



**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 1115TH MEETING (ROOM B)

Held at the Palais Wilson, Geneva,
Tuesday, 24 January 2006, at 3 p.m.

Chairperson: Ms. KHATTAB

SUMMARY

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES

(*continued*)

Second periodic report of Thailand (*continued*)

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The meeting was called to order at 3 p.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); Thailand's written replies (CRC/C/Q/THA/2/Add.1) (*continued*)

1. *At the invitation of the Chairperson, the delegation of Thailand resumed their places at the Committee table.*
2. Mr. POLLAR said that some reports indicated that a very large number of child soldiers were seeking refuge in Thailand. He asked whether there was any official census of these children and whether measures were being taken to offer them suitable psychological support and help them get an education.
3. The CHAIRPERSON asked whether the return to economic growth in Thailand had enabled the Government to resume subsidies to NGOs and to take measures to assist underprivileged families.
4. Noting that the economic crisis had increased children's vulnerability to prostitution, trafficking, illegal work and abductions, she asked whether measures had been adopted to overcome the shortcomings of the legislation and prevent such violations.
5. She would like details on the operation of the telephone hotline for child victims of violence, exploitation and abandonment. More generally, she would like to know what measures had been taken by the Government to discharge its obligation to submit a report on violations of the provisions of the Convention on the Rights of the Child.
6. What measures were being considered by the Thai Government to give effect to the Hague Convention on the Civil Aspects of International Child Abduction? Was the Government cooperating with neighbouring States in that area? And had it considered entering into arrangements or signing bilateral or multilateral agreements with those countries, in accordance with Article 21 of the Convention?
7. Finally, perhaps the delegation could give details on the situation of children with disabilities, in particular in remote areas, and on access to health services for HIV-positive children from underprivileged backgrounds.
8. Mr. PARFITT asked whether the institutions dealing with children separated from their parents were monitored by the Ministry of Health, whether children had avenues of appeal in the event of a problem, and whether measures were being taken to facilitate family reunification.
9. Mr. MUANGSOOK (Thailand) recalled that his country was the world's largest exporter of rice and that consequently there was no malnutrition problem in Thailand. In addition, within the framework of its trade negotiations with the United States, Thailand was seeking a compromise between patent protection of pharmaceutical products and vulnerable populations' access to drugs. With regard to the question of the treatment of refugees, Mr. Muangsook recalled that Thailand had not ratified the 1951 Geneva Convention relating to the Status of Refugees, but said that a number of measurements had been taken over the years to reduce refugees' suffering.

10. Mr. FILALI would like more detailed information on Thailand's policy on refugees, and particularly children, as well as on the non-refoulement procedures implemented.

11. Mr. MUNTARBHORN (Thailand) said that in the absence of any law on the right of asylum, applicants were governed by the Immigration Act; they now enjoyed increased protection and, in particular, received temporary accommodation upon arrival in Thailand. Several commissions that had been created in the provinces bordering on Myanmar had been asked to rule on the status of asylum seekers from that country. It should be noted that the criteria adopted by the commissions for granting refugee status were very close to those of the 1951 Geneva Convention relating to the Status of Refugees. Moreover, as a member of the Executive Committee of the Office of the United Nations High Commissioner for Refugees, Thailand adhered to the principle of non-refoulement and was making great efforts to ensure its concrete implementation.

12. The new policy on the right of asylum adopted in 2005 sought, in particular, to systematically register all child asylum seekers. Child refugees in Thailand could now get not only a primary but also a secondary education.

13. Ms. SMITH was pleased with the significant progress made by Thailand in the treatment of the refugees, but pointed out that these advances were of benefit only to asylum seekers staying in the country temporarily and not those who wished to settle there.

14. Mr. MUNTARBHORN said he shared Ms. Smith's concerns. He said that a series of measurements had been adopted to improve living conditions in refugee camps, that camps in border areas had security committees, and they were accessible to personnel of the Office of the United Nations High Commissioner for Refugees. Moreover, programmes aimed at promoting respect for rights inside the refugee camps were being implemented in partnership with nongovernmental organizations, and the United Nations Children's Fund was conducting awareness campaigns on the rights of the child for the inhabitants of the camps.

