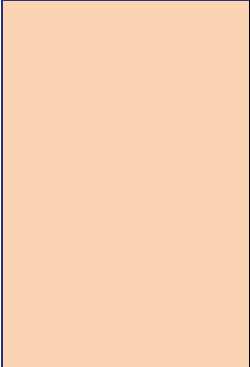




## COUNTRY: Thailand

<b>REPORT N°</b>	CRPD/C/THA/1
<b>PRE-SESSION/SESSION</b>	Pre-sessional Working Group 4, 7-11 September 2015
<b>LAWS (THC-1993, GUIDELINES, DOMESTIC LAWS)</b>	<ul style="list-style-type: none"><li>▪ Thai Constitution 1997; Civil Registration Act 1991 and 2008; Nationality Act 1992;</li><li>▪ Child Protection Act 2003 and 2010; Juvenile Family Court and its Procedure Act 2010;</li><li>▪ The Anti-Trafficking in Persons Act of 2008;</li><li>▪ The Eight National Plan on Children and Youth Development 2007-2016;</li><li>▪ Convention on the Rights of Persons with Disabilities in 2008;</li><li>▪ Thailand's draft National Strategy and Plan of Action for a World Fit for Children for the years 2005-2015; The Act Concerning Measures for Prevention and Suppression of Trafficking Women and Children;</li><li>▪ THC-1980 ratified in 2002; THC-1993 ratified in 2004;</li></ul>
<b>GENERAL SITUATION OF CHILDREN DEPRIVED OF THEIR FAMILY AND FOCUSING ON CHILDREN WITH DISABILITIES (CWD)</b>	<ul style="list-style-type: none"><li>▪ There is an estimated population of 65.4 million people and, among them, 15 million children between 0-14 (23% of the entire population).</li><li>▪ About 320,000 children were orphaned without a father, 84,000 had lost mothers and 30,000 had lost both parents, according to 2012 Multiple Indicator Cluster Survey (MICS) in 2012</li><li>▪ Orphans due to HIV/AIDS represent 34.8 per cent of the total number of orphans (UNICEF).</li><li>▪ In 2014 UNAIDS reported that around 450,000 people are affected by HIV in Thailand of which 6,900 are children. The State delivers basic services to children and families through government agencies, NGOs and networks and collaborative partnerships among agencies.</li><li>▪ Number of children who are at risk of separation from their parents and in need of special protection is increasing in the country (e.g. children in prostitution and child labour)</li><li>▪ The National Statistical Office indicated in 2012 that more than three million children live without their biological families because of the internal migration, which often negatively affects a child's development and well-being. 90 % of these children live with their grandparents who often do not have a high education.</li><li>▪ Other reasons to place children in alternative care can be enumerated as follows: orphanage (in 2010, 455 children of which 73 released); homeless (in 2010, 494 of which 131 released); abuse (in 2010, 391 of which 63 released); domestic violence (in 2010, 380 of which 68 released); trafficking (in 2010, 165 of which 83 released); and HIV (in 2010, 444 of which 60 released).</li><li>▪ In 2007, 24.3% of children with disabilities did not receive tuition of any kind. Moreover, although the number of children with disabilities attending the school has increased during the five last years (from 4% to 23%), their integration in the education system seems to be inadequate (in 2012, 24% received no education and 59% received only pre-school level education, which means that 83% of children with disabilities do not receive a proper education) due also to the limited number of specialist centres. In this regard, Thailand has regularly implemented the EFA world program in order to increase the inclusion in regular schools of children with disabilities (EFA covers all groups of children with special needs).</li><li>▪ The most difficult problem in Thailand is lack of sensitisation about CWD (2013 UNESCO report and 2012 International Disabilities Alliance Report to the UNCRC Committee). Other challenges</li></ul>





that the Government currently faces: social policies are not clear; lack of statistics on children with disabilities; lack of training for the experts in the field; families are not aware of their children’s rights; and discrimination against children with disabilities.

