



Coalition Thailand

เครือข่ายสิทธิเด็กประเทศไทย

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**Convention on the Rights of the Child Coalition of Thailand
submission to the Universal Periodic Review of Thailand**

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The Convention on the Rights of the Child (CRC) Coalition of Thailand is composed of 41 civil society organizations and international non-governmental organizations working to promote the implementation of the Convention of the Rights of the Child in Thailand : Centre for the Protection of Children's Right Foundation (CPCR), Center for Girls Foundation, Save the Children Thailand, Plan International Thailand, Childline Thailand Foundation (CTF), Holt Sahathai Foundation, Foundation for Child Development (FCD), Foundation of Child Understanding (FOCUS), ECPAT Foundation, The Life Skills Development Foundation (TLSDF), One Sky Foundation, Labour Right Promotion Network Foundation (LPN), Alliance Anti-Traffic (AAT), Foundation for Children with Disability (FCD), Gabfai Community Theatre Group (GCT), World Vision Foundation of Thailand (WVFT), Hill Area and Community Development Foundation (HADF), Right To Play Thailand Foundation (RTP), Internet Foundation for the Development of Thailand, Friends International Thailand, Ethnic People Development Foundation (EPDF), Raks Thai Foundation, School of Hope Foundation, Duang Prateep Foundation, Siam-Care Foundation, Hearty Support Group, Cross Cultural Foundation, National Catholic Commission on Migration (NCCM), Terre Des Hommes (TDH), Step Ahead Foundation, A 21 Foundation, Help Without Frontier Thailand Foundation (HWF), Promjai Development Foundation, Inter Mountain Peoples' Education and Culture in Thailand Association (IMPECT), Phayao Youth News Agency (PYNA), Warm Healing Hands for Child Development Foundation, SOS Children's Villages Thailand, Urban Light Foundation (Thailand), Global Child Advocates (GCA), The Freedom Story, Kinder Not Hilfe (KNH)

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 third 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 (UNCRC)*, 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) seven issues relating to the rights of children and Thailand's implementation of its obligations under the *UN 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) Online sexual abuse and violence against children; (2) Stateless children, refugee children and undocumented migrant children, (Articles 22 and 7 UNCRC); (3) Corporal Punishment (Article 19 UNCRC); (4) Children under special security laws; (5) Minimum age for marriage law and enforcement; (6) SOGIESC (Sexual Orientation, Gender Identity, gender Expression, and Sex Characteristics) inclusion under law; and (7) Children's right to quality care.

(1) Online sexual abuse and violence against children

3. Since 2016, children have been able to increasingly access online services and platforms, with an estimated 52 million social media users in Thailand as of January 2020.¹ While there are many obvious educational and social benefits to online access, especially during the COVID-19 pandemic, there are evident negative impacts and risks to children, making them vulnerable to cyberbullying, sexual exploitation through online grooming, theft of personal information, and the growing problem of "digital addiction." A recent study by Thai Health reported that children in Thailand spend more than 35 hours a week on smartphones and that 61% of the 15,000 children aged 6 to 18 surveyed showed risks of being addicted to online games. COPAT's 2020 national survey shows that children 12-18 years of age are increasingly exposed to different forms of online abuse with 69% of children respondents reported experiencing cyber bullying, 43% expressing that the excessive amount of time spent online (10 hours and above) had resulted in a negative impact on their family relationships as well as their education performance and 68% revealing that they practice online risk-taking behavior.

¹ <https://datareportal.com/reports/digital-2020-thailand> (accessed March 2021)

