



**Meeting of the States Parties
to the Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-first session

SUMMARY RECORD OF THE 1113th MEETING (Room B)

Held at the Palais Wilson, Geneva,
Tuesday, 24 January 2006, at 10 a.m.

Chairperson: Ms. KHATTAB

SUMMARY

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES

(*continued*)

Second periodic report of Thailand

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The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES (agenda item 4) (*continued*)

Second periodic report of Thailand ((CRC/C/83/Add.15); core document (HRI/CORE/1/Add.78); list of issues to be taken up (CRC/C/THA/Q/2); written replies of the Government of Thailand to the list of issues to be taken up (CRC/C/Q/THA/2/Add.1))

1. *At the invitation of the Chairperson, the delegation of Thailand took places at the Committee table.*
2. Mr. MUANGSOOK (Thailand) said that the Thai authorities had paid close attention to the concluding observations made by the Committee after its review of their initial report, but that Thailand was not yet in a position to withdraw its reservations to Article 7 of the Convention on the Rights of the Child, on birth registration and nationality, and to Article 22, on child refugees, though notable efforts had been made to improve the implementation of those articles. In 2005, the Council of Ministers had charged the Ministry of the Interior and the National Security Council with the responsibility of working out a strategy on the status and rights of refugees. The Council of Ministers had moreover decided to extend access to education for child refugees living in temporary shelters.
3. In Thailand all children had the right to nine years of basic education, without discrimination. Much was being done to improve educational quality, whether through teacher training or curriculum content, and to reduce the school dropout rate. The Ministry of Social Development and Human Security had created a subcommittee on early childhood development, which among other things organized training for parents and the staff of orphanages and nursery schools.
4. The authorities had begun putting in place an affordable universal insurance scheme, making it possible for the most underprivileged people to be cared for and for HIV-positive persons to receive antiretroviral treatment.
5. A National Strategy and Plan of Action for a World Fit for Children for 2005-2015 had been adopted in line with the document "A World Fit for Children" adopted by the United Nations General Assembly at its special session on children; they called for close cooperation between public organizations and civil society.
6. The National Youth Commission, made up of 21 experts from the public and private sectors, was the organization mainly responsible for the childhood and youth dossier; its mandate extended to both the development of policies and strategies and their monitoring and evaluation.
7. Thailand had adopted a national policy and a plan of action for the prevention and the elimination of commercial sexual exploitation, and a new law on the prevention and suppression of trafficking in persons was in preparation. As human trafficking is a phenomenon that knows no boundaries, the Thai Government was working closely with neighbouring countries to combat it.
8. Various forums were available to children to make themselves heard, and other options had been created under the auspices of the National Youth Board; a youth council was to be instituted in each of the country's 76 provinces.

9. Out of a concern to combat child labour, Thailand had become a party to ILO Conventions 182 and 138. The 2003 Child Protection Act, which established child protection committees at the national and local levels, was based on the core principles of Convention on the Rights of the Child.

10. To more effectively combat violence against children, the authorities had set up family development centres and various victim assistance services. A campaign for the elimination of violence against women and children had been carried out in November 2005. Corporal punishment was prohibited in all schools.

11. Thailand had in 2002 become a party to the Hague Convention on the Civil Aspects of International Child Abduction and, in 2004, to the Hague Convention on Inter-Country Adoption. In November 2005, the Council of Ministers had adopted a decision on Thailand's accession to the two Optional Protocols to the Convention on the Rights of the Child.

12. To cope with the consequences of the December 2004 tsunami, which had seriously affected children, the authorities had initiated numerous physical and mental support and rehabilitation programmes and had provided financial assistance to families and scholarships for young orphans. The Government was determined to continue working closely with NGOs as well as with UNICEF, the private sector and civil society.

13. The Thai authorities were well aware that in spite of the progress achieved, much remained to be done to protect children's rights.

14. Mr. PARFITT was pleased with the many measures taken by Thailand since the examination of its initial report, and in particular the ratification of international conventions protecting the rights of the child, the creation of structures to ensure better exercise of those rights, the efforts to make sure refugees' children's birth was registered, and the actions carried out with NGOs to publicize the rights of the child. He praised the Government for its steadfast commitment to defending the rights of the child despite economic difficulties, heavy immigration and the tsunami.

