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Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights

Initial and second periodic reports of States parties

Thailand* **

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* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document has not been formally edited.

** Annexes are reproduced as received, in the language of submission only.

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I. Introduction

A. Entry as a State party

1. The International Covenant on Economic, Social and Cultural Rights was adopted by the United Nations on 16 December 1966 and entered into force on 3 January 1976. Thailand acceded to the Covenant on 5 September 1999. The Covenant has entered into force for Thailand since 5 December 1999, upon accession Thailand made an interpretative declarative on Article 1, Paragraph 1 on the right of self-determination, in line with its interpretative declarative on Article 1, Paragraph 1 of the International Covenant on Civil and Political Rights, in which the right of self-determination shall not be interpreted to include separation of territory or political unity of a sovereign state.

2. This Country Report has been prepared to comply with the obligations under Articles 16 and 17 of the Covenant, which stipulate that a State Party must submit its implementation report in accordance with the obligations under the Covenant, outlining legal measures, judicial and administrative procedures, and progress of implementation in various aspects. Thailand regards this Country Report as a combined report of the initial report (30 June 2002) and the periodic report (30 June 2007). In preparing this report, Thailand has followed the guidelines on reporting format and content as set by the Committee on Economic, Social and Cultural Rights.

B. Methodology

3. The preparation of the report has undergone the process of participation of academics, government agencies, the private sector and the civil society in the form of Committee, Sub-Committee and Task Force under the responsibility of the Office of the Attorney General. The process has been carried out in three stages as follows.

1st Stage: Setting framework and initial data analysis

4. The Office of the Attorney General, with the mandate assigned by the Cabinet to be the core responsible agency in the preparation of Thailand's Country Report under the International Covenant on Economic, Social and Cultural Rights set up the "Committee on Setting a Framework and Planning for the Country Report Preparation in accordance with the obligations under the International Covenant on Economic, Social and Cultural Rights" which consists of representatives from government agencies, the private sector, independent state organizations, (educational) institutions and academics. The Committee is responsible for giving direction, comments, information and suggestions toward the preparation of the Country Report. The Committee set a framework and conducted initial data analysis for the report preparation. It then set up a Managing Sub-Committee for the Preparation of the Country Report to collect and study the data according to the recommendations and guidelines set by the Committee. The result of analysis has identified basic problems from the information gained and publicized the Covenant with regard to its concept, principle, background and provisions, resulting in awareness and acquisition of knowledge concerning the Covenant and the obligations under it in respect of the report preparation among personnel in the government and civil sectors, academics, as well as organizations at national and local levels. This has enabled the process of participation in the preparation of the report in form of information sharing and other forms of cooperation, from which the scope and basic guidelines for the preparation of the report could be set.

2nd Stage: Preparing the report

5. In 2001, under the responsibility of the Committee on Setting Framework and Planning for the Country Report Preparation in accordance with the obligations under the International Covenant on Economic, Social and Cultural Rights, it set up the Managing Sub-Committee. The Managing Sub-Committee later held seminars and workshops to jointly set the scope and format of the report, draft content of the report according to the guidelines of the United Nations Committee on Economic, Social and Cultural Rights, and to consider the content of the report drafts at the central and local levels many times. The first draft of the report had gone through reviews and been revised by all parties concerned at seminars with public hearing, which were held both at national and sub-national levels, and by the Committee Meetings comprising representatives from governmental and private sectors, academics and experts. Many additional opinion, comments and suggestions had been collected from those workshops and meetings. In mid-2005, the Task Force on Report Compilation and the Office of the Attorney General revised the report to completion and submitted the final draft to the Cabinet for approval. However, the political turbulence led to the Parliament's dissolution, resulting in the termination of effect of the Constitution B.E. 2540 (1997) which is the main law being referred to in the preparation of the report. And subsequent to the change of government, the approval process of the report was disrupted. Later when the Constitution B.E. 2550 (2007) came into force, the Office of the Attorney General again formed the Committee on Setting Framework and Planning for the Country Report Preparation in accordance with the obligations under the International Covenant on Economic, Social and Cultural Rights to set a framework and guideline for the revision and preparation of a draft of the Country Report. The Sub-Committee for Revising a Draft of the Report on the Obligations under the International Covenant on Economic, Social and Cultural Rights, consisting of 33 representatives from government agencies, academics and experts, was then set up to revise the content of the original report draft to become fully updated and to accord with the Constitution B.E. 2550 (2007).

3rd Stage: Presenting the draft report to the public.

6. In 2009, the draft report was presented to the public and all parties concerned both at regional and national levels for comments and suggestions towards improvement of the report. The draft report was then revised upon taking the public comments and suggestions into consideration until completion, and submitted to the Cabinet for approval. The Country Report was finally approved by the Cabinet on 2 November 2010.

C. Initial explanation

7. This report is a combined report of the initial report and the periodic report, which were due for submission on 30 December 2002 and 30 December 2007 respectively. The data in this report covers the period of 2003-2009. The preparation of the report follows the guidelines of the United Nations, according to Document E/C.12/1991/1 dated 17 June 1991, Document HRI/MC/2005/3 dated 1 June 2005, Document HRI/GEN/2/Rev.3 dated 8 May 2006, Document HRI/GEN/2/Rev.5 dated 29 May 2008 and Document E/C.12/2008/2 dated 24 March 2009, together with the general comments made and endorsed by the Committee on Economic, Social and Cultural Rights. The content of the report is composed of two parts:

- **The common core document.** This consists of general basic information: demographic and socio-economic statistics and data on cultural conditions, the Constitution, political system and legal structure. In addition, this part of the report presents the legal framework of basic domestic laws for the protection of human rights at national level, domestic guidelines for the promotion of human

rights at national level, the role of the report preparation process in promoting human rights at national level, as well as other human rights-related information, and the operation in compliance with the provisions on basic human rights in relevant treaties. For this part, please refer to the common core document (HRI/CORE/THA/2012) produced by the Committee for Preparation of the Core Document in Support of the Country Report According to the International Treaty on Human Rights, the Ministry of Justice of Thailand.

- **The treaty-specific document.** This is an analysis of the results of Thailand's implementation under the Covenant, including existing provisions and mechanisms that Thailand has in place to comply with the substantive provisions set forth under Articles 1-15 of the Covenant, particularly on the issues specified by the Committee on Economic, Social and Cultural Rights, as appeared in the Guidelines for Preparation of Report.

II. Reporting on the substantive provisions

Article 1 – Right of self-determination

8. Thailand's Constitution B.E. 2550 (2007) (hereinafter referred to as "the Present Constitution") provides that the sovereign power belongs to the Thai people and it ensures the people's rights and freedom, which cover civil and political rights, economic, social and cultural rights, and people's participation in political decision, and in economic, social and cultural planning. Thailand holds no responsibility over the administration of "non-self governing" and Trust territories.

Article 2 – Ensuring non-discrimination

9. The Present Constitution provides for the protection of human dignity, rights and freedom of a person, equality of a person without unjust discrimination on the ground of distinction in original birthplace, race, language, gender, age, physical or health condition, personal status, economic or social status, religious belief, education or training or political opinion which do not contradict the Constitution. This corresponds with the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which Thailand acceded to as a State Party on 28 January 2003 and has entered into force in Thailand since 27 February 2003. The initial country report on the obligations under ICERD (CERD/C/THA/1-3) has already been submitted.

10. In terms of policy, the Thai government's 10th National Economic and Social Development Plan has set strategies on the development of human quality towards a knowledge-based and learning society by promoting peaceful coexistence in society, good relations will be nurtured among people in society on a basis of reasonableness; life security will be protected at the level of family and community; diverse and comprehensive systems of economic and social protection will be developed; personal safety will be enhanced on foundation of social justice; an integrated judicial process and concerted enforcement of law will be installed; consciousness of the rights and duties of citizens, and respect for human dignity will be promoted.

11. The Thai Government has also laid down the Strategic Plan to Address the Problem of Rights of Person's Status B.E. 2548 (2005), which constitutes its policy and strategic plans of action to intensively tackle the problem of rights of person's status directly. The Plan provides for the groups of persons without clear status to have access to their rights and sets a system to protect their rights in order to live their lives and participate in the

development of the country to their full potential, ensuring that they can enjoy their rights to basic needs and social welfare services with regard to medical and health care, education, etc. equally with other citizens nationwide. The Plan also attempts to prevent future influx of groups of persons without status, correct the attitude and assure honest work by state officials in order to create confidence in their operation and reduce chances of exploitation.

Article 3 – Equality between men and women in economic, social and cultural rights

12. Article 30 of the Present Constitution ensures equality between men and women in receiving equal legal protection, including appropriate treatment in cases of sexual abuse, protection from domestic violence in the family, protection for female labour workers, equal opportunity for women to participate in the formulation of public policies, etc.

13. Thailand has improved and amended several laws concerning economic, social and cultural rights in order to promote equality between men and women. For instance:

- Civil and Commercial Code Amendment Act (No.16), B.E. 2550 (2007) improves on provisions relating to a demand for compensation by fiancées, and reasons for divorce lawsuits, e.g. adultery to provide equality between men and women.
- Name of Person Act, B.E. 2505 (1962) amended by Name of Person Act, B.E. 2547 (2004) allows a woman to use her maiden name or her husband's family name after marriage.
- Form of Address for Women Act B.E. 2551 (2008) allows a married or divorced woman to choose at free will whether to use either the title "Mrs." or "Miss", effective from 5 June 2008, in accordance with the right granted to her by the Name of Person Act, B.E. 2547 (2004) to enjoy free choice of using either her own family name or her husband's family name.
- Civil Service Regulations Act, B.E. 2551 (2008), Article 83 (8) provides that any civil servant shall not commit any act of sexual abuse or sexual harassment as stipulated by the law. The Office of the Civil Service Commission issued regulation on the acts of Sexual Abuse or Sexual Harassment B.E. 2553 (2010), identifying behavioral traits considered as acts of sexual abuse or sexual harassment, which aims at ensuring that civil servants receive legal protection and appropriate treatment by their co-workers in government agencies.

14. Thailand places great importance on the Women's Development Plan by incorporating it into the country's National Economic and Social Development Plan, starting with setting the Guidelines for Women's Development in the 3rd National Economic and Social Development Plan (1971-1976), which was later developed into the Women's Development Plan in the 7th National Economic and Social Development Plan (1992-1996), the 8th Plan (1997-2001), the 9th Plan (2002-2006), and the 10th Plan (2007-2011). These efforts aim at advocating for the people in society to lead their lives on the basis of respect for human value and dignity, for equality between women and men, for positive attitudes which are conducive to the promotion of a male-female partnership role in the country's development, for women to enjoy equal opportunities in development and in fully participating in social, cultural, economic, political and administrative matters, as well as for women to enjoy protection with regard to their health condition and security in life and to access services which meet their needs.

15. The government formed a National Committee on Policy and Strategy for Women Status Development, with the Prime Minister as ex officio Chairman. The Committee's main responsibilities are to lay down operational guidelines according to the women's

development strategies in compliance with the National Economic and Social Development Plan, to enhance the potential and status of women, and to promote equality and justice between women and men in society.

16. The Office of Women's Affairs and Family Development, Ministry of Social Development and Human Security takes a role in promoting equality between men and women, and is the main agency responsible for the implementation and the preparation of reports under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to which Thailand acceded as a State Party and has complied with the Convention since 8 September 1985. So far, Thailand has submitted five Initial and Periodic Reports under CEDAW and is in the stage of preparing the 6th-7th report.

17. The government has hastened to insert women's ideas and perspectives in the formulation of policies, plans and projects of national committees. At present, more women have been appointed to hold the position of directors in national committees. With a proportionate representation of women in national committees, it is expected that national plans and projects will reflect a more gender-balanced perspective, and better respond to the needs of women.

Article 6 – Right to work

18. Since 26 February 1969, Thailand has become a State Party to the International Labour Convention No. 122 concerning Employment Policy.

19. Thailand's Present Constitution has provisions regarding the right to work, which states that a person shall enjoy the liberties to engage in an enterprise or an occupation and to undertake a fair and free competition (Section 43); and a person shall enjoy the right to work safety and welfare and to living security irrespective of whether he is employed or unemployed in accordance with the provisions of the law (Section 44); the State shall encourage and support an implementation of the sufficient economy philosophy (Section 83); the state shall encourage a free and fair economic system, implement fair distribution of incomes, extend the occasion to occupation of the public, promote and support the development of local wisdom and Thai wisdom, promote people of working age to obtain employment, protect child and woman labour, provide the system of labour relations and social security and ensure labours working at equal value to obtain wages, benefits and welfares upon fair and indiscriminate basis (Section 84).

20. The Ministry of Labour is the core agency with the mandate and responsibility to oversee the country's labour affairs, employment, work security and conditions. The important law is the Recruitment and Job Seekers Protection Act, B.E.2528 (1985), with two later amendments in 1994 and 2001. The Act significantly provides for the state to set up an employment office, i.e., Department of Employment, Ministry of Labour to provide public employment services with free of charge, and to monitor and regulate a domestic and overseas recruitment agencies in order to protect job-seekers from exploitation by business operators, to provide them with assistance, and to set a skill testing standard for a job-seeker who desires to work abroad.

21. The Department of Employment, Ministry of Labour has the main responsibilities to monitor and provide domestic employment services, employment services by government to general public, regular and special employment services, mobile employment services, coordination of domestic labour migration into the labour needed areas, employment services for special target groups, job fairs arrangement, vocational guidance and promotion, and employment services by private sector which is to encourage the private sector to take part in providing employment services to general public. The criteria set forth for service provisions in pursuance of the Recruitment and Job Seekers Protection Act, B.E.

2528 (1985) are, for example, overseas employment services provided by government, employment services provided by private recruitment agencies, issuance of work permit for foreign workers in accordance with the Working of Alien Act, B.E. 2551 (2008), services on receiving grievances from job seekers as well as preventing and protecting job seekers from deceits and exploitations, etc.

22. The Department of Labour Protection and Welfare issued the Thai Labour Standard (TLS 8001-2003) and later it was revised to become the TLS 8001-2010, announced on 26 May 2010 to be promotional measures in order that establishment of all types and sizes, especially those in export industry can adopt it in their organizations on a voluntary basis. The TLS 8001-2010 specify labour management and practices of establishments on the basis of the labour laws. Apart from those additional practice in accordance with other standards are also required. The provision on non-discrimination states that “the establishment shall not engage in or support discrimination in employment, wage and remuneration payment, providing welfare and opportunity for training and development, consideration for promotion, termination of employment or retirement on the ground of distinction in nationality, race, religion, language, age, sex, marital status, personal attitude, disability, trade union membership, political affiliation, or other personal opinion.”

1. Protection measures of the right to work during the economic crisis

23. Due to the impact of global economic crisis, many enterprises in Thailand were affected and had to close their businesses, resulting in the lay off and employee reduction situations. This impacted on the unemployment situation including on new graduates entering the labour market. The Ministry of Labour, thus, initiated measures to solve the unemployment problem for the laid off workers, the unemployed, the workers who want to change their jobs, the new graduates, as well as special groups of people, such as persons with disabilities, students, the elderly, ex-convicts, etc. so that these people could get jobs that suit their knowledge and capabilities with appropriate income for their living. Furthermore, the measures also served the employers/ enterprises by enabling them to recruit and select appropriate personnel relevant to their needs. The significant project/activity implemented under these measures was the Job Fairs which were arranged throughout the country both in every district of Bangkok and every province on every Saturday, in total 11 times at the Ministry of Labour, and simultaneously nationwide under the theme “Job Creation and Income Generation for Tackling Economic Crisis”. The activity created opportunities for job applicants and employers/ enterprises to meet with each other and the employers/ enterprises could select the job applicants directly which could save costs and time for both sides. Besides, the job applicants could find sources of job vacancies which fit in their knowledge and aptitude and could apply for jobs that respond to their needs as well as could learn the trend of labour market demand so that they could prepare themselves for the employment effectively. All these could generate people’s employment, income, and good quality of lives, also could result in better overall economy of the country.

24. The Minister of Labour also initiated a policy to set up a “One-Stop Service” Centre in every province to tackle the labour problems caused by the economic crisis under the framework of the “Reduce 3, Increase 3” strategy. The strategy of “Reduce 3” are reducing job termination, reducing labour migration, and reducing the cost of living of both employees and employers. The “Increase 3” of this strategy are increasing employment/jobs, increasing options for occupation, and increasing labour skills. The “One-Stop Service” Centre provides comprehensive services by integrating the work of different departments under the Ministry of Labour in order that fast, efficient and up-to-date services can be delivered. The Ministry also executed the measure on job creation in the rural areas by carrying out the project, named “The Employment for Strengthening the Rural Communities”. This project is a proactive effort in terms of service delivery by using

mobile unit vans to reach out to the target areas where there are many laid off workers or where there are a lot of the unemployed to provide all kinds of services, for instance, provide labour market information, job applications, registration of unemployed insured persons, self-employment demonstration for approximately 24 self-employment jobs, and vocational guidance service in communities.

25. The Ministry of Labour also carried out the project on job creation for the unemployed. The project's main activity was the training for the unemployed and general public on the knowledge and skills for running self-employment which could generate income, improve quality of life, and alleviate unemployment and labour migration problems. Another project was the Career Expo targeting at students, the unemployed, and general public to provide up-to-date knowledge and information on occupations, the world of work and education, and labour market demand, together with vocational guidance and counseling services which could be utilized as guidelines for making appropriate decisions on further education or employment, also the trend of labour market demand which could be utilized for effectively employment preparation. These could generate people's employment, income, and good quality of lives, which result in better overall economy of the country.

26. The Department of Employment had measures to support the laid off workers who were not reemployed by the enterprises. Most laid off workers returned to their home town and run their own self-employment which was promoted as the additional alternative to employment. In promoting the self-employment, the Department of Employment provided the project, named "Building the Brand Recognition for making the Job Creation" to encourage and support this target group to create their own brands or trademarks of products or services so that they could jointly own the rights of such trademark. Many products which were proved to be successful in its business and management system were introduced to interested people in order to enable them to create and run their self-employment effectively. In this endeavour, the Department of Employment together with the Bank for Agriculture and Agricultural Co-operatives and the Thai Franchise Association have signed the Memorandum of Understanding to support the new brand creation and provision of capital for starting up new business by procuring appropriate vehicles and necessary equipments. There were altogether 5,000 participants in this project.

2. Measures to ensure the rights of informal labour

27. There is another group of labour, which is the group that is not eligible for receiving legal protection under the law on labour protection and the law on labour relations. The group includes the workers who take away jobs to work at home, numbering at a total of 440,251 persons in 2007. This type of labour workers can be found scattered in various industries such as textile and garment, wood and paper, wholesale and retail industries. Most of the homeworkers who take away jobs to work at home usually face the problem of lack of safety from work which is related with occupational safety, health and environment. Other problems that they encounter are related with wages, irregular and lack of continuity in job assignments, and too long working hours. The state has not neglected this issue. The Ministerial Regulation on the Protection of Home Workers, B.E. 2547 (2004)¹ was enacted and has been in effect since. The Department of Welfare and Labour Protection later proposed a draft Act on Home workers Protection Act B.E. to provide protection for the group of home workers with jobs assigned to work at home, but are not covered for protection under the Ministerial Regulations 2004 for a reason of change in employment

¹ The Act was later repealed and replaced by Home Workers Protection Act B.E. 2553 (2010) which has been enforced since 2010.

status from receiving assignment of jobs to be performed at the workplace to receiving job assignment to be performed at home, either for production or assembly outside the workplace. The draft legislation has already been approved by the Parliament, and now in the stage of getting the Prime Minister to present it to HM the King for his royal signature and to be announced in the Royal Gazette, after which the law will be entered into force.

3. Protection of workers from unfair termination of employment

28. There are legal safeguard measures to protect labour workers from illegal termination of employment, as appeared in the provisions of the Labour Protection Act B.E. 2541 (1998), which states that an employer must pay severance pay to the employee whose employment has been terminated (Section 118). Termination of employment under this Section means any act where the employer refuses to allow an employee to work without paying wages on expiry of contract of employment or any other cause, and includes where the employee does not work and receives no wages on the grounds that the employer is unable to continue the undertaking. The Act on Labour Relations B.E. 2518 (1975) sets out provisions as safeguard measures for employees in Chapter 9, prohibiting any employer from terminating his/her employees' employment, which is regarded as an unfair practices (Sections 124-127).