4. Thailand remains a host country for child sexual abuse images (ranking 6th out of the top 15 countries (ECPAT and UNICEF Situation Analysis, 2015) and undoubtedly COVID-19 is increasing attempts to access existing material or coerce more children living in Thailand in selling or exposing intimate photos online. 45% of respondents from COPAT's survey reported being involved in collecting, downloading and sharing illicit materials i.e., child pornography, while 17% of respondents reported having been sexually harassed including pressured to share sexual images. Thailand Internet Crimes Against Children Taskforce (TICAC) has reported that online sexual abuse in 2020 has hit a record high. TICAC received 404,002 TIPS of online child sexual exploitation from the U.S. National Center for Missing and Exploited Children (NCMEC), compared to 117,232 TIPS for the entire year in 2019. The majority of victims of online sexual exploitation are between 8-14 years old.
5. Given the risks, much attention has been given to the issue of child online exploitation and safe access to online platforms to be used for educational purposes since 2016, including the Royal Thai government's 2017-21 policy towards this end. In 2017, the Royal Thai government amended the Computer Crime Act (CCA) to penalize internet service providers (ISPs) who cooperate, consent or acquiesce to a computer crime. The amendment provides the CCA more scope to carry out cyber investigations. However, the CCA has found it difficult to keep pace with the increase of cyber-related crimes and emerging areas in the digital environment that increase risks for children being exploited and abused. The CRC Coalition Thailand has proposed that the CCA amendment should go further to include live-streaming in its definition of online pornography and that sexting, online grooming of children, and sextortion should be criminalized.
6. The establishment of a Cyber Crime Investigation Bureau (CCIB) in October 2020 is expected to streamline and build collaboration across Ministries. Unfortunately, the number of designated, qualified officials is limited with case processing facing bottlenecks. Consequently, child victims face unnecessarily long legal proceedings and risk becoming re-traumatized during court procedures. The existing framework, i.e. the National Strategy for the Protection of Children and Youth from Online Exploitation and Abuse (2017-21), will come to an end soon. Thus, all key responsible agencies including the Sub-Committee on the Protection of Children from Online Abuse, the Committee for the Development of Children and Youth, and the Child Online Protection Action Thailand (COPAT) under the Department of Children and Youth need to set a new direction and strategies for the online protection for children.

(2) Stateless children, refugee children and undocumented migrant children

8. Although the Royal Thai Government adopted Education for All (EFA) policy in 1990 to promote education for all children regardless of their nationality and legal status, the policy implementation imposes some barriers that prohibit migrant and stateless children, in particular, from enjoying their full rights to education.
9. Of almost 400,000 migrant children currently living in Thailand, an estimated 200,000 are not in school due to socioeconomic reasons.² Migrant parents, despite the 15-year free education scheme, still have to pay for the indirect costs for education which they often cannot afford. Even after migrant children enroll in school, an estimated 50% of them drop out due to economic hardships. In addition, the lack of understanding of government policies among school officials and migrant parents has resulted in lower enrolment and higher drop-out rates among migrant children. Parents of migrant children are often not aware of their options for their children's education, which defeats the intention of the free education policy.
10. These combined factors ultimately leave these children vulnerable to child labour, exploitation, and trafficking. Almost 50% of migrant children drop-outs stated that they needed to work to take

² Ministry of Education and Migrant Working Group, 2018, <http://hrdfoundation.org/wp-content/uploads/>

care of family members.³ Because of the legal age limit for employment in Thailand set at 15, migrant children drop-outs entering the labor force are economically exploited. 21 % of the migrant workers reported that there were children under 18 working with them.⁴