15. Mr. ROUJANAVONG said that the age of criminal responsibility was set at 7 years but that there were plans to change it to 10 or 12. Juvenile offenders, who could not be held by police for more than 24 hours, were placed in observation and child protection centres where they were cared for by social workers and had access to education and vocational training. Corporal punishment, long authorized under the law, had been prohibited by a circular of the Ministry of Justice four years earlier. Offenders could be prosecuted.

16. The country now had 52 youth and family courts, and all provinces should soon have them. In the absence of youth courts for juveniles, ordinary courts had jurisdiction in young offenders' cases and employed special procedures in accordance with the provisions of the Convention on the Rights of the Child.

17. Mr. ZERMATTEN would like to know whether the State party planned to review the current provisions of the Act, which did not require juveniles to be systematically separated from adults in detention centres.

18. Mr. FILALI wanted to know whether, in practice, juvenile courts were really suited to the reception and care of young people in conflict with the law, in particular from the point of view of respect for the confidentiality of the

proceedings. What were the working conditions of children's judges? what means were available to the special courts recently created?

19. Mr. ROUJANAVONG (Thailand) said that children's judges were specially trained in the legal procedures applicable to juveniles, that they strove to enforce the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), and that for that purpose they had their own office.

20. Mr. FILALI asked whether Article 76 of the Penal Code, which technically made it possible to impose a capital sentence on a juvenile offender aged 17 to 24, had been modified or repealed.

21. Mr. ROUJANAVONG (Thailand) replied that, since the amendments to the Criminal Procedure Code and to Article 76 of the Penal Code, persons under 18 years of age could not be sentenced to death nor receive a life sentence.

22. Ms. ALUOCH wanted to know exactly what the maximum term of imprisonment was for a child.

23. Mr. ROUJANAVONG (Thailand) said that the law called for a maximum term of 50 years, but that in general, with successive remissions, juvenile offenders were generally released at the end of 10 to 12 years.

24. Mr. PARFITT wanted to know how much discretionary power judges had with respect to remissions of sentence.

25. Mr. ROUJANAVONG (Thailand) explained that remissions of sentence were declared either by the judge, having regard to the gravity of the offence, or following the promulgation by Parliament of a new law, in particular on the occasion of the King or Queen's birthday.

26. It should be noted that since the promulgation of a new law in 2003, child drug addicts were no longer regarded as offenders but as patients; that explained the decline in the numbers of child inmates.

27. Mr. FILALI wanted to know whether the vocational training certificates that might be obtained by juveniles in conflict with the law were recognized on the labour market and whether the certificates mentioned that they were former prisoners.

28. Mr. ROUJANAVONG (Thailand) said that the authorities strove to avoid stigmatizing juvenile offenders and to provide them with the best possible future. Thus, the Ministry of Education and the Ministry of Labour and Social Welfare worked together to develop common standards. In any event, the training given in reform schools, and the certificates issued, were the same as those received by other children.

29. Mr. PARFITT would like to know whether placement institutions, of whatever kind, were subject to regular monitoring by some authority, and if so how independent that authority was.

30. Mr. ROUJANAVONG (Thailand) said that a number of authorities monitored the application of rules relating to the treatment of children deprived of liberty, each according to its mandate. Thus, the Ministry of Health monitored food quality, while the Ministry of Education and the Ministry of Labour supervised the training

provided. Hence, no specific independent commissions had been put in place for the purpose.

31. The Government and the Ministry of Justice had taken measures to solve the problem of prison overcrowding. Young people in conflict with the law who had almost completed their sentences were given early release, alternatives to placement—such as rehabilitation centres—were henceforth offered, and programmes of dialogue between victims, parents, social workers and psychologists were set up to reduce the number of trials. In two and a half years, 9,000 cases had thus been diverted from the judicial system.