15. It was regrettable that a number of the Committee's recommendations had not been followed. Thus, Thailand's reservations to Articles 7 and 22 of the Convention had not been withdrawn, and birth registration was not being done for all hill-tribe children nor for all clandestine or immigrant children.

16. The Committee would like to have details on the activities of the National Human Rights Commission and the Parliamentary Ombudsman for Children.

17. As NGOs were very active, the delegation might indicate what links they had to the various State organizations in charge of child protection.

18. In view of the many administrative levels in Thailand, it would be useful to know how policies were coordinated and what problems arose.

19. The Committee would like to know what human and financial resources had been allocated to implementation of the National Strategy and Plan of Action for a World Fit for Children, and whether there was a plan for including the Convention in primary and secondary education curricula.

20. Ms. VUCKOVIC SAHOVIC praised the Government for the way it had coped with the December 2004 tsunami, succeeding in preventing the situation from degenerating into chaos and in safeguarding children's rights to the extent possible.

21. Was the Government's inability to apply the provisions on equal access for all children to public services as planned due only to the economic recession? Who were the groups of children living "in difficult circumstances" mentioned in paragraph 143 of the report? And what was the situation of children living in boundary areas?

22. Ms. SMITH noted that children's right to be heard in cases affecting them was little respected in practice, as for cultural reasons adults were reluctant to listen to children. The national forums for children and young people and the National Council for Child and Youth Development constituted real progress, but school was the sphere in which children must first learn about democracy. Were participatory initiatives in schools working? Was the opportunity for student self-expression built into the programmes?

23. Again, children must be able, if they so desired, to exercise their right to be heard as of a certain age in the medical field as well as in court decisions on custody. The fact that no minimum age was defined in legislation for that purpose gave judges too much latitude and left the door open to arbitrary decisions. Children must also be able to decide to receive, or refuse, the religious instruction of their choice.

24. In view of the media's influence over contemporary society, it was important for children to be able to express their opinions in the media and to have access to good children's programmes, as seldom occurred when the audiovisual landscape was dominated by private, for-profit companies—such being apparently the case in the State party.

25. Mr. FILALI was surprised that a reform-minded country like Thailand should maintain reservations to the Convention, and found the arguments adduced, in particular the risk of a surge of immigrants from politically unstable neighbouring countries, rather thin. It would be logical for Thailand to lift its reservations if it wished to show humanity toward those who might have need of it in the future, as seemed to be the case judging by the amendments it had made to its legislation on refugees and asylum seekers.

26. The place assigned to the Convention in the domestic legal system called for clarification: did the provisions of the Convention take precedence over domestic legislation in the event of a conflict?

27. Mr. ZERMATTEN noted that birth registration was still governed by the 1991 Act and the 1992 regulations on civil status, whose shortcomings might explain the large number of unregistered children. In January 2005 a special team had been mandated to remedy the problem by a decision of the Council of Ministers. Had that decision had the desired effect in terms of birth registrations and public awareness of the need for registration? Would it lead to a legislative review, in particular of the rules applying to children born out of hospital? Could it lead to the withdrawal of the reservation to Article 7 of the Convention? And had it solved the problem of nonregistration of refugee children and of the children of unauthorized aliens and migrant workers?

28. As some unauthorized child refugees and foreigners' or migrant workers' children appeared to be deprived of the right to a name and a nationality, the State party should do everything it could to give them legal status and, if possible, to naturalize them.

29. The fact that newspapers and television networks revealed the identity of child victims (of ill-treatment for example) was contrary to Article 16 of the Convention. The delegation should indicate whether the State had taken measures to have the media adopt ethical rules against such revelations and whether it supported the application of the clear directives established by the International Federation of Journalists.

30. Mr. LIWSKI wondered whether the increase in the education budget was sufficient given the increased duration of compulsory schooling (nine years)—an excellent measure to the extent that it was matched by the necessary financial resources. The State party might indicate whether it had set an objective in terms of the percentage of GDP devoted to education. The appropriations for health were down, with an impact on the people that needed to be defined.

31. The minimum legal age for the beginning of compulsory schooling should be lowered, as it was now set at 7 years, whereas the standard recommended by UNESCO was 5 years.

32. The presence of young people at the meeting was a welcome initiative, but the fact that Thailand had no organizations solely managed by young people was an obstacle to the development of freedom of association; it called for some explanation.

