country missions;

- ii). *Concerning online sexual abuse and violence against children*
 - a. Amend section 19 of the *Computer Crimes Act* to require that all petitions involving allegations of sexual exploitation, sexual abuse or abuse of a child are expedited;
 - b. Encourage more cooperation between the Technology Crime Suppression Division and the Department of Special Investigation to strengthen investigations of offences related to uploading illegal or criminal content;
 - c. Engage in capacity building and training of law enforcement on evolving forms of online sexual abuse and child abuse materials as well as rapidly developing technological platforms that enable their dissemination and downloading;

- iii). *Concerning the need to protect the rights of stateless children, refugee children, illegal migrant children:*
 - a. Withdraw Thailand's reservation to Article 22 of the *UN Convention on the Rights of the Child*, and extend the full ambit of rights under the Convention to all unaccompanied and accompanied children seeking asylum in Thailand;
 - b. Amend section 7 of the *Nationality Act* and section 7bis of the *Nationality Act* to ensure that all children born in Thailand are registered and granted citizenship in compliance with article 7 of the *UN Convention on the Rights of the Child*;
 - c. Amend section 7bis paragraph 3 of the *Nationality Act*, to remove the words, 'deemed to have entered and resided in the Thai Kingdom without permission under the law on immigration unless the Ministerial Regulation is formulated;'
 - d. Promulgate Ministerial Regulations to ensure children born to stateless persons or undocumented migrants residing in Thailand are afforded their full rights under the *Convention on the Rights of the Child* and are not deemed as illegal migrants, subjected to arrest or detention under the *Immigration Act*.

- iv). *Concerning the need to uphold Thailand's obligations to prevent the recruitment of child soldiers and the participation of children in the hostilities by armed groups in southern Thailand:*
 - a. Together with national and international child rights and child protection organisations, establish a system for monitoring and reporting on the recruitment and use of children by non-state armed groups and on the impacts of the conflict in southern Thailand on children, particularly on their psychology, health and education;
 - b. Ensure that civilian and military officials in southern Thailand are trained in children's rights, including the provisions of the *Optional Protocol on the Involvement of Children in Armed Conflicts*, and are aware of their roles to prevent and address underage recruitment;
 - c. Explicitly criminalise the recruitment and use in hostilities of any persons under the age of 18 years in armed forces and armed groups;
 - d. Ensure that children are not arbitrarily detained or prosecuted solely for the fact of having been recruited or used by armed groups;
 - e. Amend *Martial Law* and the *Emergency Decree* to explicitly state that children under the age of 18 years cannot be detained under these laws. Children suspected of committing a security-related crime should be dealt with in accordance with the *Juvenile and Family Court and Juvenile and Family Procedure Act 2010*;
 - f. Ensure that the detention of persons under 18 years of age is used as a last resort; that adults and persons under 18 years of age are detained in separate facilities; that persons under 18 years of age are not subjected to conduct amounting torture or other cruel, inhuman or degrading treatment or punishment under any circumstances; that there are clear regulations permitting visits from family and relatives; and that they

are allowed to have a legal advisor, a psychologist and other relevant parties present during the inquiry.

v). *Concerning the need to raise the minimum age of criminal responsibility of children to 12 years:*

- a. Raise the minimum age of criminal responsibility to an internationally acceptable age and in no circumstances below the age of 12 years.

vi). *Concerning the need to prohibit all forms of corporal punishment or other cruel or degrading punishment of children in the home as well as all other settings in Thailand*

- a. Amend section 1567 of the *Civil and Commercial Code* to explicitly prohibit any form of corporal punishment of children in the home and alternative care settings, including for disciplinary purposes;
- b. Explicitly prohibit in law any form of corporal punishment or other cruel or degrading punishment of children in all settings;

iv). *Concerning the need to uphold the commitments made in the First Cycle of the Universal Periodic Review Process and implement the following accepted recommendations which remain unimplemented:*

- a. Consolidate the enforcement of the law concerning human trafficking particularly in cases of sexual and labour exploitation, which are two very sensitive issues in the country (88.50);
- b. Increase efforts to effectively prevent trafficking in human beings for purposes of sexual exploitation and forced labour, including child prostitution (88.51);
- c. Seriously address the issues of child pornography and human trafficking in girls and boys for sexual purposes, including encouraging police and border forces to strengthen efforts at fighting these phenomena as well as seeking accountability where lack of state efforts at prosecution could amount to human rights violations (88.53);
- d. Implement more rigorously the existing mechanisms to protect and assist children living and/or working on the streets; (88.43)
- e. Continue cooperating closely with neighbouring countries in combating and suppressing trafficking in persons, particularly women and girls and in addressing the situation of irregular migrants, refugees and asylum seekers;
- f. Consider raising (from 7 years old) the minimum age of criminal responsibility; (88.78)

ENDNOTES:

