

**Information on Disability Issues**  
**By Department of Empowerment of Persons with Disabilities**  
**Ministry of Social Development and Human Security, Thailand**  
**As of June 30, 2016**

**1. Does your country have laws or other legislation, at any level of government establish disability as a prohibited ground for discrimination, including explicitly denial of reasonable accommodation, as discrimination on the basis of disability? If so, please provide references to the legislation and court decisions enforcing it. When applicable, please describe how these provisions are reflected in the exercise of specific rights like education, work and employment, health, and all others (500 words)**

- The Constitutions of the Kingdom of Thailand B.E. 2540 (1997) and B.E. 2550 (2007) specifically prohibit discrimination against persons with disabilities. The present interim Constitution in B.E. 2557 (2014) guarantees all human rights and dignity as previously did in the former ones. The Draft new Constitution is currently under consideration. In addition to PDEA and Education Act for Persons with Disabilities B.E. 2551 (2008), the proposal to draft the Accessibility Act was also proposed by Disabilities Thailand (DTH) and received support by the then National Reform Council. The proposal will be further submitted to the Cabinet for consideration. The 4<sup>th</sup> National Plan prioritizes the elimination of all forms of discrimination against persons with disabilities to create an inclusive society for all. Every Provincial Administration is required to develop its own Strategies and Plans of Action on the Empowerment of Persons with Disabilities to address their local needs. Thailand is developing the 5<sup>th</sup> National Plan on Empowerment of Persons with Disabilities (2017 – 2020) which highlights sustainable capacity building for persons with disabilities and their organization to fully and fairly access the rights, providing accessible environment, technology, and accessibility; and development Disability Services Centers to effectively provide services for persons with disabilities in rural and distance areas.

- In order to enjoy and exercise all human rights on an equal basis with others, persons with disabilities need some forms of reasonable accommodation. In principle, the Persons with Disabilities Empowerment Act 2007 and its Amendment 2013 (Vol.2) prohibits discriminatory actions that results in the loss of benefits or rights of persons with disabilities in the ground of their disabilities. Disabilities Thailand, which is an umbrella organization of all national organizations of and for persons with disabilities, and representatives from organizations of persons with disabilities are also in the process of submitting the draft amendment to PDEA B.E. 2550 and its amendment (Vol. 2) B.E. 2556 (2013) to the National Committee on Empowerment of Persons with Disabilities for consideration. Such amendments include providing a specific definition of reasonable accommodation and specifying that denial of reasonable accommodation is a form of discrimination. There are legal avenues available in urban and rural areas to guarantee the rights of persons with disabilities. Provincial Subcommittee on Empowerment of Persons with Disabilities provides support and receives complaints including those related to discrimination from persons with disabilities. Persons with disabilities concerned will be provided with legal assistance such as legal counseling, dispute settlement and legal representation in accordance with the National Committee on Empowerment of Persons with Disabilities Regulations on Legal Assistance and Provision of Lawyers to Persons with Disabilities B.E. 2552. Hotline 1567 and 1300 are available 24 hours to receive calls from persons with disabilities and families. Their cases will be referred to DEP for further action.

- Section 15 under the Act recognizes denial of reasonable accommodation as a form of discrimination. Thailand is in the process on circulating this official appointment Subcommittee on Disability Legislations signed by the Deputy Prime Minister in April 2016 to related agencies in order to consider many parts of the Act that need amendments, including by providing a specific definition of reasonable accommodation and specifying that denial of

reasonable accommodation is a form of discrimination in corresponding to the Convention on the Rights of Persons with Disabilities.

- There is an important case concerning accessibility in transportation. Persons with Disabilities' Network filed a lawsuit to Bangkok Metropolitan Administration (BMA) and Bangkok Transport System (BTS) for not providing elevators at all its sky train stations. Persons with Disabilities' Network won the case at the Supreme Court, and as a result, BMA and BTS are required to install the elevators in every sky train station by the end of 2015, which costs them over 6.6 million USD.

- other related legislations to promote the rights of persons with disabilities consists of The 4<sup>th</sup> National Plan on the Empowerment of Persons with Disabilities B.E.2555-2559 (2012 – 2016), Persons with Disabilities Education Act B.E. 2551 (2008), Mental Health Act B.E.2551 (2008), National Health Care Act B.E.2545 (2002), Women with Disabilities Development's strategic plan B.E.2556-2559 (2013-2016), Thailand's 11<sup>th</sup> National Economic and Social Development Plan (2012-2016) and 3<sup>rd</sup> National Human Rights Plan (2014-2018).

- After the Sub-committee on Elimination of Discrimination against Persons with Disabilities was established under the Act, which empowers the Sub-committee, expands its mandates and allows more budget allocation, the number of the cases has increased. Complaints received through the Sub-committee include: health issues (cannot get assistive devices/prosthetics & orthotics, do not get proper care and services), education (cannot receive inclusive education, no services, no Individualized Education Plans (IEP) for students with disabilities) and employment (cannot get jobs in open labor market, no career path, not promoted in the work places). Since Thailand is in the process of ratifying the Optional Protocol of CRPD, persons with disabilities in Thailand will be able to have another legal avenue to challenge discriminatory laws and practices at the international level.

