



United Nations Secretary-General's Study on Violence against Children

Questionnaire to Governments

Thailand

I. LEGAL FRAMEWORK

This part of the questionnaire aims to determine how your country's legal framework addresses violence against children, including prevention of violence, protection of children from violence, redress for victims of violence, penalties for perpetrators and reintegration and rehabilitation of victims.

International human rights instruments

1. Describe any developments with respect to violence against children which have resulted from your country's acceptance of international human rights instruments, including, for example, the Convention on the Rights of the Child and its optional protocols, the Palermo Protocol or regional human rights instruments. Provide information on cases concerning violence against children in which your country's courts or tribunals have referred to international or regional human rights standards.

Thailand adopted the Convention on the Rights of the Child in 1989, which is considered the foundation for the protection of children. A number of significant international instruments have been ratified by the Thai Government to guarantee effective protection of children's rights. These include Convention on the Elimination of All Forms of Discrimination against Women (1979), and the Stockholm Agenda for Action against Commercial Sexual Exploitation of Children (1996).

In addition, Thailand adopted the ILO Convention 182 on the Worst Forms of Child Labour and signed the UN Convention against Transnational Organised Crime in December 2001.

The UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, and Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the UN Convention against Transnational Organised Crime (2000) was signed on 18 December 2001.

Research project was conducted by Thailand Criminal Law Institute in 2002 on the development of laws to implement the United Nations Conventions against Transnational Organised Crime and Protocols to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Result of the research was presented to general public and council of Ministers in 2003.

The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict were in the process of adoption. Last year, public hearing session was organized to consider the content of both protocols. The National Child Rights Committee under the Office of Welfare Promotion, Protection and Empowerment of Vulnerable Groups has already prepared document awaited for the approval of the cabinet.

A number of national laws have been revised to comply with international standards. A study was undertaken to compare the provisions of the CRC and the Thai laws related to child and youth development. A Sub-Committee on Adaptation of National Legislation on Children to the Provisions of the New Constitution and the Convention on the Rights of the Child was established in 2000 to revise, modify, and draft related laws, ministerial regulations pertaining to the development, assistance, protection, correction and rehabilitation of children in conformity with the Constitution of the Royal Kingdom of Thailand (1997) and the CRC. Some examples of new laws and amendment of existing laws to abide by CRC include:

- The modification of Criminal Procedure Code Act (No. 20) of 1999 on Investigation of Child Witness
- The Money Laundering Act of 1999
- The Child Protection Act of 2003

The Thai legal system is dualistic and there is no automatic application of international treaties in Thai court unless there has been transformed in Thai national laws.

2. Describe how forms of violence against children are addressed in your country's constitution, legislation and subsidiary legislation, and, where appropriate, customary law.

The Constitution of Thailand of 1997

The Constitution of Thailand of 1997 protects the right to human dignity, human rights, and personal privacy. Slavery is prohibited. People may not participate in unethical laboratory or medical experiments.

The Constitution contained clear provisions on care and protection of children, youth and their families. It embraced the principle that guaranteed the people's rights and freedoms and their right to protection, with provisions on basic rights, freedoms, and non-discrimination. The constitution called for the establishment of an Extraordinary Committee to consider draft legislation that substantially relates to children, to consist of representatives of NGOs on children. It also called for the appointment of a National Committee on Human Rights, and a Parliament Ombudsman for Child, Youth and Family. A number of new laws on children have been promulgated with this Constitution puts in effect in 1997.

Legislation

A number of laws prohibit and penalise all forms of violent acts including abuses, neglect and exploitation including:

- Laws directly relate to offences on violence against children
 - The Penal Code which provides offences of violence acts in general including offences relating to sexuality, offences against life and body and offences against liberty and reputation.

- The Child Protection Act of 2003 which provide mechanism in treatment of the child, social welfare, and safety protection of all children
- Laws protecting children from violence occurred during the justice procedure
 - The Modification of Criminal Procedure Code Act (No. 20) of 1999 on Investigation of Child Witness
 - The Act for the Establishment of and Procedure for Juvenile and Family Court of 1991
- Laws relate to specific types of violence against children
 - The Labour Protection Act of 1998
 - The Prevention and Suppression of Prostitution Act of 1996 The Measures to Prevent and Suppress the Trafficking in Women and Children Act of 1997
 - The Boxing Sports Act of 1999

3. Provide details of any specific legislative provisions on:

- **Prevention of all forms of physical, sexual and mental violence, injury or abuse, neglect or negligent treatment, and sexual abuse;**

In the **Child Protection Act of 2003** (Chapter 2: Treatment of the Child) provides roles and responsibilities of guardians in taking care of a child in order to prevent him or her from harmful circumstances as follow:

Section 23 Guardians must take care, exhort and develop a child under their guardianship in manners appropriate to local traditions, customs and culture but which in any case must not be below the minimum standards as stipulated in the ministerial regulations. They shall also safeguard the child under care against potentially harmful circumstances, whether physical or mental.

Section 25 Guardians of a child are forbidden to act as follows:

- 1) Abandon a child at a nursery or health care facility, or with a person employed to look after the child, or at a public place or any other place, with the intention of not taking him or her back;
- 2) Neglect a child at any place without arranging for appropriate safety protection or care;
- 3) Deliberately or neglectfully withhold from a child things that are necessary for sustaining the child's life or health, to an extent which seems likely to cause physical or mental harm to the child;
- 4) Treat a child in ways or manners which hinder his or her growth or development;
- 5) Treat a child in ways or manners which constitute unlawful caring.

Section 28 In those cases where a child's guardian is not in a state to take care, raise, discipline and develop the child, regardless of the reason, or a child's guardian acts in a manner which is likely to be harmful to the child's safety or obstructive to his or her growth or development, or provides unlawful care; or for any other compelling reason for the benefit of assisting or protecting the child against harm, a competent official must undertake to provide assistance and protection to the child according to this Act.

In the Penal Code, Section 306 states that whoever abandons a child aged not over nine years old will be imprisoned not more than 3 years or fined not more than 6,000 Thai Baht (THB) or both.

• **Protection of children from all forms of violence;**

The Child Protection Act states in **Section 24** that “Permanent Secretaries, provincial governors, district chiefs, assistant district officers as head of sub - districts or administrative heads of local administration organizations have the duty to protect the safety of children living in the areas under their jurisdiction, regardless of whether or not they have parents or guardians, and also have the authority and duty to supervise and inspect nurseries, remand homes, welfare centres, safety protection centres, development and rehabilitation centres and observation centres falling under their jurisdiction. Findings of the inspections shall be reported to the Bangkok Metropolis Child Protection Committee or the Provincial Child Protection Committee, depending on the case. They shall also have the same authority and duties as those of competent officials according to this Act.”

Section 26 Under the provisions of other laws, regardless of a child's consent, a person is forbidden to act as follows:

1. Commit or omit acts which result in torturing a child's body or mind;
2. Intentionally or neglectfully withhold things that are necessary for sustaining the life or health of a child under guardianship, to the extent which would be likely to cause physical or mental harm to the child ;Force, threaten, induce, encourage or allow a child to adopt behaviour and manners which are inappropriate or likely to be the cause of wrongdoing; Advertise by means of the media or use any other means of information dissemination to receive or give away a child to any person who is not related to the child, save where such action is sanctioned by the State; Force, threaten, induce, encourage, consent to, or act in any other way that results in a child becoming a beggar, living on the street, or use a child as an instrument for begging or committing crimes, or act in any way that results in the exploitation of a child;
3. Use, employ or ask a child to work or act in such a way that might be physically or mentally harmful to the child, affect the child's growth or hinder the child's development;
4. Force, threaten, use, induce, instigate, encourage, or allow a child to play sports or commit any acts indicative of commercial exploitation in a manner which hinders the child's growth and development or constitutes an act of torture against the child;
5. Use or allow a child to gamble in any form or enter into a gambling place, brothel, or other place where children are not allowed;
6. Force, threaten, use, induce, instigate, encourage or allow a child to perform or act in a pornographic manner, regardless of whether the intention is to obtain remuneration or anything else;
7. Sell, exchange or give away liquor or cigarettes to a child, other than for medical purposes.

If the offences under paragraph one carry heavier penalties under other law, penalties under such law shall be imposed.

The Penal Code provides for the protection of children from forms of violence as follow: The main parts of the Penal Code relevant to this issue are: Title 9 Offences related to sexuality. Frequently cited provisions include the following sections:

- Rape: Section 277 (s) states that whoever has sexual intercourse with a girl not yet over 15 years of age, with or without her consent, shall be punished with imprisonment of 4 to 20 years, and fine for 8,000 to 14,000 THB. If the commission of offence is against a girl below 13 years old, the imprisonment will be increased to 7 – 20 years and fine for 14,000 to 40,000 THB or imprisonment for life.

- Indecent act:
 - Section 282 states that whoever, in order to gratify the sexual desire of another person, procures, seduces or takes away for indecent act the man or woman with his or her consent, shall be punished with imprisonment of 1 – 10 years and fine of 2,000 – 20,000 THB.
 - If the commission of the offence is occurred to the person over 15 years but not yet over 18 years, the offender shall be punished with imprisonment of 3 - 15 years and fine of 6,000 – 30,000 THB.
 - If the commission of the offence is occurred to a child not yet over 15 years of age, the offender shall be punished with imprisonment of 5 – 20 years and fine of 10,000 – 40,000 THB.
 - Section 283 states that whoever, in order to gratify the sexual desire of another person, procures, seduces, or takes away for indecent act a man or woman by using deceitful means, threat, doing an act of violence, unjust influence or mode of coercion by any other means, shall be punished with imprisonment of 5 – 20 years and fine of 10,000 – 40,000 THB.
 - If the commission of the offence is occurred to the person over 15 years but not yet over 18 years, the offender shall be punished with imprisonment of 7 - 20 years and fine of 14,000 – 40,000 THB, or imprisonment for life.
 - If the commission of the offence is occurred to a child not yet over 15 years of age, the offender shall be punished with imprisonment of 10 – 20 years and fine of 20,000 – 40,000 THB, or imprisonment for life, or death.
 - Section 312 against enslavement and 313 against abduction are used at times against trafficking crime.

<ul style="list-style-type: none"> • Redress, including compensation, for child victims of violence;
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The Act on Redress for the Damaged and Compensation and Expenses for Offenders in Criminal Cases of 2001 provides a legal tool for victims of violence under the Penal Code to file a complaint to the Committee for Considering Redress for the Damaged and Compensation and Expenses for Offenders in Criminal Cases. Compensations that shall be issued for the victims include medical expenses including physical and mental rehabilitation, compensation in case the act of violence causes the victim to death, and compensation for the income of the victim during the time he or she cannot earn a living.

The Civil and Commercial Code of 1992 has a Chapter on compensation for the wrongdoing acts without specify cases of violence against children.

The Labour Protection Act of 1998 provides rights for workers to file a case against employers to pay their fair wage or compensation of an unpaid wage.

<ul style="list-style-type: none"> • Penalties for perpetrators of violence against children;

Penalties range from death penalty to imprisonment and/or fines. Thailand is also experimental with community based interventions such as community services order. The Child Protection Act promotes other actions based on more social interventions including monitoring of parents who abuse their children. There also initiatives to rehabilitate offenders of violence against children.

Relevant laws include: Penal Code, Prevention and Suppression of Prostitution Act of 1996, the Measures in the Prevention and Suppression of Trafficking in Woman and Children Act of 1997, the Labour Protection Act of 1998

• **Reintegration and rehabilitation of child victims of violence.**

Current initiatives aim to promote rehabilitation of child victims through community based approach rather than institutions. The Child Protection Act of 2003 stipulates procedure for safety protection of child victims of violence in Chapter 4 Safety Protection as follows:

- **Section 40** defines children warranting safety protection to include: tortured children; children vulnerable to wrongdoing; and children in the state necessitating safety protection in accordance with the ministerial regulations.
- **Section 41** states that, upon having witnessed or come to know of conduct which leads a person to believe that an act of torture has been committed against a child, such person shall promptly notify or report to a competent official, administration official or a person having the duty to protect a child's safety according to Section 24. A competent official shall have the power to enter and inspect such place and separate the child from the child's family in order to provide protection to the child at the earliest opportunity.
- **Section 42** states that in conducting the safety protection, arrangements shall be made for the immediate physical and mental examination of the child. If a competent official deems it necessary to trace and observe the child and the child's family in order to determine appropriate safety protection measures for the child, he or she may send the child to a remand home or, if welfare assistance is called for, consider providing assistance in accordance with Section 33, and, if mental rehabilitation is needed, send the child promptly to a development and rehabilitation centre.
- **Section 43** states that in the case where a child's guardian or relative is the one committing an act of torture, if criminal proceedings are instituted against the perpetrator and there is reason to believe that the accused will repeat the act of torture, the court which considers such case shall have the power to determine conditions for controlling the behaviour of the accused, to forbid the accused from entering a specified area or to come closer to the child than the distance specified by the court.
- **Section 44** states that when a competent official or person having the duty of protecting a child's safety according to Section 24 has witnessed or come to know of a child at risk of wrongdoing, he or she shall make enquiries of the child and proceed to seek facts concerning the child, including relationships within the child's family, living conditions, the manner in which the child has been brought up, and the character and behaviour of the child, and if it is deemed necessary to protect the safety of the child by sending the child to a safety protection centre or development and rehabilitation centre, the competent official shall submit the child's record together with his or her observations to the Permanent Secretary or the Provincial Governor, as the case may be, for consideration in determining and ordering appropriate protection measures for the child.

In the case where a competent official or person having the duty of protecting a child's safety according to Section 24 is of the opinion that the child needs welfare assistance, he or she shall use appropriate discretion to provide assistance according to Section 33, but if the competent official is of the opinion that it is not yet timely to send the child to a remand home, welfare centre, safety protection centre or development and rehabilitation centre, the competent official shall hand over the child to the child's guardian or person consenting to take the child into care and guardianship, in which case the competent official may or may not appoint a safety protector according to Section 48, and after having consulted with the child's guardian or person consenting to taking the child under care and guardianship, the competent official may impose

suitable conditions to prevent the child from misbehaving or adopting behaviour which places the child at risk of wrongdoing by ordering the child's guardian or person consenting to taking the child under care and guardianship to adopt one or more of the following courses of action as appropriate:

- 1) To be vigilant in not letting the child enter any place or locality which would induce the child to behave in an unfitting manner;
- 2) To be vigilant in not letting the child go outside the place of residence at night except there is a necessity or the child is accompanied by his or her guardian;
- 3) To be vigilant in not letting the child associate with persons or group of persons who might induce the child to behave inappropriately;
- 4) To be vigilant in not permitting the child undertake any act that might cause the child to behave inappropriately;
- 5) To arrange for the child to receive education suitable to the child's age, intellect and interests;
- 6) To arrange for the child to engage in an occupation or pursuit which is in line with the child's interests and ability;
- 7) To arrange for the child to participate in activities which help improve the child's spiritual and ethical development and are beneficial to society.

If it is apparent that the guardian or person consenting to take the child under care and guardianship has neglected to comply with the conditions imposed by the competent official or person in charge of protecting the child's safety under Section 24, the competent official or person in charge of protecting the child's safety shall take the child back into care.

The resolution of the Council of Ministers of 29 June 1999 ordered the establishment of crisis centres in emergency units of both state and private hospitals to provide assistance to woman and children who are victims of violence, equipped with a multidisciplinary team of professionals. Through these centres, children and women can receive physical treatment and psychological counselling from medical doctors, nurses, psychologists and social workers within 24 hours. At the same time the centres will coordinate with the police, public prosecutor, lawyer and NGOs to provide further assistance including the referral of the victims, provision of temporary shelter, and rehabilitation and other remedial services.

The Prevention and Suppression of Prostitution Act of 1996 stipulates in Section 14 – 16 the establishment of a Protection and Occupational Development Committee and the Changwat (Provincial) Protection and Occupational Development Committee to be called. Both committees have the duties, among others: to determine policies with regard to the protection and occupational development, including the development of the quality of life of victims of prostitution; and oversee the operation of Primary Admittance Centers and Protection and Occupational Development Centers.

Section 34 states that a person who involve in prostitution under section 5, section 6 or section 7 is not over eighteen years of age, and the Court, having considered his or her former life, conduct, mentality, education and training, health, mental condition, occupation and environment, is of the opinion that punishment is inappropriate and should be replaced by the commission of the offender to the protection and occupational development, the Department of Public Welfare shall admit the offender for the purpose of committing such person to the care in a Primary Admittance Centre of competent territorial jurisdiction within fifteen days as from the date of the judgment. The law also creates provisions for NGOs to set up their own shelters and vocational development programmes.

In case of rehabilitation and reintegration for foreign victims of trafficking, **the Memorandum of Understanding Between The Government of The Kingdom of Thailand and the Government of the Kingdom of Cambodia on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking** states that:

“The Parties shall make all possible efforts towards the safe and effective reintegration of trafficking victims into their families and communities. For this purpose, the parties shall take appropriate measures to attain the following objectives: 1) victims of trafficking shall not suffer further victimization, stigmatisation or traumatisation in the judicial procedure 2) continuous social, medical, psychological, and necessary support shall be provided to victims 3) victims shall not be discriminated or stigmatized socially and 4) child victims of school age shall be ensure appropriate educational opportunities.