11. Thailand does not have a specific law with respect to the rights and obligations of refugees and asylum-seekers, and the Royal Thai Government does not undertake formal refugee status determination (RSD). Thailand has made a reservation to article 22 of the Convention on the Rights of the Child concerning refugee children. It is estimated that 36,344 children age 0 to 17 are living in the camps of which only 18,079 refugee children (8,564 boys, 9,515 girls) attend school.⁵
12. Quality Education is the main concern for “refugee” children. Though refugee children have access to schools (early childhood education, basic education and vocational education) within the camps, the education institutions themselves are weak due to diminishing funding support, and lack of qualified teachers, the latter being a result of low stipends for school teachers.
13. In these border areas, the Royal Thai government has established Migrant Learning Centers (MLCs) which use a standardized curriculum that can be accredited in Myanmar or with Thai non-formal schools. In 2018, the Ministerial Proclamation of Education For All (EFA) eliminated legal obstacles that prevented migrant children from enrolling in Thai schools.⁶ Challenges still remain, however, especially with formal recognition of MLCs and teacher's accreditation, and access to quality and inclusive education for out of school children (OSCC). In time of the COVID-19 pandemic, the MLCs are not permitted to operate. This creates the long-term impact of disrupted education for migrant children. School closures and the wider socio-economic impacts of COVID-19 on communities and society also disrupt children's and young people's normal support systems, leaving them more vulnerable to illnesses and child protection risks such as physical and humiliating punishment, sexual and gender-based violence, child marriage, child labour, child trafficking and recruitment and use in armed conflict. It is estimated that around 19,410 migrant children are affected as a result of the school closure. Tak is one of the country's primary provinces in which migrant children live. The province has the greatest number of MLCs, with around 11,329 children enrolled⁷.
14. Similar to refugee children, stateless children in Thailand face obstacles in accessing equal services at Thai formal schools. Stateless students are provided G-coded identification cards which do not allow them to access health services at schools. Only after receiving their 13-digit identification cards are they able to benefit from the same services as their Thai peers. Though the government policy for issuing the 13-digit identification cards is in place for accessing Thai schools, the implementation of the program is neither being implemented at scale and nor uniformly understood by many local government officials. Some INGOs and CSOs are working collaboratively and successfully with local government authorities in the northern provinces of Chiang Mai and Chiang Rai but more central government support and socialization of the program among local officials is needed.

(3) *Corporal Punishment*

15. Though Thailand has enacted many laws related to child protection, parent/guardian duties, and domestic violence, none of these laws explicitly prohibit corporal punishment and thus, by

³ Tyrosvoutis, G. (2019). Bridges: Participatory action research on the future of migrant education in Thailand. Teacher FOCUS Myanmar

⁴ Migrant Working Group, 2019, <https://www.mwgthailand.org/en>

⁵ Save the Children Field Reports, 2020

⁶ Tyrosvoutis, G. (2019)

⁷ Migrant Educational Coordination Center (MECC), 2020

default, corporal punishment remains lawful in domestic settings. In school settings, there are two sets of regulations related to corporal punishment, included in teacher and staff ethics guidelines. Although corporal punishment is unlawful, specific, humiliating punishment of children in schools is not regulated.

16. Thailand is currently in the process of preparing the progress report numbers 5-6 for submission to the UNCRC committee, although the plan to submit by October 2017 was delayed. 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, in order to comply with the UNCRC and the ASEAN Regional Forum on Child Violence Action Plan. In 2016, the recommendations from UPR review process related with corporal punishment were again put forward in the second cycle (2012-2016). The Royal Thai government accepted the recommendation, asserting that the government would “*carry out measures to prohibit corporal punishment of children in all settings, including the home... prohibit corporal punishment of children in all settings [and]...explicitly prohibit in law any form of corporal punishment or other cruel or degrading punishment of children in all settings.*” At the time of this report, the government’s commitment has not been matched by its progress in implementing the recommendations from the second Universal Periodic Review of Thailand in 2016.

(4) Children under special security laws – safe schools

17. Since 2004, the resumption of the conflict growing out of religious and ethnic tensions and various political discourse in Thailand’s Deep South provinces of Pattani, Yala, and Narathiwat has resulted in the death of over 6,000 people, of whom 90% were civilians. The ethnic and religious separatist conflict has negatively impacted hundreds of thousands of children and continues to threaten the safety and livelihoods of their families. Loss of parents, interrupted education, restricted movement, and ever-present military are common occurrences for children growing up in these provinces. Tensions surround language, the right to self-determination, and religious identity in a region where minority ethnic and language groups account for over 75% of the local population.⁸
18. The Global Coalition to Protection Education from Attack (GCPEA) has found that more than 22,000 students, teachers, and academics were injured, killed, or harmed in attacks on education during armed conflict or insecurity over the past five years (2015-2019), according to their report Education under Attack 2020.⁹ More than 11,000 separate attacks on education facilities, students and educators took place during that time period. Education Under Attack 2020, the most comprehensive overview of this issue worldwide, profiles the 37 worst affected countries: those that have experienced at least ten attacks over the reporting period. Thailand is one of the 37 countries featured in the report.
19. In southern Thailand, separatist groups have reportedly attacked personnel or teacher protection units as the government education system may be viewed as a symbol of state power and control, and targeted by groups fighting the state. Attacks on education in Thailand not only kill or injure individual students and teachers, they also impact communities for years. With buildings or teaching materials destroyed and students and teachers living in fear, schools and universities close and some students never resume their education, impeding long-term development. The military use of schools can endanger students’ and teachers’ safety, hinder access to education and can lead to other violations such as attacks on schools, exposing children to the risk of death, injury, mental stress, child recruitment, and sexual exploitation and abuse.