32. Children had the right to be heard and to receive legal assistance immediately upon their arrest. The Act Instituting the Juvenile and Family Courts and the Juvenile and Family Procedure of 1991 had established specific legal procedures for children in accordance with the provisions of the Convention. Police interrogations took place in the presence of a social worker and a psychologist and were filmed. Children had the right to speak, with the assistance of their legal counsel, at all stages of the procedure.

33. Mr. ZERMATTEN would like to know whether there had been cases where any of the media were convicted under a law for the protection of children's privacy.

34. Mr. FILALI asked whether the media had incorporated children's privacy provisions into their codes of ethics.

35. Mr. ROUJANAVONG (Thailand) replied that the Act Instituting the Juvenile and Family Courts and the Juvenile and Family Procedure and the Child Protection Act henceforth protected all children, victims and offenders alike, from any invasion of privacy (disclosure of their identity or information adduced in evidence, photographs, etc). Since heavier penalties (fines or terms of imprisonment) were provided, the phenomenon of media exposure, though not completely gone, had declined very sharply.

36. Mr. POLLAR wanted to know to what extent Thailand respected the principle of the child's best interests and whether the courts considered that principle when ruling on divorce cases.

37. Mr. PARFITT wanted to know whether there was an age limit for children to exercise their rights, in particular the right to be heard, in the context of civil and criminal proceedings.

38. Mr. ROUJANAVONG (Thailand) replied that Thailand did adhere to the principle of the child's best interests in all court decisions and that to the extent possible children were always encouraged, according to their capacity, to take part in proceedings and to give their opinion, in particular in divorce cases. It must be recognized, however, that it was often difficult for children to speak up in front of a judge. In criminal cases, children were assisted not only by legal counsel, but also by a social worker and a child psychiatrist.

39. With regard to the compliance of domestic legislation with the Convention, the Convention had to a large extent been integrated into the Thai Constitution, but it was not possible to invoke its provisions directly before the courts. Though judges could draw inspiration from the Convention, its provisions had first to be adapted and enacted in domestic legislation. In the event of conflict, a legislative

amendment was put forward. Many laws had been so amended over the last five years.

40. Mr. FILALI asked whether, in that spirit, there was any plan to repeal the 1999 Boxing Act, which was currently contrary to the provisions of the Convention.

41. Mr. ROUJANAVONG (Thailand) said that that Act, which allowed persons as young as 15 to hold a boxing licence, certainly deserved to be reviewed and amended, but that boxing was part of Thailand's cultural tradition and that 700 years of practice could not be overturned in one fell swoop. The Government was endeavouring to change mentalities by organizing information campaigns, but was amending the legislation in force gradually. For example, young boxers were henceforth required to wear protective equipment.

42. Ms. ALUOCH asked whether the Convention had been integrated into domestic law by means of a specific Act.

43. Mr. MUNTARBHORN (Thailand) explained that the 2003 Child Protection Act had integrated in detail the provisions and core principles of the Convention (age of the child, nondiscrimination, child's best interests, protective measures, specialized authorities and programmes, health care, etc).

44. Ms. VAJRABHAYA (Thailand) said that the Ministry of Social Development and Human Security and the Ministry of Justice had signed a memorandum of understanding on newborns whose mother was incarcerated. Pregnant women sentenced to a term of imprisonment received a deferment of sentence to bear the child and were authorized to nurse it in detention for one year. At the end of that period, if the child could not be cared for by a relative, it was placed in a reception centre run by the Ministry of Social Development and Human Security.

45. Mr. ROUJANAVONG (Thailand) said that Parliament was currently examining a bill approved by the Government aimed at incorporating into national law the United Nations Convention against Transnational Organized Crime and its Additional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The combat against child pornography, in particular on the Internet, was also among the authorities' priorities, as there were vast numbers of child pornography sites, many of them based abroad. A toll-free number had been set up to enable parents and children to report such sites, and the Ministry of Information Technology and Communications was cooperating with access providers to have the illegal sites shut down. Moreover, the perpetrators of sexual violence against children were liable to jail sentences ranging from ten years to life.