33. Public awareness campaigns against torture and other inhuman treatments were a good thing, but it was regrettable that they targeted only families, schools and communities, for it was important for the campaigns to target, as well, professionals that work with children such as police officers and the staff of placement institutions. The delegation might provide details on the mechanisms whereby children could file complaints against the perpetrators of torture and other cruel, inhuman or degrading treatment or punishment, as well as on the number of complaints of that kind already recorded, and give information on any test case that might have been decided in Thailand and was calculated to eliminate impunity.

34. Ms. ALUOCH noted that Thailand, which had ratified ILO Conventions 182 and 138, nevertheless still faced a serious child labour problem. Orphans living in poor areas with grandparents that could not provide for them were numerous on the labour market. Could the delegation specify how, concretely, the authorities intend to combat this phenomenon and whether the 2004–2009 National Plan of Action to eliminate the worst forms of child labour was beginning to bear fruit.

35. Mr. POLLAR asked whether the age of criminal responsibility had been raised as planned.

36. He said the age of admission to employment, set at 15 years, was acceptable, but that in the absence of a monitoring mechanism that provision remained very theoretical in the eyes of underprivileged children tempted to enter the labour market, and still more of child refugees.

37. The age of recruitment into the armed forces called for some explanation, as the minimum age for conscription was set at 21 years, whereas there was no legal provision on the minimum age for participation in hostilities.

38. Data acquisition needed to be notably improved, in particular at the regional level.

39. The CHAIRPERSON said that the underuse of statistical data mentioned in the report called for some comment, as did the reference to several State universities' continuing to limit the percentage of spaces assigned to female students.

40. Particular attention needed to be paid to the children of the south, as many were Muslim and attended their own schools, in which the teachers, hailing from other countries, hardly taught them anything except how to be good Muslims, so that they were likely to be uncompetitive on the labour market. To better them integrate into Thai society, the authorities must supervise those schools' curricula, with due regard to General Observation No. 1 of the committee on the goals of education. Thailand could request the cooperation of Muslim countries in order to study how to help Muslim schools, with the aim of ensuring that the schools' students received the same teaching as other Thai students, while enabling them to exercise their right to receive religious teaching.

The meeting was suspended at 11:25 a.m.; it resumed at 11:50 a.m.

41. Mr. MUNTARBHORN (Thailand) explained that the Thai legal system was dualistic and that ratified international instruments were thus not directly enforceable before the courts. To a large extent, however, the Convention had been incorporated into domestic national law by the 2003 Child Protection Act, in particular as regards the age of majority, set at 18 years, the principle of nondiscrimination and the child's best interests.

42. The reservations to Articles 7 and 22 of the Convention had given rise to much debate in the subcommittee on the rights of the child, many of whose members were in favour of the withdrawal of the reservation to Article 7. Progress had been made with respect to Article 7, since under the new policy, soon to come into force, all persons residing in Thailand, legally or not, would be enumerated even before the possible regularization of their status.

43. Ms. SMITH noticed the statement in the written replies that withdrawal of the reservation to Article 22 was problematic, in particular, because of the fear of a surge of refugees and illegal immigrants from neighbouring countries, which was at odds with the principle of Article 22.

44. Mr. MUNTARBHORN (Thailand) said that many members of the subcommittee shared that point of view and that political leaders needed to be convinced. In practice, Thailand offered temporary asylum to asylum seekers, for example the some 130,000 refugees from Myanmar, all of whom, regardless of status, had been enumerated and whose children had access to primary education. The new policy, moreover, called for multicultural and multilingual education (English, Burmese and Thai) in the refugee camps.

45. The situation had improved recently as regards legal status and nationality, in particular for asylum seekers. All children would be registered at birth in future, making it possible to identify refugees and to facilitate their repatriation at the proper time, in compliance with international law.

46. Thai legislation complied with the principle of nondiscrimination, as reaffirmed in Article 30 of the 1997 Constitution. Progress had been made in practice in terms of the admission of girls to university and the implementation of curricula that were more mindful of the specificities of Thailand's ethnic groups.

47. The minimum age for conscription was set at 21, but there was cadet training open to persons under 20; this was mainly used to enable teenagers to get exemption from military service thereafter.

48. Thailand had two independent authorities for the protection of human rights: the Parliamentary Ombudsman for Children and the National Human Rights Commission. The Ombudsman dealt in particular with complaints filed by citizens against government practices, while the National Human Rights Commission's remit was rights of the child issues, in particular through its subcommittee on children and youth, which received complaints from children.