⁸ Children at the Center Participatory Action Research in Thailand’s Deep South, Save the Children, 2018

⁹ https://protectingeducation.org/wp-content/uploads/eua_2020_full.pdf (accessed March 2021)

20. The Safe Schools Declaration is an intergovernmental political commitment and the only international document dedicated to protection of education in conflict. The Declaration (or SSD) provides countries with the opportunity to express support for protecting students, teachers, schools, and universities from attack during times of armed conflict; the importance of the continuation of education during armed conflict; and the implementation of concrete measures to deter the military use of schools. With the recent endorsement by St. Vincent and the Grenadines, **105** countries have now endorsed the Declaration, and support has come from the highest levels of the United Nations, including the Secretary-General, the former High Commissioner for Human Rights, and the Special Representative for Children and Armed Conflict. There is good evidence that states are implementing the commitments in the Safe Schools Declaration, and that this is having a positive effect on children. States have committed to implementing the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict* into military documents and have also taken steps to change behavior on the ground. Thailand has not yet endorsed the Safe Schools Declaration.

(5) Minimum age for marriage law and enforcement

21. Based on the latest available statistics, Thailand ranks 19th among 193 UN States as having the highest number of girls married or in a union before the age of 18 years. Regarding the highest prevalence of early childhood marriage among boys, Thailand ranks 11th among UN States.¹⁰ Child early and forced marriage and unions (CEFMU) is globally acknowledged as an issue that violates the many rights of children, especially of girls, that could lead to severe mental and physical health deprivations, high school drop-out rates, and contribute to an ongoing cycle of poverty, among others. During the 2019 International Conference on Population and Development (ICPD25), the government of Thailand committed to reducing child marriage below age 18 by empowering female students to continue their education. Yet, under the current Thai Family Law, Section 1448, a marriage [in Thailand] can take place only when the man and woman have completed their seventeenth year of age. In addition, a glaring loophole in this law that leaves children and, especially girls, vulnerable is a provision that states that the Court, “*in case of having appropriate reason, [may] allow [children] to marry before attaining such age.*” Conforming to international standards of raising the minimum age for marriage to 18 years together with the elimination of loopholes in its domestic marriage law, will go far towards eliminating child early and forced marriage and unions in Thailand while enabling Thai girls and boys to assert their nationally and internationally recognized rights based on the UNCRC, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Declaration on the Elimination of Violence Against Women, the Declaration on the Elimination of Violence against Children, as well as commitments made concerning the same at the 23rd ASEAN Summit. In the second UPR Cycle (2012-2016), Thailand accepted the recommendation by Sierra Leone to ensure that the minimum age of marriage is 18 for both boys and girls (A/HRC/33/16 - Para. 158.129). The State has not yet implemented this recommendation.

(6) SOGIESC legal identity and inclusion

22. 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 diverse sexual orientation, gender identity, gender expression, and sex characteristics (SOGIESC) in Thai society. According to Thai law, the use of titles (*Dek Chai/Nai* for males and *Dek Ying/Nang Sao/Nang* for females) and gender markers are still based on one’s sex assigned at birth. Moreover, children born with intersex variations are assigned either male or female by doctors. For children, not being legally recognized for their gender identity bars them from developing their sense of self and modes of expression, while they start interacting with social units and circles. Bills have been created dating back to 2007, but none have been passed into law.¹¹

¹⁰ <https://atlas.girlsnotbrides.org/map/thailand/> (accessed March 2021)

¹¹ https://web.parliament.go.th/assets/portals/5/files/29_3_2562-5.pdf (accessed March 2021)