The Parties shall provide following training programmes: 1) vocational training for victims of trafficking 2) training programme to sensitise those working for victims in regard to child development, child rights, and child/gender issues with reference to CRC, CEDAW and etc.”

For **children in conflict with the law**, under The Act for the Establishment of and Procedure for Juvenile and Family Court of 1991, detention of accused juvenile offenders with adults and the use of fetter on the juvenile offenders are prohibited, unless the crime committed carries the maximum sentence of more than 10 year imprisonment. The safety and future of the accused child are taken into account when the court passes judgment on the case involving juvenile offender, which focuses more on training and rehabilitation rather than severe punishment.

In case where the court orders a juvenile offender to training, the Observation and Protection Centers are the responsible for providing care and training for the child. At the Center, the child will receive healthcare, education and vocational training in line with their individual interests. The Observation and Protection Centers, in collaboration with other relevant agencies, provide several programmes for occupational training, rehabilitation and treatment for the juvenile offenders, such as the development of the centers based on a child friendly concept in collaboration with the Department of Health; training course to promote self-discipline, moral and physical health, and job placement.

4. Indicate whether any specific legislative provisions address all forms of violence including physical, sexual and psychological violence, injury or abuse, neglect or negligent treatment and sexual exploitation against children which take place in:

- **The family/ home;**
- **Schools and pre-school care and education (both formal and non-formal, state and private);**
- **Military schools;**
- **Institutions including care, residential, health and mental health;**
- **The context of law and public order enforcement including in detention facilities or prisons;**
- **The neighbourhood, street and the community, including in rural areas;**
- **The workplace (informal and formal);**
- **Sports and sporting facilities.**

The Penal Code and the Child Protection Act have provisions address all forms of violence against children covering all places (please see replies to Question 3). However some legislative provisions specifically address violence against children which take place in certain venues as detailed as follow:

The family/ home

The most recent law relevant to family and home is the Child Protection Act of 2003. The Penal Code put harsher punishments for the offenders of sexual offences (including rape, and indecent acts) if offenders have close relationship with the victims, as Section 285 states *“If the commission of offence ... is against the descendant, a pupil under taken his care, a person under his control according to his official authority, or a person under his tutorship, guardianship, the offender shall be liable to the heavier punishment than that as provided in such Section by one third.”*

The Prevention and Suppression of Prostitution Act of 1996 specifies penalties for parents involved in prostitution of their own children as states in Section 10 that “any person who, being a father, mother or parent of a person not over eighteen years of age, knows of the commission against the person under his or her parental control of the offence under paragraph two, three or four of section 9 and connives at such commission shall be liable to imprisonment for a term of four years to twenty years and to a fine of eighty thousand to four hundred thousand Baht.”

Schools and pre-school care and education (formal and non-formal, state and private)

Regulations of Ministry of Education of 2000 prohibited corporal punishment in schools as mentioned in Rule 6 that “it is prohibited to punish pupils or students with violent methods or with the purposes of malice, revenge, or anger. Ages of pupils and students as well as the seriousness of their misbehaviors must be considered for the punishment”.

Institutions including care, residential, health and mental health

The Child Protection Act of 2003 states in Section 61 that an owner, guardian of safety, and staff of a nursery, remand home, welfare centre, safety protection centre and development and rehabilitation centre shall be forbidden to assault, physically or mentally, detain, abandon or impose any other harsh measures of punishment on any child under care and guardianship, except where such acts are reasonably applied for disciplinary purposes in accordance with the regulations specified by the Minister.

The context of law and public order enforcement including in detention facilities or prisons

The Criminal Procedure Amendment Act (No. 20) of 1999 prescribes the conditions to make the child interrogation proceedings more favourable to the child who is an injured party, a witness or an offender. The Act requires a child to be interrogated in a private and appropriate setting, to allow the injured child or the child witness to avoid face-to-face confrontation with an offender, with the presence of psychologist, social workers, or persons that are requested by the child. The Act also calls for audio-visual recording of the child’s testimony, which can later be used in court. There are also provisions concerning pre-trial investigation of a child witness and duty of the State to provide the accused child with a lawyer.

The Act for the Establishment of and Procedure for Juvenile and Family Court of 1991 has provisions to ensure that measures provided under this law will be strictly applied to any juvenile who comes into contact with the justice system. Under this law, detention of accused juvenile offenders with adults and the use of fetter on the juvenile offenders are prohibited, unless the crime committed carries the maximum sentence of more than 10 year imprisonment. The safety and future of the accused child are taken into account when the court passes judgment on the case involving juvenile offender, which focuses more on training and rehabilitation rather than severe punishment. Consideration is also given to the characteristics,

health and mental status of the juvenile offenders, when the court passes judgment. Public release of the personal information of juvenile offenders is also prohibited. If a juvenile offender is in detention, he or she is allowed to receive food from outside, to wear his or her own cloths on weekends or holidays, to write and receive letters which will be first screened by an officer, and to perform a job that is not against the Ministry's regulations.

The workplace (informal and formal)

The most relevant law related to the protection of child labour is the Labour Protection Act of 1998. The Labour Protection Act codifies the worst forms of child labour. Although not all child domestic workers fell under the worst forms, many were at risk due to their age, gender (predominantly female), legal status, and working conditions. The legal minimum age for employment is 15 years. The law permits the employment of children between the ages of 15 and 18 only in "light work," where the lifting of heavy loads and exposure to toxic materials or dangerous equipment or situations is restricted. The employment of children at night (from 10p.m. to 6a.m.), or in places in which alcohol is served, is prohibited by law.

The Act's Chapter 4 on Employment of Children includes the prohibition of employment of children in Section 49 and 50 as follows:

- Section 49: No employer shall have a child employee under the age of eighteen years to work on any of the following descriptions:
 - (1) Work concerning smelting, blowing , casting , rolling of metal;
 - (2) Work concerning pressing of metal;
 - (3) Work concerning heat , cold , vibration , noise and light , of abnormal level which may be hazardous as prescribed under the Ministerial Regulations;
 - (4) Work involving hazardous chemical substances as prescribed under Ministerial Regulations;
 - (5) Work concerning poisonous micro organism , such as virus , bacteria , fungi , or other micro organism as prescribed under the Ministerial Regulations;
 - (6) Work concerning poisonous substances , explosive or inflammable materials , except works in fuel service station as prescribed under the Ministerial Regulations;
 - (7) Work involving driving or controlling lifting Vehicles or cranes as prescribed under the Ministerial Regulations;
 - (8) Work involving usage of saw operated by electricity or engine;
 - (9) Work performing underground , underwater , in cave , in tunnel or in passage in the mountain;
 - (10) Work connected with radioactivity as prescribed under the Ministerial Regulations;
 - (11) Cleaning machinery or engine whilst operating;
 - (12) Work involving seating on a scaffold upwards of ten meters above the ground;
 - (13) Other works prescribed under the Ministerial Regulations.

- Section 50: No employer shall employ a child under the age of eighteen years to work in the following places:
 - (1) Slaughter house;
 - (2) Gambling place;
 - (3) Dancing place;
 - (4) Places with food, liquor , tea or other drinks for sale , with women of pleasure for servicing customers or with sleeping compound or with massage service for customers;
 - (5) Other place as prescribed under the Ministerial Regulations.

The Labour Protection Act also provides for some protective measures for home-based workers. These include prohibition against sexual harassment, entitlement for paid annual leave for not more than 10 days per year after one year of employment, and equal pay for men and women for the same type of work. For child workers in the agricultural sector, the Labour Protection Act authorizes the Minister of Labour to issue special regulations to protect the rights of workers in this sector.

Sports and sporting facilities

The Boxing Sport Act of 1999 has some provisions concerning children. The minimum age for registering as a boxer is 15 years. To organise a boxing sport competition for children less than 15 years of age, it is imperative that full security equipment be provided. This is to protect children from possible injury.

5. Indicate if corporal punishment of children, in any setting, including in the family, is explicitly prohibited in your legal system. Provide details of any legal defences available to those who administer corporal punishment to children, including in the family. Provide information on penalties applicable to those who administer corporal punishment to children, including in the family.

Corporal punishment is not prohibited in family. There is still the cultural belief: If you love your cattle, tie them, if you love your children, chastise them. However, excessive corporal punishment can be led to sanction through the Child Protection Act and Penal Code.

In the public sphere corporal punishment is prohibited in schools, but it is still permitted in some official institutions such as the Observation and Protection Center.

6. Provide information on whether the penal code permits corporal punishment and/or capital punishment as a sentence for crimes committed by less than 18 years old.

In Section 39 of the Act for the Establishment of and Procedure for Juvenile and Family Court of 1991 stated that the punishment to be awarded to children and young people include “caning not exceeding twelve strokes”.

An amendment to a Penal Code was issued in 2004 with the effect that capital punishment and life imprisonment cannot be imposed on children aged below 18.

7. Provide details on whether bullying/hazing and sexual harassment are explicitly addressed by legislation.

According to the Child Protection Act of 2003, under Chapter 7 Behaviour Promotion of Pupils and Students, Section 63 states that schools and educational establishments shall set up systems and activities to provide guidance, counselling and training for pupils, students and guardians, with a view to promoting appropriate behaviour, social responsibility and safety for the pupils and students, in accordance with the criteria, procedures and conditions stipulated in the ministerial regulations. This Section aims to control bullying and hazing among students.

Sexual harassment is addressed in the following law:

- The Penal Code, Section 278 states that “whoever commits an indecent act on a person over fifteen years of age by threatening by any means whatever, by doing any act of violence, by taking advantage of such person being in the condition of inability to resist, or by causing such person to mistake him for another person, shall be punished with imprisonment not exceeding ten years or fine not exceeding twenty thousand baht, or both”
- The Labour Protection Act makes sexual harassment illegal, but covered only persons working in the formal private sector. Penalty for those who sexually harass child workers is no more than 20,000 THB fine.

Check if there is any case of sexual harassment offences brought to the Court.

8. Provide information on the way in which harmful or violent traditional practices, including but not limited to female genital mutilation, child marriage or honour crimes are addressed in your country.

There are some violent traditional practices. For example, some families sold their children for child labour or prostitution. In some communities there are symbolic acts which
Some communities permit female genital(check)

Thailand does not have violent traditional practices as mentioned in the question. Female genital mutilation is not a practice in Thailand. In terms of child marriage, Civil and Commercial Code does not allow a person aged below 17 years old to marry, except permitted by the Court.

9. Provide information on the applicability of specific provisions to address all forms of violence against children to non-citizens and stateless children, including asylum seekers and displaced children. If specific provisions do not apply to such children, provide details of protection offered to them.

Various key laws such as the Penal Code and the Child Protection Act do not, in principle, distinguish between Thais and foreigners. However, there is differentiation in regards to immigration law.

Some legal tools specifically stipulate sections on protection of non-citizens include Memorandum of Understanding on Common Guidelines of Practices among Concerned Agencies for Operation in Case Women and Children are Victims of Human Trafficking (revised version) of 2003 and other MOUs on trafficking. According to these MOUs, women and children considered as victims of trafficking should not be treated as illegal migrants. If they are willing to act as witnesses during the court procedure so that traffickers would be brought into justice, they are allowed to stay in Thailand and will be sheltered in one of the welfare centers. The MOUs also emphasizes that victims of trafficking must be able to access to services including accommodations, cloths, medicine, counseling and legal aid.

10. Provide information on any difference in the definition of violence and the applicable legal framework according to:

- **The sex or sexual orientation of the victim and/or of the perpetrator;**

The Penal Code protects only female victims of rape. In Title IX Offences relating to sexuality, Section 276 states “Whoever has sexual intercourse with a **woman**, who is not wife, against her will, by threatening by any means whatever, by doing any act of violence, by taking advantage of the woman being in the condition of inability to resist, or by causing the woman to mistake him for the other person, shall be punished with imprisonment of four to twenty years and fine of eight thousand to forty thousand baht.”

Section 277 of the Penal Code states that: “Whoever has sexual intercourse with a girl not yet over thirteen years of age, with or without her consent, shall be punished with imprisonment of seven (7) to twenty (20) years and fine of fourteen thousand to forty thousand baht, or imprisonment for life.

If the offence according to the first paragraph is committed by participation of persons in the nature for destroying a girl and such girl is not consent, or by carrying or using any gun or explosive, the offender shall be punished with imprisonment for life.”

The law does not differentiate the application of legal framework according to sexual orientation of victims and perpetrators.

• The age of the victim and /or of the perpetrator;
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The age of the victim make a difference in the application of penalties for sexual offences, indecent acts, and enslaving, as stated in the Penal Code as follow:

- Rape: Section 277 (s) states that whoever has sexual intercourse with a girl not yet over 15 years of age, with or without her consent, shall be punished with imprisonment of 4 to 20 years, and fine for 8,000 to 14,000 THB. If the commission of offence is against a girl below 13 years old, the imprisonment will be increased to 7 – 20 years and fine for 14,000 to 40,000 THB or imprisonment for life.
- Indecent act:
 - Section 282 states that whoever, in order to gratify the sexual desire of another person, procures, seduces or takes away for indecent act the man or woman with his or her consent, shall be punished with imprisonment of 1 – 10 years and fine of 2,000 – 20,000 THB.
 - If the commission of the offence is occurred to the person over 15 years but not yet over 18 years, the offender shall be punished with imprisonment of 3 - 15 years and fine of 6,000 – 30,000 THB.
 - If the commission of the offence is occurred to a child not yet over 15 years of age, the offender shall be punished with imprisonment of 5 – 20 years and fine of 10,000 – 40,000 THB.
 - Section 283 states that whoever, in order to gratify the sexual desire of another person, procures, seduces, or takes away for indecent act a man or woman by using deceitful means, threat, doing an act of violence, unjust influence or mode of coercion by any other means, shall be punished with imprisonment of 5 – 20 years and fine of 10,000 – 40,000 THB.
 - If the commission of the offence is occurred to the person over 15 years but not yet over 18 years, the offender shall be punished with imprisonment of 7 - 20 years and fine of 14,000 – 40,000 THB, or imprisonment for life.
 - If the commission of the offence is occurred to a child not yet over 15 years of age, the offender shall be punished with imprisonment of 10 – 20 years and fine of 20,000 – 40,000 THB, or imprisonment for life, or death.
- Enslavement
 - Section 312 states that whoever, in order to enslave a person or to cause a person to be in a position similar to a slave, brings into or sends out of the Kingdom, removes, buys, sells, disposes of, accepts or restrains any person, shall be punished with imprisonment not exceeding 7 years and fine not exceeding 14,000 THB.

- If the commission of the offence is occurred to a child not yet over 15 years of age, the offender shall be punished with imprisonment of 3 – 10 years and fine not exceeding 20,000 THB.
- Section 312 ter states that whoever, by dishonestly, accepts, disposes of, procures, seduces, or takes away a person over 15 years but not yet over 18 years of age with a consent of such person, shall be punished with imprisonment not exceeding 5 years or fine not exceeding 10,000 THB or both. If the commission of the offence is committed to the child not yet exceeding 15 years of age, the offender shall be punished with imprisonment not exceeding 7 years or fine not exceeding 14,000 THB, or both.

In the Prevention and Suppression of Prostitution Act of 1996 give harsher penalties to the offenders when the age of victims of prostitution is younger as shown as follow:

- Perpetrators: **Section 8** Any person who, in order to gratify the sexual desire of oneself or another person, has sexual intercourse with or acts otherwise against a person over fifteen but not over eighteen years of age in a prostitution establishment, with or without his or her consent, shall be liable to imprisonment for a term of one to three years and to a fine of twenty thousand to sixty thousand Baht.

If the offence under paragraph one is committed against a child not over fifteen years of age, the offender shall be liable to imprisonment for a term of two to six years and to a fine of forty thousand to one hundred twenty thousand Baht.

- Procurers **Section 9** Any person who procures, seduces or takes away any person for the prostitution of such person, even with her or his consent and irrespective of whether the various acts which constitute an offence are committed within or outside the Kingdom, shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand Baht.

If the offence under paragraph one is committed against a person over fifteen but not over eighteen years of age, the offender shall be liable to imprisonment for a term of five to fifteen years and to a fine of one hundred thousand to three hundred thousand Baht.

- **The relationship between the victim and the perpetrator, including, but not limited to infanticide, sexual violence in marriage, incest and sexual abuse within the family, and physical chastisement.**

In law, there is no crime of rape in regard to spouses. Section 276 of the Penal Code states “Whoever has sexual intercourse with **a woman, who is not wife**, against her will, by threatening by any means whatever, by doing any act of violence, by taking advantage of the woman being in the condition of inability to resist, or by causing the woman to mistake him for the other person, shall be punished with imprisonment of 4 to 20 years and fine of 8,000 to 40,000 THB.