**2. Does your country apply an objective test to determine if an accommodation requested by a person with disability is undue or disproportionate? If so, please describe the test and its different elements?**

- As of today, Thailand does not apply an objective test to determine if an accommodation requested by a person with disability is undue or disproportionate. However, Thailand is on the process of drafting the Act of Accessibility for All which including the concept of reasonable accommodation, universal design, and assistive technology. Even though we do not have this mentioned test, Thailand put a lot of effort to enhance accessibility for all including persons with disabilities, details as following:

- In term of Section 20 under the Empowerment of Persons with Disabilities 2007 and its Amendment (Vol.2) 2013 have their rights to access information, communication, telecommunication services, information and communication technology and communication access technology for all types of disabilities as well as public media of the governmental agencies or related private sector that receive financial support from the government. For instance, Thailand are able to compare the proportion of registered sign language interpreters with the number of registered persons with hearing disabilities.

- Government agencies are also required to report every six months on their implementation to Department of Empowerment of Persons with Disabilities under the Cabinet Resolutions on May 19, 2009 and November 20, 2012 on accessibilities of public facilities for persons with disabilities. Regarding accessible tourism, handbooks are disseminated to hotels and tour operators as guidelines on how to service senior customers and customers with disabilities. In 2014, Ministry of Public Health developed action plan and process indicator to regulate provincial hospital in accessibility standards in all 5 aspects (ramps, disabled-lavatory, parking space, sign and information access). However, this report does not consist of an objective test to determine if an accommodation requested by a person with disability is undue or disproportionate yet.

- Department of Empowerment of Persons are using the accessibilities checklist which retrieves from the Building Control Act 1979 and the Ministerial Regulation on Providing Accommodation and Accessibilities in Buildings, Places, Vehicles, or Transportation 2013 in order to follow up and nominate the best providers every year.

- Regarding to the Building Control Act 1979, Provincial Social Development and Human Security Offices in nationwide annually report the number of persons with disabilities who are users of the buildings.

- For Ministry of Public Health is utilizing the action plan and process indicators to regulate provincial hospitals in accessibility standards in all 5 aspects (ramps, disabled-lavatory, parking space, sign and information access).

**3. Does your country have laws, policies and strategies for combating structural discrimination against persons with disabilities? If so, please describe how are these measures being applied and enforced (500 words).**

- Disability is defined as well as the Convention on the Rights of Persons with Disabilities. All persons with disabilities are eligible to access the rights without discrimination against them as prescribed by law. Therefore, there are seven types of disabilities under the Empowerment of Persons with Disabilities Act 2007 and its Amendment (Vol.2) 2013 including physical, hearing, intellectual, visual, learning, autism, and . This significant Act provide eligible and full rights of persons with disabilities to access services and welfare provided by government and public. National Committee on Promotion and Empowerment of Persons with Disabilities chaired by Prime Minister in which Minister of Social development and Human Security is vice chair and comprises of relevant stakeholders from 9 ministries, 6 experts, 7 Disabled People's Organizations and Director General of National Office for Empowerment of Persons with Disabilities acts as secretary and member of National committee. (Total number of committee is 27). Also, Provincial Sub-Committee on Empowerment of Persons with Disabilities in 77 provinces are set up in order to implement and mobilizing all related laws on disability issues and to eliminate discrimination against persons with disabilities.

- The Persons with Disabilities Empowerment Act 2007 and its Amendment 2013 (Vol.2) Section 20 states that persons with disabilities have the right to access and utilize public facilities, including welfare services and other supports from the Government, which includes disability allowance, legal assistance, personal assistants, sign language interpreters, accessibilities reduced fee of public transportation, tax exemption for persons with disabilities, their caregivers and employers, house modification, free medical services, education with free charge, loans without interests for self-employment from the Fund of Empowerment of Persons with Disabilities and employment. Employment is that the public and private organizations are required to hire person with disability in the ratio of one disabled person to 100 regular employees. However, the employers who do not comply with the employment of persons with disabilities ratio must send the money to the Fund of Empowerment of Persons with Disabilities.

- In terms of policy framework, Thailand is currently on its way to implement its fourth National Plan on Empowerment of Persons with Disabilities 2012-2016 which consists of 5 strategies, which are focusing on empowerment and accessibility for persons with disabilities, caregivers, and people's organizations and networks; and creation positive attitudes towards disabilities and persons with disabilities.

- Moreover, Thailand enacts and enforces the laws concerning health, education, employment, or information in corresponding to the Empowerment of Persons with Disabilities Act 2007 and its Amendment (Vol.2) 2013. Recently, there are Persons with Disabilities Education Act B.E. 2551 (2008) , Mental Health Act B.E.2551 (2008), the Building Control Act 1979 and its Amendment (Vol.5) 2015 and National Health Care Act B.E.2545 (2002),

Persons with disabilities are included in Thailand's 11<sup>th</sup> National Economic and Social Development Plan (2012-2016) and 3<sup>rd</sup> National Human Rights Plan (2014-2018).