23. A major concern is the growing number of mental health issues confronting LGBTIQ+ children in Thailand. It has been reported by Save the Children that LGBTIQ+ children may need specialised psychological support as they explore and express their SOGIESC, while they may face struggles, such as harassment, discrimination, and stigma¹². Furthermore, they may also possibly seek mental health services for reasons unrelated to their gender identity or sexuality. Although it is recommended by WHO that national mental health plans should specify measures for specific vulnerable groups including LBGTIQ+ persons, Thailand lacks such measures. A child-consultant with same-sex attraction from Chiang Mai shared her experience when she was unable to receive psychological support as she could not obtain parental consent, which was a legal requirement for children under 18 years. After waiting for several years until she turned 18, she saw a psychiatrist who implied that changing her sexual orientation might be better for her. This barrier not only affects one's individual development, but also one's ability to deal with pressures and norms perpetrated, even when receiving mental health services.
24. It was shared that problems at home have direct effects on young peoples' lives-- which further aggravate their mental health and marginalized situation. Many LGBTIQ+ children and youth had to negotiate acceptance for their extra efforts, such as excelling at school or earning money for their families. This poses mental burdens for them to 'do more' in order to earn acceptance from families. Rigid norms are reported by children as "sex assigned at birth dictates your actions, sexual orientation and behavior." This is why LGBTIQ+ people are afraid to express themselves to others - leading to one's social isolation - even within their homes. There are also risks of violence and discrimination. In a national survey, 50% of LGBTIQ+ people face discrimination at home¹³. In rural areas, parents usually face difficulties to explain or talk about this reality within the family. Furthermore, in some ethnic areas, families are forced to believe that there is no such thing as LGBTIQ+.

(7) Children's right to quality care

25. Thailand has developed a heavy reliance on private institutional care for children which is the least desirable option for the overall wellbeing of children as confirmed by numerous research findings and the United Nations Guidelines for the Alternative Care of Children (UNGL). The risk of harm to children's healthy development is increased in Thailand where many private care facilities remain unregistered and unmonitored by the government. There is growing concern that the quality of care in many of these facilities is very low.
26. While there is substantial investment by private sector actors in Thailand in the provision of private institutional facilities, there is little investment in services to support families so that children need not enter private institutional facilities in the first place. This means many children are being removed from their families (or extended families) unnecessarily before all possible efforts to support families to care for their own children have been exhausted. In effect, institutional care has become the first option for many children, instead of the last resort. Furthermore, most moves into institutional type care are long term and there are no existing mechanisms attempting to return children to their families as soon as possible as recommended in the UNGA.
27. In addition, the government's own residential care facilities still record poverty as one of the primary reasons for children to be in their care, just like many private institutional facilities. For example, from Sangkhlaburi alternative care research, the two main causes of child intake are poverty and lack of access to education. The study found that less than 10% of children living in Sangkhlaburi's private institutions are double orphans. So it can be assumed that with a regular review and access to family support services, the chances for the majority to be reintegrated back

¹² LGBTIQ Children in Thailand, Save the Children, 2018, pp. 18-20,
https://resourcecentre.savethechildren.net/node/13480/pdf/lgbtqyouth_in_thailand_save_the_children_2018.pdf

¹³ UNDP (2019). Tolerance but not Inclusion: A national survey on experiences of discrimination and social attitudes towards LGBT people in Thailand. Bangkok: UNDP.

to their families are high. Unfortunately, such reviews are lacking, raising concern that very few government officers or private care providers who are responsible for the alternative care of children in Thailand possess an working awareness of the UN Guidelines.

28. Thailand has allowed the growth in the number of private institutional care options to continue unhindered. There is no control of the total number and location of these private enterprises. 50% of the private institutional care facilities that have so far been documented are within just two of Thailand's 76 provinces. More than 80% of the facilities are in just 10 provinces. More research is underway, but there appears to be no identifiable variation in the needs of children in different provinces that would explain such an unbalanced approach by the private sector.¹⁴
29. The operational requirements to legally run a private care facility in Thailand are outdated and do not reflect the UNGA in any way. There are no consequences for operating a private care facility for children without following the legally-mandated standards, leaving thousands of children at risk of abuse and exploitation.
30. At the time of this report, the number of children in the 30 government child institutions is 4,177.¹⁵ The CRCCT has documented over 500 private children's homes operating in Thailand, including 239 unregistered private children's homes.¹⁶ A 2015 UNICEF report into the situation of Alternative Care in Thailand stated that Thai government boarding schools are also, to all intents and purposes, alternative care institutions. In excess of 33,000 children are currently living in these schools.
31. Finally, the situation of children in alternative care in Thailand reflects the investments that have been made, especially by the private sector. If UNGL can be fully implemented, a significant number of the children currently in institutional type care would no longer need to be in such facilities. Instead, they could be with their families thanks to strong support services, in kinship care with support if needed, or in family-based alternative care.