Section 277 of the Penal Code also provides penalties for whoever has sexual intercourse with a girl not yet over 15 years of age, and a girl below 13 years old, with or without her consent. However, the law also states that, in this case, *“if the offender being the man commits against the girl over 13 years but not yet over 15 years of age with her consent, and the Court grants such man and girls to marry together afterwards, the offender shall not be punished for such offence. If the Court grants them to marry together during the offender be still inflicted with the punishment, the Court shall release such offender.”*

The Penal Code also put harsher punishments for the offenders of sexual offences (including rape, and indecent acts) if offenders have close relationship with the victims, as Section 285 states *“If the commission of offence ... is against the descendant, a pupil under taken his care, a person under his control according to his official authority, or a person under his tutorship, guardianship, the offender shall be liable to the heavier punishment than that as provided in such Section by one third.”*

Incest is illegal by law. However, physical chastisement used by parents against their children is not illegal in law except it is excessive.

11. Provide information on any recent comprehensive review of the legal framework to address violence against children.
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A number of national laws have been revised to comply with international standards. A study was undertaken to compare the provisions of the CRC and the Thai laws related to child and youth development. A Sub-Committee on Adaptation of National Legislation on Children to the Provisions of the New Constitution and the Convention on the Rights of the Child was established in 2000 to revise, modify, and draft related laws, ministerial regulations pertaining to the development, assistance, protection, correction and rehabilitation of children in conformity with the Constitution of the Royal Kingdom of Thailand (1997) and the CRC. Some examples of new laws and amendment of existing laws to abide by CRC include:

- The modification of the Criminal Procedure Amendment Act (No. 20) of 1999 which aims to resolve obstacles occurred during the enforcement of the Act No. 20 on investigation of child witness. The amendment is waiting to be presented to the Cabinet’s consideration.
- The amendment to the Penal Code and the Bill on Measurement on Prevention and Suppression of the Distribution, Production and Sales of Pornography. The purpose is to strengthen legal tools to criminalize all types of pornography including those in electronic forms. The amendment and the Bill is being considered by Ministry of Interior
- The Amendment of the Penal Code Bill to increase the minimum age for criminal responsibility – as stated in Section 73 – from seven years old to 12 years old, to increase the maximum age of child offenders in Section 75 (from 14 to 15 years of age) to be considered by the Court for reducing the scale of punishment by one-third or one-half, and to stipulate harsher punishment for those who commit a rape offence against person
- The Revision of Measures to Prevent and Suppress the Trafficking in Women and Children Act to strengthen legal measures for preventing and suppression of trafficking, protect and provide assistance to victims of trafficking and decriminalize victims of trafficking especially those who are not Thai citizens.
- The Child Protection Act - which has come into force in 2003 - could be considered as a “Code on Children” since it covers provisions of all forms of assistance to children and their families to receive welfare from the State. The Act also covers protection, care, development and rehabilitation of children and their families, including the development of children’s disciplined behaviour. Referral system will be applied from welfare to protection and behavioural development.
- The amendment of the Act for the Establishment of and Procedure for Juvenile and Family Court of 1991 which has just come into force in February 2005 stipulates that provisions relating to procedure for juvenile justice for Juvenile and Family Courts must be applied in all Criminal Courts in provinces where Juvenile and Family Court does not exist so that all juvenile offenders equally benefit from the legal procedure. The Act also aims to establish a Juvenile and Family Court in all provinces of Thailand within the two years time.

- To have a National Law for the Suppression and Prevention of Children and Women Trafficking. This law will shape the national strategy to cope with Children and Women Trafficking by unifying the interpretation and implementation of all provisions to protect all victims of human trafficking unconditionally. The law will also provide services, particularly treatment and protection, for the victims and their families in order to solicit their due cooperation in the suppression of trafficking. It is also necessary that the law subject traffickers and their accomplices to harsh penalties. That is, the national law should integrate the victim rehabilitation and protection provisions with those relating to the prosecution of traffickers (who maybe a part of organized crime or an exploiter) in order to build up cooperation with foreign countries involved in the trafficking;
- To amend the Labour Protection Law to oblige the employer and trafficker to pay for the wage or any benefits which the victim was promised;
- To develop specific laws to suppress and penalize organized crimes that shift the burden of prove on those alleged of being involved in the illegal activity, establish the standard of prove and provides for provisions to suppress and penalize person or organization who are involved in the trafficking network;
- To develop laws to eliminate activities undertaken by organized crime or its influence on children and women trafficking by (a) extending the existing Anti-Money Laundering Act to include children and women trafficking activities, controlling and zoning of entertainment places, banning of (certain) motels. Moreover, high-ranking officials responsible for regulating places of entertainment and immigration should report their assets and liabilities to that National Counter Corruption Commission as do politicians and other high-ranking government officials.
- To integrate other measures such as social services, health services, and economic support etc. with legal measure on the suppression and prevention of children and women trafficking.

The Office of Women and Family Institution Affair under the Ministry of Social Development and Human Security prepared the Bill on the Elimination of Domestic Violence. The law focuses on approaches addressing offenders of domestic violence – which is different from other criminal offences. The law focuses on rehabilitation of offenders more than punishment and protection of victims with the aim to maintain good relationship within family.

<p>12. Provide information on any studies and surveys which have been undertaken to assess the impact of legal measures to address violence against children.</p>
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After the enforcement of the Criminal Procedure Amendment Act (No. 20) of 1999, National Youth Bureau conducted a project to enhance the enforcement of the law by developing a training module and conducting sessions for relevant agencies. Information materials and handbook for guideline of practice were also developed. The project – funded by UNICEF – also had a monitoring and evaluation mechanism as well as a national seminar to come up with recommendations for revision of the act. As a result, another Criminal Procedure Amendment Bill (No...) was draft to fill the gaps of the existing Amendment Act. (in Thai)

The Ministry of Social Development and Human Security is in process to conduct a research project on impacts of the enforcement of the Child Protection Act 2003 (in Thai)
Coalition to Fight against Child Exploitation (FACE) conducted a study to assess impact of the enforcement of Prostitution Prevention and Suppression Act 1996 with support of UNICEF. (in Thai)

Other studies on juvenile justice system in Thailand include:

- An Assessment of Justice System in Protection of Victims of Domestic Violence by Vatcharin Padjekwinyoosakul (2003) (in Thai)
- Protection of Rights of Child Victims of Sexual Offences through Criminal Justice System by Khemjuta Suwannajinda (1997) (in Thai)
- Protection of Child Victims of Criminal Offences – Roles and Responsibilities of Authorities under the Act for the Establishment of and Procedure for Juvenile and Family Court B.E. 2534 by Umporn Kampitak (1997) (in Thai)

Courts tasked with addressing violence against children

13. Identify those parts of the court structure in your country tasked with addressing violence against children. Indicate if your family or juvenile courts have specific responsibility for this issue.

Criminal Court and Provincial Courts are the main court that have jurisdiction over crimes on violence against children.

Children who commit crime will generally be taken to the Juvenile and Family Courts in the relevant provinces.

There are new provisions in the Child Protection Act where protection measures concerning children can be ordered by the Juvenile and Family Court where they exist in the relevant provinces, e.g., where parents commit acts of violence against children. Otherwise, it is the ordinary courts that have jurisdiction.

Minimum age for sexual activity

14. Provide information on any legislatively defined minimum age required for valid consent to sexual activity. Is this age different for girls and boys? Is this age different in respect of heterosexual and homosexual activities?

In a relevant section in Penal Code, the age of consent is 15 years for both girls and boys. (Section 277 of the Penal Code states that: “Whoever has sexual intercourse with a girl not yet over 15 years of age and not being his own wife, whether such child shall consent or not, shall be punished . . . , and Section 279 states that “whoever commits an indecent act on a child not over fifteen years of age, whether such child shall consent or not, shall be punished . . .)

The law does not differentiate the application of legal framework according to sexual orientation of victims and perpetrators.

There are traditional practices in the ethnic groups that diverse from the national norm. For example, Islamic family law applied in Southern provinces of Thailand has different provision.

15. Provide information on the minimum age of marriage for women and men.

Book 5 of the Civil and Commercial Code states in Section 1448 that “the marriage can be made only completed their seventeenth year of age. But in case of having appropriate reason, the Court may give the leave to them being married before reaching such age”.

Section 1436 and 1454 allow minors to a betrothal or marriage when he has to receive the consent of the following persons:

- 1) The minor's parents, in case of minor's father and mother are still alive
- 2) The minor's parent father or mother, in case of the minor's father or mother has died, or the parental power has been revoked, or the minor's parents are not in the condition or in the state of being able to give the condition, or by circumstances which make the unable to ask for the parents, consent;
- 3) The minor's adopter, in case of the minor is the adopted child;
- 4) The minor's guardian, in case of there is not person giving the consent in accordance with (1), (2) and (3), or there is the said person, but his parental power has been revoked.

The betrothal being concluded by the minor without the said consent is violable.

Sexual exploitation of children

16. Provide information on legislation and other measures to prevent the commercial sexual exploitation of children, including through prostitution and other unlawful sexual activities. Provide details on means to ensure that child victims of such exploitation are not criminalized. Provide information on legislation or other measures to prohibit all forms of sale or trafficking in children, including by their parents.

The Prostitution Prevention and Suppression Act of 1996 makes sexual exploitation illegal and provides for criminal punishment for those who use children in prostitution. Parents who allow a child to enter the trade also are punishable.

Penalties for those who commercially exploit children less than 18 years of age

Section 8: Any person who, in order to gratify the sexual desire of oneself or another person, has sexual intercourse with or acts otherwise against a person over fifteen but not over eighteen years of age in a prostitution establishment, with or without his or her consent, shall be liable to imprisonment for a term of one to three years and to a fine of twenty thousand to sixty thousand Baht.

If the offence under paragraph one is committed against a child not over fifteen years of age, the offender shall be liable to imprisonment for a term of two to six years and to a fine of forty thousand to one hundred twenty thousand Baht.

If the act under paragraph one is committed against one's own spouse, and not to gratify the sexual desire of another person, the offender is not guilty.

Penalties for those who procures, seduces person for prostitution

Section 9: Any person who procures, seduces or takes away any person for the prostitution of such person, even with her or his consent and irrespective of whether the various acts which constitute an offence are committed within or outside the Kingdom, shall be liable to imprisonment for a term of one to ten years and to a fine of twenty thousand to two hundred thousand Baht.

If the offence under paragraph one is committed against a person over fifteen but not over eighteen years of age, the offender shall be liable to imprisonment for a term of five to fifteen years and to a fine of one hundred thousand to three hundred thousand Baht.

If the offence under paragraph one is committed against a child not over fifteen years of age, the offender shall be liable to imprisonment for a term of ten to twenty years and to a fine of two hundred thousand to four hundred thousand Baht.

If the offence under paragraph one, two or three is committed by means of fraud, deceit, threat, violence, exercising undue influence or coercing against her or his will in any manner whatsoever, the offender shall be liable to heavier penalty than that provided in paragraph one, two or three by one third, as the case may be.

Penalties for parents who allow their children into prostitution

Section 10: Any person who, being a father, mother or parent of a person not over eighteen years of age, knows of the commission against the person under his or her parental control of the offence under paragraph two, three or four of section 9 and connives at such commission shall be liable to imprisonment for a term of four years to twenty years and to a fine of eighty thousand to four hundred thousand Baht.

Measures for decriminalizing victims of prostitution

Section 6: Any person who associates with another person in a prostitution establishment for the purpose of prostitution of oneself or another person shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding one thousand Baht or to both.

If the offence under paragraph one is committed on account of compulsion or under an influence which cannot be avoided or resisted, the offender is not guilty.

Section 33: In the case where the offender under section 5 or section 6 is not over eighteen years of age and it does not appear that he or she is alleged to have committed or is subjected to criminal proceedings for any other offence punishable with imprisonment or is sentenced to imprisonment, the inquiry official shall, if the offence has been settled by a fine, notify the Department of Public Welfare for the purpose of committing such person to the care in the Primary Admittance Centre of competent territorial jurisdiction.

In the case under paragraph one, if the offender is over eighteen years of age and wishes to receive the protection and occupational development in a Protection and Occupational Development Centre, the inquiry official shall notify the Department of Public Welfare for the purpose of committing such person to the care in the Primary Admittance Centre of competent territorial jurisdiction.

Section 34: In the case where the offender under section 5, section 6 or section 7 is not over eighteen years of age, and the Court, having considered his or her former life, conduct, mentality, education and training, health, mental condition, occupation and environment, is of the opinion that punishment is inappropriate and should be replaced by the commission of the offender to the protection and occupational development, the Department of Public Welfare shall admit the offender for the purpose of committing such person to the care in a Primary Admittance Centre of competent territorial jurisdiction within fifteen days as from the date of the judgment.

In the case under paragraph one, if the offender is over eighteen years of age and wishes to receive the protection and occupational development in a Protection and Occupational Development Centre and the Court deems it appropriate, the Department of Public Welfare shall admit the offender for the purpose of committing such person to the care in a Primary

Admittance Centre of competent territorial jurisdiction within fifteen days as from the date of the judgment.

In the case where the Court passes a judgment punishing the offender under paragraph one and deems it appropriate also to commit him or her to the protection and occupational development, the Department of Public Welfare shall admit the offender for the purpose of committing such person to the care in a Primary Admittance Centre of competent territorial jurisdiction within fifteen days as from the date of the judgment; and the offender shall be in custody of the Primary Admittance Centre and the Protection and Occupational Development Centre.

The Measures to Prevent and Suppress the Trafficking in Women and Children - introduced in 1997 - targets the trafficking of persons of any age for the purpose of sexual exploitation. New provisions were introduced and old provisions in the Penal Code were amended. In principal it is prohibited to procure, lure or traffic anyone for the purposes of prostitution, committing indecent acts or for the sexual gratification of other persons. Different provisions then specifically prohibit several acts, for example procuring, luring, buying, selling, bringing, sending, receiving, detaining or taking away someone for the above-mentioned purposes. Preparation, conspiracy, attempts and complicity is equally prohibited. The statutes apply equally to both sexes and regardless of the victims consent. In general the penalties are more severe when violence, coercion or deceit is part of the act or when minors are being trafficked. Also, the constituting facts are fewer in the provisions that deal exclusively with minors. For example, anyone who traffics a minor under 15 years of age for the purpose of gaining an illegal benefit is liable to 7 years imprisonment. There need not be an exploitative purpose. Penalties range between 1 to 20 years imprisonment and, if the victim dies or is caused serious physical damage, lifetime imprisonment. Thailand claims universal extra-territorial jurisdiction for all subjects for the majority of the offences on sexual exploitation of children.

Pornography and harmful information

17. Provide information on legislation and other measures to prohibit the production, possession and dissemination of child pornography. In particular, please provide information on any controls on pornography produced and/or disseminated via the internet.

The legislation currently applied, such as the Printing Act of 1941, the Penal Code Section 287 and the Revolutionary Announcement No. 3 1976 are rather obsolete and unable to adequately address crimes associated with modern communication technologies such as the Internet. A large number of pornographic pictures, films, and magazines are in circulation with the mechanisms for justice unable to catch up with them.

Section 287 of the Penal Code states:

'Whoever:

1. for the purpose of trade or by trade, for public distribution or exhibition, makes, produces, possesses, brings, or causes to be brought into the Kingdom, sends causes to be sent out of the kingdom, takes away or causes to be taken away, or circulates by any means whatever, any document, drawing, print, painting, printed matter, picture, poster, symbol, photograph, cinematograph film, noise tape, picture tape or any other thing which is obscene;

2. carries on trade, or takes part or participates in the trade concerning the aforesaid obscene material or thing, or distributes or exhibits to the public, or hires out such material or thing;
3. in order to assist in the circulation or trading of the aforesaid obscene material or thing, propagates or spreads the news by any means whatever that there is a person committing the act which is an offence according to this section, or propagates or spreads the news that the aforesaid obscene material or thing may be obtained from which person or by what means,

shall be punished with imprisonment not exceeding three years or fine not exceeding six thousand baht, or both.'

18. Provide information on any legislation or guidelines to protect children from injurious information and material transmitted through the media, Internet, videos, electronic games, etc.

Thailand's Penal Code prohibited pornography in general but there are no law concerning other inappropriate materials transmitted through the media, Internet, videos, and electronic games has been a major concern in the country. However, governmental and non-governmental agencies put a lot of efforts to prevent and protect children from harmful information and materials through the media including:

- Royal Thai Police, in its website, provides a channel for general public to report if they find inappropriate chatrooms or websites (including those contain pornographic contents and pictures, gambling, sexual abuse of children, or any other harmful information and materials. The Police also established a screening and blocking software on pornographic websites in Thailand.
- Department of Specialised Crime Investigation (DSI) – a newly established department under Ministry of Justice in 2002 – is responsible for investigation of specialized crimes including economic and computer crimes. DSI has cooperated with bureaus from other countries through an “Asia and South Pacific Meeting of Taskforce on Information Technology Crimes” which was participated by 100 DSI officials from countries in the region to share information, experiences and expertise.
- Ministry of ICT established a strategy to control behaviour of online game players aged less than 18 years. The measure requires all companies who import online games to register their players and prohibit persons less than 18 years of age to play an online game during 06.00 – 22.00 hours. This strategy was later approved by the Council of Ministers in November 2004 – under four measures:
 - Limit the hours
 - Prohibit gambling, staking, or sales of equipments in Online games
 - Stipulate rules for registration of Internet cafes to monitor and control Internet service
 - Conduct awareness raising campaigns among children and parents on negative impacts on at length game players
- Ministry of Interior established surveillance networks to monitor websites with inappropriate websites. The Ministry also developed software that can block 1 billion websites. A Ministerial regulation to control electronic game is being developed.
- Ministry of Public Health – through its Child and Adolescents' Mental Health Institute, Mental Health Department – established a rehabilitation center for game addicts. The center provides counseling service to parents, provides guidelines to build resilience of family,

conduct training for parents on how to take care of young game addicts, conduct group therapy and rehabilitation camps for game addicts.