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- ⁱ A child is a victim of commercial sexual exploitation when he or she is subjected to sexual abuse or violence, and a profit, benefit or some other material gain (remuneration in cash or in kind) is incurred by a third party, family member or the child, which is directly linked to the victimization. There are four primary and interrelated forms of sexual exploitation of children: prostitution, pornography, trafficking for sexual purposes, and sexual exploitation of children in travel and tourism.
- ⁱⁱ UN Committee on the Rights of the Child, *Consideration of reports submitted by States parties under article 44 of the Convention, Concluding observations: Thailand*, 17 February 2012, UN Doc. CRC/C/THA/CO/3-4 [‘UN Committee on the Rights of the Child, Concluding Observations on CRC’]
- ⁱⁱⁱ UN Committee on the Rights of the Child, *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*, 21 February 2012, UN Doc. CRC/C/OPSC/THA/CO/1, para 21 [‘UN Committee on the Rights of the Child, Concluding Observations on OPSC’]
- ^{iv} UNICEF, *Legal Protection from Violence: Analysis of domestic laws related to violence against children in ASEAN member States*, (Bangkok: UNICEF EAPRO, 2015).
- ^v Sections 5 and 6, *Prevention and Suppression of Prostitution Act* (1996).
- ^{vi} Thailand Department of Juvenile Observation and Protection, 2012 Annual Report, accessed at: <http://www2.djop.moj.go.th/images/djopimage/stat2555.pdf>
- ^{vii} UN Committee on the Rights of the Child, Concluding Observations on CRC, para 21.
- ^{viii} U.S. Department of State, *Trafficking in Persons Report 2014: Thailand*, available at: <http://www.state.gov/documents/organization/226849.pdf>
- ^{ix} U.S. Department of State, *Trafficking in Persons Report 2015: Thailand*, available at: <http://www.state.gov/documents/organization/243562.pdf>
- ^x UN Committee on the Rights of the Child, *Consideration of reports submitted by State 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*, 21 February 2012, UN Doc. CRC/C/OPSC/THA/CO/1, para 21.
- ^{xi} UN Committee on the Rights of the Child, Concluding Observations on CRC, para 76.
- ^{xii} ThaiHotLine and International Association of Internet Hotlines (INHOPE), accessed at: <https://report.thaihotline.org/en>
- ^{xiii} Section 19, *Computer Crime Act, B.E. 2550 (2007)* [unofficial translation], 18 July 2007, accessed at: <http://www.prachatai.com/english/node/117>
- ^{xiv} Section 19, *ibid.*
- ^{xv} UNICEF Thailand, *Situation Analysis of Children and Women*, (Bangkok: UNICEF, 2011), p. 43; citing to: Education for Migrant and Stateless Children in Thailand, Office of the Education Council, 2008.
- ^{xvi} Committee on the Rights of the Child, *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, Initial reports of States parties due in 2008: Thailand*, CRC/C/OPSC/THA/1, 19 July 2011, para. 11.
- ^{xvii} IOM, *Thailand Migration Report 2011, Migration for Development in Thailand: Overview and Tools for Policymakers*, (Bangkok: IOM, 2011), p. xiv.
- ^{xviii} Save the Children, *Thailand Strategic Plan 2014-2015*.
- ^{xix} UNICEF Thailand, *Situation Analysis of Children and Women*, (Bangkok: UNICEF, 2011), pp. 40 and 43.
- ^{xx} UNCHR, *2015 UNHCR country operations profile – Thailand*, 10 September 2015, accessed: <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e489646&submit=GO>
- ^{xxi} UNICEF Thailand, *Situation Analysis of Children and Women*, (Bangkok: UNICEF, 2011), p. 9.
- ^{xxii} See Child Soldiers International and the CrCF, *Southern Thailand: Ongoing Recruitment and Use of Children by Armed Groups*, January 2015, available at: http://www.child-soldiers.org/research_report_reader.php?id=799; and Child Soldiers International, *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, September 2011, available at: http://www.child-soldiers.org/research_report_reader.php?id=287

^{xxiii} Child Soldiers International and CrCF, confidential interviews with underage militants, Yala and Narathiwat, October - December 2013.

^{xxiv} Muslim Attorney Centre, an NGO providing legal assistance for suspected insurgents, states that it received 368 complaints of torture between 2008 and 2013. The trend was on the decrease for five years but it rose again in 2013 with 58 cases of complaints compared to 38 in the previous year. Statistics of Muslim Attorney Centre made available to Child Soldiers International.

^{xxv} *Jalanan Baru*, literally translated to “New Way”, is aimed at young people to spread drug awareness and address issues of drug dependency.

^{xxvi} Child Soldiers International interviews in Pattani and Songkhla, September 2009.

^{xxvii} Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand*, 8 December 2011, UN Doc. A/HRC/19/8, recommendation 88.78.

^{xxviii} UN Committee on the Rights of the Child, *General Comment No. 10 (2007): Children’s rights in juvenile justice*, 25 April 2007, UN Doc. CRC/C/GC/10, para 32.

^{xxix} UN Committee on the Rights of the Child, *Concluding Observations on the CRC*, para 79.

^{xxx} *Ibid*, para 80.