RECOMMENDATIONS

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

1) Concerning online sexual abuse and violence against children

- a) Amend the CCA further to include live-streaming in its definition of online pornography and that sexting, online grooming of children, and sextortion should be criminalized;
- b) Review and extend the National Strategies to Protect Children from Online Exploitation and Abuse in alignment with the UNCRC's General Comments No.25 (2021) and the "WeProtect" (Working to protect children from the growing threat of sexual exploitation and abuse online) Global Alliance's framework;
- c) Set up the National Center for the Protection of Children from all forms of Online Exploitation and Abuse to coordinate collaboration and resources among different ministries, and CSOs referring to the five pillars for online safety: Policy, Prevention, Protection, Prosecution and Promotion;
- d) Develop a user-friendly learning curriculum in government schools to increase media, information and digital literacy for children, families and the public in general. Children must

¹⁴ Alternative Care Thailand database of private children's homes in Thailand 2021

¹⁵ Department of Children and Youth, Ministry of Social Development and Human Security website (accessed 28 February 2021)

¹⁶ Alternative Care Thailand database of private children's homes in Thailand 2021

- be equipped with knowledge, skills, and tools to become meaningful digital citizens;
- e) Significantly increase engagement of children in monitoring the implementation of the existing legal frameworks that consider the *Children's recommendations proposed at the 2019 ASEAN Children Summit to realizing the rights of the child in the digital environment*:
 - i) **On Online Sexual Exploitation and Catfishing:** Monitor the information on cloud to avoid illegal content, like child pornography. Do not re-victimize victims online/via social media. Schools should provide protection to children;
 - ii) **On Fake News and Inappropriate Information:** Create child-friendly applications where children can get information. Have strict regulations on online identity formation and internet information filters;
 - iii) **On Digital Literacy:** Include digital literacy in school curriculums. Provide educational institutions with equipment and internet connections that can be used to build awareness among parents and children alike about necessary safety measures to operate in the digital world;
 - iv) **On Safety and Privacy:** Build knowledge and capacity for children to keep their personal information safe;
 - v) **On Hate Speech and online bullying:** Every school should ensure counselling and referral services available. Schools should enforce child safeguarding policies with zero tolerance for violence of all forms including hate speech and cyberbullying. A toll-free number that is accessible and friendly to the children should be established for every school. Conduct awareness-raising campaigns about the deteriorating impact of hate speech and online bullying.

2) Concerning the need to protect the rights of stateless children, refugee children, undocumented migrant children

- a) Ensure the continuity of the academic learning of children; that all migrant children, being documented or undocumented, are not denied enrollment/getting back to schools and are provided with equitable and inclusive access to good learning conditions, especially during pandemic conditions requiring additional resources and mitigation measures;
- b) Develop a strong mechanism, in collaboration with the civil society organizations / NGOs, to minimise the risk of transmission of COVID-19 within learning spaces and address the learning inequalities and protection concerns exacerbated by COVID-19 school closures...Also support school administrators, caregivers, teachers, community and local government to regain their socio-emotional being and resilience;
- c) Ensure safe learning spaces and access to basic learning materials for children living in the refugee camps as this is central to improving student achievement in low-resource environments where there is a shortage of highly trained or qualified teachers;
- d) Proactively socialize government programs for issuing stateless student 13 digit identification cards, especially among local (District and sub-district) level government officials and expand proven and successful partnerships with CSOs and INGOs for field level implementation.