- Ministry of Culture prepares to establish a Cultural Surveillance Center in according to the resolution of the Council of Ministers. This Center is responsible for monitoring production and distribution of inappropriate media including materials with violent contents, pornography and electronic games.
- Non-governmental bodies such as ECPAT International (an international NGO working to end child prostitution, child pornography and trafficking of children for sexual purposes) and others have had promoted Internet Safety Rules for children and parental guides to prevent children from accessing inappropriate or harmful materials on the Internet.

Reporting obligations relating to violence against children

19. Provide information on legislation, regulations or administrative directives requiring reporting of all forms of violence against and abuse of children in all settings to appropriate bodies. If reporting legislation, regulations or administrative directives exist, please indicate whether all citizens are required to report, or whether the obligation falls on certain professional groups only. Provide details of any sanctions for non-reporting.

The Child Protection Act of 2003 states in **Section 29** that “upon finding a child in circumstances which warrant welfare assistance or safety protection as stipulated under Chapters 3 and 4, a person shall provide basic assistance and notify a competent official, administrative official or police officer or person having the duty to protect a child's safety according to Section 24 without delay.

A physician, nurse, psychologist or public health official admitting a child for treatment; teacher, instructor or employer having the duty to take care of a child who is his or her student or employee, shall report immediately to a competent official or person having duty to protect a child's safety according to Section 24, or administrative official or police officer if it is apparent or suspected that the child has been tortured or is sick due to unlawful care.

Persons notifying or reporting in good faith under this Section shall receive appropriate protection and shall not be held liable for any civil, criminal or administrative action arising there from.

Also in **Section 41**, the Act states that “upon having witnessed or come to know of conduct which leads a person to believe that an act of torture has been committed against a child, such person shall promptly notify or report to a competent official, administration official or a person having the duty to protect a child’s safety according to Section 24.

When a competent official, administration official or police officer or a person having the duty to protect a child’s safety according to Section 24 has received a notification according to paragraph one, or witnessed or come to know of, at any place, conduct which leads him or her to believe that an act of torture has been committed against a child, he or she shall have the power to enter and inspect such place and separate the child from the child’s family in order to provide protection to the child at the earliest opportunity.

The Child Protection Act also protect privacy and personnel information of children during the reporting process, as stated in Section 27 that, “it is forbidden for anyone to advertise or disseminate by means of the media or any other kind of information technology any information on a child or the child’s guardian, with the intention of causing damage to the mind, reputation,

prestige or any other interests of the child or seeking benefit for oneself or others in an unlawful manner.”

However, the Act does not establish a penalty for non-reporting.

Complaints procedures

20. Provide information on any complaints procedures relating to all forms of violence against children perpetrated in:

- 1. The family/ home;**
- 2. Schools and pre-school care and education (both formal and non-formal, state and private);**
- 3. Military schools;**
- 4. Institutions, state and private, including care, residential, health and mental health;**
- 5. The context of law and public order enforcement including in detention facilities or prisons;**
- 6. The neighbourhood, street and the community, including in rural areas;**
- 7. The workplace (informal and formal);**
- 8. Sports and sporting facilities.**

According to the Thai Penal Code, those who commit criminal offences relating violence against children are liable to punishments as stated by the law no matter where the offence takes place. The criminal procedure included that the cases must be reported to police; police go through the process of investigating such as before filing the case to the attorney. When the attorney deems appropriate he or she files such case to the Court and requires the accused to come to the Court. Judge then investigates the case. In case that the accused confesses, the judge can deliver the judgment. If the accused denies the offence, the Court will have to investigate witnesses of both prosecutor and accused before deliver the judgment.

The Criminal Procedure Amendment Act (No. 20) of 1999 on investigation of child witness prescribes the conditions to make the child interrogation proceedings more favourable to the child who is an injured party, a witness or an offender. The Act requires a child to be interrogated in a private and appropriate setting, to allow the injured child or the child witness to avoid face-to-face confrontation with an offender, with the presence of psychologist, social workers, or persons that are requested by the child. The Act also calls for audio-visual recording of the child’s testimony, which can later be used in court. There are also provisions concerning pre-trial investigation of a child witness and duty of the State to provide the accused child with a lawyer.

Child Protection Act of 2003

The Act requires the appointment of “Competent Official” at provincial and district level to perform tasks in accordance with this Act.

According to **Section 28** in “Chapter 2 Treatment of the Child”, in those cases where a child's guardian is not in a state to take care, raise, discipline and develop the child, regardless of the reason, or a child's guardian acts in a manner which is likely to be harmful to the child's safety or obstructive to his or her growth or development, or provides unlawful care; or for any other compelling reason for the benefit of assisting or protecting the child against harm, a competent official must undertake to provide assistance and protection to the child according to this Act.

Section 29 states that upon finding a child in circumstances which warrant welfare assistance or safety protection as stipulated under Chapters 3 and 4, a person shall provide basic assistance

and notify a competent official, administrative official or police officer or person having the duty to protect a child's safety according to Section 24 without delay.

A physician, nurse, psychologist or public health official admitting a child for treatment; teacher, instructor or employer having the duty to take care of a child who is his or her student or employee, shall report immediately to a competent official or person having duty to protect a child's safety according to Section 24, or administrative official or police officer if it is apparent or suspected that the child has been tortured or is sick due to unlawful care.

Persons notifying or reporting in good faith under this Section shall receive appropriate protection and shall not be held liable for any civil, criminal or administrative action arising therefrom.

Section 30 For the benefit of implementation in pursuance of this Act, a competent official according to Chapters 3 and 4, shall have the authority and duties as follows:

- 1) To enter homes, any establishments or vehicles, during the period from the rising to the setting of the sun, for the purpose of searching, in those cases where there is reason to suspect that an act of torture, detention or unlawful care has been committed against a child. However, in the case where there is reason to believe that if action is not taken immediately, a child may be harmed mentally or physically or be taken to another place which would make it difficult to trace and rescue such child, a competent official may have the power to enter such places after the setting of the sun;
- 2) To question a child when there is reason to suspect that the child is in need of welfare assistance or safety protection. If necessary, in order that welfare assistance and protection of safety may be better provided or arranged, the child may be brought to the office of the competent official to obtain information about the child and his family, including any person the child is living with. In this regard, such action must be taken without undue delay, but, in any case, the child may not be detained for more than 12 hours. When such a period of time has elapsed, the provisions under clause (6) shall apply. During the time that the child remains in custody, he or she shall be provided for and, if ill, receive medical care;
- 3) To issue a letter summoning a child's guardian or any other persons to testify or give statements on the living conditions, behaviour, health and relationships within the family of the child;
- 4) To issue a written order to a child's guardian, employer or business operator, owner or possessor of a place where the child works or used to work, live or used to live, owner or possessor or keeper of a place at which the child is studying or used to study, or to the person in charge of protecting the child's safety, to submit documents or evidence regarding the child's living conditions, education, employment or behaviour;
- 5) To enter the residence of a child's guardian, place of business of the child's employer, the child's place of education or the place with which the child is concerned or connected, within the period from dawn to dusk to interview persons living in such places and gather information or evidence concerning the child's living conditions, relationship within the child's family, care provided, and character and behaviour of the child;
- 6) To restore a child to his or her guardian with recommendations or warning given to the guardian to take care and bring up the child in the right manner to enable the child to develop properly;

- 7) On request, to prepare a report on a child for submission to the relevant persons or authorities in those cases where the child is being sent to a remand home or other concerned institute or agency.

In Chapter 3 Social Welfare provides the following Sections:

Section 32 Children warranting welfare assistance include as follows:

- 1) Street children or orphans;
- 2) Abandoned or lost children;
- 3) Children whose guardians are unable to care for them for whatever reasons, for example, being imprisoned, detained, disabled, chronically ill, impoverished, juvenile, divorced, deserted, mentally ill or neurotic;
- 4) Children whose guardians have inappropriate behaviours or occupations, which might affect the physical or mental development of the children under their guardianship;
- 5) Children who have been unlawfully brought up, exploited, abused, or subjected to any other conditions which are likely to cause them to behave in an immoral manner or suffer physical or mental harm;
- 6) Disabled children;
- 7) Children in difficult circumstances;
- 8) Children in situations warranting welfare assistance as stipulated in the ministerial regulations.

Section 33 In the case of a competent official or person having the duty to protect a child's safety according to Section 24 having been notified by persons according to Section 29 or having found a child warranting welfare assistance according to Section 32, he or she shall consider the most appropriate ways and means of providing assistance as follows:

- 1) To provide assistance and welfare to the child and his or her family or any person providing care for the child so as to enable them to take care of the child in a manner pursuant to Section 23;
- 2) To submit the child into the care of an appropriate person who consents to provide care for the child for a period as deemed appropriate but not exceeding one month in the case where it is not possible to act according to clause 1);
- 3) To facilitate the adoption of the child by a third person in accordance with the law on child adoption;
- 4) To send the child to be cared for by an appropriate foster family or nursery consenting to take the child into care;
- 5) To send the child to be cared for at a remand home;
- 6) To send the child to be cared for at a welfare centre;
- 7) To send the child to receive education or occupational training, or to receive treatment, rehabilitation, education or occupational training in a development and rehabilitation centre, or to receive spiritual discipline based on religious principles in a Buddhist temple or other place of other religion consenting to take the child into care.

Section 35 When a competent official or person having the duty of protecting the safety of a child according to Section 24 has found the child to warrant welfare assistance according to Section 32 (1) and (2) or has been notified by persons according to Section 29, he or she shall make enquiries with the view to obtaining information concerning the child. If the child is ill or in need of physical examination or is disabled, arrangements must be made without delay to provide physical and mental examination and treatment. If such child is deemed in need of

welfare assistance, consideration shall be given to providing assistance in accordance with Section 33 and, and in any case, efforts should be made towards restoring the child to his or her family promptly. However, if it appears that the family situation or environment is unsuitable for the child to return to and if there is a compelling reason for providing protection for the child's safety, a competent official may adopt measures to provide safety protection to the child according to Chapter 4.

Chapter 4 Safety Protection provides the following Sections:

Section 41 Upon having witnessed or come to know of conduct which leads a person to believe that an act of torture has been committed against a child, such person shall promptly notify or report to a competent official, administration official or a person having the duty to protect a child's safety according to Section 24.

When a competent official, administration official or police officer or a person having the duty to protect a child's safety according to Section 24 has received a notification according to paragraph one, or witnessed or come to know of, at any place, conduct which leads him or her to believe that an act of torture has been committed against a child, he or she shall have the power to enter and inspect such place and separate the child from the child's family in order to provide protection to the child at the earliest opportunity.

Section 43 In the case where a child's guardian or relative is the one committing an act of torture, if criminal proceedings are instituted against the perpetrator and there is reason to believe that the accused will repeat the act of torture, the court which considers such case shall have the power to determine conditions for controlling the behaviour of the accused, to forbid the accused from entering a specified area or to come closer to the child than the distance specified by the court, in order to prevent any repetition of such act, and may place the accused under a bond of performance in accordance with the procedures stipulated under Section 46 and 47 of the Penal Code.

Section 44 When a competent official or person having the duty of protecting a child's safety according to Section 24 has witnessed or come to know of a child at risk of wrongdoing, he or she shall make enquiries of the child and proceed to seek facts concerning the child, including relationships within the child's family, living conditions, the manner in which the child has been brought up, and the character and behaviour of the child, and if it is deemed necessary to protect the safety of the child by sending the child to a safety protection centre or development and rehabilitation centre, the competent official shall submit the child's record together with his or her observations to the Permanent Secretary or the Provincial Governor, as the case may be, for consideration in determining and ordering appropriate protection measures for the child.

National Human Rights Commission

Complaints on violence against children can also be put forward to the National Human Rights Commission, as stated in section 22 of the National Human Rights Commission Act of 1999 that the Commission shall have the duties to examine and propose remedial measures under this Act for the commission or omission of acts which violate human rights and which is not a matter being litigated in the Court or that upon which the Court has already given final order or judgment. The NHRC also appointed a Sub-Committee on Children, Youth and Family to investigate relevant cases as reported.

NGOs

NGOs also operate services on receiving complaints on violence against children and referral system.

21. Indicate whether children or persons acting on their behalf can access these procedures. Indicate whether legal aid is available to facilitate submission of complaints, and the circumstances in which legal aid will be available.

Children can lodge complaints against the offenders and cases can be tried with penalties imposed on violators. Children or persons acting on their behalf without parental consent can access these procedures, and are entitled to receive legal aid from legal advisers, attorneys and NGOs. However, in executing a judgement, parental consent is needed, as mentioned in Section 21 of the Civil and Commercial Procedure Code.

In filing a case seeking redress before a court however, a child may do so only with prior consent from a parent or guardian, as stated in Section 56, Civil and Commercial Procedure Code.

The Act for the Establishment of and Procedure for Juvenile And Family Court of 1991 states in Section 83 that “in the court where has the power to try a juvenile and family affair cases, the accused shall not have an advocate for acting on his or her behalf but shall have a legal adviser for action on his or her behalf in similar manner as a counsel. In the case where the accused has no legal adviser, the Court shall appoint one of legal advisers for him or her, unless not desired by such an accused and in the Court’s opinion that it is not necessary for the case.”

(Please also see replies to question 20).

22. Describe steps which have been taken to raise awareness of possibilities to submit complaints about violence against children.

The Child Protection Act has a potential of being one of the most effective legal tools to raise awareness general public to submit complaints on cases of violence against children. (Please see Section 29 and 41 as stated in the reply to Question 19). The Act also states that persons notifying or reporting in good faith under this Section shall receive appropriate protection and shall not be held liable for any civil, criminal or administrative action.

Awareness raising activities are also done through other social means include the following:

- Governmental and non-governmental centers for the protection of women’s and children’s rights have been established to provide assistance to children and women whose rights are abused though multidisciplinary approach.
- A number of NGOs provide legal aid to victims of violence to help them going through a process of justice such as Foundation of Child Development, the Center for the Protection of Children’s Rights Foundation, and Foundation for Women, etc.
- Help-lines and hotlines have been developed by various GOs and NGOs to provide counselling to those who fall victims of violence. The hotline services are also operated as a case notification unit and a case referral system to other responsible agencies.
- Child protection volunteers and violence prevention networks were established at community levels in many provinces of Thailand. These grassroots networks monitor cases of violence against children in their own locality and refer them to relevant agencies
- A training module on treatment of women and child victims of violence during the legal procedure was developed for professionals working with women and child victims of violence including police, social workers, doctors and nurses.

- Information and education materials have been produced and distributed to the public on issues related to end violence against women and children.

23. Provide information on any special procedural or evidentiary rules which may apply in proceedings with respect to violence against children.

The Act for the Establishment of and Procedure for Juvenile and Family Court of 1991 applies in proceedings with respect to violence against children countrywide. (Please also see reply to Question 13).

The Criminal Procedure Amendment Act (No. 20) of 1999 on investigation of child witness prescribes the conditions to make the child interrogation proceedings more favourable to the child who is an injured party, a witness or an offender. The Act requires a child to be interrogated in a private and appropriate setting, to allow the injured child or the child witness to avoid face-to-face confrontation with an offender, with the presence of psychologist, social workers, or persons that are requested by the child. The Act also calls for audio-visual recording of the child's testimony, which can later be used in court. There are also provisions concerning pre-trial investigation of a child witness and duty of the State to provide the accused child with a lawyer. This Act came into effect since 15 September 2000.

24. Provide information on the usual outcome of complaints of violence against children (e.g. compensation, punishment of perpetrators, perpetrator rehabilitation, family therapy).

The Act on Redress for the Damaged and Compensation and Expenses for Offenders in Criminal Cases of 2001 provides a legal tool for victims of violence under the Penal Code to file a complaint to the Committee for Considering Redress for the Damaged and Compensation and Expenses for Offenders in Criminal Cases. Compensations that shall be issued for the victims include medical expenses for physical and mental rehabilitation, compensation in case the act of violence causes the victim to death, and compensation for the income of the victim during the time he or she cannot earn a living.