4. Occupational training

29. In an effort to enhance the standard of Thai labour force to be well-equipped with the skills, knowledge and technology which respond to the needs of the production and business operation, Thailand sets up the Department of Skills Development to develop labour skills, with a set target of 260,000 labour workers per year. The Department conducts various trainings, which include pre-employment skill training, skill upgrading training, training for the change of occupation, training to develop labour skills up to the international standard by testing with the National Labour Skills Standard Test and with other testing standards specific to different business enterprises. The Department also promotes competition of labour skills at local, national, ASEAN and international levels in more than 20 major occupational fields. Thailand has been awarded the 1st Prize, the 2nd Prize or the 3rd Prize in the ASEAN or World Skills competitions held every two years consecutively in the fields of metal welders, woman's clothes tailors, jewellery designers and woman hairdressers. Furthermore, there are workings implemented extensively by the various government agencies which have specific mission towards the target groups, e.g. Department of Agricultural Extension, Cooperative Promotion Department, Office of Land Reform for Agriculture, Office of the Vocational Education Commission, Ministry of Social Development and Human Security, Ministry of Justice, Local Administrative Organizations, which have been allocated budgets for the development of the labour force groups which have been identified as target groups for occupational and skills training needed for work in various occupations. The target labour force group amounts to over three million persons per year.

30. The labour skills development work has made notable progress with the enactment of the Act on the Promotion of Labour Skills Development B.E.2545 (2002) which encourages business operators to organize training for their employees by providing tax incentives, i.e. their training expenses can be deducted for tax exemption, calculated twice as much of the actual training expenses. This will enable business operators of all sizes to organize more training for their employees, in addition to the training organized by the state agencies. Since 2005, training has been given to over three million workers annually. The law also stipulates that any business enterprise with over 100 employees must organize training for not less than 50% of their employees. If any enterprise does not organize training or cannot meet this requirement ratio, they have to donate to the Labour Skills Development Fund in order to be used as revolving fund in further developing labour skills.

It is expected that this scheme will be further expanded to cover business enterprises of all sizes nationwide.

31. Furthermore, the Department of Labour Skills Development has promoted and supported cooperation between business enterprises and educational institutions in admitting school and university students into their apprenticeship training programs by offering tax incentives to the partner educational institutions, i.e. their actual training expenses can be calculated in twofold for tax exemption.

32. Apart from encouraging business enterprises to join the development of labour force skills, the Department of Employment, Ministry of Labour has given vocational guidance, including self-employment demonstration under 6 projects, which are; Career Expo, Guidance on Self-Employment in Communities, Vocational Guidance for Youth and Juvenile Detention Centers, Employment Protection for the Conscripts and Job Creation for the Unemployed. In the fiscal year 2005, a total of 58,455 persons attended the demonstration/guidance on self-employment. By the Regulations of the Office of the Prime Minister on the National Committee on Labour Development and Coordination of Occupational Training B.E. 2552 (2009), the Prime Minister is the Chairman of this committee, which comprises all agencies concerned both from the public and private sectors, including employers' and employees' organizations participating as the Board Members. Its main duty is to set up the policy and direction for the country's labour force development and coordination of occupational training, which proves to be an important mechanism that has enabled the people to access their right to work.

Article 7 – Right to enjoy just and satisfactory working conditions

1. International conventions

33. Thailand has produced the reports of implementation under the Conventions of which it has ratified, namely No. 29, 88, 105, 127, 138, 159 and 182, and has become a state party to the International Labour Convention No. 14 on Weekly Rest Days, and No. 100 on Equal Remuneration. (List of International Labour Conventions that Thailand has ratified – Attached in annex II)

2. Legal measures

34. The present Constitution's provisions about the rights and liberties in occupation state that a person shall enjoy the liberties to engage in an enterprise or an occupation and to undertake fair and free competition. The restriction on such liberties shall not be imposed except by virtue of the law specifically enacted for maintaining the security of the State or economy of the country (Section 43); and a person has the right to security in respect of safety and welfare at work, including security of life both during the working life and upon leaving the state of employment (Section 44).

35. The Labour Protection Act B.E. 2541 (1998) and its later amendments are the laws which provide for the rights and duties between employers and employees in the private sector, namely employment of labour in general, employment of women, employment of young workers, wages, welfare, severance pay, occupational safety health and environment, etc. The laws set minimum standards and contain provisions on penalty and complaint procedures for employees in case of violations by employers, and authorize an official to take action in compliance with the law. Besides, a draft law has been proposed, namely the

Act on Occupational Safety, Health and Environment B.E.² which is under the consideration of the Senate.

36. The Act on Labour Relations B.E. 2518 (1975) and amendments are the laws that set up the guidelines on mutual treatment between two parties, namely the employer and the employee in the private sector, in reaching agreement on matters regarding rights, duties and interests in working together. The laws specify procedures in filing demands, including means to resolve conflicts between the two parties to end quickly and to the highest satisfaction of both parties. This aims at enhancing peace and happiness in the industry which will lead to economic progress for the employer, the employee and the nation.

37. The Act on State Enterprise Labour Relations B.E. 2543 (2000) is the law enforced on state enterprises. It sets out relations between the employer and the employee, in the same way as the Act on Labour Relations of 1975. The law further contains provisions authorizing the State Enterprise Labour Relations Committee to set minimum standards on employment condition for state enterprise workers. The Committee then made the Announcement on Minimum Standards of Employment Condition in State Enterprises, providing for employees of state enterprises to enjoy the same employment condition as employees in the private sector under the Labour Protection Act of 1998.

38. The Working of Aliens Act B.E. 2551 (2008) provides that foreign workers who have passed physical examination at public hospitals and have submitted proof of registration as legal foreign workers will be eligible for receiving exactly the same labour protection and welfare as a Thai labourer, as provided for by the Labour Protection Act and the Social Insurance Act.

3. Minimum wage for labourers

39. Thailand has the Wage Committee, which is a tripartite body under the Labour Protection Act of 1998, with the duty of determining the basic minimum wage rate. The Committee consists of representatives of employers, employees and the government, five from each party (Section 78). In its consideration of the minimum wage rate, the Committee studies and considers the current wages that employees have obtained, the cost of living index, inflation rate, living standard, production cost, prices of products and services, capability of the business, labour productivity, the country's gross national product and socio-economic condition (Section 87). Moreover, the Wage Committee has decentralized its power in considering the minimum wage rate to the regions by appointing the Bangkok Metropolitan Minimum Wage Sub-Committee and 76 Minimum Wage Sub-Committees in 76 provinces. Each Sub-Committee is a tripartite body, identical to the Wage Committee, and has the duty of recommending the minimum wage rate for its province, at a rate which corresponds with the economic and social conditions of the area.

40. Thailand first applied the minimum wage in 1973 to Bangkok Metropolitan and the three adjacent provinces (Samutprakarn, Pathumthani, Nonthaburi). Later, from 1974 onwards, the minimum wage rates have been determined for nationwide, differentiated by only three broad area groupings. Thus, the same minimum wage rate is applied to several provinces. In recent years, the determination of the minimum wage rate has been more sophisticated, and the minimum wage rates differ from province to province. As for the latest minimum wage rate determined in 2009, Bangkok Metropolitan and Samutprakarn province have the highest minimum wage rate at 206 baht per day, while Payao, Pijit, Prae

² The Act on Occupational Safety, Health and Environment B.E. 2554 (2011) has become effective and enforced.

and Mae Hong Son provinces have the lowest minimum wage rate at 151 baht per day. (See New Minimum Wage Rates - Table 1).

41. However, the determination of the minimum wage rate is not applicable to the following groups of employees: government employees at national, regional and local levels, employees in the agricultural sector doing plantation, fishery, forestry and animal husbandry, employees receiving jobs to be performed at home, employees doing housekeeping job without any business operation, and employees working on non-profitable jobs.

42. The development of labour to raise the structure of labour wages in business enterprises has made significant progress since the government revised the Labour Protection Act of 1998 to add a definition of “wage rates according to the skills standards”, which means the wage rate set by the Wage Committee for each field of occupation according to the standards of skills. For the Wage Committee, apart from considering by the criteria as mentioned above, it has to study and examine the rate of wages by occupation as submitted according to the standards of skills and set forth by the law. Currently the new wage rates according to the skills standards are under preparation to be put into effect that will make the rates of wages for labour workers in business enterprises higher according to the development of labour skills.

4. Equality at work between women and men

43. On the issue of gender equality between women and men at work, the Labour Protection Act provides for employers to treat male and female employees equally in employment, with exception on certain work nature or conditions which do not allow them to do so (Section 15), and in payment of wages or other remunerations (Section 53). Besides, female workers are protected in the way that employers shall not put female workers in any work assignment which may be dangerous to health or unsafe for women, including in certain working conditions regarded as inappropriate, e.g. in mining or construction work to be performed underground, underwater, in a cave, or in the tunnel or mountains shaft, on scaffoldings at over 10 meters above the ground, production or transportation of explosives or flammable materials. With regard to the training, female workers shall enjoy the same opportunities as their male counterparts; they can request leave days to attend the training courses to develop their knowledge and skills relevant to their jobs. Besides, the Civil Service Act of 2008, Section 83(8) provides that any civil servant shall not commit any act of sexual harassment or abuse, as specified by the law. The Office of the Civil Service Commission also issued the Regulation on Sexual Abuse and Sexual Harassment 2010, specifying on behavior acts which are regarded as sexual abuse or sexual harassment, in order to ensure that civil servants receive legal protection and are treated in an appropriate manner by their co-workers in the government agencies.

5. Protection against sexual harassment in the workplace

44. The Labour Protection Act of 1998, as amended by the Labour Protection Act (No. 2) of 2008 provides that an employer, chief, supervisor or inspector is prohibited from committing any act of sexual abuse, harassment or one which causes frustration and difficulty toward his/her employees. The intention of this law is to protect employees, regardless of sex, from sexual abuse or harassment or other acts which cause frustration and difficulty by their employers or a person having power over them, i.e. chiefs, supervisors or inspectors.

6. Safe and hygienic working conditions

45. Regarding labour welfare, this term covers any action, either by the employer, the labour union (employee) or the government, which intends to enable employees to

enjoy a decent standard of living, to be happy both physically and mentally, to have good health, to enjoy safety at work and progress in career, to have security in life, not only for themselves, but also for their families. The Department of Welfare and Labour Protection, which is the core agency responsible for this matter, has taken measures to ensure that labour workers in business enterprises receive certain welfare provided by their employers, basic welfare under the law at least, or beyond.

46. Labour welfare as provided for by the law is regarded as one that caters for basic needs of employees in business enterprises. Any business enterprise with more than one employee must have this set of welfare in place subject to the Ministerial Regulation on Labour Welfare in Establishment B.E. 2548 (2005). The basic welfare provided by the law entails arrangement for the following to be made available to employees in workplaces: clean drinking water, sufficient number of bathrooms and hygienic toilets, as well as first aid and medical care services to assist employees in case of facing danger, accidents or sickness.

47. Employers of any business enterprise with more than 50 employees must have a Labour Welfare Committee formed in the workplace (Labour Protection Act 1998, Section 96), consisting of at least five representatives of the employees, to provide opportunity for employees to meet and discuss with their employers regarding the provision of other forms of welfare beyond what the law provides for. This is also a way to enhance labour relations, and to help prevent or resolve labour demand or labour dispute problems at an early stage.

48. The Department of Labour Protection and Welfare has arranged further welfare projects for labour workers by using the budget allocated by the government. One is the setup of Child Care Centres to look after small children of labour workers in the areas where many business enterprises are located. The Centres are in the campuses and under the management of Sirindhorn Royal College under the Patronage of His Majesty the King. Another welfare project is the setup of a "Fund for Labour Workers", a government revolving fund allocated through the Savings and Credit Cooperatives, from which labour workers in business or state enterprises can apply for loans at low interest rates for their income boosting, for savings or debt payment.

49. Apart from labour welfare beyond what the law requires, the Department of Welfare and Labour Protection has made recommendations of the following as the options for business operators; firstly, welfare to help alleviate the cost of living (e.g. education support, hostel accommodation, free shuttle bus service, bonus payment, diligence award fee, etc.); secondly, welfare to assist the employees in savings (e.g. savings cooperative, provident fund, etc.); welfare to support employees' family development (e.g. child care arrangement, education fee subsidies for employees' children, life insurance for employees, etc.); welfare to promote security in life for the future (e.g. long-year working as loyalty reward payment in the form of company shares, loans for housing, etc.); and another type of welfare is to promote good health through sports, recreational activities and excursion trips.

7. Recreation, leisure time, working hours and holiday

50. Under the law on labour protection, the employer must announce the normal working hours to the employees, specifying the starting hour and the closing hour of each working day, which must not exceed eight hours per day, and not more than 48 hours per week. Besides, the employer must specify in his announcement the rest hours between work, rest day(s) in a week, public holidays and annual leave days. The employer cannot put any employee to work overtime, on rest days or public holidays, unless consent is given by the employees concerned. In the case that employees agree to work overtime, on rest days or public holidays, the employer must pay overtime or extra fees for working on rest days or public holidays, at the rate specified by the law. An employee has the right to

request leave days for the following reasons: military conscription leave, sick leave upon proof of actual sickness, leave for sterilization operation, leave for training or other educational activities to acquire knowledge and skills, personal leave for necessary reason, and maternity leave.

Article 8 – Right to form and join a labour union

51. The present Constitution states that a person shall have freedom to assemble in an association, a union, a confederation, a cooperative, a farmers' group, a private sector organization, a non-governmental organization, or other forms of assembly (Section 64 paragraph 1). Government officials and state officials shall have freedom to assemble in the same manner as other people, on condition that their work effectiveness and the continuity in providing public services must not be affected, according to the provision of the law (Section 64 paragraph 2). Limitation of such right is not permitted, except by the provision of the law for the following reasons; to protect the public interest as a whole, to maintain law and order, to uphold the people's decent morality, or to prevent economic monopoly (Section 64 Clause 3).

52. Legally, even though Thailand has not ratified the International Labour Convention No. 87 on Freedom of Association and Protection of the Right to Organise and Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, but in practice, the Act on Labour Relations in Thailand does not neglect the main principles of the two conventions in any way; elaborating as follows:

- The Labour Relations Act B.E. 2518 (1975) is a law which lays down operational guidelines on mutual treatment between employers and employees, for good understanding between the two parties, to enter into agreements on rights, duties and benefits of working together. The law specifies means to resolve conflicts or labour disputes promptly and to the best satisfaction of both parties, which will lead to peaceful and happy industries, and economic progress for the employers, employees and the country.
- The State Enterprise Labour Relations Act B.E. 2543 (2000) sets out relations between state enterprise officials and the state, the formation of labour unions, as well as criteria and procedures in filing petitions/demands to the agency which has the duty to scrutinize and make rulings specifically, which is different from the Labour Relations Act that is applicable to only employers and employees in private organizations. This is to set scope for the management and the employees of state enterprises of their rights, duties and responsibilities in an appropriate manner and in compliance with the national policy on the development and promotion of economic and social stability and national security.
- Moreover, in the public sector, the Act of Civil Servants Regulations B.E. 2551 (2008) provides every civil servant with freedom to assemble, on condition that such assembly must not affect the efficiency of the state administration and the continuity in providing public services, and does not have any political purpose.

1. Formation of labour unions and State enterprise labour unions

53. Formation of a labour union or a state enterprise labour union has to abide by the following regulations and conditions according to the law:

- Formation of a labour union in the private sector:

- Labour union in the private sector has two levels: labour union at supervisors' level and labour union at employees' level. Employees can only join the labour union of their level, not to cross to another level;
- Persons eligible to apply for registration of a labour union must be a group of more than 10 persons, regarded as Founders, are of maturity age and have Thai nationality. They have to prepare and submit a draft rule of the labour union to the Registrar;
- Every founder has to belong to the same level of employees, either the supervisors' level with some kind of authority, e.g. hiring, wage reduction, termination of employment, rewarding or punishment, or employees at the non-supervision level without any of the above-mentioned authority;
- Founders can apply for registration of either type of labour unions, namely a House Union or Company Union where all members have the same employer, or an Industrial Union where members are employees of the same type of business/industry. In the latter type, the founders have to be employees of the same type of business/industry, regardless of the number of employers;
- Objectives of a labour union are to seek and protect the employees' interest regarding employment condition, and to promote good relations between the employer and the employees, and among the employees themselves;
- Formation of a State enterprise labour union:
 - Persons eligible to apply for registration of a state enterprise labour union must be a group of more than 10 employees of that state enterprise, regarded as Founders, be of maturity age and have Thai nationality. All founders have to be employees of the same state enterprise and must not be a management of any level;
 - Any state enterprise can have only one labour union, and each employee can join only one labour union;
 - A State Enterprise Labour Union must have members at the proportion of at least 25% of the total number of employees;
 - Objectives of a State Enterprise Labour Union are to promote good relations between the employees and the employer and among the employees themselves, to consider granting assistance to members who have filed a request, to seek and protect the interest of employees regarding employment condition, to take action and extend cooperation toward effectiveness, and to protect the interests of the state enterprise.

2. Protection of the right to assembly

54. Under the Labour Relations Act of 1975:

- Labour unions are exempted from criminal or civil accusation or charges in doing the following actions: joining in negotiation for benefits, work strike, persuasion for or support of a strike, publicizing facts about labour disputes for clarification, and organizing an assembly or peacefully joining a strike, except that such action is a criminal offence in the form of offences which cause danger to the public, affecting their lives and physical bodies, as well as their liberties, reputation and property, and a civil offence related to the criminal offences as characterized above (Section 99);

- Committee Members of a labour union have the right to take leave to carry out the tasks of the union as representatives of the employees in negotiation, reconciliation and rulings out labour disputes. They have the right to take leave in order to attend meetings set by government agencies, with those leave regarded as working days (Section 102);
- Employers are prohibited from terminating employment, reducing wages, obstructing the work of Labour Union Committee members or employees, or from committing other acts which may cause the union members or employees difficulties to continue their jobs, except that the employers have permission from the Labour Court (Section 52);
- Under the State Enterprise Labour Relations Act of 2000:
 - Labour unions of state enterprises are exempted from criminal or civil accusation or charges in joining negotiations with their employers to agree on demands for benefits regarding employees' working condition, in clarifying or publicizing facts about labour demands or disputes, or in carrying out the work of the unions (Section 58);
 - Committee Members of a labour union have the right to take leave to attend union meetings or other relevant meetings or seminars, with those leave regarded as working days (Section 59);
 - Employers are prohibited from terminating employment, cutting or reducing wages of Labour Relations Committee members, except that the employers have permission from the Labour Court, or the Labour Relations Committee members concerned give written consent (Section 24). Violations of this provision will be liable to imprisonment or fine, or both (Section 73).
 - In any case, it is prohibited for employers to close the workplaces or for employees to perform work strike (Section 33).

55. The statistical data as of January 2009 shows that there are 44 state enterprise labour unions, consisting of 175,000 members, 1 state enterprise labour confederation and 1,229 labour unions (private sector), consisting of 341,520 members, and 18 labour confederations (private sector).

3. Protection of the right to collective bargaining

56. Under the Labour Relations Act B.E. 2518 (1975):

- Employers are prohibited from relocating jobs or terminating employment of the employees who are involved in a labour demand during the process of course negotiation, except that the employees concerned commit offences as stipulated by the law (Section 31). Violations of this provision will be liable to imprisonment or fine, or both. (Section 136);
- Employers are prohibited from terminating employment of the employees who are involved in a labour demand during the employment is enforced, except that the employees concerned commit offences as stipulated by the law. Any violating action will be deemed unfair. (Section 123) Violations of this provision will be liable to imprisonment or fine, or both. (Section 158);
- Employers are prohibited from terminating the employment or taking any actions which may cause the employees not to be able to continue working for reasons of doing or preparing to do the following: calling a strike, filing a complaint, submitting a demand, joining in negotiations, pressing charges or standing as witnesses. Employers, unless authorized by law, are prohibited

from terminating the employment or taking any other actions on the employees concerned on grounds of being members of the labour union, obstructing the employees from being members of the labour union, or forcing them to resign from the membership of the labour union; or intervening in the operation of the labour union or obstructing the employees from exercising their rights as members of the labour union. (Section 121) Violations of this provision will be liable to imprisonment or fine, or both. (Section 158);

- It is prohibited to coerce or threaten employees, either directly or indirectly, to become a member of the Labour Union or to resign therefrom. (Section 122). Violations of this provision will be liable to imprisonment or fine, or both. (Section 159).
- Under the State Enterprise Labour Relations Act B.E. 2543 (2000):
 - Employers are prohibited from relocating jobs or terminating employment of the employees who are involved in a labour demand, which is under the process of negotiation, except that the employees concerned commit offences as stipulated by the law (Section 34). Violations of this provision will be liable to imprisonment or fine, or both. (Section 79);
 - Employers are prohibited from terminating the employment of employees who are involved in a labour demand while the agreement on conditions of employment is in effect, except that the employees concerned commit offences as stipulated by the law. Violations of this provision are regarded as unjust acts. (Section 37);
 - Employers are prohibited from terminating the employment of the employees for the reasons that the employees concerned request to establish a labour union or join a labour union as a member or a Committee Member. Employers are prohibited from obstructing employees from being members of labour unions, or force employees to resign from the membership, and from obstructing or intervening in the operation of labour unions. (Section 35);
 - It is prohibited to coerce or threaten employees either directly or indirectly to become a member of the Labour Union or to resign therefrom. (Section 36). Violations of this provision will be liable to imprisonment or fine, or both. (Section 79);
 - In any case, it is prohibited for employers to close the workplaces, or for employees to perform work strike.