46. Ms. KAMBHU (Thailand) said that the emphasis remained on domestic adoption and that children for adoption were placed in foster families while their cases were under review. In the event of international adoption, social workers followed procedure to ensure that children would grow up in a good environment. Agreements had been reached with the authorities of several host countries.

The meeting was suspended at 4:30 p.m.; it resumed at 4:45 p.m.

47. Mr. MUNTARBHORN (Thailand) said that the age of army recruitment was 20 but that children had been known to be involved in conflicts in neighbouring countries. Thus, once demobilized, Myanmar child soldiers had requested asylum in Thailand and been reintegrated into society. That was an issue calling for a high

degree of cooperation, not only between governments, but also between the authorities and civil society stakeholders. Thailand would soon be ratifying the Optional Protocol on the involvement of children in armed conflict and would draw up statistics, which it would subsequently convey to the Committee.

48. Ms. ALUOCH asked whether the bill on trafficking now under consideration contained provisions on regional cooperation.

49. Mr. FILALI asked whether corruption was an obstacle to law enforcement.

50. Ms. VAJRABHAYA (Thailand) said that the Government had taken numerous measures to prevent and combat corruption in the public and private sectors, in particular by signing a number of regional treaties pertaining to international cooperation on extradition and confiscation of assets, and that it was preparing to ratify the United Nations Convention against Corruption. It also planned to create a database, to set up an organization specifically tasked with prevention and suppression, and to carry out public awareness campaigns to encourage the public to lend a hand in the fight against corruption.

51. Mr. WONGYAI (Thailand) said that there were specialized schools and orientation centres for children with disabilities in 35 provinces as well as 2,000 pilot schools where children with disabilities mixed with the other children.

52. Ms. VAJRABHAYA (Thailand) said that education in the field of human rights, which dealt among other things with the Convention on the Rights of the Child, had been integrated into the curricula of public primary and secondary schools but that it was still not mandatory in private schools. There was still a need to improve curricula and teacher training in that area.

53. Mr. LIWSKI asked whether sex education was part of secondary education curricula and asked for details on vocational instruction.

54. Ms. CHUTIKUL (Thailand) said that sex education courses were given in some secondary schools and some universities, but were not compulsory. Though the value of such courses was now more widely recognized, teachers still had to be trained, the young ones in particular, who sometimes had trouble coping with the subject. As for vocational instruction, there was a need to develop and enhance it in order to raise the image of trades that were often looked down on.

55. The CHAIRPERSON asked whether the authorities were involved in the education of Muslims in southern Thailand.

56. Ms. IAMSUDHA (Thailand) said that the education situation in the south was a priority for the Government, which was striving to treat the root causes of the problem, in particular staff shortage, which was acute in secondary and tertiary education. New courses were under development in cooperation with religious officials so that religion courses could be integrated into public primary schools' curricula and local culture, history and local languages would be catered for. The Government had awarded more than 400 scholarships to children and was giving financial assistance to private schools.

57. The CHAIRPERSON, noting that some schools gave only religious instruction, said the Government had a responsibility to ensure that all children followed the same curriculum, while still having the opportunity to study their religion.

58. Ms. IAMSUDHA (Thailand) said that the situation had changed and that curricula were no longer limited to the study of Islam. The Government was seeking to improve them so that the education given would more closely fit the needs of the labour market, to facilitate young people's integration into society.

59. Ms. VUCKOVIC-SAHOVIC, pointing out that for best results the education system should be simplified and should aim at developing children's creativity, asked to what extent it had been reformed to meet the objectives given in Article 29 of the Convention.

60. Ms. CHUTIKUL (Thailand) said that the reform of the education system, in particular of curricula, was in hand. That being said, much remained to be done to train the teachers, to have them adopt new working methods and to provide them with adapted teaching materials.

61. Mr. PARFITT asked whether programmes like those in the north and the area bordering Myanmar were available children that had witnessed violence in southern Thailand.