The Penal Code aims to bring perpetrators who commit violent acts into justice – through court procedure conducted by criminal courts. Perpetrators can be released if not guilty, or confined while waiting to proceed the case in the Appeal Court, or punished according to the penalties stated by the Penal Code or other relevant acts. Penalties for offenders of criminal offences include life punishment, imprisonment, confinement, fine and confiscation of properties. At the moment, there is no rehabilitation programme for perpetrators of violence against children.

For child victims of violence, the Child Protection Act provides a comprehensive mechanism on reporting, referral, assistance as well as rehabilitation of children warranting welfare assistance, or those who are in circumstances which warrant welfare assistance or safety protection. (Please see replies to Question 20)

The Prevention and Suppression of Prostitution Act of 1996 stipulates in Section 34 that women and child victims of prostitution shall be admitted to the care in a Primary Admittance Centre. They will go through the process of protection and vocational development, medical care, and mental recovery. The law also creates provisions for NGOs to set up their own shelters and vocational development programmes.

In case of rehabilitation and reintegration for foreign victims of trafficking, **the Memorandum of Understanding Between The Government of The Kingdom of Thailand and the**

Government of the Kingdom of Cambodia on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking states that:

“The Parties shall make all possible efforts towards the safe and effective reintegration of trafficking victims into their families and communities. For this purpose, the parties shall take appropriate measures to attain the following objectives: 1) victims of trafficking shall not suffer further victimization, stigmatisation or traumatising in the judicial procedure 2) continuous social, medical, psychological, and necessary support shall be provided to victims 3) victims shall not be discriminated or stigmatized socially and 4) child victims of school age shall be ensure appropriate educational opportunities.

The Parties shall provide following training programmes: 1) vocational training for victims of trafficking 2) training programme to sensitise those working for victims in regard to child development, child rights, and child/gender issues with reference to CRC, CEDAW and etc.”

Abused and neglected children will be taken care by shelters operated by Department of Social Development and Welfare. Some NGOs also operate shelters for orphans, street children, neglected and abused children.

25. Provide information on the usual outcome of legal proceedings in which children and juveniles are found guilty of perpetrating violence (e.g. imprisonment, corporal punishment, community service, perpetrator rehabilitation, family therapy).

Today, there are initiatives to take alternative justice such as family group conference and community based approach.

Ensuring young offenders are treated with respect and humanity

The Act for the Establishment of and Procedure for Juvenile and Family Court of 1991 has provisions to ensure that measures provided under this law will be strictly applied to any juvenile who comes into contact with the justice system. Under this law, detention of accused juvenile offenders with adults and the use of fetter on the juvenile offenders are prohibited, unless the crime committed carries the maximum sentence of more than 10 year imprisonment. The safety and future of the accused child are taken into account when the court passes judgment on the case involving juvenile offender, which focuses more on training and rehabilitation rather than severe punishment. Consideration is also given to the characteristics, health and mental status of the juvenile offenders, when the court passes judgment. Public release of the personal information of juvenile offenders is also prohibited. If a juvenile offender is in detention, he or she is allowed to receive food from outside, to wear his or her own cloths on weekends or holidays, to write and receive letters which will be first screened by an officer, and to perform a job that is not against the Ministry’s regulations.

In case where the court orders a juvenile offender to training, the Observation and Protection Centers are the responsible for providing care and training for the child. At the Center, the child will receive healthcare, education and vocational training in line with their individual interests. The Observation and Protection Centers, in collaboration with other relevant agencies, provide several programmes for occupational training, rehabilitation and treatment for the juvenile offenders, such as the development of the centers based on a child friendly concept in collaboration with the Department of Health; training course to promote self-discipline, moral and physical health, and job placement.

II. INSTITUTIONAL FRAMEWORK AND RESOURCES TO ADDRESS VIOLENCE AGAINST CHILDREN

The aim of this section is to establish if your country has an institution coordinating multi-sectoral activities concerning violence against children, which include prevention, protection, redress, reintegration and rehabilitation.

26. Are there any Governmental authorities, structures and mechanisms, including at federal, state/provincial, municipal and local level which are currently responsible for addressing violence against children? If YES, identify these authorities, structures and mechanisms and describe how coordination is ensured.

The Child Protection Act provided in Section 7 that there shall be a National Child Protection Committee made up of the Minister of Social Development and Human Security as Chairperson of the Committee, other relevant governmental agencies, and distinguished members appointed by the Minister from experts who have had no less than seven years professional experience in the fields of social welfare, teaching, psychology, law and medicine, two from each field, one of which shall be a representative from the private sector, and two additional persons appointed from those who have demonstrable experience in child welfare of no less than seven years.

Section 14 stipulates that the Committee shall have the following authority and duties:

- 1) To submit its views to the Minister regarding policies, plans, budgets and measures in social welfare, safety protection and behaviour promotion of the child in accordance with this Act;
- 2) To submit its views to the Minister regarding the issuance of ministerial regulations to implement this Act;
- 3) Issue regulations, with the consent of the Ministry of Finance, on receipt, payment and keeping of money and earnings of funds;
- 4) To issue regulations on measures to protect the safety of the child in accordance with Section 49;
- 5) To determine criteria for the appointment of competent officials;
- 6) To give advice, make recommendations and coordinate with government agencies and the private sector active in education, social welfare, safety protection and behaviour promotion of the child, as well as to have the authority to inspect any nurseries, remand homes, welfare centers, safety protection centers, development and rehabilitation centers, observation centers, or places related to social welfare, safety protection and behaviour promotion of the child, both public and private;
- 7) To monitor, evaluate and monitor the implementations of the Bangkok Metropolis Child Protection Committee and Provincial Child Protection Committees, as well as to give advice and recommendations in connection with the prevention and remedy of matters concerning social welfare, safety protection and behaviour promotion of the child, at the Bangkok Metropolis and provincial levels;
- 8) To carry out any other tasks related to social welfare, safe protection and promotion of behaviour of the child.

The Act also requires the establishment of The Bangkok Metropolis Child Protection Committee and the Provincial Child Protection Committee - made up of the Provincial Governor as Chairperson of the Committee, other relevant governmental agencies, and distinguished members who have had professional experience in the fields of social welfare, teaching, psychology, law and medicine, two from each field, one of which shall be a representative from the private sector, and two additional persons appointed from those who have demonstrable experience in child welfare.

The Bangkok Metropolis Child Protection Committee and the Provincial Child Protection Committee shall have the following authority and duties:

- 1) To submit their views to the Committee regarding policies, plans, budgets and measures in respect of social welfare, safety protection and behaviour promotion of the child in accordance with this Act;
- 2) To give advice and recommendations to, and coordinate with, government agencies and private organisations active in the fields of education, social welfare, safety protection and behaviour promotion of the child, as well as to have the authority to inspect nurseries, remand homes, welfare centers, safety protection centers, development and rehabilitation centers, observation centers, or other places related to social welfare, safety protection and behaviour promotion of the child, public and private, within the Bangkok Metropolis or in the provinces, as the case may be;
- 3) To determine guidelines regarding social welfare, safety protection and behaviour promotion of the child in the Bangkok Metropolis or the provinces, as the case may be;
- 4) To raise funds for the purpose of social welfare, safety protection and behaviour promotion of the child in the Bangkok Metropolis or the provinces, as the case may be, and to report to the Committee and the Fund Management Committee on management of funds;
- 5) To examine or summon persons concerned to give statements in case of child abuse;
- 6) To request persons concerned to produce any documents or related evidence or give statements for consideration in the performance of duties according to this Act;
- 7) To monitor, evaluate and inspect the implementation of activities relating to child assistance and behaviour promotion in the Bangkok Metropolis and at the provincial level, as the case may be, and report the findings to the Committee;
- 8) To carry out other acts as assigned by the Committee.

Section 21 of the Act stipulates that “in the performance of duties under this Act, members of Committees and Sub-committees shall be officials under the Penal Code”.

<p>27. Is there a lead Government authority tasked with responsibility for addressing violence against children? If YES, provide details.</p>
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The Office of the Permanent Secretary of the Ministry of Social Development and Human Security shall be the Secretariat of the National Child Protection Committee, according to Section 8 of the Child Protection Act. It has the following authority and duties:

- 1) To perform administrative tasks of the Committee;
- 2) To coordinate and cooperate with other government agencies, and public and private organisations concerned, in connection with the implementation of child welfare, safety protection and behavioral promotion related work;
- 3) To develop systems, modules, procedures, and provide services, in connection with child welfare, safety protection and behavioral promotion;
- 4) To compile research results, studies and analyses in connection with the monitoring and evaluation of the implementation of policies and plans for the provision of welfare, safety protection and behavioral promotion of children of concerned agencies, public and private alike, and report to the National Child Protection Committee;
- 5) To perform other work in accordance with the resolutions of, or as assigned by, the National Child Protection Committee;

In specific areas of violence against children, a number of national sub-committees act as a focal point on each specific issue such as: National Sub-Committee to Combat Transnational

Trafficking in Children and Women, and National Sub-Committee for the Elimination of Violence against Women and Children - under the rubric of Ministry of Social Development and Human Security.

**28. Are specific financial and/or human resources allocated by your country to address violence generally?
If YES, indicate the extent of these allocations.**

There is no specific financial resource allocated to address violence specifically. Annual budget is allocated to ministries. Financial resource outside the annual budget could be allocated to ministries in accordance with funds as provided in the Law or special projects identified as a national urgent issue or priority.

**29. Does your country allocate specific financial and/or human resources to activities to address violence against children?
If YES, provide details.**

Financial resources allocated to items relating to activities addressing violence against children that could be identified are as follow:

- Child Protection Fund – as required by the Chapter 8 of Child Protection Act – is being developed with a sum of 30 million THB as seed money from the Government.
- Ministry of Public Health proposed a budget of 69 million THB for the last six months of 2004 for expansion of the one stop crisis centers for abused children and women to cover all provinces (104 centers in total)
- According to the integrated plan on human trafficking, the government allocated a budget of 250 million THB for the implementation of plan during 2005 – 2007.
- Financial and human resources allocated to activities to address violence against children also come as annual budget to governmental shelters and remand homes for children under the Department of Social Development and Welfare (MSDHS)
- The Bangkok Metropolitan Administration (BMA) was allocated a sum of 20 million THB annually for children and family affairs
- The Office of Health Promotion Fund, an independent governmental body under the administration of the Prime Minister’s Office which was established in 2001 under the Act of Health Promotion Fund of 2001, is annually allocated budget receiving from 2 % of tax paid by cigarette and liquor production and importing businesses as required by the law. The Office has mission to advocate, encourage, support and cooperate with relevant organizations and agencies to mobilize health promotion process for the purpose of reducing illnesses and death, changing attitude and beliefs, and adjust environment to develop quality of life of people. The Office has a number of projects addressing violence against children.

**30. Do international or bilateral donors provide resources to your country for activities to address violence against children?
If YES, indicate the extent of these resources and the way in which they are used.**

Activities to address violence against children operated by governmental and non-governmental agencies were supported by international funding agencies. Such activities include organising meetings and seminars, implementing projects, provision of services, establishment of facilities, development of handbooks and technical documents. Resources provided are also in forms of technical supports and expertise.

Sources of funding for Thailand include UN agencies such as UNICEF, ILO/IPEC, IOM, UNDP, UNIAP, and WHO. Funds are also available for various development projects in

Thailand from European, American and Asian Governments through their embassies based in Thailand. International NGOs are another source of financial and technical supports.

**31. Does your country provide any assistance to other countries' efforts to respond to the problem of violence against children?
If YES, provide details.**

Thailand provides technical supports to its neighbouring countries in Mekong Sub-region and Asia and the Pacific Region. For example, international training module on CRC sensitisation was developed and training sessions conducted. Sub-regional and regional networks were developed to enhance cross-border cooperation in mechanism and skill development in the areas of rescue, rehabilitation, and reintegration of cross-border trafficking victims. Thailand also developed good practices on child protection and efforts against trafficking, and has become a learning center for other countries.

**32. If your country has a national human rights institution, such as a human rights commission or ombudsman, or a child-specific human rights institution, does it have any role or competence in the area of violence against children, including receiving complaints?
If YES, provide details.**

The Child Protection Committee both at national and provincial level as stipulated in the Child Protection Act is potentially the main mechanism to handle cases of violence against children (see reply to question no. 26). However such committees are still on the process of establishment and capacity building.

According to the National Human Rights Commission Act of 1999, Section 15 provides that the Commission has the powers and duties as follows:

- (1) to promote the respect for and the practice in compliance with human rights principles at domestic and international levels;
- (2) to examine and report the commission or omission of acts which violate human rights or which do not comply with obligations under international treaties relating to human rights to which Thailand is a party, and propose appropriate remedial measures to the person or agency committing or omitting such acts for taking action. In the case where it appears that no action has been taken as proposed, the Commission shall report to the National Assembly for further proceeding;
- (3) to propose to the National Assembly and the Council of Ministers policies and recommendations with regard to the revision of laws, rules or regulations for the purpose of promoting and protecting human rights;
- (4) to promote education, researches and the dissemination of knowledge on human rights;
- (5) to promote co-operation and co-ordination among Government agencies, private organisations, and other organisations in the field of human rights;
- (6) to prepare an annual report for the appraisal of situation in the sphere of human rights in the country and submit it to the National Assembly and the Council of Ministers and disclose to the public;
- (7) to assess and prepare an annual report of the performance of the Commission and submit it to the National Assembly;
- (8) to propose opinions to the Council of Ministers and the National Assembly in the case where Thailand is to be a party to a treaty concerning the promotion and protection of human rights;
- (9) to appoint a sub-committee to perform the tasks as entrusted by the Commission;
- (10) to perform other acts under the provisions of this Act or as the law prescribed to be the powers and duties of the Commission.

Section 22 of the Act stipulates that the Commission shall have the duties to examine and propose remedial measures under this Act for the commission or omission of acts which violate human rights and which is not a matter being litigated in the Court or that upon which the Court has already given final order or judgment.

The National Human Rights Commission (NHRC) operated as a separate government entity to prepare an annual evaluation of the human rights situation for the National Assembly, to propose policies and recommendations for amending laws to the National Assembly, to promote measures to educate citizens on human rights, and to investigate human rights abuses. Although the NHRC received over 300 petitions during its first year in existence, modest staffing and resources, as well as the lack of power to prosecute or to punish violators hampered its ability to carry out its mandate.

The NHRC appointed a Sub-Committee on Children, Youth and Family to investigate relevant cases as reported. From 465 cases of complaints put to the NHRC during Jan to Aug 2004, 10 cases were reported to relate to youth issues (education) and two are about underprivileged or disabled. Violence against children was not separately categorized as an issue.

The NHRC Sub-committee on Children, Youth and Family in cooperation of National Public Health Foundation conducted a study to review knowledge, policies, programmes, laws and researches on children's rights problems, and conducted a brainstorming meeting among relevant parties in September 2002. The Sub-committee identified six priorities for children's rights violation in need of urgent intervention, they are 1) children in justice procedure 2) violence against children 3) child labour 4) stateless children 5) prevention and protection of accidents in children and 6) children and media.

**33. Are there any particular parliamentary structures (for example special committees) to address violence against children?
If YES, provide details.**

The Parliament of Thailand has a number of "commissions" existing in both the House of Representatives and the Senate.

The Commission on Children, Youth, Women and Elderly Affair of the House of Representatives has the power to conduct, investigate, and study any matter relating to children, youth, women and elderly. The Commission has a role to coordinate with organizations both inside and outside of the country, and the global communities for the solution of children, youth, women, and elderly problems. Other commissions that could be relating to violence against children issues include: The Commission on Justice and Human Rights, Commission on Labour Affair, and Commission on Social Welfare.

According to Regulations for the House of Representatives' Assembly of 2001, each commission can appoint sub-commissions to study and investigate issues as assigned by the commission. Outcomes of study and investigation should be reported to the House of Representatives, and submitted to the Cabinet if the members of the House deems fit.

The House of Senators also has a Commission on Women Youth and Elderly Affair which play a major role in follow up, monitor and advocate on issues of violence against children. Commissions under the House of Senators have similar roles and responsibilities of those under the House of Representatives.

The Parliament also has three ombudsmen who receive and investigate complaints on human rights violation.

**34. Have there been any recent parliamentary initiatives to address violence against children?
If YES, please give details.**

- In November 2004, the Senate's Commission on Women Youth and Elderly Affair – in cooperation of a Taskforce for Children – organised the 15th Children's Rights Forum which focused on "Political Parties' Commitment for the Wellbeing of Children". Representatives from political parties were invited to present their policy to child audience. Children had an opportunity to express their opinions and propose their concerns.
- The Senate's Commission on Women Youth and Elderly Affair initiated the preparation of a Memorandum of Understanding between Network Organisations in Providing Assistance to Children and Youth in the Justice System – in cooperation of the Central Juvenile and Family Court. The MoU was signed in August 2004.
- The Senate's Commission on Women Youth and Elderly Affair has advocated for the protection of rights of non-citizen children.
- The Senate's Commission on Women Youth and Elderly Affair conducted a seminar on pornography in Thai society in the perspective of youth. The seminar was attended by approximately 100 students
- The House of Representatives' Commission on Children, Youth, Women and Elderly Affair has play a role in investigating cases of violence against women and children on a regular basis.