3) 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) Revise the Child Protection Act, B.E. 2546 (2003) and the Civil and Commercial Code, B.E. 2551 (2008), Article 1567 to state a clear prohibition of corporal punishments in domestic settings;
- b) Revise related regulations while increasing and improving additional measures to prevent corporal punishment in schools;

- c) Collaborate and cooperate with local government mechanisms for establishing their own local working groups and mechanisms addressing child protection issues pertaining to physical and humiliating punishment;
- d) Promote increased awareness of the negative effects of corporal punishment, especially among parents, teachers, and other caregivers, providing them advice (i.e. in form of school and community trainings) on proven and effective child rearing methods that are non-violent and respect children's rights;
- e) Educate children on their rights and corporal punishment issues. Children should be able to discuss, negotiate, and discuss their behavior while explaining to a parent why they don't deserve the physical or humiliating punishment;
- f) Promote messages emphasizing that mitigating violence against children involves all people in society.

4) *Concerning the needs of children under special security laws*

- a) Adopt recommendations from the Safe Schools Declaration in May 2015, launched by the governments of Argentina and Norway.

5) *Concerning the minimum age for marriage law and enforcement*

- a) Raise the minimum age for marriage to 18 years and eliminate legal loopholes that allow children to be married or enter into a union by revising Section 1448 of the Thai Family Law and in compliance of its existing international UN and ASEAN commitments.
- b) Accelerate efforts to implement national action plan to end child marriage in Thailand in line with recommendations from United Nations Population Fund, United Nations Children's Fund and concerned civil society organizations supporting the effort in Thailand.

6) *Concerning SOGIESC inclusion*

- a) Pass a legal gender recognition law based on self-determination principle without requirements for medical interventions, with child-friendly access to such processes;
- b) Establish child-friendly and accessible mental health services for LGBTIQ+ children, and eliminate any legal requirements of parental consent for children under 18 years seeking psychological support;
- c) Provide support in building understanding and positive parenting skills to ensure that families and homes are safe for LGBTIQ+ children.

7) *Concerning children's right to quality care*

- a) Commit to the 2019 UN Resolution on the Rights of the Child and maximize the reinforcement power of the 2003 Child Protection Act to bring oversight and accountability to both government and private children's homes as a first step towards implementation of the UN Guidelines of Alternative Cares (UNGL), which aims to:
 - i) Provide a range of solutions for quality alternative care available to respond to the diverse individual needs and best interests of children by amending legislation and ministerial regulations to recognize the standards of different care options, including supervised independent living, small group homes, respite care, foster care; and aftercare services;
 - ii) Oversee measure for protection of children fully compliant with the guidelines and ensure its full implementation with robust accountability across the care process, especially in the gatekeeping mechanism, standard of operation in connecting resources for facilitating the transition process of leaving care in both family-reunification and independent living;
 - iii) Review requirements to open and run a private residential care facility in Thailand to bring those requirements in line with the vision of the UN Guidelines and capacitating the

- private sectors towards achieving quality care;
- iv) Strengthen the de-institution process for unnecessary and unqualified child care institutions and increase more quality alternative care options for the best interest of the child, according to the UNGL;
 - v) Direct private sector alternative care investments to ensure standards of quality are met for all facilities across fairly distributed geographic areas in Thailand to ensure broadest reach of benefits.
- b) Concerning adoption, the Royal Thai Government is urged to:
- i) Improve the efficacy of social work mechanisms to fully investigate the abandonment/ relinquishment of each child into institutional care so that it does not prevent or delay the possibility for a large number of children to become eligible for adoption within a reasonable period of time to ensure that children are not stuck in pending status for an unnecessarily long time. This is happening while both international and domestic adoption applications are available on the waiting list
 - ii) Implement the proactive approach to advocate and promote adoption of non-related children by Thai families as Thailand continues to place children for international adoption a lot more than the domestic placement of children to Thai adoptive families.

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

Concerning the need to raise the minimum age of criminal responsibility of children to 12 years:

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

Concerning the need to protect the rights of stateless children, refugee children, undocumented migrant children

- b) Withdraw Thailand's reservation to Article 22 of the UNCRC, and extend the full ambit of rights under the Convention to all unaccompanied and accompanied children seeking asylum in Thailand.