4. Limitations in forming labour unions or in association in various forms

57. Under the legal system of Thailand, organizations are entitled to hold the status of juristic person only by virtue of law. Generally, organizations are required to submit their applications for registration to the competent administration officer. If any person uses the name “Labour Union” or “State Enterprise Labour Union” without registration thereof with the Administration Officer under the provision of the law, that person will be liable to punishment terms set forth by the law. However, if any organization does not mind whether it has the juristic person status or not, it is not bound by any regulations or limitations to proceed thereof.

5. Right to join labour unions at international level

58. Each labour union has the right and freedom to join any labour union at the international level by its own. There are no legal provisions on labour relations that set prohibition or conditions in this matter. However, since joining an international labour union may have effects on the labour union members as a whole, the Labour Relations Act B.E. 2518 (1975) provides that a labour union must have the consensus from its General Meeting. In the case of a state enterprise labour union receiving assistance from persons with no Thai nationality, or aliens according to the Working of Aliens Act (Section 103 (2)), the State Enterprise Labour Relations Act B.E. 2543 (2000) likewise stipulates the requirement of having a consensus from the labour union's General Meeting. (Section 57(5)) In practice, when a state enterprise labour union decides to join an international labour union, it is usually the case of entering as a member to an industrial union at the international level according to its field of occupation, in order to enhance their unity and to leverage the power in advocating or pushing certain problem issues collectively.

Article 9 – Right to enjoy social welfare and social security

59. Thailand has implemented the Social Security Scheme by setting up two funds, namely the Workmen's Compensation Fund and the Social Security Fund. The Workmen's Compensation Fund, regarded as the first step of Thailand's social security, aims to provide security to employees for the contingencies of work-related injury or sickness. The Fund was set up for the first time in 1972 by the Notification of the Revolutionary Party No.103 dated 16 March 1972. Later, the Workmen's Compensation Act was enacted in B.E. 2537 (1994) with the objective of providing protection to employees who sustain sickness, injury, invalidity, disappear or die from working for their employers. The employer has the duty to pay contribution to the Workmen's Compensation Fund unilaterally at the rate 0.2% – 1% of the total wages in a year (not more than 240,000 baht per person), depending on the risk classification of business. The basic rates of compensation payment are ranged between 0.2% – 1%, and the varying rates according to experience (not over 80% less, and not over 150% more than the main compensation rates). The benefits that employees are entitled to receive include medical fee, compensation (in case of absence from work, loss of organ, disability, disappearance or death), funeral grant, and vocational rehabilitation expense. Employees shall be protected and eligible for this security from the first day they are employed by their employers.

60. The Social Security Fund was established in accordance with the provision set forth in the Social Security Act B.E.2533 (1990), which has entered into force since 2 September 1990, later amended by the Social Security Act (No. 2) B.E.2537 (1994), and the Social Security Act (No.3) B.E. 2542 (1999). This law has the objectives of providing protection to the insured persons in case of non-work related injury, sickness, invalidity or death. This includes cases of maternity, child allowance, old age and unemployment. The "insured persons" by law means employees who are not under 15 years of age but not over 60 years. The first stage in enforcing this law started on 2 September 1990 with enterprises with more than 20 employees. Later, the coverage of insured persons was extended to enterprises with more than 10 employees on 2 September 1993. Since 1 April 2002, the enforcement of this law was expanded to cover enterprises with 1 employee or more. Every business enterprises that have employees must, therefore, contribute payment to the Social Security Fund, except certain types of employees, e.g. civil servants, employees of state enterprises.

61. The employer, the insured person and the government all take part in paying contribution to the Social Security Fund on a monthly basis at varying rates according to the following benefits. For cases of non work-related, injury, sickness, death, invalidity and

maternity, the contribution rate is not more than 1.5% of the insured person's wage; in case of child allowance, the contribution rate of the insured person and the employer is not more than 3%, and the government contributes 1% of the insured person's wage; and in the case of unemployment, the insured person and the employer contribute at the rate of 0.5% and the government contributes at 0.25% of the insured person's wage. Every insured person shall be entitled to receive benefit as prescribed by law. Furthermore, the Labour Protection Act B.E. 2541 (1998) contains the provision specifying the setup of an Employees' Welfare Fund to consider making welfare payment to the employees who face difficulties caused by termination of employment by their employers without paying compensation, or by the employers' lack of ability to pay their wages or other remunerations provided by the said law.

62. As for civil servants, the Government Pension Fund, a juristic person, was established according to the Government Pension Fund Act B.E.2539 (1996). This Pension Fund is a guarantee of pension payment and provision of other benefits to the civil servants who have served their terms and are leaving the civil service. It also aims to promote savings, and to arrange welfare and other benefits for the civil servants who are members of the Pension Fund. Beyond that, the Government Pension Fund is expected to become a savings institution which plays a significant role in solving the problem of savings shortage in the country, and in promoting investment which will contribute to the economy and social development as a whole. Every civil servant, regardless of gender, man or woman, shall enjoy the rights under this law equally.

63. The Social Welfare Promotion Act B.E.2546 (2003) contains provisions with main objective to set guidelines for social welfare arrangement according to necessity and appropriateness both in the provinces and in Bangkok Metropolitan. These welfare arrangements concern, for example, social services, education, health care, housing, occupational training, recreational activities and criminal justice, by means of promotion and development of welfare, protection, prevention, correction and rehabilitation. The Social Welfare Promotion Act was later amended in B.E. 2550 (2007) to promote the arrangement of social welfare by organizations in the civil sector to be more effective and responsive to the needs of the members, to install a system of "mutual care and assistance" in the society and communities, and to support networking in community social welfare arrangement in order to strengthen social security and promote self-reliance in communities for thorough, proper and fair sustainability. The Ministry of Social Development and Human Security is the core agency responsible for the implementation under this law. The Social Welfare Promotion Act is the first law which provides protection for all peoples in various circumstances, from childhood to old age. It is the law that genuinely provides for comprehensive social welfare protection. All Thai people of any group are therefore insured to enjoy extensive social welfare protection more equally in the future.

64. Thailand also has the National Older Persons Commission, which has the main duty to monitor and review the pension schemes for the people nationwide. Apart from paying "subsistence allowance" to older persons aged over 60 years, the government has laid down a National Savings Scheme for Old Age, along with the Social Security Fund under the National Savings Scheme, which extends to all people, not only civil servants or the insured persons under the Social Security Scheme. Moreover, the government has expanded the social security to cover spouses and children of the insured persons as well.

Article 10 – Protection of families, mothers and children

1. International conventions

65. Thailand has become a State Party to the following international conventions: International Covenant on Civil and Political Rights (ICCPR); Convention on the Rights of

the Child (CRC) and two Optional Protocols of the CRC, namely the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography; Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the International Labour Convention No. 138 concerning Minimum Age for Admission to Employment.

2. Protection of families

(a) Definition of “Family”

66. Family means a group of persons who are related and share their lives by living together. It is the most important basic institution of society, and has the main duty of molding and polishing its members to uphold human dignity and values. This is done through rearing, love and care, assistance and support, imparting moral values, ethics and social values, and transferring social and community culture to the members so that they will become quality persons with readiness to work in full potential and creatively, contributing as a major force in the nation’s social development.

(b) Laws on the protection of family institutions

67. The present Constitution has a provision stating that the rights of persons in a family, including their dignity, reputation and privacy shall be protected. (Section 35, paragraph 1). The Civil and Commercial Code on the part of family sets provision on care and support between parents and children (Sections 1563 and 1564). The Criminal Code provides the protection for children from negligence by their families by imposing sentences of imprisonment and fine against persons who leave children under nine years of age with intent to wholly abandon such children in a manner to leave the children with no caretakers (Section 306). Moreover, there are other laws, e.g. the Family Registration Act B.E. 2478 (1935), the Act on Conflict of the Laws, B.E. 2481 (1938) regarding family matters, and the Ministerial Regulations of the Ministry of Interior on Family Registration B.E. 2541 (1998) which specifies details regarding completeness of a marriage, the legality of a marriage and the end of the cause factors for a marriage. These laws and regulations provide the legal principles and criteria to be enforced in the case of spouses in marriage being persons with multi-national connection points.

68. Besides, the Civil and Commercial Code contains provisions on marriage, which stipulates that for a man and a woman to be married, they must be over 17 years of age; and if they are under 20 years of age, consent from their parents or guardians shall be sought. A marriage is legally completed only by marriage registration, with consent from both sides. A marriage cannot take place if either side is a person of unsound mind or adjudicated incompetent by the court. In practice, marriages under certain circumstances in Thailand, like other countries, are prohibited, such as marriages between close blood relatives, i.e. father, mother, grandfather, grandmother, grandchild, great grandchild, or marriage between brothers or sisters of the same parents, or of the same mother or father, which are considered morally wrong and prone to genetically-derived deficiencies. The law also prohibits a marriage between a person and his/her adopted child, and duplicate marriages.

(c) Policy to strengthen family institution

69. Thailand has appointed the National Committee on Family Policy and Strategy, with the Prime Minister as Chairman ex officio, which is responsible for setting a policy, a strategy and a national plan on the promotion and coordination of the family institution. The Committee on Family Promotion and Development also assumes the task of

implementing the national policy, strategy and national plan on the promotion and coordination of the family institution.

70. The Office of Women's Affairs And Family Development, Ministry of Social Development and Human Security has laid down a Policy and Strategic Plan on Family Development B.E. 2547-2556 (2004-2013), divided into four main strategies as follows:

- Strategy on Integrated Capacity Building of Families which involves Learning for Family Development, Family Health Enhancement, Family Economy Development toward Security;
- Strategy on Ensuring Social Protection for Families, consisting of Development and Enforcement of Laws, Rules and Regulations, Reduction of Risks for Families, Assistance, and Resolution for Families with Problems, and Prevention and Reduction of Domestic Violence;
- Strategy on Building Administrative and Management Mechanisms in Support of Family Strengthening, comprising Promotion of Information Technology for Family Development, Building Capacity of Personnel Working on Family Development, Family-related Management, and Study, Research and Knowledge Management for Family Development;
- Strategy on Building Capacity of Social Network for Family Development, consisting of building happy families, strong communities and quality society.

(d) Situation of Thai Families

71. Thai families have changed from extended families to be more single families. The average size of families has become smaller whereas 26.2% of families have women as heads of family. There is a tendency that the number of elderly persons will increase. At present, Thai families are facing changes, caused by both internal domestic factors and surrounding factors in the communities, society and environment, which are changing along the globalization trend and the modern technological advancement. Besides, families nowadays also encounter various problems, e.g. economic crisis, domestic violence, children and elderly persons being left alone, and drugs, etc. The above-mentioned Strategic Plan has been prepared to respond to the current Thai family situation, with the National Committee on Family Policy and Strategy executing the plan. (See Table 2 and Table 3: Thailand Demographical Statistics and Household Structure.)

3. Protection of women in the family

72. The Office of Women Affairs and Family Development, Ministry of Social Development and Human Security has carried out implementation to build woman capacity and strengthen the family institution, e.g. providing funds to groups, organizations, clubs and woman associations under the Promotion of Network for Women Development Project in support of their projects/activities according to activities plan set forth which are useful to women, families and communities; and setting up the Community Family Development Centres which carry out the duties of conducting surveys, studies, surveillance, prevention and protection, problem solving, counseling and developing and strengthening of families under the supervision and support of the local administrative organizations in terms of technical assistance, budget and publicity materials. The objectives are to prevent persons, especially women, from becoming victims of human trafficking, and to promote and build women's capacity to enable them to participate in the political decision-making process at the national and local levels, as well as to enhance knowledge and awareness about gender equality and the elimination of all forms of discrimination against women, etc.

4. Protection of mothers during pre-natal and post-natal periods

73. The present Constitution provides that the state shall support citizens in working age to have jobs and shall protect child and woman workers (Section 84 (7)). The Labour Protection Act B.E.2541 (1998) prohibits employers from terminating employment of woman workers on ground of pregnancy, and prohibits pregnant female workers from working with machines or equipment which bears vibration, or jobs that require driving force or tied to vehicles, or carrying or pulling objects which weigh more than 15 kilograms, and jobs on boats or ships. Furthermore, employers are prohibited from putting pregnant female workers to work during 22.00-06.00 hours, to work overtime or on days off or holidays. Pregnant employees have the right to maternity leave of not more than 90 days with full payment during the leave period, but not exceeding 45 days (counting holidays in the leave period inclusively). In the case that a pregnant employee is able to present her doctor's certificate indicating that the continuity of work in the same job may affect her pregnancy, she has the right to request a change from her present job temporarily before or after her child delivery. In such case, the employer must comply and consider an appropriate alternative job for the employee.

74. Under the Social Security Act B.E. 2533 (1990), the insured person or his wife is eligible for benefit for child delivery in the form of cash sum not more than two times. A female insured person will receive compensation for lack of income of not more than 90 days, and the insured person will get child welfare monthly payment from the child's birth to six years of age. Female civil servants are entitled to maternity leave and personal leave to take care of their babies for not more than 90 days, with no requirement of presenting doctors' certificates, and with full salary payment for the whole leave period, according to the Regulation on Civil Servants' Leave B.E.2535 (1992), amended by the Regulation on Civil Servants' Leave (No.2) B.E. 2539 (1996). However, there is still no law that grants husbands the right to request leave to take care of their wives after delivery with wage compensation payment from the Office of Social Security.

75. Thailand has placed great importance to provide care for the female inmates and their families, as demonstrated by the "Kamlangjai" (Inspire) Project, initiated by Her Royal Highness (HRH) Princess Bajrakitiyabha, aiming to provide the protection to female inmates who are pregnant or with small children. Furthermore, Thailand has advocated for the international community to consider developing new standard for the treatment of female inmates through another royally initiated project called "ELFI" (Enhancing Lives of Female Inmates), which aims at mainstreaming gender sensitivity in the treatment of prisoners in order to improve the quality of lives for female inmates usually overlooked or neglected in the corrections system. The new standard is meant to supplement the United Nations Standard Minimum Rules for the Treatment of Prisoners which have been in force since 1955 and has been designed for general prison population, primarily men prisoners, thus lacking precise provisions that address the specific needs and the vulnerability of female inmates. The proposed new standard, namely the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders or "the Bangkok Rules" was adopted at the sixty-fifth session of the United Nations General Assembly on 21 December 2010. On a separate development, Thailand has amended the Criminal Procedure Code in 2007 to allow for the suspension of imprisonment sentenced on pregnant female offenders or female offenders who have to take care of children aged under three. During the suspension period, such female offenders are to be held in appropriate places which are not prisons.

5. Child protection

(a) Protection of children from economic and social exploitation

76. The Labour Protection Act B.E. 2541 (1998) prohibits the hiring of children aged under 15 years to work. In the case of hiring children aged under 18 years, the employers are required to report the hiring to the Labour Inspectors and must make arrangement for child workers to have at least a consecutive one hour break after not more than four hours of work. Furthermore, it is prohibited for child workers under 18 years of age to work during 22.00-06.00 hours, unless approved in writing by the Director-General of the Department of Welfare and Labour Protection or authorized person, with the exception of those working as actors/actresses in movies, but still these children need to have sufficient rest. Children under 18 years of age are not allowed to work overtime or holidays. Children are prohibited from working in the job that involves metal, heat, dangerous chemical substances, toxic objects, work operated underground, underwater or in tunnels, etc. Children under 18 years of age are also prohibited from working in gambling places, entertainment places according to the law on entertainment places, or in animal slaughtering houses, etc. Anyone who violates this law by hiring child labour workers aged under 15 years will be liable to one year imprisonment and a fine not more than 200,000 baht. And anyone who violates this law by hiring child labour workers aged under 18 years, and not complying with Article 45, will be liable to a fine of not more than 20,000 baht.

77. The Child Protection Act B.E.2546 (2003) states that when an officer or person in charge of child protection has been informed or witnessed the following: a child brought up inappropriately, a child used as tool in wrongful act or exploitation, a child tortured or in other circumstances which may lead to indecent behavior against good morality of the people, or which may cause harm to the child's physical or mental health, or child in other difficult circumstances, that officer or person in charge must provide assistance and welfare to the child and his/her family or his/her caretakers to enable them to look after the child properly. Or the said personnel may decide to hand over the child to the person deemed appropriate with consent to take the child under his/her care for a period of time as considered appropriate but not exceeding one month. The said personnel may take the measure of finding other persons to adopt the child concerned, abiding by the law on child adoption; or place the child in a foster family or refer him/her to an appropriate child care home being willing to take the child under his/her care, or send the child to educational institutions or vocational training or rehabilitation as deemed appropriate. In any case, consent has to be sought from the child's parents or legal guardians, except when the parents refuse to give consent for groundless or unacceptable reasons, in such case the provincial Governor or the Permanent Secretary (of the Ministry of Social Development and Human Security), depending on the case, has the authority to make a decision on sending the child to the above mentioned for his/her best interest.

78. The Department of Welfare and Labour Protection has cooperated with other government agencies concerned in preparing a National Policy and Plan on the Elimination of Child Labour in its Worst Forms, fiscal year 2552-2557 (2009-2014), after Thailand ratified the International Labour Convention No. 182 on the Worst Forms of Child Labour. Outlined in that policy and plan is a strategy to prevent the use of child labour in its worst forms, with one measure mentioned, i.e. to strengthen the security of families. The measure can be implemented by (a) enhancing the economic and social factors for families and communities, which are conducive to the development of children and to the protection of children from being victims of child labour in its worst forms, and (b) encouraging and supporting families to access the basic social services provided by the State thoroughly and extensively.

(b) Protection of children in families

79. The present Constitution provides that every child and youth shall enjoy the rights to survival and development, physically and mentally, to their fullest potential and in appropriate environments, taking their participation into consideration. Children, youth, women and persons in families have the right to protection by the state, from the use of violence and unfair treatment, and the right to recovery and rehabilitation where such cases happen. (Section 52) The Child Protection Act B.E. 2546 (2003) prohibits a father, mother or parent from neglecting their child or negligence in providing basic necessities for living or health care, which may cause harm to the body or mind of their child. The Child and Youth Development Promotion Act B.E.2550 (2007) is the law developed jointly by non-governmental organizations and the government sector. This law sets guidelines and methods to promote the development of children and youth in a way that fits and corresponds with the current social situation, aiming at providing opportunities to the young generations to take responsibility for their families, communities, society and the nation, with the set-up of the Children and Youth Assembly at various levels. The Domestic Violence Victim Protection Act, B.E.2550 (2007) sets formats, methods and procedures of dealing with offenders who commit domestic violence in the families, which are different from those of other general criminal procedures. The law provides the offender with a chance to correct himself/herself and refrain from repeating the same offence, in an attempt to maintain the good relationship in the family.

(c) Policy measure on child development

80. Thailand has prepared the National Policy and Strategic Plan on Child Development B.E. 2550-2559 (2007-2016), following the guidelines of “A World Fit for Children”. The preparation process of this Plan has opened opportunities for children and youth nationwide, a total of approximately 12,000, to take part in giving opinion and comments on its preparation. The Plan focuses its priority on the development and protection of children in four main areas, namely quality of life development, effective education management, protection of children from abuse, exploitation and violence, and anti HIV-AIDS measures. The National Committee on the Youth Promotion and Coordination, with the Prime Minister as Chairman, is the core driving mechanism in execution this Plan.

6. Measures on the protection of children and women from violence

81. Thailand has put in place the Plan of Action on Anti-Violence against Children and Women, which consists of:

(a) Measure to Eradicate Violence against Women – according to the Cabinet Resolution dated 29 June 1999, e.g. suppression of pornography materials, enhancement of sex education arrangement for students, improvement on the provision of assistance to victims, etc. Under the measure is the setup of centres to provide assistance to children and women under critical circumstances, called the One Stop Crisis Centre – OSCC in all public hospitals under the Ministry of Public Health and Bangkok Metropolitan Administration nationwide. The main objective is to provide assistance and care to victims of violence in a systematic and comprehensive manner, from physical and mental medical care to legal assistance and rehabilitation by multi-disciplinary team around the clock;

(b) Master Plan of Action for the Prevention and Protection of Violence against Children and Women – according to the Cabinet Resolution dated 16 May 2000. The Provincial Committee on Women Development was set up since 1995, the aims of which are to tackle the problem of violence against women at provincial, district and village levels, e.g. extension of medical services to children and women in critical circumstances at public hospitals, provision of legal assistance and social services, and raising awareness of

the public about violence against women, especially domestic violence and human trafficking;

(c) The Women Development Plan in the National Economic and Social Development Plan No.10 (2007-2011) which mentions about increasing safety toward women's lives and physical bodies, as well as enhancing attitude on gender equality between men and women. A budget has also been allocated under this plan to support UNIFEM activities in addressing the problem of violence against women. (Statistics on the number of children and women as service recipients at the OSCCs – See Table 4).