III. ROLE OF CIVIL SOCIETY IN ADDRESSING VIOLENCE AGAINST CHILDREN

The aim of this section is to elicit information on civil society activities relating to violence against children.

35. Describe significant civil society initiatives addressing violence against children in your country, including the types of institutions involved (such as academic institutions, professional associations, women’s associations, student associations, community-based groups, faith-based groups, child and youth-led groups, trade unions, employer’s organizations, national non-governmental organizations, international non-governmental organizations) and the major activities engaged in (including advocacy, awareness raising, research, prevention, rehabilitation and treatment of children harmed by violence, provision of services, provision of resources).

There are 88 civic groups/organisations working on the issue of violence against women and children countrywide. Among those 22 groups work to target women, 43 groups target children, while another 23 groups target both women and children. These groups comprise people organisations, businesses and media groups.¹

Strategies adopted by these civic groups include the following:

1. Advocacy for policies, law reforms, and right protection
2. Public awareness raising campaigns and attitude alteration on gender roles
3. Provide assistance to victims of violence including counselling, drop-in centre, livelihood programme, and legal aid
4. Prevention and surveillance system including establishing network and cooperation

Non-governmental organisations working on children’s issue

After Thailand adopted the Convention on the Rights of the Child in 1990, roles of NGOs in child protection and development has been recognized in a wider context. NGOs implement their activities in various ways. They work both independently and closely cooperate with the governmental agencies. More services outreach children in especially difficult circumstances – which could be categorised as follow:

- ❑ *Children who are abused and exploited* including children in prostitution, trafficked children, children in intolerable form of work or employment, and children who are physically and sexually abused
- ❑ *Neglected children* include street children, child beggars, children living in slums, abandoned children and orphans
- ❑ *Juvenile delinquents* including children who are drug addicts and sellers, juvenile offenders, children in juvenile centers, and children with deviated behaviours
- ❑ *Physically and mentally disabled children* include children with mental health problems, children who commit suicide and children with deviated emotions.

¹ A study “Capacity of Civil Society in Addressing Violence against Women and Children” by Dr. Pimpawan Boonmongkol and others of Mahidol University

- ❑ *Disadvantaged children* including children of those who are under absolute poverty line, children from very remote areas, children of unemployed parents, stateless children, and migrant children
- ❑ *Children who are affected by AIDS* including children with AIDS and orphans of parents with AIDS

In terms of activities, NGOs divide their roles of child protection and development NGOs into 6 categories: welfare provision, financial support to child development work, dissemination of information about children's problems, public campaign, provision of resolutions for problem especially practical solutions, presenting best practice in reflecting situations and prevention, and lobbying at policy level

Roles of NGOs in the protection of children

1. Follow-up and collect information on children's situation
2. Investigate and report the magnitude of children's rights violation
3. Rescue and assist children whose rights are abused in all processes including legal and court procedures. However, this role of NGOs is not recognized by the law so that NGO workers have encountered difficulties.
4. Disseminate and educate relevant agencies as well as public on the work of NGOs and other international agencies working on child protection issue
5. Network with other organizations, and lobby for the plans and implementations of child protection programmes at governmental level.
6. Collaborate and coordinate with programmes, organizations or networks that work for basic rights of children

Other groups of civil society addressing violence against children

- Business sector provide supports to both governmental and non-governmental agencies on financial resources and public campaign against violence against children
- Professional associations & councils i.e. lawyers' association provides volunteer lawyers to receive grievance and complaints countrywide.
- Religious organizations i.e. temples have established child care centers
- Child Protection community centers, volunteers, and networks have taken responsibility to monitor cases of violence against children within their communities, provide basic counseling for children and families, and conduct referral system with other agencies.
- Community health centers: there are more than 5,000 child care centers established by civic groups countrywide

**Table shows initiatives of civil society addressing violence against children
& types of institutions involved**

Awareness raising & Campaigning	Researching	Prevention	Rescue	Recovery & reintegration	Services to children	Development	Resource
<ul style="list-style-type: none"> ▪ Training on CRC, violence prevention, life skills ▪ Campaign through media i.e. printing, radio and community media ▪ Conduct public forum against violence ▪ Conduct events and campaigns against violence on certain days of the year ▪ Contest, honor and establish role models against violence 	<ul style="list-style-type: none"> ▪ Magnitude of various forms of violence against children ▪ Measure and guideline for resolving problems ▪ Assess the enforcement of laws ▪ Produce guidelines, handbooks and other campaign materials 	<ul style="list-style-type: none"> ▪ Training on life skills and attitude adjustment ▪ Provide educational support to children and youth ▪ Vocational training ▪ Training and establish community's child protection volunteers ▪ Implement prevention programmes at family and community level ▪ Pilot projects at community level 	<ul style="list-style-type: none"> ▪ Receiving complaints i.e. hotline ▪ Counseling ▪ One-stop service assistance to victims of violence (including medical, legal and social supports) ▪ Referral ▪ Provide accommodation to victims both short and long term 	<ul style="list-style-type: none"> ▪ Recovery camping, family camping ▪ Rehabilitation activities, programmes ▪ Provide education and vocational training ▪ Family assessment ▪ Social reintegration ▪ Family counseling ▪ Provide substitute family or adopt family for victims 	<ul style="list-style-type: none"> ▪ Shelters for victims of violence ▪ Counseling ▪ Welfare provision i.e. medical treatment, vocational training ▪ Network and referral ▪ Information 	<ul style="list-style-type: none"> ▪ Capacity building for personnel ▪ Network development ▪ Establish database ▪ Develop child protection mechanism at national, provincial and community levels 	<ul style="list-style-type: none"> ▪ Financial support ▪ Technical support ▪ Information and data ▪ Tools and equipment ▪ Personnel ▪ Fund raising support
<p><u>Involving parties</u> INGOs, IGOs, NGOs at community and national level, youth groups, volunteers, community groups, civic groups, religion groups, chambers of commerce, media, associations, clubs, professional council</p>	<p><u>Involving parties</u> INGOs, IGOs, NGOs at national level, with cooperation of youth groups, volunteers, and GOs</p>	<p><u>Involving parties</u> INGOs, IGOs, NGOs at community and national level, youth groups, volunteers, community groups, civic groups, religion groups, business, media, associations, clubs, professional council</p>	<p><u>Involving parties</u> NGOs at community, provincial and national level</p>	<p><u>Involving parties</u> NGOs at community, provincial and national level</p>	<p><u>Involving parties</u> NGOs at community, provincial and national level, and community volunteers</p>	<p><u>Involving parties</u> INGOs, IGOs, national NGOs, professional council</p>	<p><u>Involving parties</u> INGOs, IGOs, NGOs</p>

36. Describe the support provided by your Government for these activities and the efforts made to coordinate civil society and government initiatives.

The Royal Thai Government provides supports to civic society through the following means:

- Legal tools: A number of laws allow civil society to take part in governmental initiatives addressing violence against children, for example:
 - The Child Protection Act stipulates in Section 7, 16, and 17 that in an establishment of a National and Provincial Child protection Committee, apart from delegates from relevant governmental agencies, “distinguished members shall be appointed by the Minister from experts who have had no less than seven years professional experience in the fields of social welfare, teaching, psychology, law and medicine, two from each field, one of which shall be a representative from the private sector, and two additional persons appointed from those who have demonstrable experience in child welfare of no less than seven years.”
 - The Criminal Procedure Amendment Act (No. 20) of 1999 on investigation of child witness prescribes the conditions to make the child interrogation proceedings more favourable to the child who is an injured party, a witness or an offender. The Act requires a child to be interrogated in a private and appropriate setting, to allow the injured child or the child witness to avoid face-to-face confrontation with an offender, with the presence of psychologist, social workers, or persons that are requested by the child – which allows social workers or psychologist from NGO or private sector take part in the interrogation proceedings in accordance to multidisciplinary approach.
- Policy: NGOs were encouraged to take part in national level policy making bodies. For example, the national “Sub-Committee to Combat Transnational Trafficking in Children and Women”. The strength of this Sub-committee is that it consists of 50 representatives from GOs, NGOs as well as international organizations. It is responsible for the national coordination of actions in relation to trafficking and the effective implementation of the National Plan at national level. The sub-committee conducts consultation among members regularly. It has been efficient in initiating national plans and MOUs as well as proposing revised draft law on CSEC and trafficking issues.
- MOUs: MOU on the Procedural Cooperation between Government and Non-Government Agencies working with Cases of Trafficking in Women and Children of 2003 and MOU on the Operational Guidelines of Non-Government Agencies Concerned with Cases of Trafficking in Women and Children of 2003 provide frameworks for cooperation among governmental agencies, between governmental sector and NGOs, and among NGOs during the procedure of rescuing and rehabilitating trafficked victims.
- Financial support: The Child Protection Act has a provision to establish “Child Protection Fund” for use as capital for providing welfare assistance, safety protection and behaviour promotion of a child, including the child’s family and foster family. This fund – managed by the Ministry of Social Welfare and Human Security – is accessible by civil society under regulations.
- Technical support: Governmental agencies including universities with relevant professionals such as doctors and lawyers have provided technical assistance to NGOs.

- Human resource: Personnel from relevant governmental agencies have work closely with NGOs in relation to violence against children through training, experience sharing, and collaboration in multidisciplinary team.

37. Describe the role played by the media in addressing violence against children.

Roles of the media in addressing violence against children include:

- Report on cases and situations of violence against children to general public
- Act as an intermediate agent for receiving cases and referral to relevant agencies
- Play a role in campaigns on the elimination of violence against women and children through publicise messages, and take part in the government's process to establish media policies at different levels

On the other hand, media also play an adverse role in providing “bad examples” and “inappropriate role models” by showing various forms of violence through advertisements, TV programmes and series, as well as news reports. Research reports reflected that the mass media – especially television and radio – does not support learning process and development of children, youth and families. On the contrary, its contents are full of immoral, materialistic, consumerist, and violent message.

In some cases, the media re-victimizes child victims of violence by reporting in details on cases where children fall victims of violence, publishing their names, addresses, and pictures.

Journalists' Association of Thailand has conducted campaigns to reduce negative impacts in media reporting of cases of violence against women and children. The Association established a working group to conduct a study media reporting on rape and domestic violence in Thai newspaper. The working group has come up with some recommendations for journalists and the Association. A handbook on “Approach and Terms in Reporting Rape Cases” and “Approach and Terms in Reporting Domestic Violence Cases” were developed.

The Journalists' Association of Thailand also conducted – in cooperation of UNICEF Thailand – a training course for young journalists on CRC issue where journalism students from 35 universities attended.

IV. CHILDREN AS ACTORS IN ADDRESSING VIOLENCE

This section is designed to extract information on children's activities to address violence.

38. Provide information on the involvement and consultation of children in designing activities, and in implementation and monitoring of programmes and policies to address violence against them. Provide details, including ages and other details of the children involved.

- Thai children are given an opportunity to take part in the implementation of the CRC. Young representatives, as members of the CRC Preparatory Committee, are involved in preparing the 2nd Thailand's country report on the CRC.
- Children's Clubs for the participation of the implementation of CRC were conducted – with support from UNICEF – at regional and national level. The project aimed to capacitate children and youth to have knowledge and understanding of the CRC, and encourage them to participate in the process of CRC report development and campaigning.
- Thailand has organized “the Child Rights Forum” annually since 1989. The Forum provides an opportunity for children to send messages expressing their views and needs to adults and public. There are approximately 300 young people attending the Forum every year.
- Child Rights and Child Protection Youth Volunteers were established in schools and communities in 23 provinces countrywide
- Children and youth play a major role in conducting campaign against violence against children at community level such as through mobile theatre
- Children take part in the preparation of drafting and Action Plan on World Fit for Children
- Peer groups for supporting their friends were established in schools to provide supports and counseling to peer students on problems relating to violence and risk behaviours
- Youth networks were established at different level – community, district, provincial, regional and national levels to implement a variety of youth development activities such as child protection volunteers, campaigning to eliminate violence against children and women, monitor child rights violation cases and advocate for child rights protection through mass media, voice out concerns and advocate on policies that might affecting children, and provide assistance to child victims of violence.
- Youth Council was established at different level – community, district, provincial and national levels. The Council provides a platform for young people to conduct development activities that benefit themselves, their families, communities and society.
- Groups of young people such as “Pineapple Eyes Movement” and “Youth News Center” have a mission to develop and build capacity of youth volunteer reporters who report on children's situation and issues affecting children and their families in their community. Pineapple Eyes Movement also developed a website, radio programmes, and newsletter to keep momentum among their youth reporters.
- In 2004, Thai Children's Forum initiated by the International Labour Organization – ILO – and Save the Children UK was conducted to empower children to become partners in the fight against human trafficking in Thailand. Children adopted a Children's Agenda for Action to better protect them from human traffickers and exploitative child labour. The

Agenda for Action was presented to Government representatives for consideration within the context of the recently launched Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT).

39. Describe the involvement, if any, of children in designing special procedural or evidentiary rules applying in court proceedings with respect to hearings concerning violence against children. Provide details including ages and other details of the children involved.

Children do not involve in designing special procedural or evidentiary rules applying in court proceedings.

According to the Chapter on Family Affair of the Civil and Commercial Code, the Court must consider the best interest of the children in the proceeding of a divorce case. There are provisions legitimate the participation of a child and ensure that his or her voice is heard. For example, Section 1598/20 states that “if the adoptive-child-to-be is not less than fifteen years of age, he or she must give his or her consent”.

In lodging complaints denying the status of lawful child, Section 1545 stipulates that, “if the fact become known to the child that he or she is not the biological child of the man who is the husband of his/her mother, the child may request the prosecutor to bring the case to court for the denial of his or her status as a lawful child”.

A child can attend court, with the exception being when a case is deemed to be detrimental to him or her.

The Criminal Procedure Amendment Act (No. 20) of 1999 prescribes the conditions to make the child interrogation proceedings more favourable to the child who is an injured party, a witness or an offender. The Act requires a child to be interrogated in a private and appropriate setting, to allow the injured child or the child witness to avoid face-to-face confrontation with an offender, with the presence of psychologist, social workers, or persons that are requested by the child. The Act also calls for audio-visual recording of the child’s testimony, which can later be used in court. There are also provisions concerning pre-trial investigation of a child witness and duty of the State to provide the accused child with a lawyer.

40. Describe the amount and type of resources made available to support children’s participation in activities to address violence against children.

Resources available to support children’s participation in activities to address violence against children include:

- Financial resources provided by governmental agencies, non-governmental organisations, and international organisations to support activities organised by children and/or capacity building programme. The government’s annual budget allocated to 7,000 TAOs (Tambon Administrative Organisation - the sub-district administration organisation) nationwide could also be allocated for youth activities depending on decisions made in each sub-district.
- Technical support in forms of the development of guidelines, handbooks, and pilot projects as well as good practices and models for replication of youth activities addressing violence issues
- Advocacy and support to involve children in the process of policy making so that children can advocate for their concerns at national and international platform

V. POLICIES AND PROGRAMMES TO ADDRESS VIOLENCE AGAINST CHILDREN

A comprehensive policy for dealing with violence against children is one that addresses multiple forms of violence against children, that works across the different settings in which violence occurs, and which includes components for prevention, protection, victim medical, psychological, legal and social assistance, victim rehabilitation and reintegration, and perpetrator interventions. Such policy is distinguished from specific programmes that address selected sub-types of violence against children or its effects in specific populations and settings.

**41. Does your Government have a comprehensive policy concerning violence against children?
If YES, provide details and describe any gender-specific provisions included in the policy.**

The overall policy on children and youth development reflected in the 9th National Economic and Social Development Plan (2002 – 2006). Thailand has also established a number of national plans and policies concerning violence against children which include the following:

- National Policy and Plan on Eradication of Violence against Children and Women which include six major programmes: prevention and promotion of laws, protection and welfare, research, coordination and mechanism development, monitoring and evaluation, and database development.
- National Plan on the Prevention and Solution of Children in Especially Difficult Circumstances (2002-2006) aims to enhance the quality of life of CEDC and prevent children at risk from falling into the especially difficult circumstances. The plan include preventive and protective measures by
 - Strengthening families and communities,
 - Developing systems to rescue, prevent, protect, rehabilitate, reintegrate
 - Developing quality of social services
 - Developing management and administrative mechanism
 - Improving legal measures
- National Policy and Plan of Action for the Prevention and Eradication of the Commercial Sexual Exploitation of Children (1996): The Plan addresses prevention, suppression, assistance and protection, rehabilitation and adjustment to normal life, and the establishment of structures, mechanisms and systems in the supervision, control, follow-up and speeding-up of the implementation of the plan.
- The above plan has been succeeded by the “**National Plan and Policy on Prevention and Resolution of Domestic and Cross-border Trafficking in Children and Women (2003)**”. Timeframe for this Plan is six years and divided into short-term plan (2002 – 2004) and long-term (2002-2007). Components of the Plan include 7 Major plans as follows: prevention, assistance and protection, prosecution and suppression, repatriation and reintegration, information system and monitoring & evaluation, development of mechanism, and transnational cooperation.
- National Policy and Strategy on the Development of Family Institution (2004 – 2013)

- The draft National Policy and Strategy on “World Fit for Children” (in process) which include a section on violence against children
- Prevention and Solution Measure on the Use of Violence among Thai Youth. The measure aims to promote collaboration to solve the problem of violence among young people especially those in technical schools.