62. Ms. CHUTIKUL (Thailand) said that the new Ministry of Social Development and Human Security, which had responsibility for the well-being of all vulnerable population groups, was in favour of giving access to sociopsychological support services to child victims of the tsunami, trafficking, ill-treatment and to children exposed to violence in whatever form or affected by HIV/AIDS, and of having the services' personnel trained in methods of psychological care for the victims of these new plagues. For that purpose, it planned to set up a long-term programme.

63. Ms. IAMSUDHA (Thailand) said that the minimum age of admission to primary school was set at 7 years but that as the legislation was not strictly applied, some children were commencing their education at the age of 5½.

64. Mr. FILALI asked what access children from an underprivileged background had to private pre-schools and what arrangements the Government was making to provide children with better protection should another natural disaster affect the country.

65. Ms. CHUTIKUL (Thailand) said that the Ministry of Social Development and Human Security meant to place the intellectual awakening of the child in early youth in the front rank of its priorities.

66. Mr. ROUJANAVONG (Thailand) said that the tsunami had been the greatest natural disaster Thailand had ever known, and that once the state of shock it had caused had passed off, the whole nation had mobilized to help the victims and to help the devastated areas rebuild. The orphan children quickly received protection, so that they were saved from human trafficking, which could not be said of some of the other countries affected by the tsunami. If such another catastrophe were to occur, the authorities would react more promptly and would help victims in a more systematic way.

67. Ms. POOLSUPPASIT (Thailand) indicated that the infant mortality rate was relatively low, with 20 deaths per 1,000 live births, and that the prevalence of HIV/AIDS among pregnant women was less than 1%. The medical situation was more worrisome in the mountainous regions and the southern provinces, so the Government had allocated funds to seek a one-half reduction in the morbidity rate in these areas by 2010. Vaccine coverage was more than 90%, including for migrants,

which explained why cases of communicable diseases such as diphtheria or poliomyelitis were rare. The Government had also launched a national prenatal thalassaemia screening programme.

68. To reduce the number of unwanted pregnancies and illegal abortions practised under unhygienic conditions and to combat HIV infection, the Ministry of Health had instituted family planning services at public hospitals and health centres, where adolescents could come to get counselling as well as free condoms. Reproductive health issues had also been put on the school curricula.

69. The exclusive breastfeeding rate was currently at 16.3%, and to encourage that practice, which was still too uncommon, special breastfeeding rooms were available to young mothers at companies, and they were allowed to absent themselves from their workstations long enough to nurse their child. It was to be hoped that these measures would make it possible to reach the 40% rate that was the Government's stated objective for 2010.

70. Ms. CHUTIKUL (Thailand) said that the 90-day maternity leave was financed equally by social security and the employer.

71. Mr. POLLAR, supported by Ms. SMITH and Mr. FILALI, asked whether the Thai Government planned to grant young fathers paternity leave, whose beneficial effects on the bond between father and child had been demonstrated in those countries where it was already offered.

72. Ms. CHUTIKUL (Thailand) said that the possibility of instituting a 15-day period of paternity leave had been considered in Thailand but that the proposal had as yet met with no success.

73. Mr. PARFITT thought the pro-child policy conducted in Thailand could be used as an example to neighbouring countries, and that in spite of the many challenges the State party faced, the child's best interests were being systematically taken into account.

74. Mr. MUANGSOOK (Thailand) was pleased with the quality of the discussions engaged in with the Committee and said that the Government was fully aware that investing in policies for children meant investing in the nation's future and development. The Government would strive to put an end to the events that were troubling the southern provinces and threatening national security. He assured Committee members that freedom of religion was respected in Thailand and that no child, whether Muslim, Buddhist or Christian, was a victim of discrimination. In conclusion, he said that Thailand in practice offered child refugees much better protection than was stipulated in Article 22 of the Convention, and fully intended to carry on doing so. Every effort would continue to be made to withdraw the reservation to Article 22 of the Convention.

The meeting rose at 5:45 p.m.