Sources: CRC, Thailand, [Summary record of the 1683 meeting](#); UNICEF (MICS), Thailand, [http://www.unicef.org/thailand/57-05-011-MICS\\_EN.pdf](http://www.unicef.org/thailand/57-05-011-MICS_EN.pdf); UNESCO, Thailand, <http://www.uis.unesco.org/Library/Documents/disabchild09-en.pdf>; IDA and CRC observations, Thailand, [http://www.crin.org/docs/Thailand\\_IDA\\_CRC\\_Report.doc](http://www.crin.org/docs/Thailand_IDA_CRC_Report.doc); OHCHR, Thailand, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11777&LangID=E>; UNAIDS, Thailand, <http://www.unaids.org/en/regionscountries/countries/thailand>; CRC, Thailand, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fTHA%2fQ%2f3-4%2fAdd.1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fTHA%2fQ%2f3-4%2fAdd.1&Lang=en);



Although out-of-home care is considered as the last solution in Thailand, the Department of Public Welfare has established various Institutions to take care of neglected children, orphans, street children and other children who are unable to live with their families.

- **Kinship care:** The quality provided by the Government needs further developments in terms of funding and facilities.
- **Foster care:** In Thailand to live with strangers is considered as a taboo. Nevertheless, fostering is more common to facilitate a form of “de facto adoption” meaning that families prefer to leave their children to this kind of Institutions just after the childbirth, in order for them to be adopted by another family through the foster care. Moreover, just 7% of children living in residential care find a place in foster placements.
- **Residential care:** There are 17’000 children living in residential care, more than half of which have been placed in Institutions directly managed by NGOs. According to Thai Report to the CRC Committee, CWD are placed mainly in nurseries and child centres. In 2010, 5,859 of the total 7,683 remained in institutions. The reasons for the placement are many including parents with illnesses or disabilities. In 2010, 175 children of the total 218 placed in institutions because of their parents affected by disabilities, remained in institutions. Among different types of disabilities affecting children placed in institutions, two main categories can be pointed out as follows:

**Table 7: Children with Disabilities in Welfare Centres for Persons with Disabilities, Classified by Type of Disability, 2009-2011**

Year	Type of Disability											
	Physical (Persons)			Brain and Intellectual (Persons)			Psychological (Persons)			Autism (Persons)		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
2009	247	165	312	975	770	1,745	-	-	-	19	6	25
2010	245	156	401	921	754	1,675	-	-	-	73	22	95
2011	250	156	406	923	745	1,668	-	-	-	82	23	105
<b>Total</b>	<b>752</b>	<b>377</b>	<b>1,119</b>	<b>2,819</b>	<b>2,269</b>	<b>5,088</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>184</b>	<b>51</b>	<b>225</b>

Source: Department of Social Development and Welfare, Ministry of Social Development and Human Security

- In 2012, 7,000 children lived in 29 care institutions in every province of Thailand, according to the OHCHR report. Centres were governed according to the Child Protection Act. It is stated that children who lived there, were commercially exploited, abused and neglected.

Sources: UNICEF, Thailand, [http://www.ipdet.org/files/tor/UNICEF\\_Alternative-Care-Children-Affected-by-HIV\\_AIDS\\_Thailand\\_2.pdf](http://www.ipdet.org/files/tor/UNICEF_Alternative-Care-Children-Affected-by-HIV_AIDS_Thailand_2.pdf); [http://www.unicef.org/eapro/Strengthening\\_Alternative\\_Care\\_Options\\_for\\_Refugee\\_Children\\_.pdf](http://www.unicef.org/eapro/Strengthening_Alternative_Care_Options_for_Refugee_Children_.pdf); UNICEF, Thailand, [http://www.unicef.org/media/media\\_73914.html](http://www.unicef.org/media/media_73914.html); OHCHR, Thailand, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11777&LangID=E>;