**42. Does your Government deliver, or provide direct support for delivery by other agencies, of specific programmes aimed at preventing and responding to violence against children?
If YES, please provide available summary reports, or URLs, of these programmes, and indicate, using the table below, which settings and types of violence are addressed by these programmes:**

	Physical	Sexual	Psychological	Neglect	HTPs	Other
Family/Home	x	x	x	x	?	
Schools	x	x	x	x	?	
Institutions	x	x	x	x	?	
Neighbourhood/ Community	x	x	x	x	?	
Workplace	x	x	x	x	?	
Law enforcement	x	x	x	x	?	
Other - hospitals	x	x	x	x	?	

The Ministry of Social Welfare and Human Security through the Office of Women and Family Institution Affair – under the policy to eliminate violence against children and women – conducts public campaigns against violence, and develop a multidisciplinary network for providing assistance to victims of violence.

The Ministry of Social Welfare and Human Security in cooperation of Ministry of Public Health – under the resolution of the Council of Ministers 29 June 1999 - established crisis centres in emergency units of 104 state hospitals to provide assistance to woman and children who are victims of violence, equipped with a multidisciplinary team of professionals. Through these centres, children and women can receive physical treatment and psychological counselling from medical doctors, nurses, psychologists and social workers within 24 hours. At the same time the centres will coordinate with the police, public prosecutor, lawyer and NGOs to provide further assistance including the referral of the victims, provision of temporary shelter, and rehabilitation and other remedial services.

The Ministry of Culture initiated the Declaration on the Elimination of Violence against Women and Children and was signed on November 25, 2004 by relevant governmental and non-governmental agencies. According to the Declaration, the signatory members agree on using appropriate measures to promote a non-violent culture, create a culture that respects the human rights of women and children, cooperate to solve the problem of violence against women and children, and, adopt policies and directions to eliminate violence against women and children.

A seminar on “Cultural Network and Alliances: a case study of efforts against pornography” was held in August 04 by Ministry of Culture and Ministry of Education. The seminar was attended by 300 students countrywide. This seminar has led to an establishment of an Action Plan for the Prevention of Pornography. A long term measure was also developed to address the widespread of pornography, promote appropriate content through mass media, and develop youth networks for cultural surveillance.

The Royal Thai Police established a Center for the Protection of Children, Youth and Women which operate 24 hour hotline to receive complaints on violence against children and women. Its

missions cover the prevention and suppression of following areas: prostitution, sexual abuses, forced and child labour, torture and violent acts, trafficking of women and children, and juvenile offenders.

The Bangkok Metropolitan Administration through the Department of Welfare for Children, Women, Elderly, Disabled, and Disadvantage Groups provide services and assistances to protect the rights of its target population in 50 districts of Bangkok.

The National Human Rights Commission's Sub-committee on Children, Youth and Family in cooperation of National Public Health Foundation conducted a study to review knowledge, policies, programmes, laws and researches on children's rights problems, and conducted a brainstorming meeting among relevant parties in September 2002. The Sub-committee identified six priorities for children's rights violation in need of urgent intervention, they are 1) children in justice procedure 2) violence against children 3) child labour 4) stateless children 5) prevention and protection of accidents in children and 6) children and media. This was lead to the formation of an Action Plan on the Promotion, Support and Protection of Health and Human Rights of Children and Family (2004 – 2007).

43. Does your Government monitor the impact of these policies and programmes directed towards violence against children? If YES, describe the monitoring systems and provide a URL or other reference where the system and outcomes are described in greater details.

Most national policies – including the one on violence against women and children – do not provide monitoring system. However, monitoring has been conducted timely in an informal way through meetings and experience sharing during the implementation period. In many cases, such informal meeting lead to an establishment of mechanism or actions to improve the existing programmes.

An important monitoring system was conducted during 1999 – 2000 through the preparation of Thailand's second report on the implementation of the CRC – which covers the period from the initial report until 2000. All key stakeholders were encouraged to take part in order to obtain information required by the report. A working group of preparing the report was appointed, inclusive of children, youth and experts in various fields from both governmental and non-governmental sectors. Public hearings were organized to collect responses from civil society and general public concerned. Children also had an opportunity to prepare their separated own CRC report, with support from relevant organizations including UNICEF. The children's version would be submitted to the UN Committee on the Rights of the Child along with Thailand's 2nd Report.²

On the issue of commercial sexual exploitation of children, Thailand submitted the “Thailand Country Report on The Progress Report on the Status of Implementation of the EAP Regional Commitment and Action Plan against CSEC” to the Post Yokohama Mid-term Review in November 2004. The report detailed key areas of progress of the East Asia and the Pacific Regional Commitment and Action Plan against CSEC.

² Thailand's 2nd periodic report to the CRC (received on 7 June 2004):
<http://www.ibiblio.org/obl/docs/Thailand2nd.pdf> The report will also appear in due course on the CRC website at:
<http://www.unhcr.ch/html/menu2/6/crc/doc/future.htm>

According to the National Plan on Trafficking, monitoring of the implementation of the plan was to be conducted annually. Evaluation will be conducted at the end of short-term (2004) and long-term plan (2007). The Ministry of Social Development and Human Security (MSDHS) has the responsibility for overseeing the implementation of this plan through the major implementation mechanism: The National “Sub-Committee to Combat transnational Trafficking in Children and Women” under the rubric of Ministry of Social Development and Human Security which has held meeting regularly to monitor the plans and activities related to trafficking issue.

Other actions taken to monitor the CSEC situation and responses in Thailand could be described as follows:

- Documentation of activities and development of lessons learned
- Monitoring of individual trafficked victims cases
- Development of monitoring system & indicators
 - A national subcommittee under the Office of Welfare Promotion, Protection and Empowerment of Vulnerable Groups is appointed to develop trafficking database to be used for monitoring of cases and situation. This taskforce is also responsible for the development of indicators
 - Framework for trafficking database involves the whole process from identification, rescue, recovery, prosecution and repatriation & reintegration
 - Target groups are both foreign and Thai trafficked victims
- The new human trafficking bill requires a function of monitoring and evaluation process

The Prevention and Solution Measure on the Use of Violence among Thai Youth appointed the Office of Welfare Promotion, Protection and Empowerment of Vulnerable Groups and National Youth Committee to be responsible for evaluating the implementation. The Bangkok Metropolitan Administration established a system to monitor the outcomes of its policy and guideline through a questionnaire to be filled by authorities at community and district level.

<p>44. Does your Government participate in any internationally coordinated activities concerning violence against children? If YES, please provide details.</p>
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The Thai Government consistently participates in several meetings at sub-regional, regional and international level on different topics in relation to violence against children. There are different frameworks for cooperation among countries such as European Union, ASEM and ASEAN. Some of meetings and cooperation frameworks are:

- ASEM Seminar on Enhancing Support and Cooperation for Strengthening Social Policies to assist Trafficked Women and Children
- Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT)
- East Asia and Pacific Ministerial Consultation on Children (MINCON)
- Post Yokohama Mid-Term Review of the East Asia and the Pacific Regional Commitment and Action Plan against Commercial Sexual Exploitation of Children

The government cooperate with other countries in contributing to efforts to eliminate violence against children through signatory of bilateral and multilateral MOUs, providing technical supports to other countries through capacity building programmes, training workshops at regional level. There are also mechanisms for bilateral and multilateral collaboration among police forces.

VI. DATA COLLECTION, ANALYSIS AND RESEARCH

This section aims to provide an overview of information systems and information about violence against children that may be used to inform, plan and monitor policy, legal and programmatic interventions concerning violence against children.

45. Over the past five years, has there been any victimization, epidemiological or other population-based surveys of any forms of violence against children in your country?

If YES, provide details or references, or attach.

There is no survey and/or database on cases of violence against children at the national level. The Association for the Promotion of Women's Status – in cooperation of Sub-Committee for the Elimination of Violence against Women and Children – is in process of developing a data collection mechanism on such cases.

Presently, relevant governmental and non-governmental agencies collect statistic of their target populations and/or recipients of their services. However, such statistic is available only on specific population and areas – including statistic from hospitals providing services to victims of violence, statistic of women and children staying at shelters operated by Department of Social Development and Welfare.

The database being developed by Ministry of Public Health on the basis of recipients receiving services provided by hospital based One Stop Crisis Centers (OSCC) could be cited a the most comprehensive database on violence against children and women for the time being. The data is collected from 70 hospitals (from total 104 hospitals) countrywide. Information collected include individual profile of child and women victims of violence who receive services from OSCC, perpetrators, types of violence and services provided by the center.

46. Have there been any small-scale or representative interview studies with parents and children on violent victimisation of children?

If so, please give details.

A number of research studies interviewed with parents and children on the issue of violence including those conducted by university students, such as:

- Case Study of Children participated in a Pilot Project to Assist Child Victims of Abuse by Thammasat Hospital's Multidisciplinary Team by Wanlapa Vongsansri and other, Mental Health Newsletter of Thailand (2000) collected information by in-depth interview with parents and children participated in the project.
- Factors relating to the aggressive behaviour of primary caregiver toward a child by Isaranurug S. Chauytong P. J. Med Asso Thai 2001. This study conducted a survey through a questionnaire replied by 413 primary students.
- Child Prostitution in the municipality of Nakhon Panom by Prasai Sripichapong, Faculty of Social Welfare, Thammasat University
- Mobile Theatre Project for Children, Youth and Women – implemented by Ministry of Social Welfare and Human Security – was performed in Samut Prakan Province in 2002. After the theatre, a survey on young audiences' opinion towards violence against children and women was conducted.

(All in Thai)

47. Over the past five years, has your Government conducted or commissioned any scientific research projects on the problem of violence against children

If YES, indicate the subject of this research and where the findings of these projects may be consulted in more detail.

Research projects commissioned by the government are under the commission of academic institutes. Research projects listed below are both completed or in process, and all are in Thai:

Research Institute on Public Health System conducted a research project on violence against women and children which comprise the following studies:

- Capacity of Civil Society in Addressing Violence against Women and Children by Dr. Pimpawan Boonmongkol and others, Mahidol University (in Thai)
- Assessment of Social Welfare System for Child Victim of Violence by Apinya Vejyachai and others, Faculty of Social Welfare, Thammasat University (in Thai)
- A Study on Juvenile Criminals, Logic and Management by Orasom Suttisakorn (1999) (in Thai)

Research project supported by Thailand's Research Fund (TRF) include:³

- Research Project to Develop a Civil Society for Children & Assess the Situation and Process of Finding Solution for Children's and Youth Problem: by Sittinat Praputnitisarn (in Thai)
- Development of Child Protection System in Thai Society by Apinya Vejyachai (in Thai)
- A Study of Knowledge, Attitudes, Beliefs and Practices on Sexuality among Youths in Thailand by Nikorn Disitsin (in Thai)
- Review and Synthesis of the Situation of "Children in Especially Difficult Circumstances in Thailand" by Yupa Wongchai (in Thai)
- Review and Synthesis of Research on "Role of Media on the Development of Children, Youth, and Family by Dr. Kanjana Kaewthep (in Thai)
- Report on Violence among Thai Youths: The Case of Violence Conflicts among Vocational Students by Chaiwat Sathanandh (in Thai)
- Management of Welfare Fund for Children in Difficult Situation: Case Study of Utaradit Province by Sa-ngob Tibnawa (in Thai)
- Development of cooperation network of organisations providing services to street children and underprivileged children in Chiang Mai by Anuchon Huansong (in Thai)
- A research project on monitoring of situation of children and youth by province by Amornvit Nakorntap (in Thai)
- Development of Community Based Primary Mechanism for Protection and Development of Children and Youth by Somporn Duangkamfu (in Thai)

National Public Health Foundation's Project on Knowledge Building

The Foundation – in cooperation of NHRC Sub-committee on Children, Youth and Family in – conducted a study to review knowledge, policies, programmes, laws and researches on children's rights problems, and conducted a brainstorming meeting among relevant parties in September 2002. The Project identified most urgent issues related to the development of health and human rights of children, youth and family to be research and study (in Thai) within 2004 – 2007 as follow:

- Children in justice system with focus on:
 - A study to develop a model of alternative justice system for children by community
 - Situational analysis of children and youths in Observation and Protection Centers

³ www.trf.or.th

- Situational analysis of pregnant youths in Observation and Protection Centers
 - Situational analysis of children of prisoners, and pregnant prisoners in prisons
 - A study on model and guideline on treatment of children in justice system
 - A study to develop model and good practice on effective reintegration programme of children
- Violence against children
 - A study to develop a model and guideline on sustainable prevention programme of violence against children
 - A study to develop a model and guideline on assistance to child victims of violence
 - Child labour: To study and develop model and guideline for monitoring and assisting child victims of labour exploitation
 - Stateless children: To study and develop model, guideline and measures to reduce impact and eliminate stateless problem of children in Thailand
 - Building of safety system and prevention of children's accidents: A study to develop a model, guideline and measure to build safety system and prevent traffic, domestic and community accidents occurred to children
 - Children and media: To analyse situation for the stipulation of standard criteria, legal revision, and public campaign to promote good media and anti inappropriate content in media with focuses on the following issues: computer game, television and movie, radio, print media and the Internet
 - The monitoring of implementation of CRC: To study obstacles of Thailand in compliance with the recommendations for the implementation of CRC.

Research and Development Project on Media in the Thai Society and Impacts on Health and Human Rights of Children, Youth, and Family under the auspice of Professor Kanueng Ruechai Fund – Faculty of Law, Thammasat University

The Project aims to analysis social problems faced by Thai children and youths through the contents of media (printed media, radio, TV and Internet), with focus on the following problems:

- Sex education for children and youth as revealed in the context of Thai society
- Children and youth and computer game
- Children and youth and Internet
- Process of applying media to promote and protect the wellbeing and human rights of children, youths and family

Mahidol University's National Center for Violence Outreach and Risk Reduction (Mu-N-CVORR) – financially supported by the National Office of Research Commission – has been conducting the following research projects:

- Violence Outreach and Risk Reduction among School Children; Preschool Children; and Undergraduate Students
- Violence Outreach and Risk Reduction among the Youth in Jail

Research Project commissioned by National Committee for the Promotion and Coordination of Youth Affair

- Criminal offences committed by Youth in Thailand and Recommendations (1984) (in Thai)
- Influence of Media towards Children in Bangkok Metropolitan Area (1984) (in Thai)
- Welfare and Development of Child Workers in Manufacturers (1986) (in Thai)
- Attitudes and Behaviours on Gambling of Children and Youth (1988) (in Thai)
- Survey on Neglected Children in Governmental Hospital (1988) (in Thai)
- Correlation of Attitudes and Behaviours towards Violence and TV Watching Behaviour of Thai Youths (1990) (in Thai)
- Survey on Street Children in Thailand (1991) (in Thai)
- Situation Analysis on Magnitude and Causes of Neglected Children – Recommendations for GOs and NGOs to prevent and solve the problem (1997) (in Thai)
- Situation Analysis of Children in Boxing Sport in Thailand (2000) (in Thai)
- Violent Acts and Its Impacts on Children in Grade 1 – 4 in Bangkok (in Thai)

Research on Violence against Children and Youth compiled by the Office of Welfare Promotion, Protection and Empowerment of Vulnerable Groups (MSWHS)

- News Report on Children in Thai Daily Newspapers by Sutiwan Tanyupongpratch (1997) (in Thai)
- Knowledge and Attitudes toward Drug Addiction and Related Behaviours of Child Offenders by Vipa Danthamrongkul (1987) (in Thai)
- Protection of Child Victims of Criminal Offences – Roles and Responsibilities of Authorities under the Act for the Establishment of and Procedure for Juvenile and Family Court B.E. 2534 by Umporn Kampitak (1997) (in Thai)
- Development of Children and Youths in Observation and Protection Center of Central Juvenile and Family Court by Chavali Duangkaew (in Thai)
- Observation of Children and Youths Whom Judged by the Court for Not Guilty by Rattaya Danprasobsuk (1997) (in Thai)
- Child Welfare Organisations: Coordination between GOs and NGOs by Nitaya Ngern-Prasertsri (1996) (in Thai)

Research on Child Abused compiled by Dr. Srivieng Pairojkul, Faculty of Medicine, Khon Kaen University

- Sexual Abuse: 16 Case Studies of Patients aged 0 – 15 years who received psychology care from Chulalongkorn University (1992) (in Thai)
- Case Study of Children participated in a Pilot Project to Assist Child Victims of Abuse by Thammasat Hospital's Multidisciplinary Team by Wanlapa Vongsansri and other, Mental Health Newsletter of Thailand (2000) collected information by in-depth interview with parents and children participated in the project. (in Thai)
- Factors relating to the aggressive behaviour of primary caregiver toward a child by Isaranurug S. Chauytong P. J. Med Asso. Thai 2001. This study conducted a survey through a questionnaire replied by 413 primary students. (in Thai)
- Child Sexual Abuse: Impacts on Family and Adaptation Mechanism by Watchari Annak and Amporn Polpitak (2001) (in Thai)
- Child Abuse and Neglect in the Northeast by Jirawon Tanwattanakul, and others (2003) (in Thai)
- **Violence against children by parents** by Isaranurug S, Chansatitporn N, Auewattana P, Wongarsa C. Department of Family Health, Faculty of Public Health, Mahidol University, Bangkok, Thailand⁴

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(http://www.ncbi.nlm.nih.gov/entrez/query.fcgi?cmd=Retrieve&db=PubMed&list_uids=12403207&dopt=Abstract)

**48. Have studies or surveys been undertaken into the impact of legal measures to address violence against children?
If YES, provide details or references, or attach.**

Please see replies to Question 12. Check again.