82. Thailand has the Anti-Trafficking in Persons Act B.E. 2551 (2008) to protect women and children both male and female from violence in the human trafficking aspect. The law prescribes harsher punitive sentences on human traffickers; victims of human trafficking can claim compensation and will receive greater assistance and remedy, from getting safe shelter to assistance on education. Besides, there is a National Plan on the Prevention, Suppression and Addressing the Problem of Trafficking of Women and Children, both at domestic and transnational level. Mechanisms have been laid down at every level, i.e. community, provincial, national and international levels to prevent, assist, protect, enforce the law, suppress, as well as to repatriate, rehabilitate and reintegrate into society.

83. With regard to the provision of assistance to victims of violence, there are government agencies and state organizations which are directly responsible, e.g.:

(a) Agencies under the Ministry of Social Development and Human Security, namely the Department of Social Development and Welfare, Office of Women's Affairs and Family Development, Anti-Trafficking of Women and Children Bureau, and Operation Centre for the Protection of Victims from Domestic Violence. There has been close cooperation and integrated work among these agencies and with non-governmental organizations and Kredtrakan Protection and Occupational Development Centre in providing rehabilitation and occupational development to the children and women who are victims of human trafficking, e.g. cooking, nursing services in hospitals, crafts and embroidery. Moreover, there is the Prachabodee Centre with its nationwide network to receive case reports and provide assistance to witnesses in court cases and to victims of violence in all forms in terms of medical treatment and legal advice, etc. without discrimination on the ground of nationality of the victims;

(b) Centre for the Protection of Children and Women in the Royal Thai Police to provide assistance to children and victims of sexual abuse, by designating specially trained police officers or female investigators to attend to the child and woman victims.

84. Agencies in the government sector have cooperated with non-governmental organizations, e.g. Friends of Women Foundation, Hotline Centre Foundation, The Centre for the Protection of Children's Rights Foundation, Child Protection Foundation, End of Violence against Women Network Foundation, and Association for the Promotion of Women's Status, as well as other stakeholders to counteract violence against women and children. The agencies have also cooperated with the networks of families in communities to carry out surveillance and prevent violence in the families. Currently there are approximately 3,166 family networks. More than 3,000 Community Family Development Centres have been set up in communities nationwide as a mechanism to oversee and give counseling on family problems. Furthermore, arrangements have been made to have emergency shelters and welfare homes ready to provide temporary shelters to the abused persons in refuge from danger or chase by the abusers.

85. On the awareness-raising and advocacy to put an end to violence against women and children, the national effort was united under the leadership of HRH Princess Bajrakitiyabha who served as the UNIFEM's Goodwill Ambassador for the Campaign "Say

No to Violence Against Women” in 2009, sending the clear message that Thailand does not tolerate violence against women. The national campaign made use of a wide spectrum of media, with support from agencies in the public sector, non-governmental organizations and the networks of multi-disciplinary professionals to sensitize the general public on the issue. Besides, the government has made November the month for “Saying No to Violence Against Women”, and observed on 25 November every year the “Day for Putting an End to Violence Against Women”. The “White Ribbon Campaign” and the “Gentlemen against VAW Campaign” drawing support from the media and the private sector, also play significant role in conveying the message that men can be part of the solution to violence against women by “Not Committing, Not Approving and Not Neglecting”.

86. Thailand has conducted training to forge proper attitude for law enforcement officers in proceeding cases of domestic violence in various forms, e.g.:

(a) The Royal Thai Police in collaboration with non-governmental organizations organized training and study trips for police cadets to better their understanding about the background of the violence against women problem. The Royal Thai Police has been working more proactively by sending police officers to investigate cases of domestic violence at hospitals rather than waiting for report filing to police stations. Special investigation rooms for this type of cases have been arranged in hospitals nationwide;

(b) The Office of Women’s Affairs and Family Development, in collaboration with Thammasat University organized compulsory training for police officers and public prosecutors whose duties involve the enforcement of the Protection of Domestic Violence Victims Act 2007, in order that these officials will know how to treat those victims of violence. More compulsory training of this type will also be given to public health officers and social welfare officers who work at Operation Centres for the Protection of Victims of Domestic Violence, for them to know how to integrate the provisions contained in the Protection of Domestic Violence Victims Act 2007 with the ones in the Child Protection Act 2003.

7. Protection of elderly persons in the families

(a) Laws on the protection of elderly persons

87. The present Constitution endorses the right of the elderly persons who do not earn sufficient income for subsistence to receive welfare, public conveniences to facilitate their living in a dignified manner and appropriate assistance from the state (Article 53); and binds the state to provide assistance and arrange appropriate welfare for elderly persons, people in poverty, persons with disabilities and persons in difficult circumstances. (Section 80 (1)) Furthermore, the Act on Older Persons B.E.2546 (2003) provides for the elderly persons the right to protection and support in accessing public welfare and services relating to medical and public health, education, religion, information, appropriate occupation or vocational training, participation in social affairs, as well as the fair and extensive distribution of subsistence allowance. Moreover, the government encourages children to take care of their father and mother. Any child supporting their father and mother who live in the same household can calculate the expenses incurred as additional tax deduction from his/her personal income tax. The Criminal Codes also prescribes conviction and sentences on persons who commit acts of torture against children under 15 years of age, sick people or elderly persons who have to depend on them for subsistence or other affairs. (Section 398).

88. The Social Security Act B.E.2533 (1990) grants the elderly persons who are insured persons or employees under the Social Security Fund eligibility of old age benefit, namely the monthly subsistence allowance, called Old Age Pension. To be eligible, the insured person must have paid contribution to the Fund over a period of not less than 180 months,

regardless of whether the period is consecutive or not consecutive. If the insured person has paid contribution to the Fund for a period of less than 180 months, he/she will receive lump sum only once, called Old Age lump sum.

(b) Policy on the protection of older persons

89. The present government has set a policy to give welfare cash subsidy to support the subsistence of older persons at the rate of 500 baht per month. Those eligible must have the following qualities: are over 60 years old, and do not have income from salaries, government reward fund or pension for old age. It is expected that in 2009, over 7.1 million older persons will have received the cash subsidy. To execute this policy, the government uses a budget of approximately USD 292 million³, set as a fixed regular budget, and is committed to continue paying this cash subsistence allowance to older persons every year in the future.

90. The government has prepared the National Plans for Older Persons, which is currently in the 2nd Plan (2002-2021). Due to the facts that the number of older persons in the country have significantly increased in the past years, and that Thai people live longer years than in the past, it can be regarded that Thailand has really entered the ageing society era. In the 2nd National Plan for Older Persons, the government emphasizes that “Our older persons will be the victory points of our society”, and they are ensured of their rights in various aspects, including economic, social and cultural rights. The Plan outlines five strategies as follows:

- Strategy on the preparation for Thai citizens to become quality older persons. There are three measures: income insurance for old age; life-long education and learning; and stimulate conscience of the people in society to uphold the value and dignity of older persons.
- Strategy on promoting older persons. There are six main measures: Enhancement of knowledge on health/health care, prevention and basic self-care, medical treatment; Co-existence and strengthening the organization of the elderly; Work and livelihood of the elderly; Support capable older persons; Support all types of media to run programs for the elderly and ensure their access to knowledge and information; and Support older persons to live in safe and fitting accommodation and environment.
- Strategy on social protection system for the elderly, consisting of protection in four aspects, namely income, quality, family/caretaker, service system and caring and support network.
- Strategy on enhancing the work regarding older persons at national level, and developing personnel working for the older persons.
- Strategy on compiling and developing the knowledge about the elderly and monitoring and evaluating of the implementation under the National Plan for Older Persons.

91. Under the Act on Older Persons 2003, the National Older Persons Commission has been set up, with the Prime Minister as Chairman, and is the key mechanism that drives the National Plan and strategies on older persons as described earlier. The National Committee convenes at least once a month.

92. The Cabinet made a resolution to declare 13 April of every year National Day of Older Persons, and has assigned relevant agencies in the public and private sectors to

³ Exchange rate for 1 USD is 30.2825 baht as of December 2010.

organize activities to promote and advocate for better awareness of the people about the value of older persons, so that they will be given respect and importance in families, communities and society.

Article 11 – Right to enjoy sufficient living standard

1. Poverty line

93. In consideration of national poverty status by using ‘poverty line’ method, calculating from individual cost or expenditure in acquiring food goods and services which are basic need for living standard, the report of the Office of the National Economic and Social Development Board shows that Thailand’s poverty status has continuously declined through time, there are only some slight increases only during 1998-2000, which was the period of the economic crisis in Thailand. In 1988, the poverty line was at USD 20.14⁴ /person/month, with 42.21% as the proportion of poor people, calculated from the number of population who pay expenses on consumption lower than the poverty line, divided by the total number of population and multiplied by 100. The poverty status numbers then steadily decreased, with the poverty line in 1996 at USD 30.74/person/month, while the proportion of poor people is at 14.75%. But in 1998 when Thailand was hit by an economic crisis, the poverty line went up to USD 36.45 /person/month, with a slight increase in the proportion of poor people to 17.46%, then to 20.98% in 2000. But after that, the status of poverty in Thailand has continuously decreased, due to results of the national development and effort to tackle the poverty problem. In 2007, the proportion of poor people went down to 8.48%, and out of Thailand’s total population of 63.9 million persons, it is found that there are 5.4 million poor people, with the poverty line at USD 46.54 /person/month. The majority of the poor are still in the northeast, numbering 2.8 million persons or 52.20% of the total number of poor people nationwide. With regard to income, the report of the Office of the National Economic and Social Development Board shows that in 2007 poor households have higher average income by 10.1% and have higher average expenditure by 8.1% compared with the figures of 2006. Poor households in Bangkok Metropolitan have the highest income, two times higher than the average income of poor households in the north which has the lowest average income. In terms of debt burden, poor households have USD 1,295.77 average debt/household, an increase of 12.8%, and poor households in the northeast have the highest average debt of USD 1,377.51/household, with a debt ratio of 63.84% of the total debt of poor households nationwide. (Statistical data on GNP, GDP and statistics of other economic indicators, please see Table 5).

94. Under the present Constitution, persons who are homeless and do not earn enough for subsistence shall have the right to receive appropriate assistance from the state. (Section 55) The government has laid down policy and several measures to assist the poor people, e.g. Urgent Policy to Address Poverty Problem which consists of the following key projects, e.g. Project to give monetary assistance toward the cost of living of USD 483.87 to every insured person under the Social Security Scheme, including personnel in the government sector who earn less than USD 483.87 /person/month. This project aims to stimulate cash flow in the economic system. Another project is the Subsistence Allowance for Elderly Persons who are over 60 years old and do not have salaries or government pension or reward fund for old age. The allowance is USD 16.12 /person/month, etc. Besides, the government has intensified the usage and disbursement of the national budget, especially on investment in state projects in order to inject money into the system and create more jobs. The government has also stimulated the private sector to play a bigger

⁴ Exchange rate for 1 USD is 30.2825 baht as of December 2010 (www.bot.or.th).

role in addressing economic problems, focusing on tourism and export sectors as the main tools.

2. Policy to address the poverty problem

95. The policy direction of the government to address the poverty problem is outlined below:

- Policy on Education – Arrange for every citizen to enjoy 15 years of education free-of-charge, from kindergarten to higher secondary school, along with enhancing the efficiency in administration towards equality in education and increased educational opportunities for disadvantaged groups of population, namely the poor, persons with disabilities, persons in difficult circumstances, persons with physical and mental deficiencies and ethnic groups of people with different cultures. Improve and expand the Educational Loan Fund so that more people will have better opportunities to access higher education towards vocational qualifications or Bachelor's degree.
- Policy on Labour – Implement measures to ensure that labour workers both in and out of the system are protected according to the Thai labour standards, especially in the aspects of safety, occupational health, employment condition, etc. and support elderly persons and persons with disabilities with available jobs in a variety of forms that they can do well according to their capabilities.
- Policy on Public Health – Improve the quality of public health services at every level to attain standard. This will in turn enhance the quality of the Health Security System and expand its coverage to all participating public and private health facilities, which will benefit the people with low income directly.
- Policy on Social Welfare and Human Security – Address poverty problem by allocating pieces of land for farming to the people with low income. Promote and support occupation and income generation. Strengthen the Village Fund and other capital sources at the community level, by installing transparent and effective mechanism. Manage the civil sector's debt structure, leading to debt reduction, debt restructuring, interest rate reduction or extended interest payment period. Improve and solve the problems about quality of housing and accommodation, quality of life and community environment, especially in communities with low-income people, by improving the quality of services, developing infrastructures and expanding utility services, and enhancing the effectiveness in administration of state organizations responsible for housing and accommodation for low-income people.
- Policy on Agriculture – Intensify measures to increase agricultural productivity and develop logistics system in agriculture. Promote production of economic crops that fit in with the climate and land condition. Support research and breed development. Arrange production capital and quality basic infrastructures to create stability in income for farmers. Take care of the stability of agricultural product prices and marketing. Promote adding value to agricultural products. Seek and manage water sources for agriculture to ensure sufficiency and extensiveness. Promote and expand occupational opportunities in fishing. Increase potential of animal farm products to add economic value. Solve the debt problem of farmers, both in and out of the system, to alleviate their difficulty and enable them to keep their land for farming.
- Policy on the Development of Infrastructures to raise the quality of life – by expanding quality basic infrastructure services which are necessities for the people's subsistence to reach out to the regions extensively and sufficiently.

96. To execute the policy to address the poverty problem as described, the government has implemented several projects in various aspects. To give some examples:

(a) The 15-Year Free Education Project, from kindergarten to higher secondary school, without having to pay for school fee, books and other learning equipment, stationery, uniforms and other self-quality development activity fee. The implementation results show that over 12 million students in 40,000 schools nationwide have benefited from this project;

(b) The 5 Measures 6-Month Cost of Living Reduction Project – the government will absorb fees of utilities, electricity and water for households that consume less than the set amount, delay the increase of cooking gas price, free bus (certain routes) and train service (3rd class), all these to help curb expenses of the people, especially those with low-income. The implementation results show that around 8-10 million people have benefited from this project;

(c) The Sufficiency Communities Project – Under this project, 80,000 villages nationwide will be allocated budgets of between USD 3,225.80 – 22,580.64 per village to implement projects which follow the ‘sufficiency economy’ philosophy to strengthen the economy at the grassroots level, stimulate spending, create jobs and income. The implementation results show that the budgets for 20,000 villages have been approved;

(d) Project to boost domestic spending – The government hands out USD 64.51 per person to the people who earn less than USD 483.87 per month. As a result, more than 6 million people nationwide have received this cash handout;

(e) Vocational Training and Job Creation Project – aiming at creating jobs for the unemployed, persons whose employment are going to be terminated and new graduates. This is to alleviate the unemployment problem which resulted from the economic streamlining. The result shows that more than 172,939 persons have joined the project;

(f) Project to promote pro-active Village Health Volunteers (VHVs) – by giving special remunerations of USD 19.35/person/month to the VHVs in order to promote good health in the local areas, especially health care for children, the older persons, persons with disabilities and patients in hospitals. The implementation results show that over 500,000 VHVs have received this special remuneration.

3. Sufficiency economy theory

97. In implementing the policy and measures to address the poverty problem and ensure food security for all its population throughout the kingdom, Thailand has followed the sufficiency economy theory, the philosophy granted by His Majesty the King as guidelines for living for all levels of Thai people for more than 50 years, as elaborated below:

- At personal/family level – Must learn the word “sufficiency” and must not take advantage from others, be economical, pay attention to self-development in order to strengthen knowledge and expertise, undertake career with honesty, adhere to the principle of moderation, be self-reliant in all aspects, mentally, socially, technologically, economically and with regard to natural resources and the environment.
- At Community level – Must have sufficiency and form groups to do social service work for others, based on their and their communities’ wisdom and capacity, and contribute the excessive output to national development. Currently there is a concept that community leaders call, “organic agriculture, community way of life” which has turned into widespread practice in community areas throughout the country. The concept adheres to self-reliance in terms of natural resources, building own capacity, seeking resources locally and develop them to the fullest benefit based on the local knowledge base and wisdom of each respective community.

- At State or National level – Since 2002, the government has driven the sufficiency economy in concrete terms, with the 9th National Economic and Social Development Plan (2002-2006) incorporating the sufficiency economy theory of HM the King as the key philosophy in the development and administration of the country, and the 10th National Economic and Social Development Plan (2007-2011) has set a vision and mission for Thailand to develop into a “harmonious and happy society”. Some important development strategies under this plan are: strategies for development of human quality towards a knowledge-based and learning society, strategies to strengthen community and society as basis of national security, strategies to reform the structure of the economy for balance and sustainability, strategies for development of biodiversity and conservation of the environment and natural resources, and strategies to promote good governance aiming at social justice and sustainability.

98. Applying the sufficiency economy theory to the administration of the country has enabled Thailand to adjust and respond capably to the current global economic crisis.

4. Rights to food

(a) Government policy

99. From the situation of grain prices having had the tendency to soar at record level since the beginning of 2008, it was exacerbated into a “global food crisis”, with the prices expected to remain at high level. This has caused prices of food in various categories to rise significantly up to present. Thailand has paid great deal of attention to the world food crisis issue, and has put it as a national agenda. The government thus set up a Committee on Food Administration chaired by the Deputy Prime Minister to cope with the global food crisis situation comprehensively. Thailand has managed to produce agricultural crops such as rice and tapioca to sufficiently feed domestic consumption demand. And as the world’s number 1 rice exporter, Thailand never uses a measure to limit rice exporting, so that the people in the food import countries can enjoy their right to sufficient food during the world food crisis.

100. The government has taken measures to ensure domestic food security by investing in the agricultural sector in many areas, described as follows:

- Improve the effectiveness of the production of agricultural products, which fits the local conditions, and of agricultural logistics, which has resulted in higher quality of the agricultural products, and farmers have received tools and equipment and basic means for production. At the same time, improvement has been made on preservation technology and logistics/transportation of agricultural products to cut cost. Besides, the government has divided zones for growing agricultural crops for consumption and for growing alternative energy crops, in order to stabilize the prices of the crops of both types to be fair and suitable for farmers.
- Support research and development on production standards and safety of agricultural produce and food in order to add value, e.g. the set-up of the Agricultural Research Development Agency in 2005 to support research on agriculture in order to increase productivity and competency in export competition.
- Improve effectiveness in the usage of water sources for agriculture, especially by building more reservoirs in rice growing areas and digging canals to alleviate the problems of draught and flood, as well as increasing irrigation zones and expanding the irrigation system in the irrigation zones for the highest benefit in water usage. Besides, despite having sufficient quantity of revolving water in a year, Thailand still faces the water shortage problem due to its water management which is still not

effective enough. Under the “Strong Thailand” project and campaign to boost the economy, the government has built and improved medium and small-sized water sources expansively in the agricultural areas of many provinces which were facing drought. This has not consumed a large budget, but has directly benefited the farmers in those respective areas.

- Improve and restore the quality of soil to become suitable for farming and allocate pieces of land for poor farmers who do not have their own land for farming. This is done by taking vacant pieces of land that belong to the state and renting them out to the poor farmers at low rates.
- Enhance the agricultural production process up to international standard and quality, and strengthen own product branding.
- Increase productivity from animal husbandry for food, by developing breeds and improving the process of animal husbandry up to international standards, as well as promote organic process of animal husbandry, which is in accordance with the sufficiency economy philosophy and the present Constitution which provides that the state must promote and support the implementation in accordance with the sufficiency economy philosophy. (Section 83).
- Develop the fishing occupation and expand opportunities for fishing by increasing the amount of sea animal resources, improving seafood product quality and exploring additional new markets. The public as consumers will then have better access to food, both in terms of opportunity and more income distribution.

(b) Quality of food

101. The present Constitution makes it a duty for the state to arrange for the availability of basic necessities which are essential for the people’s subsistence. (Article 84 (10)) Both public agencies and private organizations have put in efforts to campaign through various media, e.g. radio, television and print media to raise people’s knowledge and awareness about the categories of healthy food, the right amount of food consumption in each age range, and the food that should be avoided, etc. The government also promotes the provision of knowledge about safety management in food production by setting guidelines for urgently disseminating knowledge about food safety to the people etc. via e-learning along with real practice. Moreover, knowledge is provided through the mass media about food safety and toxin in contaminated food, which is hazardous to consumers’ health. Food production to avoid dangerous substances at an unsafe level for consumption is managed and controlled. With regard to the sufficient amount of food supply, rice is regarded as staple food for Thai people that they cannot go without. Thailand has specifically designated the Rice Department under the Ministry of Agriculture and Cooperatives to be directly responsible for preparing strategies on the development, production and processing of rice. Moreover, the government has set up the Food Institute under the Ministry of Industry to stimulate competition in the food industry, and take care of the food safety matter, particularly safety in the food produced for industry.