	<p>CRC, Thailand,  <a href="http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fTHA%2fQ%2f3-4%2fAdd.1&amp;Lang=en">http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fTHA%2fQ%2f3-4%2fAdd.1&amp;Lang=en</a>; ISS, Thailand Country situation 2015 (available upon request)</p>
<p><b>ADOPTION</b></p>	<ul style="list-style-type: none"> <li>▪ <b>Adoption:</b> The Government in 2011 has underlined the problem of adoptive parents not willing to authorize their adopted children to re-establish contacts with their biological families. The Government has provided some programs (e.g. Native Land Visit Program) in order for children to have easier access to relevant information about their biological parents.</li> <li>▪ The Child Protection act 2003 provides the adoption framework as well as alternative care for children. Children adoption by foreign families is low. Children are essentially adopted by Thai families and in particular by relatives.</li> <li>▪ Intercountry adoptions, especially in regard to abandoned children and children with special needs, seems to be more common than domestic adoptions. Although Thailand approved the process of quotas, limiting the number of adoptions from each receiving Country – these do not apply to children with special needs.</li> </ul> <p><i>Sources</i> :CRC, Thailand, <a href="#">Summary record of the 1683 meeting</a>;ISS, Thailand Country situation 2015 (available upon request)</p>
<p><b>STATISTICS</b></p>	<ul style="list-style-type: none"> <li>▪ <b>Domestic adoptions:</b> In 2010, <b>3545</b> children have been adopted, of which no one with special needs. In 2011, <b>2576</b> (no one with special needs); in 2012, <b>3081</b> (no one with special needs); in 2013, <b>2303</b> (no one with special needs).</li> <li>▪ <b>Intercountry adoptions:</b> According to the Hague statistics, from <b>300 to 500</b> children were adopted in 2010, of which 100 were children with special needs. In 2011, <b>311</b> (66 with special needs). In 2012, <b>320</b> (93 with special needs). In 2013, <b>344</b> (78 with special needs).</li> </ul> <p><i>Source</i> : Hague Statistics, Hcch, <a href="http://www.hcch.net/upload/adostat2010-2013th.pdf">http://www.hcch.net/upload/adostat2010-2013th.pdf</a>.</p>
<p><b>RISKS</b></p>	<ul style="list-style-type: none"> <li>▪ Violence, child prostitution, trafficking, child pornography, abuse and in particular sexual abuse, are the main problems concerning children in vulnerable circumstances.</li> <li>▪ The number of children separated from their families is growing at an alarming rate indicated by several reports (E.g. OHCHR, UNICEF and CRIN). Moreover, children are not able to re-establish contacts with their biological families and the Government seems to be unable to provide appropriate help.</li> <li>▪ There is a need for better regulations and higher quality of services in social care institutions. Domestic adoption and foster care need to be better promoted especially with regard to children with disabilities.</li> </ul>
<p><b>POTENTIAL QUESTIONS</b></p>	<ul style="list-style-type: none"> <li>▪ What is the State doing to support families with a CWD to prevent unnecessary separation?</li> <li>▪ Why is foster care not being proposed to the children with disabilities? In this regard, what kind of measures are in place in order to sensitize the society?</li> <li>▪ Given the disproportionate number of children with disabilities and/or living with HIV/AIDS living in institutions, what protection measures are in place to support these groups?</li> <li>▪ Are the recent social care standards enacted by the Ministry of Social Education improving the quality of social services in Thailand? If no, what other kind of measures the Government should take? In this regard, has a part of the Governmental budget been allocated to improve the quality of the social care institutions and alternative care measures?</li> <li>▪ What is the State doing to ensure that there are alternatives to residential care, especially for CWD and existing options are in line with UN Guidelines for the Alternative Care of Children (<a href="http://www.unicef.org/protection/alternative_care_Guidelines-English.pdf">http://www.unicef.org/protection/alternative_care_Guidelines-English.pdf</a> )</li> <li>▪ What kind of explanations the Government has in relation to the small number of domestic adoptions concerning children with special needs – as opposed to the higher number adopted overseas? What does the Government intend to do to promote family based options including adoption for children with special needs?</li> </ul>