**49. Does your Government have a system for formal inquiries into all child deaths in which it is known or suspected that violence may have played any part?
Provide details.**

Thai law stipulates that all death cases must be reported – including child deaths. Cause of death is required to be investigated under the responsibility of police officers and forensic doctors.

**50. Are regular (e.g. annual) reports published describing the statistical profile of the known or suspected violent deaths investigated by the system?
If YES, what proportion of all homicide deaths are under the age 18? (%)**

The Royal Thai Police collects national statistic of outstanding criminal offences during 2001 – 2002 which helps provide profile of the known and suspected violent deaths report to and investigated by Police. Death cases are categorised under two types of offences: 1) capital and dreadful offences which include murder with intent to cause death; and 2) offences against life, body, and sexuality which include murder with or without intent to cause death, murder by negligence, and attempt murder. However, such statistic does not categorize victims of those offences according to age group; therefore proportion of deaths of those under the age of 18 could not be identified. (www.police.go.th)

The Epidemiology Division, Permanent Secretary Office, Ministry of Public Health established a surveillance system to monitor injuries and deaths in Thailand by collecting data of patients receiving services at governmental hospitals' emergency rooms. From the National Injury Surveillance Report on Assaults in Female, Thailand 2003, database of serious injuries was based on information collected from 28 hospitals during the year of 2003. The statistic shows 18,629 injuries and 943 deaths. Among the 943 death cases, only one case was a girl younger than 15 years of age who died because of assault, while there are 11 cases of boys were assaulted to death.

51. If reports on the national profile of known and suspected violent deaths are published by your Government, indicate how the data is broken down for the purpose of reporting (check all that apply):

Sex	
Age	
Ethnicity	
Manner of death (homicide, suicide, undetermined)	
External causes of death (firearm, strangulation, etc.)	
Geographical location of incident (address)	
Scene of occurrence (home, school, etc.)	
Time and date of incident	
Victim-perpetrator relationship	
Other:	

Presently, there are statistics compiled by different relevant agencies but not combined as a central national report on violent death cases. Efforts have been made by relevant agencies to develop a more comprehensive data collection system to cover all areas.

52. Provide the total number of reported cases of violence against children in 2000, 2001, 2002 and 2003.

Presently, Thailand does not have a data collection system on cases of violence categorised by age group, therefore comprehensive number of reported cases of violence against children is not available. However, the Association for the Promotion of Women’s Status – on its website (<http://www.gdrif.org/GDRI%20Site%20Thai/-47Data-VAW.html>) – provides a general overview of cases of violence against women and children as of 2002 as follow:

- An average of 12 women per day were raped and reported the case to police (Table 1)
- Number of cases of rape that were proceeded to the Court in 2002 has double increased when compare to 10 years ago (1992) (Table 2)
- According to reports of 5 Thai daily newspapers, rape and attempt to rape were the most reported types of sexual offences in 2002. (Table 3)
- Domestic violence cases has continually increased every year, according to reports of 5 Thai daily newspapers (Table 4)
- Most of child victims who receive assistance from the CPR in 2002 were sexually abused (Table 5)

Table 1: Criminal offences against women and children (2000 – 2002)

Type of case	No. of cases reported to police		
	2000	2001	2002
Rape	4,020	3,844	4,435
Rape and murder	16	13	10
Total	4,036	3,857	4,445

Source: Information Center, Royal Thai Police

Table 2: Number of Sexual Related Cases proceeded to the Criminal Court Countrywide

Case	Year									
	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
Rape and indecent act	3,149	3,519	3,519	3,337	3,694	3,587	4,074	4,291	4,061	4,896
Sexual offences according to Penal Code Section 282-287	1,005	1,177	1,519	1,590	1,423	1,664	1,766	1,996	2,429	2,246
Total	4,154	4,696	5,038	4,927	5,117	5,251	5,840	6,287	6,490	7,142

Source: Information Service Center, Ministry of Justice

Table 3: Sexual Offences as reported by five Thai daily newspapers

Type of case	No. of cases reported to police		
	2000	2001	2002
Rape and attempt to rape	149 (68.0)	132 (62.0)	125 (54.0)
Rape and murder	29 (13.0)	39 (18.0)	39 (17.0)
Group rape	12 (6.0)	14 (6.0)	36 (16.0)
Group rape and murder	1 (0.5)	6 (3.0)	-
Obscene act	27 (12.5)	23 (11.0)	29 (13.0)
Total	218 (100.0)	214 (100.0)	229 (100.0)

Source: Friends of Women Foundation – compiling from five Thai daily newspapers during 2000 - 2003

Table 4: Domestic Violence as reported by five Thai daily newspapers

Type of domestic violence	No. of cases			Total
	2000	2001	2002	
Husband beat wife	17	20	23	60
Husband kills wife	30	60	57	147
Husband has an affair	8	7	8	23
Husband abandons children	3	4	1	8
Wife kills husband	13	19	24	56
Wife commits suicide	2	9	8	19
Mother kills a child	6	9	6	21
Father kills a child	4	13	10	27
Wife cuts husband's penis	1	-	1	2
Other	-	6	25	31
Total	84	147	163	394

Source: Friends of Women Foundation – compiling from five Thai daily newspapers during 2000 - 2003

Table 5: Child Victims who receive assistance from the Center for the Protection of Children's Rights Foundation (CPCR)

Case	No. of child victims receiving assistance from the Center (per year)			
	2000	2001	2002	2003
Sexual abuse	95	71	113	104
Physical assault	37	22	41	23
Child prostitution	14	44	17	49
Child labour	-	-	5	7
Missing and abduction	-	-	1	-
Other	13	15	14	10
Total	159	152	191	193

Source: the Center for the Protection of Children's Rights Foundation (CPCR)

Table 6: Women and Children Recipients of Hotline Counselling from Foundation for Women (2002)

Problem	No. of case
Domestic violence	149
Sexual harassment	3
Rape	31
Deceitful sexual intercourse	7
Trafficking	54
Unlawful pregnancy	15
Unwanted pregnancy	148
Other	81
Total	488

Source: Foundation for Women

Table 7: Women and Children receiving assistance from the Crisis Center (2002)

Problem	No. of case
Broken families	508
Unwanted pregnancy	149
Physical assaults by husbands	30
HIV/AIDS infection	41
Victims of rape	2
Other	15
Total	745

Source: Crisis Center, Association for the Promotion of Women's Status

Table 8: Statistics of court cases involving children and juveniles in January – October 2003

Types of cases	No. of case	%
Total	26,759	100.00
Theft	8,439	31.54
Assaults	4,777	17.85
Sexual related offences	1,948	7.28
Offences related to peace, freedom, reputation and governmental administration	913	3.41
Narcotics	4,188	15.65
Guns, bullets, bombs	1,511	5.65
Other offences	4,983	18.62

Source: The Central Observation and Protection Center, Ministry of Justice (<http://www.djop.moj.go.th/pic/t7.pdf>)

Statistic from One Stop Service Crisis Center (OSCC)

Reports of 70 hospital based crisis centers during October 2003 to September 2004 reflect that:

- There are 6,596 victims of violence received services from the Center, 49.44 percent are children and 50.56 percent are women.
- 43.5 percent of persons who commit an act of violence are those who have close relationship with them including husbands, friends, and family members.
- 47.09 percent of violence cases are violence related to sexuality, 42.15 percent are physical assaults, and 11.76 percent are mental and/or other forms of violence.

53. Provide the total number of convictions and reported cases for the various categories of crimes of violence recorded against children in 2000, 2001, 2002 and 2003.

The national statistic of outstanding criminal offences (2001 – 2002) collected by the Royal Thai Police categorised offences related to violent acts into: capital and dreadful offences; offences against life, body, and sexuality; offences against property, other distinguish offences (including theft, rape and murder, and abduction), and offences that the State is an injured partner (including drug and prostitution related offences). The statistic provides number of reported cases, and convictions. However, age group of injured partners are not categorized in the statistic, therefore number of crimes of violence especially against children is not available.

VII. AWARENESS, ADVOCACY AND TRAINING

This section is aimed at gathering information on any awareness-raising, advocacy and training activities relating to violence against children which may have been conducted by your Government.

54. Over the last five years has your Government conducted or commissioned any campaigns for raising awareness of and preventing violence against children? If YES, please describe any recent campaigns, including the settings and types of violence that were the subjects of the campaigns and the target audience (general public, caregivers, teachers, etc.).

The Government's campaigns for raising awareness of and preventing violence against children are detailed as follow:

Campaigns	Target	Responsible Agency
<ul style="list-style-type: none"> ▪ Training programme on CRC, violence against children, Child Protection Act for executives, officials, volunteers and community committee members ▪ Training, seminar and study trips for community volunteers on prevention programme, services and rehabilitation for victims of violence ▪ Training on guideline for treatment of children and prevention of violence for parents, teachers, and children ▪ Printing of handbook for data recording on violence and treatment of children 	<p>Bangkok and other provinces</p> <p>Target 1,000 beneficiaries per year</p> <p>433 schools in Bangkok Metropolitan areas. Distribute to 50 district offices in Bangkok</p>	<ul style="list-style-type: none"> ▪ The Bangkok Metropolitan Administration (BMA) ▪ Office of Welfare Promotion, Protection and Empowerment of Vulnerable Groups (Min. of Social Welfare and Human Security - MSWHS)
<ul style="list-style-type: none"> • Production of campaign materials on Child Protection Act including radio and TV spot, printed materials, TV documentary programme, word cards and handbooks • Workshop on Child Protection Act and its implications to relevant agencies and general public 	<p>3 spots, 10,000 copies of pamphlets, 3 documentary films, and 10,000of handbooks</p> <p>1,000participants</p>	<ul style="list-style-type: none"> ▪ Office of Welfare Promotion, Protection and Empowerment of Vulnerable Groups ▪ Office of the National Child Protection Committee
<ul style="list-style-type: none"> • Develop a handbook for the enforcement of Child Protection Act for relevant authorities • Conduct workshops on Child Protection Act for Provincial social development officials and other relevant agencies countrywide 	<p>870 participants</p>	<ul style="list-style-type: none"> ▪ Min. of Social Welfare and Human Security
<ul style="list-style-type: none"> • Develop a handbook for parenting 	<p>General public</p>	<ul style="list-style-type: none"> ▪ Ministry of Justice ▪ Office of Welfare Promotion, Protection and Empowerment of Vulnerable Groups (MSWHS)
<ul style="list-style-type: none"> • Initiate 25th of November as a National Day for Elimination of Violence Against Women and Children 	<p>General public</p>	<ul style="list-style-type: none"> ▪ National Committee of Cultural Affair and relevant agencies
<ul style="list-style-type: none"> • Workshop for relevant agencies on 	<p>Relevant GOs, and</p>	<ul style="list-style-type: none"> ▪ Office of Women

integrated resolution for the eliminating violence against women and children	NGOs	and Family Institute Affair
• Youth and the role in social development	High school students	▪ National Council of Women

55. How were the campaign messages and information disseminated (check all that apply)?

Print media	X
Radio	X
Television	X
Theatre	X
Schools	X
Others	X

56. Over the last five years, has your Government provided, commissioned or sponsored training programmes in the area of violence against children? If YES, indicate which of the following areas were addressed by the last such training programmes and which provider groups received training (check all that apply).

	Prevention	Protection	Redress	Rehabilitation	Penalties
Medical Professionals (including paediatricians, nurses, psychiatrists and dentists)	√	√	√	√	√
Public health practitioners	√	√	√	√	√
Social workers and Psychologists	√	√	√	√	√
Teachers and other educators	√	√	√	√	√
Court officials (including judges)	√	√	√	√	√
Police	√	√	√	√	√
Prison officers					
Juvenile offenders personnel Institution personnel Parents/guardians	√	√	√	√	√
Other (please specify): ▪ Children and youth ▪ Governing authorities ▪ Sub-district administration organisation	√	√	√	√	√

Please provide details.

Training Programme	Target Population	Responsible agencies
• Training workshops on MOUs against trafficking in children and women and their implications	Relevant GOs, NGOs and professionals	▪ Min. of Social Welfare and Human Security
• Training manual and workshops to enhance the enforcement of the Criminal Procedure Amendment Act No. 20 on interrogation of child witness	Relevant authorities at provincial level	▪ Office of Welfare Promotion, Protection and Empowerment of Vulnerable Groups
• Training workshop on Child Protection Act and its implications	<ul style="list-style-type: none"> • 250 Judges from Central Juvenile and Family Court and chiefs of Juvenile and Family Court • Judges and chiefs of courts from Criminal Courts in provinces where 	Central Juvenile and Family Court Department of Observation and protection

	<p>Juvenile and Family Court does not exist</p> <ul style="list-style-type: none"> • Associated judges • Observation and Protection Officials 	
<ul style="list-style-type: none"> • Sensitisation programmes on children’s rights 	<ul style="list-style-type: none"> • 1,800 Judges from Central Juvenile and Family Court • 220 Observation and Protection Officials • Police, Tambon Administration Organisations’, teachers, social workers 	<ul style="list-style-type: none"> ▪ Ministry of Justice ▪ Office of Welfare Promotion, Protection and Empowerment of Vulnerable Groups
<ul style="list-style-type: none"> • Training workshop on Prevention and Suppression of Trafficking in Women and Children and Procedures to provide assistance to victims in according to the Thai- Cambodia MOUs on Trafficking 	Relevant officials on the border of Thailand – Cambodia	Mekong Law Center
<ul style="list-style-type: none"> • Training programme on multidisciplinary team approach in providing assistance to child victims of violence 	Multi-disciplinary team members	<ul style="list-style-type: none"> ▪ Min. of Social Welfare and Human Security
<ul style="list-style-type: none"> • Training on counseling skills for child protection practitioners 	16 child protection authorities in Chiang Mai	Chiang Mai University
<ul style="list-style-type: none"> • Training programme on recovery and reintegration of juvenile offenders who have been abused 	Psychologist and relevant officials from Observation and Protection Centers	Department of Observation and protection
<ul style="list-style-type: none"> • Training session for youth on the prevention of falling victims of violence 	Students in schools countrywide	Department of Social Development and Welfare
<ul style="list-style-type: none"> • Training programme on Family Conference in accordance with Section 63 of the Act for the Establishment of and Procedure for Juvenile and Family Court 	Observation and protection officials	Department of Observation and protection
<ul style="list-style-type: none"> • Training programme on laws related to children’s right protection 	Lawyers and youth volunteers	Lawyers’ council, National Human Rights Committee Office
<ul style="list-style-type: none"> • Training programme on Medical Forensic Examination for Child Sexual Abuse 	Physicians from countrywide	Child rights Protection Project, Khon Kaen University
<ul style="list-style-type: none"> • Life skills training 	Children and youth, vocational students	Mahidol University
<ul style="list-style-type: none"> • Training programme on “My body is Mine” 	Children and youth	Center for the Protection of Children’s Right Foundation (CPCR)
<ul style="list-style-type: none"> • Training programme on “Non-violent parenting” 	Parents and teachers	CPCR, Ministry of Public Health, Ministry of Justice
<ul style="list-style-type: none"> • Training programme on “Child Friendly School” and “Child Protection School” 	Teachers	CPCR

Notes:

- Despite the presence of law against violence, there is the challenge of quality law enforcement
- Despite national laws against violence and crimes, there remain traditional practices that are inconsistent with the CRC. These include the perception that children are seen by some as property of parents rather than entities with inherent rights. Moreover, gender discrimination is evident in some sectors of the community
- The most innovative law against violence is the Child Protection Act which takes a holistic approach based upon multi/interdisciplinary actions involving a variety of stakeholders, not merely law enforcers but psychologists, social workers, parents, community actors and the children themselves. However, implementation of this law is in the nascent stage. While much of a current emphasis has been to concretise ministerial regulations to implement this law, there is the issue of capacity building of all actors to respond well to the law in a practical sense which should be addressed effectively.
- There is the pervasive traditional perception that intra-family violence is a private matter. While legislation currently promotes the understanding that this should no longer be the case, attitude changes in the society take time and require a sustained socialisation process involving families and other stakeholders.