5. Right to land for farming

102. The government has set up a Committee on Dispute Settlement on Farming Land Rights, and has implemented its policy in two ways, namely:

- (a) Issue community land titles to poor farmers, including hill tribe communities under the community land deeds system which makes arrangement in providing pieces of unused/vacant land to communities instead of to individuals. Allocation of land to any person in a community is done by the decision of the Committee of that community. Once the land has been allocated, the person to whom the land has been allocated cannot sell the

land to outside property investors, except to sell it back to the community through the Community Fund for Land Repurchase which will allocate the repurchased land to other persons in the community who are interested;

(b) The government is preparing to propose a draft Act on Property and Land Taxes B.E. by enforcing a progressive rate system on land owners of unused land, and to set up a Land Bank Fund with part of the income from such land tax, which will benefit Thai farmers to have access to more land for farming. Also, the government has speeded up the solving of farmers' debt problem, both in and out of the system, to preserve the land for farming for them. This has been done through the Restructuring Fund, Tree Bank Project and other projects. Besides, it has set up a system to guarantee prices of agricultural crops to guarantee income for farmers. The system has already been applied to tapioca and corn, and is going to be put to use with seasonal rice crops.

103. With regard to the problem of encroaching on conserved forest land by local villagers, especially hill tribes people, the government now invites community members to take part in negotiations to reach mutual resolution, instead of forcing the encroachers to leave. The Forestry Officers and the community members in the area will jointly determine the demarcation of land for living, and not to cross over the demarcation line. At the same time, the villagers have to help watch out for any encroachment, conserve and develop the forest land area to fertility. As a result, the incidents of deforestation and mobile farming by hill tribes people have significantly decreased.

6. Right to sufficient water

104. From the report of the Department of Health, Ministry of Public Health, the ratio of population who have sufficient clean drinking water in 2005 is 96.3% in urban areas and 87.0% in rural areas. While in 2008, the ratio is 50% in urban areas and 20% in rural areas. The government has laid down the following measures to ease the people's access to safe and clean drinking water:

(a) Monitor, follow up, examine the quality of drinking water, especially in cases of emergency or public disasters which may affect the general public's health;

(b) Coordinate cooperation with relevant agencies both in urban and rural areas, including communities toward wide participation in solving the problem to enhance the quality of pipe water to be clean and up to the standard set by the Department of Health to be labeled as "Drinkable Pipe Water";

(c) Support networking alliance in the development of water quality work;

(d) Advocate for people's knowledge, understanding and awareness about drinking water, cleanness, safety, and effects on health, and people's participation in testing the quality of drinking water. So far, the Department of Health has announced its certification of the pipe water of the Provincial Waterworks Authority by ratio of 50% of its total pipe water. (Statistics on Number of Personal Households categorized by the Sources of Drinking and Consumption Water, see Table 6)

105. Due to Thailand's hot and humid climate and its geographical location of being a flat land by the sea and has many passing rivers, it does not normally face water shortage problem on the overall, except in the summer when it scarcely rains for a period of time. Without efficient water management to store water for use in that dry period, there can be shortage of water in some areas, especially in remote rural areas. In such case, the government will send out personnel, to service water distribution to people affected by drought.

106. The water problems encountered by communities are of two types, firstly the problem of having too little water due to deforestation which has caused less rainfall and

drought that damages crops and animal husbandry, and secondly the problem of having too much water also as a result of deforestation, causing floods and landslides in the rainy season, hence damages on lives and properties and causing a problem on the quality of water being not clean enough for drinking and consumption. Thailand has set a direction to solve these problems by reducing deforestation, building dams and reservoirs to store water, improving water management systems with regard to amount of light, purity level of water, minimizing leakage, as well as raising awareness of people on the most cost-effective way of using water.

7. Right to accommodation

107. The government has implemented measures to enable the people to have sufficient accommodation at affordable prices in order to enhance human security and solve the problem of degrading quality of dwelling, quality of life and environment of the community, especially for low-income people. The National Committee on Housing Policy has thus been set up to set policy, strategies and measures for the administration of housing for the country, with participation of all sectors.

108. In 2003, the government declared a policy to address the problem of accommodation for the poor reflected in two projects, namely the “Baan Eua-Arthorn Housing” (Home of Compassion/Caring) Project and the “Baan Mankong” (Collective Housing) Programme. The Baan Eua-Arthorn Project aims at tackling the problem of low income people across the country, who do not live in densely-populated urban communities, with the National Housing Authority is the key operator, targeting to build 600,000 units of low-price flats and houses within five years (2003-2007). While the Baan Mankhong Programme targets at addressing the issue of slum communities in urban areas without being forced to move out of town. The project aims to develop accommodation of slum dwellers and grant them the right of security in the form of leasing land from the responsible government agencies. The Baan Mankhong Project is carried out by the Community Organizations Development Institute (CODI) to solve the problem of accommodation of poor people living in slum communities in urban areas by building 300,000 units of accommodation in five years, so that it covers the area of 2,000 communities, with a combined population of 1.5 million people. The process of addressing the issue at policy level concentrates on four aspects: (a) Public Housing Fund; (b) Draft Act on Densely-populated Urban Communities B.E; (c) National Committee for the Prevention and Solution of Problems related to Densely-populated Communities; and (d) Policy on State Utilization of Land for Housing.

109. To facilitate the implementation of the Baan Mankhong Project for better continuity and efficiency in meeting the objective of solving the accommodation problem of the urban low-income people, the government set up the Governing Committee to Address the Problems of the Land Reform Network of Thailand to address the problems related with densely-populated communities, chaired by the Prime Minister and joined by representatives of the Land Reform Network of Thailand as members of the Committee to oversee, monitor and accelerate the solution of problems concerning land for farming, housing/accommodation and other related difficulties.

110. Challenges to the problems in relation with the right to accommodation of the poor are:

- Lack of communities’ security in the land owned by the state agencies, which is usually leased to them for only short term;
- Forced dismantlement vacation of communities to new housing is still an issue for the people living in densely-populated communities. The government is trying to introduce opportunities for the people to participate in negotiations with the state agencies to find mutual resolution.

111. The issue of expropriation, in the case that the land owner is a state agency, will be resolved through mediation between the state and the community people. For example, there is a Network of Slum Dwellers in the Four Regions in Thailand which form themselves as a group to negotiate, demanding that they want to live on state-owned land, which will be agreed in terms of land leasing and helping to develop land that is unused by the state. In the case that any piece of land has been occupied for a long period of time and the state wants to reclaim the land for other use, the state shall assist the occupants by paying the dismantling fee for them and finding them new accommodation.

112. The National Human Rights Commission plays an important role in protecting the right to accommodation. When there are petitions, the Commission will act as the mediator in coordinating, negotiating and mediating among the parties concerned to find peaceful means towards resolution. This is carried out along with enhancing knowledge about the right to accommodation and related laws to different networks. The Commission also works through networks in various forms, e.g. organize a public forum to collect, exchange and learn from public opinion, and discuss bilateral cooperation to assign roles and responsibilities of each organization according to its potential. A part of the mission focuses on an effort to study the real situation that has happened and reflect on the causes of the problem, which will lead to effective ways to resolve the problem, and to support the setting up and linking of networks at the community and regional levels.

Article 12 – Right to physical and mental health of the highest standard possible

1. Legal measures

113. The right to health is guaranteed under the present Constitution which ensures that every person shall have equal rights to receive standard health care services, and the impoverished shall have the right to receive medical treatment from State health facilities free-of-charge. (Section 52) The State has a duty to arrange and promote public health so that the people can receive standard and effective services extensively. (Section 82)

114. The National Health Security Act B.E. 2545 (2002) provides for every Thai person, especially impoverished people, to receive health services, to receive medical treatment, rehabilitation, health promotion and disease prevention, which are essentials for health and standard quality living equally for everyone. In the fiscal year 2009, the government set a budget of USD 71.03/person/year in support of expenses of the eligible persons in the Universal Health Coverage System, which covers a total population of 47.03 million people. And in the fiscal year 2010, the budget was increased to USD 77.46/person/year, covering a total population of 47.24 million people. (Statistics on Number of Registered Persons for the Right to the Universal Health Coverage System see Table 7)

115. The National Health Act B.E. 2550 (2007) is the health statute of people, which emphasizes on the health promotion rather than disease treatment. It encourages and supports the participation of the people and local administrative organizations in self-care for oneself and for their respective communities, e.g. the set-up of the Community Health Fund in 2006, which is a collaboration of the National Health Security Office and local administrative organizations, focusing on health promotion, disease prevention and rehabilitation care. At present, approximately 3,943 local administrative organizations have joined the project, covering a population of 31 million persons.

116. The Mental Health Act B.E. 2551 (2008) is the law that protects the rights of mentally ill patients to receive care, treatment and rehabilitation, covering both the health services scheme and the social security scheme of the government sector, in an equal and dignified manner, without any prejudice from society. At the same time, the Department of

Mental Health has developed its operation on mental health and psychiatry in various forms, namely: (a) Develop the system of services in mental health and psychiatry in health facilities; (b) develop a Screening Form and a Psychiatric Symptom Assessment Form, especially for depression and suicidal inclination; (c) enhance knowledge and technology on treatment and cure services; (d) develop the system for follow up and surveillance, which links up with health facilities at every level to prevent repeated symptoms, and (e) campaign for the promotion of prevention by raising awareness and understanding of specific target groups and the wider general public, aiming to increase access of treatment services among psychiatric patients and for them to be properly cared for, which will alleviate the disease intensity and prevent loss in health which may occur in the future. (Statistics of patients who receive mental health and depression treatment, see tables 8 and 9.)

117. The Sanatorium Act B.E. 2541 (1998) and the Act of Healing Arts B.E. 2542 (1999) govern and control health care services to be of legal standardization. With regard to remedy for any damage incurred, the Ministry of Public Health has currently prepared a draft Act on the Protection of Affected Persons from Health Care Services B.E., with the main intent particularly on remedy for the damage incurred from medical treatment services, and on mechanism of remedy toward the affected person by establishing good relationship between the health care service users and the service provider.

2. Policy measures

118. The Nation Health Development Plan No. 10 (2007-2011) aims primarily at developing Thailand's health care system towards a "sufficiency health care system" in 10 aspects, namely: (a) cohesion and governance in managing a balanced and sustainable health care system; (b) proactive health care enhancement strategy to build fundamental attributes to having good health; (c) introduce a culture of having good health and lifestyle which brings total happiness based on sufficiency; (d) community health care system and networking of strong primary health care services; (e) effective health care system and medical services using appropriate technology based on academic principles; (f) health care security which is fair, extensive and of good quality; (g) immunity system and preparedness to promptly cope with effects from diseases and other health threats; (h) health options which are diverse, self-reliant and cleverly blend Thai wisdom with international wisdom; (i) knowledge-based health care system from rational knowledge management; (j) a society that does not neglect people in difficulties, a caring society that looks after the poorer, the disadvantaged and those suffered, with due respect for their value and human dignity.

119. Under the current economic crisis, the government has approved a budget to invest in the second phase of the project to stimulate economic recovery (Stimulus Package 2: SP2), particularly towards public health care with a budget of USD2,793.54 allocated to the Ministry of Public Health for use in constructing service buildings and accommodation buildings for health care personnel, in medical supplies and supplies used for disease examination and analysis and for treatment, in producing health care personnel, as well as in building competency of health centre units/ community health center units which are primary health care service units at tambon (sub-district) level by upgrading them into "Tambon Health Promotion Hospital", targeting to have 9,000 of these hospitals by 2012. Additional budget has also been allocated for further investment in about 800 hospitals at district and provincial levels.

120. The Tambon Health Promotion Hospitals operate in the following four aspects: (a) proactive work in communities; (b) continuous service for the people, with 24-hour counseling and referral services; (c) strengthening communities and the civil sector; (d) Linking and coordinating between patient/community and secondary/ final service units and other related agencies, which will facilitate a more convenient and most effective

access to the system of integrated health care services for the people. Moreover, the Ministry of Public Health has acknowledged great importance of the promotion, surveillance, prevention and control of diseases at the community level, and of the enhancement of true participation of people in the communities. With all these efforts, Thailand now has 987,019 health care volunteers registered since 1978.

3. Health of infants and pregnant women

121. At present, “perinatal mortality rates”⁵ in Thailand have decreased due to health care development, in terms of technical advancement, technology and extensive health care services. Statistics of the Office of Policy and Strategy, Ministry of Public Health show that the maternal mortality rate and the infant mortality rate both have tendency to continuously decline. The maternal mortality rate dropped from 12.2 per 100,000 live births in 2007 to 11.3 per 100,000 live births in 2008. The infant mortality rate rose slightly from 7.2 per 1,000 live births in 2007 to 7.3 per 1,000 live births in 2008, while the mortality rate of children under five years old decreased from 11.7 per 1,000 live births in 2002 to 10.4 per 1,000 live births in 2006.

122. The Ministry of Public Health has launched advocacy on exclusive breastfeeding for six months, and implemented the “Sai Yai Rak Hang Kraubkrua” (Family Love Bonding) Project to respond to the initiative of HRH Princess Srirasm, Royal Consort of HRH Crown Prince Maha Vajiralongkorn. These efforts emphasis on the provision of comprehensive care for infants from being in the mother’s womb to delivery, to post-natal first born and to early childhood care until five years old, with participation from communities.

123. In guarding the right of pregnant women, among hill tribes people on the highland who are recipients of medical services, it has yielded reasonably good result. To illustrate, apart from executing control on HIV/AIDS in pregnant women, promotion of medical services in pregnancy care and child delivery, as well as general family planning have also been enhanced among the hill tribes women. The government sector has continuously tried to motivate these mothers to come and receive pregnancy care and child delivery services at the hospital instead of delivering their babies at home, which has been successful to a certain level, reflected by the statistics showing an increasing number of these mothers delivering their babies at the hospital, which has reduced the infant mortality rate, and make these children eligible for the right to birth registration as well. However in remote areas, it is necessary to do specific projects that support continued proactive action.

4. Health of people with no registration status and migrant workers

124. The government has acknowledged the importance of health of persons who have no status in the civil registration, whom the Universal Coverage Health Security Project cannot cover. On 23 March 2010, the Cabinet reached a resolution to approve a budget of 472 million baht to allocate to State hospitals along the border for use in medical treatment for persons with no registration status, which include minority groups living on the highland, persons who have taken refuge in Thailand for a long time and are waiting for the nationality verification process, and illegal migrant workers.

125. As for migrant workers who have legally registered, they are eligible for the right to medical care/ treatment equally with Thai labour workers according to the Thai Labour Act and the Social Security Act. Furthermore, the Ministry of Public Health has also set up the Board of Health of Migrant Workers to implement strategies on migrant workers in five

⁵ The number of deaths of a fetus weighing at least 1,000 grams or when birth weight is unavailable after 28 completed weeks of gestation or with crown – heel length of 35 centimeters or more, plus the number of early neonatal deaths.

aspects: (a) arrange a system of health care services for alien population, which suits their circumstance and limitations; (b) establish health security for the registered alien population or arrange for their eligibility for the Universal Coverage Health Security Scheme in the future; (c) encourage participation of the alien population and communities in practicing health care for themselves and their families; (d) cooperate with the Ministry of Labour in the development of an information technology system to collect and store data of migrant workers in all perspectives; and (e) Enhance administration in support of implementing the health care strategy for aliens. (Statistics on Expenses in Providing Health Services to the Alien Population, see Table 10.)

5. Prevention, cure and control of communicable diseases

126. The present Constitution affirms the right of persons to receive protection and prompt eradication of dangerous communicable diseases in an appropriate manner and at no cost. (Section 51, final paragraph) Thailand has the following law which is related to the surveillance, prevention and control the spread of diseases, namely Communicable Disease Act B.E.2523 (1980). As with SARS and avian influenza (Bird Flu) as new emerging diseases which occurred in Thailand, the country arranged surveillance and has taken intensive preventive measures, e.g. systems for disease investigation and surveillance by the Ministry of Public Health, compliance with the World Health Organization (WHO) International Health Regulations 2005, forming Surveillance and Rapid Response Teams (SRRT) in every province, wide publicity for the people to know what to do in case of suspicion, i.e. to inform the authority in charge, as well as other measures and guidelines to effectively solve the problems that happened. From the past operation, Thailand has managed to reduce the severity and spread of SARS quickly, and to control avian influenza at a satisfactory level.

127. As for the pandemic influenza H1N1 (2009), Thailand has put an emphasis on delaying the spread of the disease into the country and decreasing the spread within the country, providing specialized and specific treatment, and risk communications to build understanding with every sector and the general public according to the National Operation Plan for Influenza Pandemic Preparedness. At the same time, an anti-viral drug (Oseltamivir) has been provided by the Ministry of Public Health. The Government Pharmaceutical Organization (GPO) of Thailand conducted research on the subject until it was able to produce a sufficient amount of such medicine. Also, the Ministry of Health (by the GPO) has coordinated with health organizations from abroad as well as WHO in order to exchange knowledge, develop the disease diagnostic tools so that it consumes the least time possible. This is to ensure the prompt diagnosis and treatment of the disease. The Department of Medical Sciences, Ministry of Public Health has prepared for the capability of laboratories so that it stands ready to handle the spread of pandemic influenza H1N1. This is done by developing the laboratory diagnosis by Polymerase Chain Reaction (PCR) method, setting up the disease diagnosis and surveillance system in the central areas, and 14 Regional Medical Science Centers, as well as 7 Mobile Laboratories – ready to act in case there is an H1N1 outbreak in remote areas. According to the laboratory diagnosis, the result can be reported within 24 hours. There is also surveillance on anti-viral drug resistance of influenza virus. Moreover, the Department of Medical Sciences has established the WHO Regional Influenza Center, which is supported by WHO.

128. On HIV/AIDS, the government has run campaigns to raise the people's awareness on the danger from HIV/AIDS infection, especially those in the vulnerable groups, namely those who work in entertainment places, those who are prone to use drugs and homosexuals. At the same time, there are campaigns to advocate for people's acceptance of people living with HIV by working in the same workplace with them, and that an employer is not allowed to discriminate against HIV-infected patients i.e. once the employer is aware of that fact he/she cannot use it as an excuse to terminate employment of that employee.

The government has also attempted to change a perception that HIV/AIDS is a social problem, not just a public health one, so that the counter measures and action against HIV/AIDS will be taken more vigorously and effectively. This includes campaigns to raise awareness about the danger of HIV/AIDS among the general public, development of a system for the learning and teaching of sex education, building life skills to protect oneself from behavioral risks toward HIV/AIDS infection, stimulating the society to realize the severity of the problem and to participate in solving it. Besides, in providing care and treatment of HIV/AIDS patients and persons affected by it, a full range of comprehensive services from treatment to social system must be arranged. In terms of treatment of people living with HIV, the government has continuously tried to raise the efficiency in providing services to people living with HIV and HIV/AIDS patients by providing free anti-retroviral drugs, since these drugs have now been included in the Universal Health Coverage System. Besides, there has been the development on the HIV counseling and testing system to enable the medical personnel to provide more comprehensive services. Thailand is ranked No. 2, second from the United States of America in terms of advancement in the research and development of HIV/AIDS vaccines, up to the third stage of testing on 16,000 human samples, which is the largest test project in the world, and will be completed in 2010. (Statistics on Number of HIV/AIDS Patients, See Table No.11)

6. Protection and treatment of non-contagious chronic diseases

129. As with chronic non-communicable diseases, which is another significant public health problem and has a tendency to increase continuously, i.e. diabetes, cardiovascular diseases and cancer, the Ministry of Public Health has set up a policy on the surveillance, prevention and control of chronic non-communicable diseases (called “Thailand Healthy Lifestyle”). One of the projects under this policy is the “Community Less Risk, Less Diseases” project, with the objective of prevention and control chronic non-communicable diseases in accordance with the Thai lifestyle by using the community based programs to push communities to work with other alliances networks in their respective communities in terms of administration, resource mobilization, coordination in the network areas through the process of thinking and working together systematically and in a way which is suitable to the problem and the community way of life. This aims at strengthening capacity building of the communities, providing knowledge to the people in order to raise their awareness and enable them to take care of their health, handle their own problems of their families and communities in a way which corresponds well with the problem, way of life and the community’s context in order to reduce the risks toward chronic non-communicable diseases, thus resulting in a decrease in the occurrence of chronic non-communicable diseases, and Thai people having “Thailand Healthy Lifestyle” in a sustainable way.