49. The National Reconciliation Commission was important to southern Thailand and with respect to issues of law and justice: it recommended a nonviolent approach and worked to reconcile the communities.

50. The 1998 Labour Protection Act was essentially in accordance with the spirit of ILO Conventions Nos. 182 and 138 since, among other provisions, it set the minimum age for admission to employment at 15 years and did not authorize persons under the age of 18 years to perform hazardous work. The country had labour inspectors, but their powers needed to be enhanced to enable them to inspect small enterprises and cottage industries, which raised greater difficulties. Family assistance measures (allowances and services) had also been reinforced.

51. The emphasis had been put on universal access to school, making it possible, in particular, to reduce the number of children sexually exploited. A number of cases of exploitation of children, particularly sexual exploitation, had been brought before the courts.

52. Ms. ALUOCH asked about the exact nature of the plan of action for the elimination of the worst forms of child labour.

53. Mr. MUNTARBHORN (Thailand) indicated that the plan of action sought enhanced child protection through compliance with the conventions, provision of more services to families, greater powers for inspectors, and contributions to the implementation of other programmes, in particular the Plan of Action for a World Fit for Children.

54. Mr. KAEWDEE (Thailand) said that in 2005 the Council of Ministers had approved a strategy for the resolution of legal status problems and had decided to register all population groups. The Population Registration Office had published its regulations on the registration of nonstatus persons—mainly migrants and students lacking legal status, persons having no known relations, and foreigners unable to return to their own country. Between July and December 2005, the Office had registered some 500,000 students without legal status. The Ministry of the Interior was planning to register all persons in the other categories mentioned in 2006–2007 and to adopt laws for the registration of all persons resident in Thailand.

55. Mr. ZERMATTEN asked whether all 500,000 of those persons were juveniles and whether the anticipated laws on legal status and registration were new, or were amendments to the 1991 civil status legislation.

56. Ms. VAJRABHAYA (Thailand) said that both at the national and the provincial level NGOs gave their opinion and contributed to the development of legislation on children. The Government was very open to their participation and had created a special fund for NGOs with child-related projects.

57. Ms. CHUTIKUL (Thailand) said that following the United Nations General Assembly's special session on children, held in New York in 2002, a meeting had been organized under the chairmanship of the Prime Minister for the adoption of a national plan for the implementation of the document "A World Fit for Children" adopted by the Assembly on that occasion. The ten-year plan under development would cover the four priority areas identified in New York, namely: to promote healthy lives; to provide quality education for all; to protect children from ill-treatment, exploitation and violence; and to combat HIV/AIDS. The 12,000 Thai children associated with the development of the national plan added seven other areas: family, development, security, recreational activities, culture and religion, media, and children's participation in the revision of national laws and the Constitution to bring them into conformity with the plan. Indicators for the monitoring and evaluation of the plan of action were also being developed.

58. Children in difficult situations were henceforth defined by UNICEF as children needing special protection. The Government was working with 16 children's groups in that category, representing all marginalized children's groups mentioned in the report (orphans, drug addicts, alcoholics, etc).

59. The CHAIRPERSON asked whether the tenth National Economic and Social Development Plan would be harmonized with the plan "A World Fit for Children".

60. Ms. CHUTIKUL (Thailand) replied that the National Economic and Social Development Plan was indicative only and its contents had little specifically to do with children.

61. A detailed national plan for implementation of ILO Convention No. 182 on the elimination of the worst forms of child labour was under development, and a national committee to monitor and evaluate its implementation was being set up. With ILO's assistance, Thailand was developing a prevention programme in that area, while pilot projects were being undertaken in the north with the support of local officials.

62. Thai children had better access to education and received scholarships from the Government as well as the private sector and NGOs. The plight of migrants' children was of greater concern. Many children under 15 worked in the informal economy, often with their mothers, and the Ministry of Labour and Social Welfare was endeavouring to protect them and provide them with an education.

63. Mr. MUANGSOOK (Thailand) said that the Government aimed to provide children with an adequate basic education, to enable them to enter higher education later in life and become an asset to the country, and intended to provide all the resources necessary for that purpose.

64. The Government hoped that the situation would return to normal as soon as possible in the three southern provinces.

65. Mr. WONGYAI (Thailand) said that the Ministry of Education was actively encouraging children to participate in the life of their schools, in particular through councils created for that purpose.