130. The Ministry of Public Health and the National Health Security Office have been in joint collaboration to establish the “Thailand Healthy Lifestyle” project by using the concept of driving the “Action Plan on Health Promotion and Prevention of Diseases of National priority program” to reduce the chronic non-communicable diseases, which is a national problem. The project has been implemented under six main measures, comprising: (a) surveillance system to monitor health behavior and risk screening towards obesity and chronic non-communicable diseases into two levels (community and workplace levels); (b) raising awareness, wide knowledge dissemination and advocacy to influence towards adjusting the way of life; (c) environment support to reduce risks in communities; (d) counseling services to behavior modification among the high-risk groups and patients with chronic non-communicable diseases; (e) knowledge management and capacity building of health personnel involved in the implementation under the “Action Plan on Health Promotion and Prevention of Diseases”; (f) supervision, monitoring and evaluation. Together, the two agencies have prepared an integrated plan to reduce the incidence and

death rates from chronic non-communicable diseases in 2009-2011, aiming at promoting people to enjoy good health, have healthy behavior and take part in appropriate health care.

131. With regard to treatment, under the National Health Security Act, the government has taken measures to enable the people to have access to the medication for these diseases more easily by including medicine in the national list of essential drugs under the Universal Health Coverage System. However, it was found that there is a large number of patients who still do not thoroughly have access to the medicine because the domestic medicine with licenses are very expensive, and the negotiation with the licenses' owners to reduce the prices of medicine has not yet succeeded. As a result, the Universal Health Coverage System could not carry the burden of the total cost. Thailand by the Ministry of Public Health announced that the government will exercise the right to use the medicine with licenses for the treatment of heart disease, cancer and HIV/AIDS. This enables the government to import or produce generic medicine by themselves, which will pull the prices down significantly, and benefit the patients for the right to access to medicines, under the Universal Health Coverage System.

7. Guarantee of medical services

132. As for management measures to ensure sufficient medical personnel and effective medical equipment, the government has a policy to invest in producing and developing medical and health care personnel, along with boosting their morale in enjoying career advancement, revising laws relating to medical profession, and appropriate allocation of medical and health care personnel in correspondence with the needs of different areas in the country. As a result of implementation under the policy, medical doctors have been allocated dispersedly to different parts of the country. However, more doctors need to be allocated further to remote rural areas which are still in need, according to the statistics from a Survey on National Health Resources in Public Health Agencies in the Public and Private Sectors, except for Clinics, by the Office of Policy and Strategy, Ministry of Public Health. (Statistics showing numbers of doctors and sanatoriums (see table nos. 12,13,14,15)

Article 13 – Right to education

133. The present Constitution affirms the right to education by stating that every person has equal right to education of not less than 12 years, which the state must provide free of charge extensively to all population and in good quality. The impoverished, persons with disabilities, or persons in difficult circumstances must be able to enjoy that right and receive support from the State in getting equal education with other persons. (Article 49)

1. Legal measures on education

134. The National Education Act B.E. 2542 (1999) is the model in the administration and management of the country's education. It appoints the Ministry of Education as the core agency directly responsible and provides that the State must arrange for every person to have equal right and opportunity to basic education of not less than 12 years, which must be of good quality and free of charge extensively to the population. The State must also arrange for the following groups of people to be able to enjoy the right and opportunity to receive basic education specially arranged in appropriate forms with consideration of their capabilities: persons with deficiencies of the physical, mental, intellectual, emotional, social, communication and learning kinds, or persons with disabilities, persons without capability to depend on themselves or without caretakers, or disadvantaged persons.

135. The National Education Act B.E. 2542 (1999) states that the learning process must aim at the ability to promote and protect human rights, responsibility, freedom, rule of law, equality and human dignity. Therefore, under Thailand's National Education Plan,

the content about human rights has been incorporated into the school curriculum from primary level to higher secondary level, covering vast issues ranging from the knowledge about basic human rights to the International Declaration on Human Rights.

136. The Compulsory Education Act B.E. 2545 (2002) is the measure that forces parents to send their children to school, to attend compulsory education for nine years. The law holds the Ministry of Education or the Local Administrative Organizations responsible for arranging special education for children with deficiencies of the physical, mental, intellectual, emotional, social, communication and learning kinds, children with disabilities or without capability to depend on themselves or without caretakers, disadvantaged children or specially gifted children. These special children must be given compulsory education in appropriate forms and methods. The law also sets punitive measures on persons who cause children to lose their opportunity to attend school, or persons who do not inform the authorities about having children in school age living with them.

137. The essence of the Administration of Ministry of Education Regulatory Act B.E. 2546 (2003) is to identify the scope of work of departments of the Ministry of Education and its administrative structure in preserving of the organization's unity, and corresponding to national education laws and educational policy. The Act also identifies authoritative power and power delegated to the departments and agencies to reduce obstacles to work efficiency in line with the goal of National Education Act B.E. 2542 (1999)

138. The Persons with Disabilities Education Act B.E. 2551 (2008) – Since education for people with disabilities has specific character which is different from education arrangement for general people, it is necessary to give the disabled the right and opportunities to specially receive educational services and assistance from birth or since their disabilities were discovered. Furthermore, the Ministry of Education has a policy to provide free university education to persons with disabilities, starting in the academic year 2010, with the government subsidizing the universities' cost in preparing facilities to admit students with disabilities to study at their universities.

2. Measures on education policy

139. To comply with the present Constitution and to support every child to have equal opportunity in education to the fullest of his/her potential, the government embarked on the "15 Years Free Quality Education" Project to provide opportunity for everyone to receive at least 15 years of free education. Under this project, the government supports the provision of textbooks on core subjects to every school, provides free student uniforms, textbooks and learning tools, starting from academic year 2009. In addition, the government also sponsors the expenses for learners' development activities to compensate various fees that schools collect from students' parents. This project also aims to increase efficiency in the administration to yield equality and justice in educational opportunities to those among the disadvantaged groups, namely the poor, the disabled, persons in difficult circumstances, persons with physical and intellectual deficiencies and people of different cultures, as well as to enhance the development of early communal childcare centres. The Cabinet approved an additional budget of USD 363,627,147.693 towards the 15 Years Free Quality Education Project, according to the Action Plan on Enhancing Income, Quality of Life and Social Security. Moreover, the government also grants loans for education to general students regardless of gender, who are from low-income families, to enable them to further their studies locally from higher secondary school level to Bachelor's degree, on condition that the students have to pay back the loans plus 1 per cent interest per year after completion of their education.

140. Thailand has extended educational opportunities for the disadvantaged groups of people, namely neglected children, street children, children with no parents or abandoned by their parents, rootless persons, as well as children of immigrant labour workers.

The problem with these children with regard to education is that they do not have any evidence of civil registration record, so they are not eligible for school admittance. The government addressed this problem by the Cabinet resolution dated 5 July 2005 to extend educational opportunities to persons with no civil registration proof or without Thai nationality to obtain any type or level of education in any education zone (except those who flee from fighting, education arrangement for them is provided in a shelter). The government has also allocated a budget as subsidy to educational institutions which provide education to the groups of persons with no civil registration proof or without Thai nationality from pre-primary school level to higher secondary school level. The subsidy is calculated on the basis of per student head, at the same rate as provided for Thai students. From such Cabinet resolution, the Ministry of Education started the implementation by issuing the Ministerial Regulation on Proof in Admittance of School and University Students B.E. 2548 (2005) which stipulates that educational institutions can request any proof upon admittance for educational record. In the case of having no proof at all, the institutions can use the method of interviewing the student prospect or related persons for use as a proof of educational record. Besides, the Ministry of Interior has also provided scholarships to hill tribe students with good academic performance for higher education up to Bachelor's degree. In the real situation at present, it is found that the allocation of the per head subsidy budget to educational institutions that admit students with no civil registration proof is not extensive yet, and budgets for some educational institutions have not been allocated for this purpose.

141. As to education for prison inmates, the accused who are fighting criminal charges and those already convicted, the Thai government provides opportunities for detainees and inmates in prisons nationwide to have access to their rights to receive basic education provided by Office of the Non-formal and Informal Education and higher education by using the curriculum of Sukhothai Thammathirat Open University. Up to now, there are 700 prison inmates who have graduated in Bachelor's degree from this university.

3. Private educational institutions

142. The National Education Act 1999 specified the establishment of the Office for Education Reform in the form of an ad hoc public organization to propose the structural reorganization of educational institutions, the systematization of educational personnel, investment for education, and drafting or revising laws to comply with the Act. In the recent past, the government has made continuous effort to raise the level of education, with a policy of supporting the establishment of private educational institutions, especially at college and university levels in order to cope with the large number of students who are not able to enter state universities which are limited in number. Data from the Public Relations of the Office of the Higher Education Commission show that, in 2008, Thailand has 78 state universities, 34 private universities, 30 private colleges and 5 private institutes. Besides, Community Colleges have been set up in upcountry provinces, there are 19 colleges in total. Apart from those educational institutions under Office of the Higher Education Commission, there are other 415 educational institutions under the Office of the Vocational Education Commission, broken down as 109 technical colleges, 36 vocational colleges, 43 agriculture and technology colleges, 54 multi-technical skill colleges, 144 occupational colleges and 18 other colleges of different names scattered throughout every region of the country. This has enabled the people in the regions to remain in their localities for studies, not having to move to Bangkok like in the past when most higher education institutions were only in big cities.

4. Non-formal and informal education

143. The Thai government has set its education system to be structurally open to various forms and flexible, which is suitable for the people's learning and equal access to their right

to education. According to Section 15 of the National Education Act 1999, such structure has been set in three forms, namely:

(a) Formal Education is a form of education which objectives, educational methodology, curriculum, duration of study, assessment and evaluation of results have been set. Formal education has two levels; basic education and university level education, and its administration is carried out through educational institutions, e.g. schools, colleges, universities;

(b) Non-Formal Education is a kind of education which is flexible and varied in different forms, and sets no limitations on age and place of study. It is the kind of education which aims to develop human quality, setting objectives, curriculum, teaching-learning methodology and aids, assessment and evaluation which correspond to the situation and needs of target groups. Non-formal education is divided into three main types, namely normal basic knowledge, vocational knowledge and skills, and general knowledge and information;

(c) Informal Education – allows learners to learn by themselves according to their interests, potential, preparedness and opportunities, by studying from different people, experience, society, environment /circumstance, the media or other knowledge sources.

144. In order to support and push the non-formal education and informal education to reach out to all people and all areas, as codified by the Constitution, the government has pushed for the enactment of the Act on the Promotion of Non-Formal Education and Informal Education B.E. 2551 (2008) and for the setting up of Community Learning Centres or Sub-District Non-Formal and Informal Education Centres as centres of administration of non-formal educational services, which are closest to the people. These Learning Centres provide services for both normal and vocational fields of non-formal education, as well as informal education services. They also promote formal school education with a focus on decentralizing power in administration, management and participation of governmental agencies, private organizations and the communities in providing educational services. Later on, the Ministry of Education pushed for the issuances of the Ministerial Regulation on the Right in the Management of basic Education by Families, B.E. 2548 (2005), the Ministerial Regulation on the Right of Business Enterprises in the Management of Basic Education in Learning Centres, B.E. 2547 (2004), and the Ministerial Regulation on the Right of Buddhist Religious Institutions in the Management of Basic Education, B.E. 2547 (2004). In order to cover people from all target group, the Ministry of Education should also push for the issuance of Ministerial Regulations on the Right of Local Scholars in the Management of Basic Education, for the setting up of Tambon Learning Centres in every tambon (sub-district), and for the participation of all sectors in the management of education by persons, families, communities, non-governmental organizations, local administrative organizations, professional organizations, other social institutions, according to Section 9 (6) and Section 41 of the National Education Act 1999 and its later amendments.

145. From monitoring the operation of related agencies under the sections aforementioned, it is found that there has been little participation by the civil society, non-governmental organizations and local administrative organizations. The civil society only has the role of being advisors to the School Education Committee, but do not have any decision-making power on management issues. Besides, the management of education by local administrative organizations is hardly smooth, because of government bureaucracy, sticking to so many rules and regulations, as these organizations are still dependent on the central administration in terms of policy, curriculum plan, budget and personnel administration.

146. Regarding the management of education by the civil sector and non-governmental organizations in the forms of non-formal and informal education, it is found that education in Thailand is not yet standardized and lacks quality in teaching-learning. The Ministry of Education is taking measures to systematize the Learning Centres under the administration of non-governmental organizations to be in line with a certain standard. This will enable the students who complete education from these Learning Centres to be accredited to formal educational institutions for further studies.

5. Education in other forms

147. To honour His Majesty the King's Fiftieth Anniversary of Accession to the Throne in 1996 and in response to His Majesty the King's advocacy of Lifelong Learning Via Technology, Mr. Khwankeo Vajarodaya, the Grand Chamberlain and the Chairman of the Distance Learning Foundation, with the support of H.E. Mr. Samphan Thongsamak, the Minister of Education of Thailand, launched the distance education via satellite project on His Majesty the King's Birthday Anniversary on 5 December 1995. In Thailand, the Distance Learning Foundation has been in the forefront of the application of satellite technology for the promotion of nationwide access to basic education and lifelong learning. His Majesty the King granted 50 million baht contributed by TOT Public Company Limited as initial fund to set up the Distance Learning Foundation.

148. For 16 years, the Distance Learning Foundation has conducted the "One Class, One Channel, Live Broadcast" of the whole basic education curriculum from Primary Grade 1 to Grade 6 and Secondary Grade 7 to Grade 12 on 12 channels from His Majesty the King's private school, Wang Klaikangwon School in Hua Hin, Prachuab Kirikhan Province, 200 kilometres south of Bangkok. Three more channels feature vocational education broadcast from Wang Klaikangwon Vocational College; international programme and university education broadcast from Rattanakosin Rajamangala University of Technology at Wang Klaikangwon campus.

149. It was His Majesty the King who suggested that the 15 channel broadcast without advertisements be extended to 24 hours as a means to relieve the stress of the people. With relaxed minds, the people would enjoy lifelong learning in their free time. The 15 channels 24 hours broadcast via satellite Ku band (DTH system) have served all 30,000 primary schools, all 2,650 secondary schools and 350 Pharapariyattidham schools and Islamic Private schools in Thailand.

150. Telephone Organization of Thailand or TOT Public Company Limited has arranged 4 toll free telephone lines to facilitate the interactive communication between remote schools and the parent school. TOT Public Company Limited also provides high speed internet at 20 MB for Wang Klaikangwon School. The Distance Learning Foundation sends free Teacher Manual, revised annually to all the schools. The Distance Learning Foundation also provides free installation of the receiving equipment at all the receiving schools. In parallel with the satellite tele-education broadcast, the 15 channels can also be viewed live or on demand at www.dlf.ac.th.

151. In addition, there is an educational television via satellite station and Thailand's first educational television called ETV which is the station under the responsibility of the Centre for Educational Technology (CET) attached to the Office of the Non-Formal and Informal Education, Ministry of Education. ETV station started broadcasting educational TV programmes via Thaicom satellite on 12 August 1994. ETV has played an important role since then in creating and expanding equal opportunities for education and for quality of life improvement of diverse target groups from in-school and out-of-school learners, general public to disadvantaged groups, such as hilltribes, inmates, labour force, the disabled, etc. Besides, CET gives services on making copies of radio and TV educational media, such as VCD, Audio CD, MP3 with manual documents to assist learners, teachers

and general public in their self-study or teaching of various subjects, namely mathematics, science, art education, Thai, social study, religion and culture, health and physical education and foreign languages as well as media for preparing upper secondary students to get ready for ONET and ANET, media for vocational skills development and specific media for people with disabilities.

152. Distance Education Institute is an educational establishment attached to the Office of the Non-Formal and Informal Education, Ministry of Education providing distance education in 2 categories, namely Basic Non-Formal Education at lower and upper secondary levels and Continuing Education in terms of short courses as follows: education for job performance, education for quality of life improvement and education for social and community development to serve the needs of those who are interested in capacity building on various skills and also the needs for social and national development.

153. To honour His Majesty the King's 80th Birthday Anniversary on 5 December 2007, with the support by the International Technology Project Under the Initiatives of Her Royal Highness Princess Maha Chakri Sirindhorn, NSTDA (National Science and Technology Development Agency), the whole secondary curriculum taught on-air from the Distance Learning Television Station (DLTV) for the Academic Year 2007 and 2008, together with the Teacher Manuals have been digitized in the form of eLearning content called eDLTV: secondary contents available at www.edltv.thai.net. According to the Truehits Ranking during 2009-2011, eDLTV: secondary contents ranked 4th of the 67 eLearning websites, 23rd of the 1,314 education websites and 347th of the 11,627 websites in Truehits. eDLTV: secondary contents have proven to be quite popular among autistic children who can command the eTeacher to stop or play forward or backward as they wish.

154. This year 2011, as a tribute to His Majesty the King's 84th Birthday Anniversary on 5 December 2011, the vocational subjects of 1,365 contents on- air from Wang Klaikangwon Vocational College, have been digitized and available at www.vec.go.th. The Border Patrol Police schools upcountry, 417 vocational colleges nationwide and the public have benefitted from the eDLTV: vocational contents. According to the Truehits Ranking in 2011, eDLTV: vocational contents ranked 6th of the 67 e-learning websites, 88th of the 1,314 education websites and 1099th of the 11,627 websites in Truehits.

155. By May 2012, the primary curriculum contents for the Academic Year 2011 would have been digitized. The eDLTV: primary contents will be available at www.edltv.dlf.ac.th.

156. The Meeting of the Eminent Experts Group at ESCAP in August 2006 has commended the Wang Klaikangwon Low Cost Management of Rural Distance Education as model for further development of distance education programme in the region for its technical simplicity, cost effectiveness and efficiency.

157. In response to His Majesty the King's concern on the need for qualified teachers, the Distance Learning Foundation, in cooperation with universities and schools in the United States of America, have organized certificate courses of international teacher trainings in English, Physics, Science, Green Chemistry and Mathematics, by means of videoconferencing since 2004, linking America-Bangkok (TOT Headquarters) - Wang Klaikangwon School in Hua Hin. Moreover, the technology convergence of videoconferencing and satellite broadcast have enabled Thai teachers all over Thailand to take part in the international teacher trainings by means of the 4 toll free telephone numbers contributed by the TOT public Company Ltd. and obtain certificates from University of Oregon at Eugene, Soka University in Los Angeles; Eastside Union High School District in San Jose, California, SIT Graduate Institute in Vermont and Oakhill School in Eugene, Oregon over the past 7 years.

158. His Majesty the King also teaches on air in two episodes; Royal Rain Making Project and Soil Conservation at Khao Tao Reservoir Project in His own documentary “Suksathat” or “Quest for Knowledge” programme.

159. Starting December 2009, as requested by the teachers and secondary students at ten remote schools in the North, Northeast, East and South of Thailand, regular videoconferencings enable students at these 10 remote schools to enjoy the connecting classrooms with Wang Klaikangwon School.

160. Over 16 years of its operation since 1995, the First and Second class Honours university graduates from the North, Northeast and the South, who completed secondary education by distance education, have more than doubled. In the South, with the help of Tele-Teachers, the ratio of successful university entrants has risen to 75 per cent. There are those “Crème de la Crème” or “White Elephants” who have earned distinctions and recognition at the national levels, as well as those who currently work for the Distance Learning Foundation and Rajaprajanugroh Foundation. Many are PhD candidates.

161. With the support of the Sasakawa Peace Foundation of Japan, two trainings on Technology and Management of Distance education were organized for Cambodia, Laos, Myanmar and Vietnam in 2000. During 2002-2004, four trainings were organized for Papua New Guinea in order to set up its own distance education system.

162. In line with the UNESCO’s goal of Education for All by 2015, the Distance Learning Foundation has created a regional network of learning. Schools and universities in Cambodia, Laos, Myanmar, Vietnam, China (Kunming) including 15 Thai Temples in Kelantan in Malaysia have requested for the Royal Granting of the distance learning equipment and have benefited from the knowledge sharing.

163. On the Auspicious Occasion of His Majesty the King’s Seventh Cycle Birthday Anniversary on 5 December 2011, the Distance Learning Foundation and the International Technology Project Under the Initiatives of Her Royal Highness Princess Maha Chakri Sirindhorn, NSTDA (National Science and Technology Development Agency) with the support of the Ministry of Foreign Affairs, have launched the eDLTV Project for 5 Thai Temples in India and Nepal. Another project, in cooperation with the Office of the Higher Education Commission, Ministry of Education, with the financial support of the Office of the National Broadcasting and Telecommunications Commission, is the Extension of UNINET Network under the FTTS (Fibre to the School) to His Majesty the King’s private school “Wang Klaikangwon School” (1,000 MB) in Hua Hin, Prachuabkirikhan province and all the 45 Rajaprajanugroh Schools (100 MB) under the Royal Patronage.

164. The Distance Learning Foundation has incorporated His Majesty the King’s educational policy of “Ob Rom Bob Nisai”, “Thai way of teaching and training a child to be good, compassionate, clean in body and mind” in its entire distance education programmes. Studying the same lesson with the same teacher at the same time with students at His Majesty the King’s school, the deprived kids have learned to build up their self-esteem and motivation. The Live Tele-Teachers have taught and trained the children life’s precious value of goodness, self-discipline, accountability, punctuality and lifelong learning.

165. The distance education Wang Klaikangwon Model equates technology with human values. It is a Free and Open Distance Education for All.

166. The Ministry of Information and Communication Technology has started to set up Learning Centres in communities nationwide since 2007, with a target of setting up 200 Learning Centres by 2009. The objectives are to enable the people nationwide to equally access the services, and to support technology in the provision of special services to persons with disabilities, such as Braille alphabets and other tools to facilitate them to access

the services at the centres. Evaluation has been made on the success based on benefits from using the Learning Centres, and skills training have been conducted to enhance the skills in using the tools, equipment and technology provided at the centres towards sustainable development.

6. Gender equality between women and men in education

167. Thailand has implemented toward achieving the Millennium Development Goal (MDG) No. 3 on Promotion of Gender Equality and Promotion of Women's Status. The country has successfully achieved the goal in eliminating inequality between women and men in primary and lower secondary education extensively, which is 10 years earlier than the plan set by the United Nations. Thailand is thus implementing towards more challenging targets according to the MDG +3, aiming for all women and men to complete secondary education extensively by 2015.

168. The survey on demographical change by the National Statistics Office shows that the literacy rate specifically in the youth group rose to 97.7%. Girls and boys can access education at different levels almost equally, especially at university level, the number of woman university graduates are higher than that of men (except at Doctor degree level). Besides, the government has taken measures to promote girls' education by providing scholarships particularly to girls who are poor (Sema Pattana Cheevit Scholarship), with focus on the areas where there are a large number of young girls entering the sexual service business.

169. After Thailand submitted its Report of Implementation under the Convention on the Elimination of All Forms of Discrimination against Women No. 2 and 3 in 1996, it succeeded in opening the Women Studies Master's Degree courses in universities for the first time at Chiangmai University and Kasetsart University. Also, Thammasat University has just opened its Women Studies course to interested persons. These universities will become production sources of trained personnel with knowledge and expertise on women issues, which will help enhance the gender equality perspective in the future.

Article 14 – Right to receive compulsory primary education

170. Thailand has already accomplished its commitment in compliance with this provision, and has provided educational rights and opportunities to its people beyond what the provision stipulates. (Statistics on the ratio of number of students per population in school age, see Table 16)

Article 15 – Right to cultural living and to benefit from scientific advancement

1. Cultural rights

171. The present Constitution ensures the right of communities to conserve and revitalize ritual traditions, local wisdom, local and national decent art and culture (Section 66) and sets policy direction on cultural affairs in promoting and supporting learning and imparting cultural awareness, disseminating art and culture, national culture and traditions, as well as decent values and local wisdom (Section 80). Furthermore, there are other related laws, namely the National Culture Act B.E. 2485 (1942) and the Act on the Office of National Culture Committee B.E. 2522 (1979)⁶, in which are provisions on the conservation and

⁶ At present, these two laws were repealed and replaced by the Act on the National Culture B.E. 2553

promotion of the existing national cultures which should be disseminated and imparted onto the people, promotion of study and research, restore, develop and extend cultural learning sources to promote people's learning, especially children and youth, with the Ministry of Culture as the core responsible agency. Under such legal frames, implementation on cultural affairs has been carried out in both proactive and responsive manner under four strategies, namely: (a) conserve and transfer national culture and local culture in its rich diversity to remain intact; (b) build up values, conscience and Thai wisdom; (c) use the country's cultural capital to build social values and increase economic values; (d) manage knowledge on religion, art and culture. Besides, the 10th National Economic and Social Development Plan has placed great importance on the enhancement of culture for development, by building integrity of families and communities, along with supporting participation of all parties in the conservation and maintaining of decent culture at both national and local levels, from which people can choose to apply in developing oneself and the society.

172. Thai society is an open society which does not block outside cultures, but accepts diversity and mix such diversity together harmoniously. The people of Thailand therefore feel they are Thai without any constraints with regard to issues about differences in race, religion, language or culture. Dialect and culture of each region are still used and practiced by retaining their original identities, along with pride of being Thai. In the assimilation of such diversity, Thai society not only accepts others' identities, but also transfers its identities to others. It is thus regarded as a "give and take" society in identity and cultural matters.

173. As with the rights to culture of various groups of tribal people who live in Thailand, the Thai government has laid down the following implementation measures: (a) support study and data collection on culture, local wisdom and art of hill tribes people and various ethnic groups for use of planning and operation in accordance with their respective ways of life; (b) promote the integration of cultural features into the development of eco-tourism among hill tribes communities and various ethnic groups, which will enhance their economic and social rights; (c) support cultural endeavours/activities of hill tribes people and ethnic groups according to their preferred skills and capabilities; (d) Support the conservation and revitalization of natural resources and the environments of local communities, as well as strong self-dependence; (e) promote cooperation between the public sector, the private sector and the civil society in the promotion and development of hill tribes products and in the conservation of traditional art and culture in order to develop and turn the power of these ethnic groups into Thai power.

174. With regard to Malayu-descended Thai Muslims in the southernmost border provinces of Thailand, the government has adopted the concept of "Understand, Access, Develop" according to HM the King's initiated development concept to implement development in the target area in accordance with its specific characters, way of life, culture and beliefs of the people there. The local people fully enjoy their rights and liberties to hold Islamic religious activities. The government has also declared Malayu Pattani language as another official language in the southern border provinces. Besides, various activities have also been held to promote the value and importance of identities and culture of the local people.

175. The Ministry of Culture is aware of the cultural rights of people in each locality in protecting and practicing their traditions, according to the rights provided for in the present Constitution, including awareness about cultural diversity. The Ministry has thus encouraged all groups of population to participate in the conservation, transference and

(2010) which enhances the measures of the previous Act.

utilization of their local cultures, by organizing cultural forum or setting up local cultural grounds in order to create opportunities for peoples to disseminate their cultures and to provide channels to access various cultures. Not only the majority group of population, but also other minority groups of population and ethnic groups which have their own local cultures should be supported to participate in expressing community cultures, which will result in cultural growth and mixture of various groups of population.

176. The Ministry of Culture has set up a project, “Cultural Diversity” joined by school students, university students and the general public to learn about cultural diversity. The project aims to instil thoughts and conscience of respect for other cultures different from one’s own, and to accept differences which will lead to peaceful co-existence. Instead of forcing people to join, this project uses incentive measures through advocacy campaigns, motivation and cooperation requests. The incentive measures to motivate people to make more donations towards cultural causes are for example, tax exemption for donations, inclusion of donations in the tax deductions, tax exemption on inherited money if part of the inherited money is donated to support cultural work, etc. Another measure used is to support non-profit organizations or foundations to participate more in resource mobilization for the promotion of cultural work. Furthermore, the Ministry also protects cultural rights and cultural creativity, which is to protect cultural rights and creative cultural work in compliance with the copyright law. It also systematizes its rights protection work with regard to creative cultural work of various types, e.g. patent for cultural inventions, etc., which may be a system which requires low capital for copyright registration in order to provide opportunities for local people to access this protection extensively.

2. Right to benefit from scientific advancement

177. The present Constitution endorses the right to benefit from scientific advancement and scientific applications, as well as the right to benefit from the protection of moral and material interests resulted from scientific, literary and art production or invention made or created by oneself. The Constitution stipulates that the government must implement according to the policy guidelines on science, intellectual property and energy, by encouraging development in science, technology and innovations in various fields for invention which will create new knowledge and provide protection for intellectual property. (Article 86)

178. The current National Economic and Social Development Plan sets a strategy on developing strength in science and technology, by placing importance on the application and development of technology, development of personnel force in science and technology, and enhancement and dissemination of knowledge on science and technology.

179. Thailand has entered as a State Party to key conventions on the protection of intellectual property, e.g. Bern Convention, TRIPS (Agreement on Trade-Related Aspects of Intellectual Property Rights), World Trade Organization (WTO), etc. It has continuously revised its related laws to comply with those conventions. Thailand has several laws which are related with intellectual property protection, e.g. Patent Act B.E. 2522 (1979) and its amendments, Trademark Act B.E. 2534 (1991) and its amendments, Copyright Act B.E. 2537 (1994) and the Act on the Protection of Integrated Circuit Diagram B.E. 2543 (2000), etc. Executing the provision of intellectual property protection is the duty and responsibility of the Intellectual Property Department, Ministry of Commerce, which has laid down rules and regulations on registration of intellectual property rights, which impose a restriction on any registration which duplicates with others, while the Department provides protection of the right of the person who registers at the same time. Besides, Thailand has established the Intellectual Property and International Trade Court, according to the Act on the Establishment of the Intellectual Property and International Trade Court B.E. 2539 (1996),

which provides protection of intellectual property rights and regulates the suppression of intellectual property violations to meet international standards.

180. An example of success in the application of local cultural wisdom and the protection of intellectual property are the OTOP (One Tambon One Product) Project, which aims to create occupation and income for communities, by developing their work to become household industries which still relate closely with the Thai rural way of life, along with agricultural doings. In other words, from producing for household consumption using existing local raw materials mixed with the local wisdom accumulated and transferred from their ancestors, later developed and expanded to community industries and small-sized industries, which play an important role in creating jobs and incomes. Also, the State promotes local wisdom and community creativities, as well as human resource development, and supports the formation or groupings of economic activities, which will lead to the strength of grassroots economy and national economy.

181. From implementing the OTOP Project, several concerned agencies have stepped in to promote and support the development of quality standard of community products, provide information about investment capital sources to the producers, arrange outlets for the products, both domestic and overseas, as well as provide support in attaining intellectual property protection for OTOP products' group to raise their production standard and increase their competency for competition among community businesses. The implementation results in the past year show significant development in product design to meet the standards and needs of the markets, focusing on the process of community participation. This has eventually helped community products to gain trust and popularity among the local and international markets, bringing in significant incomes to the local communities.

Annexes

Annex I

[English only]

Tables supplementary to the report

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Table 1
New Minimum Wage – Announced to be effective from 1 January 2553 (?)

| <i>Minimum Wage (baht)</i> | <i>Applicable Areas</i> | <i>Number (Province)</i> |
|--------------------------------|--|------------------------------|
| 206 | Bangkok and Samutprakarn | 2 |
| 205 | Nakhon Pathom, Nonthaburi, Pathumthani, Samutsakorn | 4 |
| 204 | Phuket | 1 |
| 184 | Chonburi, Saraburi | 2 |
| 181 | Ayuddhaya | 1 |
| 180 | Chachoengsao | 1 |
| 178 | Rayong | 1 |
| 173 | Nakhon Ratchasima, Phang-nga, Ranong | 3 |
| 171 | Chiang Mai | 1 |
| 170 | Krabi, Prachinburi, Lopburi | 3 |
| 169 | Kanchanaburi | 1 |
| 168 | Petchburi | 1 |
| 167 | Chantaburi, Ratchburi | 2 |
| 165 | Singhburi, Angthong | 2 |
| 164 | Prachuab Kirikhan | 1 |
| 163 | Loei, Samut Songkhram, Srakaew | 3 |
| 162 | Trang | 1 |
| 161 | Songkhla | 1 |
| 160 | Chumphorn, Trad, Nakhonnayok, Narathiwat, Yala, Lamphun, Ubon Ratchathani | 7 |
| 159 | Nakhon Srithammarat, Pattani, Phattalung, Satun, Suratthani, Hongkhai, Udonrthani | 7 |
| 158 | Kamphangphet, Chaiyanat, Nakhonsawan, Suphanburi, Uthaithani | 5 |
| 157 | Kalasin, Khon Kaen, Chiang Rai, Buriram, Yasothorn, Roi-et, Sakhon Nakhorn | 7 |
| 156 | Chaiyaphum, Lampang, Nongbualamphu | 3 |
| 155 | Nakhonpanom, Phetchabun, Mukdaharn, Amnat Charoen | 4 |
| 154 | Mahasarakham | 1 |
| 153 | Tak, Phitsanulok, Sukhothai, Surin, Uttaradit | 5 |
| 152 | Nan, Srisaket | 2 |
| 151 | Payao, Pichit, Phrae, Mae Hong Son | 4 |

Source: Office of the Permanent Secretary, Ministry of Labour, The Labour Economy Bureau,
Office of the Wage Committee.

Table 2
Population of Thailand in 2009

| | |
|---|------------|
| 1. Number of total population | 63,525,062 |
| 2. No. of population by gender | |
| Men | 31,293,096 |
| Women | 32,231,968 |
| 3. No. of population by region | |
| Bangkok Metropolitan | 5,702,595 |
| Central Region (excluding Bangkok) | 10,039,934 |
| Northern Region | 11,770,233 |
| Northeastern Region | 21,495,825 |
| Southern Region | 8,813,880 |
| 4. No. of population by age group | |
| Population in childhood age (under 15 years) | 12,580,530 |
| Population in working age (15-59 years) | 42,437,215 |
| Population in old age (over 60 years) | 7,176,819 |
| Population in school age | 14,488,910 |
| Women in reproductive age | 35,256,971 |
| Estimated Rates | |
| 5. Birth Rate (per 1,000 population) | 12.5 |
| 6. Death Rate (per 1,000 population) | 8.0 |
| 7. Natural Growth Rate (percent) | 0.4 |
| 8. Infant Mortality Rate (per 1,000 live births) | 12.5 |
| 9. Child Mortality Rate (per 1,000 live births) | 14.5 |
| 10. Average Life Span at First Born (Average no. of years a born person expected to live) | |
| Men | 69.5 |
| Women | 76.3 |
| 11. Average Life Span at age 60 years (Average no. of years a person at 60 expected to live) | |
| Men | 19.4 |
| Women | 21.9 |
| 12. Combined Fertility Rate (Average no. of children a woman has throughout her fertility years) | 1.5 |
| 13. Family Planning Rate (percent) | 74.0 |

Source: Website of Department of Administration, Ministry of Interior <http://www.dopa.go.th>,
 Nos. 1-4; Institute of Population and Social Research, Mahidol University, 19 January 2553
 Nos. 5-13.

Table 3
Household Structure/Family Status, Comparison Between 2000 and 2003-2009

| Type of living | 2000 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 |
|---|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Average family size (person) | 33.8 | 3.4 | 3.3 | 4.6 | 4.6 | 4.6 | 4.6 | 3.2 |
| Extended family (%) | 29.6 | 33.3 | 34.0 | 34.5 | 33.8 | 34.5 | 35.5 | 35.8 |
| Single family (%) | 60.3 | 54.5 | 53.2 | 53.9 | 54.4 | 53.9 | 52.5 | 52.3 |
| Husband and wife (%) | 12.0 | - | - | 13.9 | 14.9 | 14.8 | 14.4 | 14.4 |
| Husband, wife and children | 36.1 | - | - | 32.8 | 32.4 | 31.9 | 31.0 | 30.6 |
| Husband or wife and children | 8.0 | - | - | 7.2 | 7.2 | 7.2 | 7.1 | 7.3 |
| Live alone | - | - | - | 11.1 | 11.2 | 11.2 | 11.6 | 11.6 |
| Live with person not blood related | 10.1 | 12.2 | 12.8 | 0.5 | 0.5 | 0.4 | 0.4 | 0.3 |
| Live with grandparents and children | - | - | - | 1.7 | 1.6 | 2.0 | - | - |
| Gender | | | | | | | | |
| Male Head of Household | 73.8 | 73.2 | 72.1 | 70.4 | 69.6 | 69.0 | 68.8 | 68.2 |
| Female Head of Household | 26.2 | 26.8 | 27.9 | 29.6 | 30.4 | 31.0 | 31.2 | 31.8 |
| Marriage/Divorce Registration (per 1,000 couples) | | | | | | | | |
| Marriage | - | 328.4 | 365.7 | 345.2 | 385.5 | 307.9 | 318.5 | - |
| Divorce | - | 80.9 | 87.0 | 90.7 | 98.4 | 100.4 | 109.1 | - |
| Total | 100.00 | 100.00 | 100.00 | 100.00 | 100.00 | 100.00 | 100.00 | 100.00 |

Source : Compiled from National Statistics Office, Key Economic and Social Indicators 2010 and Office of Women Affairs and Family Institution, Policy and Strategy on Family Development, 2004-2013.

Remark: Where no figures are shown, the National Statistics Office has not collected data on such issues.

Table 4
Statistics of Abuse in Children and Women as Service Recipients at the “Phueng Dai” (Dependable) Centers 2004-2008

| Year | Number of hospitals | No of children and women severely abused | Average cases of Abuse |
|------|---------------------|--|------------------------|
| 2004 | 72 | 6,951 | 19 cases/day |
| 2005 | 109 | 11,542 | 32 cases/day |
| 2006 | 91 | 14,382 | 39 cases/day |
| 2007 | 250 | 19,068 | 52 cases/day |
| 2008 | 582 | 26,565 | 73 cases/day |

Source: Bureau of Health Service System Development.

Table 5
Key Economic Data of Thailand 2009

| <i>Item</i> | <i>Data</i> |
|---|---------------------------------|
| 1. Gross Domestic Product (GDP) (billion baht)/ average per person (baht)/growth rate | 9,047.6 / 135,235.1 / -0.3% |
| 2. Gross National Product (GNP) (billion baht)/ average per person | 8,641.5 / 129,164.8 / -0.9% |
| 3. National Income (NI) (billion baht)/ average per person / growth rate* | 6,687.9 / 100,597.4 baht / 7.1% |
| 4. Accumulation of basic permanent capital/ public sector/ private sector (billion baht)* | 2,488.9 / 598.8 / 1,890.2 |
| 5. Domestic consumption/Domestic investment (billion baht) | 2,675.7 / 875.6 |
| 6. Value of export/import goods and services (billion baht) | 6,194.3 / 5,238.8 |
| 7. Current Account Statement/Payment Statement/ International Reserve Fund (billion B.) | 700.4 / 824.6 / 4,617.5 |
| 8. Foreign Debt/Export Income/ Ratio of payment against income (million US\$) | 70,016 / 182,720 / 6.7% |
| 9. Income/Expense (million baht) | 1,488.7 / 1,848.8 |
| 10. General Consumers' Index/Inflation Rate | 104.51 / 0.9% |
| 11. Number of foreign tourists (thousand persons)/ Income (billion baht) / % of GDP* | 14,149.8 / 574.5 / 6.3% |
| 12. Unemployment Rate | 1.5% |
| 13. Income/Household Expense (baht per month)/ Average debt | 20,903 / 16,205 / 134,699 |
| 14. Poverty Line/Number of poor people/ ration/gap (baht/ person/ month)/(million person)/(percent)/(percent)* | 1,579 / 5.8 / 9.0% / 0.9% |
| 15. Exchange Rate per 1 US\$/Euro / pounds/100 yen | 34.3 / 47.7 / 53.6 / 36.7 baht |

Source: Compiled from the National Statistics Office, Key Economic and Social Indicators of Thailand 2010.

* Data in 2009.