66. Ms. POOLSUPPASIT (Thailand) indicates that health expenditures on children had increased to 1,040 baht per capita in 2004 and to 1,500 in 2005, and should reach 1,600 baht in 2006. The budget of the Ministry of Health had risen from 45

billion to 52.7 billion baht between 2004 and 2005. The health care budget for children had also increased.

67. Mr. PARFITT asked whether a child could file a complaint without an intermediary in the event of violence, abuse, ill-treatment or neglect within the family, and with what authorities. The delegation might indicate what penalties were provided when an investigation established the veracity of such allegations. Data on the phenomenon and indications of their reliability would be welcome. The delegation might indicate whether the State was taking measures to change adults' mentality with respect to violence against children.

68. Since there were many female prisoners in Thailand, some pregnant or with children, the Committee would like to know whether the children lived in prison with their mothers, and under what conditions, or whether there was a programme to give mothers an alternative to incarceration in the best interests of their child. The fate of pregnant women condemned to death, if any, should also be addressed.

69. It would be useful to know what measures were being taken to provide shantytown inhabitants with access to drinking water and sanitation.

70. The delegation might indicate whether special protective measures were being taken for migrant workers' children, in particular those living in refugee camps, and whether these children had access to health, education and HIV/AIDS prevention programmes. Did the refugees have books and teaching materials in their own language or dialect? Were minority and indigenous children able to preserve their cultural identity?

71. Further information on the law governing young people's access to alcohol and tobacco would be useful. Again, were measures being taken to combat transformer trafficking in amphetamines? And to dissuade young people—and more particularly pregnant women, given the drugs' harmful effects on the foetus—from abusing amphetamines?

72. Mr. FILALI asked about the Children and Youth Observation and Protection Centres: what was the profile of their directors? Were they magistrates or officials of the Ministry of the Interior? Were they independent of, or did they report to, the prosecutor? Could a director who recommended that charges against a juvenile offender be dropped appeal in the event the prosecutor refused?

73. The delegation should specify whether there were, in provincial courts without a youth chamber, judges specializing in youth justice.

74. Mr. ZERMATTEN viewed with concern the percentage of young people placed in specialized centres in 2003 and 2004, and would like to know whether the two-thirds decline in the number of young people found guilty of narcotics use was the result of a political decision to decriminalize drug consumption.

75. The 1991 Act Instituting the Juvenile and Family Courts and Juvenile and Family Procedures had made it unlawful to detain accused juvenile offenders with adults or to put them in irons unless the offence was punishable by a maximum sentence of more than ten years' imprisonment. The delegation should indicate whether, for offences punishable by more than ten years' imprisonment, it was permissible to hold juveniles with adults and to put them in irons, and how many such cases there were, if any.

76. Regarding pre-trial detention, it should be indicated whether young people were systematically detained for up to thirty days in the case of light sentences and up to three months for heavier ones, or if the perpetrator of the offence could be released pending trial.

77. Ms. SMITH found it regrettable that refugees' rights were restricted, in particular the right to education, and asked whether Thailand was in compliance with the principle of non-refoulement. She asked for details on security and the administration of justice in refugee camps.

78. Ms. VUCKOVIC-SAHOVIC would like to know more about school support programmes and the additional costs they imposed on parents. Similarly, though elementary school was free, sports instruction was not, so that there were additional costs for parents. The delegation might give details on the issue of recreation.

79. Mr. LIWSKI asked for details of the children's health budget, as the information provided by the delegation and the Government's written replies seemed contradictory. He would also like to know whether the Government had taken measures to reduce malnutrition, whether efforts were being made to encourage breastfeeding in Thailand, and what measures existed to combat thalassaemia, which affected 1% of the population. The delegation should also provide information on the progress with vaccination.

80. He would like to know whether an evaluation had been done of the repercussions of the free trade agreements ratified by Thailand on access to medication, so vital to children. Finally, the delegation should give further information on mental health and sexual hygiene programmes for adolescents.

81. Ms. ALUOCH would like to have particulars on the promotion of breastfeeding and the concomitant social benefits, and to know whether a law had been adopted to give effect to the International Code of Marketing of Breast-milk Substitutes.

82. She asked whether programmes had been developed for children incarcerated with their mothers, and until what age they could remain with her in prison.

83. The Committee would also like to know what Thailand was doing to guarantee the poorest children access to health, education and decent housing.

The meeting rose at 1 p.m.