Table 6

Personal Households (Classified by Source of Drinking Water & Water for Consumption and Administrative Zones Nationwide 2005)

| <i>Source of Drinking Water and Water for Consumption</i> | <i>Total</i> | | <i>In Municipality Area</i> | | <i>Outside Municipality area</i> | |
|---|-----------------|----------------|-----------------------------|----------------|----------------------------------|----------------|
| | <i>Number</i> | <i>Percent</i> | <i>Number</i> | <i>Percent</i> | <i>Number</i> | <i>Percent</i> |
| Drinking Water | 17,898.5 | 100.0 | 5,659.7 | 100.0 | 12,268.8 | 100.0 |
| Pipe water in the house | 3,830.5 | 21.3 | 2,006.0 | 35.6 | 1,824.5 | 14.9 |
| Pipe water outside the house | 63.5 | 0.4 | 19.9 | 0.4 | 43.6 | 0.4 |
| Underground water or from wells | 1,638.3 | 9.2 | 163.8 | 2.9 | 1,474.5 | 12.0 |
| Underground water piped into house | 312.6 | 1.8 | 44.4 | 0.8 | 268.3 | 2.2 |
| Rainwater | 6,689.4 | 37.4 | 604.7 | 10.7 | 6,084.7 | 49.6 |
| Rivers, canals, brooks | 47.1 | 0.2 | 1.9 | * | 45.2 | 0.4 |
| Bottled water | 5,195.1 | 29.0 | 2,744.2 | 48.8 | 2,450.9 | 20.0 |
| Others | 122.0 | 0.7 | 44.9 | 0.8 | 77.1 | 0.6 |
| Water for Consumption | 17,898.5 | 100.0 | 5,629.7 | 100.0 | 12,268.8 | 100.0 |
| Pipe water in the house | 12,207.6 | 68.2 | 4,802.1 | 85.3 | 7,405.5 | 60.4 |
| Pipe water outside the house | 220.7 | 1.2 | 50.8 | 0.9 | 169.9 | 1.4 |
| Underground water or from wells | 3,325.2 | 18.6 | 445.9 | 7.9 | 2,879.3 | 23.5 |
| Underground water piped into house | 1,482.1 | 8.3 | 249.1 | 4.4 | 1,232.9 | 10.0 |
| Rainwater | 243.2 | 1.4 | 30.7 | 0.6 | 212.5 | 1.7 |
| Rivers, canals, brooks | 296.5 | 1.6 | 39.8 | 0.7 | 256.7 | 2.1 |
| Others | 123.2 | 0.7 | 11.2 | 0.2 | 112.1 | 0.9 |

Table 7
**Number of Persons who registered for the Right to National Health Insurance,
 Classified by Right Type, Year 2009**

| No. | Type | Year 2009 (March 2009) | Percent |
|-----|---|---------------------------|---------|
| 1. | Right to Health Insurance for All | 47,242,716 | 75.29 |
| 2. | Right to Social Security | 9,676,806 | 15.42 |
| 3. | Right of Civil Servants/State Enterprises/ Person Holding Political Office | 4,952,902 | 7.89 |
| 4. | Right of War Veteran Soldiers | 125,853 | 0.20 |
| 5. | Right of private school teachers | 108,353 | 0.17 |
| 6. | Empty Right | 645,128 | 1.03 |
| 7. | Total population | 62,751,758 | 100 |

Source: Ministry of Public Health.

Remark: Data as of March 2009.

Table 8
**Rate of Patients as Recipients of Psychiatric Treatment Services in Health Centre Units
 under the Ministry of Public Health (Rate per 100,000 population) Years 2002-2005**

| Disease | Year 2002 | Year 2003 | Year 2004 | Year 2005 |
|-------------------|-----------|-----------|-----------|-----------|
| 1. Mental Illness | 828.05 | 751.44 | 682.68 | 572.34 |
| 2. Anxiety | 862.53 | 865.61 | 667.57 | 596.84 |
| 3. Depression | 174.79 | 163.76 | 140.55 | 149.9 |

Source: Department of Mental Health, Ministry of Public Health.

* Already include all general health centre units under the Ministry of Public Health.

Table 9
**Rate of Patients with Depression Symptom as Service Recipients in Health Centre Units under
 the Ministry of Public Health during 2002-2006, compared with the total number of patients
 with depression**

| Year | Number of Population in Thailand (persons) | Estimates of Patients with Depression* (persons) | Number of patients with depression as Service Recipients (persons) | Rate of Increase in Service Attendance** | Rate of Access to Services of Depression Patients*** |
|-----------------|---|--|---|--|---|
| 2002 | 62,799,872 | 2,705,634 | 109,764 | - | 4% |
| 2003 | 63,079,765 | 2,762,893 | 103,299 | -5.89% | 3.7% |
| 2004 | 61,973,621 | 2,714,444 | 87,101 | -15.68% | 3.2% |
| 2005 | 62,418,054 | 2,733,910 | 93,566 | +7.42% | 3.4% |
| 2006 | 62,828,706 | 2,751,897 | 116,847 | +24.88% | 4.2% |
| Average 5 years | | | 102,115 | +10.79% | 3.7% |

Source: Department of Mental Health, Ministry of Public Health.

* Calculated from frequency rate of depression symptom, surveyed in 2003 (4.38%).

** Calculated from no. of patients who come for services, which increased from the year before.

*** Calculated from (No. of patients with depression who receive services/Estimates of total no. of persons with depression nationwide).

**** Are all estimate figures.

Table 10
**Burden of Expenses in Providing Health Care Services to Alien Population,
 which cannot be reimbursed**

| <i>Fiscal Year</i> | <i>Amount (million baht)</i> |
|--------------------|------------------------------|
| 2003 | 120.53 |
| 2004 | 97.23 |
| 2005 | 215.83 |
| 2006 | 258.77 |
| 2007 | 263.00 |

Source: Health Care Support Department, Ministry of Public Health (Data reporting does not cover all provinces).

Table 11
Number of HIV/AIDS Patients, Classified by Risk Factors and Gender (September 1984-2009)

| <i>Risk Factor</i> | <i>1984-2004</i> | <i>2005</i> | <i>2006</i> | <i>2007</i> | <i>2008</i> | <i>2009</i> |
|--------------------------------|------------------|---------------|---------------|--------------|-------------|-------------|
| Sexual Intercourse | 234,484 | 17,155 | 10,741 | 1,019 | 7,234 | 6,446 |
| Men/Women | 163,161/71,323 | 10,233/6,922 | 6,381/4,360 | 613/406 | - | - |
| Drugs | 13,146 | 921 | 601 | 62 | 287 | 229 |
| Men/Women | 12,700/446 | 865/56 | 557/44 | 54/8 | - | - |
| Blood Transfusion | 75 | 9 | - | - | - | - |
| Men/Women | 50/25 | 6/3 | - | - | - | - |
| Infected from Mother | 11,620 | 490 | 310 | 32 | 120 | 94 |
| Men/Women | 6,076/5,544 | 224/266 | 155/155 | 14/18 | - | - |
| Others | 82 | 28 | 20 | 1 | 10 | 15 |
| Men/Women | 54/28 | 18/10 | 14/6 | -/1 | - | - |
| Unknown | 20,503 | 1,591 | 1,212 | 139 | 680 | 582 |
| Men/Women | 15,768/4,735 | 1,089/502 | 872/340 | 102/37 | - | - |
| Rate per 100,000 population | - | 32.4 | 20.5 | - | - | - |
| Total | 279,910 | 20,194 | 12,884 | 1,253 | - | - |

Source: Office of the Permanent Secretary, Ministry of Public Health, and National Statistics Office, Compilation of Key Statistical Data of Thailand, Year 2009, Information Technology Center, Division of Planning, Department of Mental Health, Ministry of Public Health, Key Economic and Social Indicators of Thailand 2010, page 98.

Table 12
**Number of Medical Personnel – Community Hospitals, Crown Prince Hospital
 (Somdej Phrayupparach Hospital) (by Region, Year 2007)**

| <i>Region</i> | <i>Doctor</i> | <i>Dentist</i> | <i>Pharmacist</i> | <i>Qualified Nurse</i> | <i>Technical Nurse</i> |
|--------------------------------|---------------|----------------|-------------------|------------------------|------------------------|
| Central Region (excl. Bangkok) | 926 | 467 | 576 | 7,974 | 974 |
| Northeastern Region | 1,291 | 546 | 939 | 9,739 | 1,448 |
| Northern Region | 818 | 356 | 651 | 6,622 | 879 |
| Southern Region | 548 | 256 | 474 | 5,050 | 912 |
| Total nationwide | 3,583 | 1,625 | 2,640 | 29,385 | 4,213 |

Source: Ministry of Public Health.

Table 13

Number of Hospitals with Beds for Admitted Patients, Number of New Out-Patients (persons), Total Out-Patients (times), Number of Days Stayed by Admitted Patients, and Bed Occupancy Rate (Classified by Agency, Year 2007)

| <i>Agency Type</i> | <i>Number of Hospitals</i> | <i>Number of Beds</i> | <i>Number of New Out-Patients (persons)</i> | <i>Total Number of Out-Patients (times)</i> | <i>Number of Admitted Patients (persons)</i> | <i>Number of Days Admitted Patients Stay</i> | <i>Bed Occupancy Rate</i> |
|----------------------------------|----------------------------|-----------------------|---|---|--|--|---------------------------|
| Ministry of Public Health | 882 | 88,683 | 28,263,501 | 94,954,490 | 6,315,171 | 28,041,760 | 87 |
| Office of the PM | 2 | 633 | 188,799 | 567,685 | 20,809 | 153,885 | 67 |
| Ministry of Justice | 35 | 1,089 | 77,420 | 478,279 | 6,956 | 109,991 | 28 |
| Ministry of Education | 17 | 9,011 | 1,015,798 | 9,051,327 | 334,761 | 2,352,283 | 72 |
| Ministry of Defense | 64 | 6,706 | 957,209 | 5,451,341 | 175,295 | 1,235,953 | 50 |
| Ministry of Interior | 1 | 70 | 19,522 | 138,329 | 2,326 | 5,188 | 20 |
| Ministry of Finance | 1 | 85 | 34,795 | 104,387 | 1,402 | 14,049 | 45 |
| Royal HH Bureau | 1 | 6 | 4,000 | 30,187 | 5 | 73 | 3 |
| State Enterprise | 2 | 200 | 15,122 | 76,024 | 2,331 | 28,946 | 40 |
| GO Independent Or. | 5 | 591 | 113,840 | 646,072 | 32,891 | 137,871 | 64 |
| BMA Medical Bureau | 9 | 2,347 | 873,472 | 2,607,001 | 113,340 | 692,749 | 81 |
| Municipality | 1 | 22 | 9,515 | 39,836 | 666 | 1,875 | 23 |
| Private | 318 | 30,564 | 8,106,765 | 42,881,551 | 2,239,284 | 6,204,061 | 56 |
| Total Country | 1,338 | 140,007 | 39,679,758 | 157,026,509 | 9,245,237 | 38,978,684 | 76 |
| Ministry of Public Health | 831 | 77,589 | 27,735,069 | 91,643,376 | 6,142,352 | 24,686,240 | 87 |
| Office of the PM | 2 | 633 | 188,799 | 567,685 | 20,809 | 153,885 | 67 |
| Ministry of Justice | 35 | 1,089 | 77,420 | 478,279 | 6,956 | 109,991 | 28 |
| Ministry of Education | 12 | 8,689 | 951,859 | 8,525,712 | 331,636 | 2,333,974 | 74 |
| Ministry of Defense | 64 | 6,706 | 957,209 | 5,451,341 | 175,295 | 1,235,953 | 50 |
| Ministry of Interior | 1 | 70 | 19,522 | 138,329 | 2,326 | 5,188 | 20 |
| Ministry of Finance | 1 | 85 | 34,795 | 104,387 | 1,402 | 14,049 | 45 |
| Royal HH Bureau | 1 | 6 | 4,000 | 30,187 | 5 | 73 | 3 |
| State Enterprise | 2 | 200 | 15,122 | 76,024 | 2,331 | 28,946 | 40 |
| GO Independent Or. | 3 | 507 | 103,490 | 625,372 | 31,668 | 114,189 | 62 |
| BMA Medical Bureau | 9 | 2,347 | 873,472 | 2,607,001 | 113,340 | 692,749 | 81 |
| Municipality | 1 | 22 | 9,515 | 39,836 | 666 | 1,875 | 23 |
| Private | 306 | 30,185 | 7,865,446 | 42,201,637 | 2,202,244 | 6,106,885 | 55 |
| General Services | 1,268 | 128,128 | 38,835,718 | 152,489,166 | 9,031,030 | 35,483,997 | 76 |
| Ministry of Public Health | 51 | 11,094 | 528,432 | 3,311,114 | 172,819 | 3,355,520 | 83 |
| Ministry of Education | 5 | 322 | 63,939 | 525,615 | 3,125 | 18,309 | 16 |
| GO Independent Or. | 2 | 84 | 10,350 | 20,700 | 1,223 | 23,682 | 77 |
| Private | 12 | 379 | 241,319 | 679,914 | 37,040 | 97,176 | 70 |
| Specific Type of Services | 70 | 11,879 | 844,040 | 4,537,343 | 214,207 | 3,494,687 | 81 |

Source: Ministry of Public Health.

Table 14

Number of Beds per Population, Doctors per Bed, Number of New Out-Patients (persons), Total Number of Out-Patients (times), Number of Admitted Patients, Number of Days Stayed by Admitted Patients, and Bed Occupancy Rate at Community Hospitals, Crown Prince Hospital (Somdej Phra Yupparach Hospital) (by Region, 2007)

| <i>Region</i> | <i>Number of Beds</i> | <i>Number of Beds per Population</i> | <i>Number of Doctors per Bed</i> | <i>Number of New Out-Patients (persons)</i> | <i>Total Number of Out-Patients (times)</i> | <i>Other Service Recipients</i> | <i>Number of Admitted Patients</i> | <i>Number of Days Stay</i> | <i>Bed Occupancy Rate</i> |
|--|-----------------------|--------------------------------------|----------------------------------|---|---|---------------------------------|------------------------------------|----------------------------|---------------------------|
| Central Region (not including Bangkok) | 8,280 | 1:1,852 | 1:9 | 4,572,284 | 15,012,173 | 5,064,877 | 680,079 | 2,331,297 | 77 |
| Northeastern Region | 12,551 | 1:1,704 | 1:10 | 7,275,920 | 21,698,417 | 6,156,626 | 1,273,281 | 3,750,611 | 82 |
| Northern Region | 7,247 | 1:1,639 | 1:9 | 3,700,474 | 13,061,411 | 3,415,267 | 628,640 | 2,017,794 | 76 |
| Southern Region | 5,233 | 1:1,649 | 1:10 | 2,689,246 | 8,917,813 | 2,579,337 | 516,540 | 2,113,077 | 111 |
| Total Country | 33,311 | 1:1,889 | 1:9 | 18,237,924 | 58,689,814 | 17,216,783 | 3,098,540 | 10,212,779 | 84 |

Source: Department of Mental Health, Ministry of Public Health.

Table 15

Statistics of Private Sanatoriums by Region, Fiscal Year 2007

| | Sanatoriums which admit patients to stay overnight | | | | | | | |
|----------------------|--|----------------|------------------|----------------|------------------|----------------|---------------------|----------------------------------|
| | Sanatoriums | | Hospitals | | Total | | | Total Sanatoriums (places) |
| Region | Number of Places | Number of Beds | Number of Places | Number of Beds | Number of Places | Number of Beds | Clinics (places) | |
| Bangkok Metropolitan | 22 | 625 | 77 | 15,000 | 99 | 15,625 | 3,781 | 3,880 |
| Percent | 27.50 | 35.17 | 30.43 | 44.10 | 29.73 | 43.66 | 21.73 | 21.89 |
| Northern Region | 11 | 237 | 39 | 3,978 | 50 | 4,215 | 3,180 | 3,230 |
| Percent | 13.75 | 13.34 | 15.42 | 11.69 | 15.02 | 11.78 | 18.28 | 18.22 |
| Central Region | 30 | 593 | 80 | 9,984 | 110 | 10,577 | 4,655 | 4,765 |
| Percent | 37.50 | 33.37 | 31.62 | 29.35 | 33.03 | 29.55 | 26.76 | 26.88 |
| Northeastern Region | 7 | 141 | 35 | 2,880 | 42 | 3,021 | 3,610 | 3,652 |
| Percent | 8.75 | 7.93 | 13.83 | 8.47 | 12.61 | 8.44 | 20.75 | 20.60 |
| Southern Region | 10 | 181 | 22 | 2,173 | 32 | 2,354 | 2,170 | 2,202 |
| Percent | 12.50 | 10.19 | 8.70 | 6.39 | 9.61 | 6.58 | 12.47 | 12.42 |
| Total | 80 | 1,777 | 253 | 34,015 | 333 | 35,792 | 17,396 | 17,729 |
| Percent | 100.00 | 100.00 | 100.00 | 100.00 | 100.00 | 100.00 | 100.00 | 100.00 |

Source: Bureau of Sanatorium and Art of Healing, Department of Health Support, data as of 20 September 2007.

Remark: 'Clinic' means a sanatoriums which does not admit patients to stay overnight. 'Sanatorium' means a nursing place with 1–30 beds, except for sanatorium with chronic patients, which can have more than 30 beds. 'Hospital' means a nursing place with more than 30 beds.

Table 16

Number and Percentage of Students per Population in School Age and Budget (Classified by Age Group and Level of Education, Academic Years 2004-2008)

| Education Level/ Class | Age | Number of Population in School Age | 2004 | | 2005 | | 2006 | | 2007 | | 2008 | |
|---------------------------|-------------|--|-----------------------|--------------|-----------------------|--------------|-----------------------|--------------|-----------------------|-------------|-----------------------|-------------|
| | | | Number of Students | Percent | Number of Students | Percent | Number of Students | Percent | Number of Students | Percent | Number of Students | Percent |
| Total | 3-21 | 17,264,876 | 14,398,048 | 81.64 | 14,443,776 | 82.84 | 14,620,659 | 84.69 | 14,273,851 | 74.5 | 14,274,826 | 54.8 |
| Pre-primary | 3-5 | 2,362,114 | 1,824,732 | 74.44 | 1,806,282 | 74.95 | 1,772,190 | 75.03 | 2,541,736 | 87.2 | 2,703,946 | 91.9 |
| Primary | 6-11 | 5,505,594 | 5,966,526 | 104.24 | 5,843,512 | 104.17 | 5,696,461 | 103.47 | 5,583,394 | 96.9 | 5,388,018 | 93.8 |
| Lower Secondary | 12-14 | 2,877,822 | 2,672,432 | 92.47 | 2,761,216 | 95.45 | 2,781,015 | 96.64 | 2,765,117 | 88.7 | 2,773,760 | 91.0 |
| Higher Secondary | 15-17 | 2,841,512 | 1,729,356 | 63.81 | 1,767,546 | 63.80 | 1,869,034 | 65.78 | 1,934,968 | 61.1 | 1,966,875 | 61.9 |
| University | 18-21 | 3,677,834 | 2,205,002 | 52.94 | 2,501,959 | 60.38 | 2,501,959 | 68.03 | 1,448,636 | 34.6 | 1,442,227 | 34.5 |
| Budget | | | 251,194.00 | | 238,513.30 | | - | | - | | - | |

Source: Statistics of Education in Thailand, Academic Years 2006-2008, Office of the Secretary-General of the Education Council, Ministry of Education, Key Economic and Social Indicators of Thailand, Year 2010, pages 86-87.

Remark: Figures shown as over 100% are from rough calculation of school admittance rates, which are higher than the number of population in school age. Latest data collected by the National Statistics Office is of 2008.

Annex II

[English only]

List of International Labour Organization conventions that Thailand has ratified

Thailand has ratified 15 Conventions, but denounced one Convention. There are 14 Conventions which Thailand has ratified and which have taken effect in Thailand, shown in chronological order of the dates of ratification, as follows:

| | |
|---------------------------|--|
| Convention No. 80 | Final Articles Revision Convention, 1946 Ratified on 5 December 1947 |
| Convention No. 116 | Final Articles Revision, 1961 Ratified on 24 September 1962 |
| Convention No. 104 | Abolition of Penal Sanctions (Indigenous Workers), 1955 As “Shelved Convention” status |
| Convention No. 105 | Abolition of Forced Labour, 1957 Ratified on 2 December 1967 |
| Convention No. 127 | Maximum Weight, 1967 Suggestions as supplement to Convention No. 128 Ratified on 26 February 1968 |
| Convention No. 14 | Weekly Rest (Industry), 1921 Ratified on 5 April 1968 |
| Convention No. 19 | Equality of Treatment (Accident Compensation), 1925 Suggestions as supplement to Convention No. 25 Ratified on 5 April 1968 |
| Convention No. 29 | Forced Labour, 1930 Suggestions as supplement to Convention No. 35 Ratified on 26 February 1969 |
| Convention No. 88 | Employment Service, 1948 Suggestions as supplement to Convention No. 83 Ratified on 26 February 1969 |
| Convention No. 122 | Employment Policy, 1964 Suggestions as supplement to Convention No. 122 |

| | |
|---------------------------|--|
| | Ratified on 26 February 1969 |
| Convention No. 100 | Equal Remuneration, 1951 |
| | Suggestions as supplement to Convention No. 90 |
| | Ratified on 8 February 1999 |
| Convention No. 182 | Worst Forms of Child Labour, 1999 |
| | Suggestions as supplement to Convention No. 190 |
| | Ratified on 16 February 2001 |
| Convention No. 138 | Minimum Age, 1973 |
| | Suggestions as supplement to Convention No. 146 |
| | Ratified on 11 May 2004 |
| Convention No. 159 | Vocational Rehabilitation and Employment (Disabled Persons), 1983 |
| | Ratified on 11 October 2007 |

Remarks: 1. A “Shelved Convention” means a convention which the International Labour Organization (ILO) considers having content that does not correspond with the current situation, but has not made resolution on what action to take, thus orders a suspension of any action related to it temporarily.

2. Thailand ratified Convention No. 123 concerning the Minimum Age (Underground in Mines), 1965 on 11 May 2004, and denounced the ratification on 11 May 2004 by the consequence of ratifying Convention No. 138.