- In order to enjoy and exercise all human rights on an equal basis with others, persons with disabilities need some forms of reasonable accommodation. In principle, The Persons with Disabilities Empowerment Act 2007 and its Amendment 2013 (Vol.2) prohibits discriminatory actions that results in the loss of benefits or rights of persons with disabilities in the ground of their disabilities. According to this Act, Section 15 specify that denial of reasonable accommodation is a form of discrimination. The Government only provides incentives to agencies providing accessible facilities and environments for persons with disabilities by providing tax exemption on the expenses related to the installation of accessible facilities. However, there is no data and no penalty on denial of reasonable accommodation for persons with disabilities.

- According to the Act, all persons with disabilities who are subjects from discrimination are able to complaint to directly the Department of Empowerment of Persons with Disabilities and the Sub-Committee on the Elimination of All Forms of Discrimination against Persons with Disabilities for further actions. One Stop Crisis Center under the Ministry of Social Development and Human Security with 1300 Hotline also takes calls for urgent assistances or inquiries from persons with disabilities. All cases have been investigated so that appropriate actions can be taken. Some of the cases were resolved through reconciliation among parties concerned. Some are further submitted to the Court for consideration. In order to eliminate discrimination against persons with disabilities, they are eligible to request for lawyers for consultant, legal assistance, free of retaining fee, reconciliation officers for persons with disabilities, sign language interpreters for persons with hearing disabilities in courts. Eligible cases are entitled to due compensation and remedy. Legal assistances and the Justice Fund under the Justice Fund Act 2015 and the Compensation and Expense to Injured Persons and the Accused in Criminal Cases Act 2001 are also provided to persons with disabilities by the Ministry of Justice.

- Moreover, the Criminal Procedure Code stipulates specific measures to facilitate persons with disabilities in judicial proceedings, for example, Section 13 requires the inquiry official, Public Prosecutor, or the Court to provide a sign language interpreter, or communicate in ways that fit for the accused or witness who cannot speak, hear, or communicate. To increase the availability of sign-interpreters, the Court has organized trainings those wishing to work as sign interpreters its proceedings.

**4. Does your country have laws, policies and strategies for combating discrimination against women and children with disabilities? Please, describe how these policies are reflected in your legislation and policy frameworks (500 words).**

- The 1<sup>st</sup> Strategic Plan for Empowerment of Women with Disabilities B.E. 2556 – 2559 (2013 – 2016) was also developed to address specific needs and challenges faced by women and girls with disabilities. This Plan consists of 6 strategies, which are: Strategy 1 Promote full and equal access without any form of discrimination for women and children with disabilities and their families, Strategy 2 discrimination violence for women and children with disabilities, Strategy 3 Improve capacities, wellbeing and quality of life of women and children with disabilities and their families, Strategy 4 Promote equal and active roles of women with disabilities in society, Strategy 5 Promote and develop women's organizations at all levels, Strategy 6 Promote creative and inclusive society for women and children with disabilities and their families.

**5. Does your country monitors and collects disaggregated data on discrimination against persons with disabilities, including gender, age and impairment disaggregation?**

- All complaints and request for legal assistance on discrimination against persons with disabilities are recorded a status, including gender and types of disabilities.
- Legal assistances are also provided to persons with disabilities by the Ministry of Justice and also collected disaggregated data on persons with disabilities with types of disabilities.

**6. Have your country appointed a focal point and a coordination mechanism to review or implement policies under Goal 10 of the Sustainable Development Goals, particularly targets 10.2 and 10.3? If so, please describe how this mechanism will involve persons with disabilities in the reporting process to the High-Level Political Forum and what are the measures to ensure that policy review and implementation under this goal adopts international human rights standards for persons with disabilities, including the adoption of indicators and data collection to inform said indicators.**

- In Thailand, Office of the National Economics and Social Development Board and Ministry of Social Development and Human Security are responsible together for targets 10.2 and 10.3. According to this, Thailand has established the National Committee for Sustainable Goals. Also, the Ministry of Social Development and Human has set up the Working Group on Mobilization of Sustainable Development Goals to Practices. However, these mechanisms do not involve persons with disabilities in this reporting process yet.

- In order to ensure the policy review and implementation under this goal that adopt international human rights standards for persons with disabilities, there are the Eleventh National Economic and Social Development Plan (2012 - 2016), the twelfth National Economic and Social Development Plan (2017 – 2021), and the National Strategies for 20 years. The 5th National Plan on Empowerment of Persons with Disabilities which is to be developed will also include SDGs in its Strategies. DEP also works with ESCAP on the draft of Thailand’s National Action Plan for Operationalizing the Incheon Strategy Indicators. The government agencies are well aware of the sustainable development goals (SDGs) as agreed at the United Nations Summit to adopt the post-2015 development agenda in September 2015 and consider such goals and targets which include those related to persons with disabilities in formulating development policies, plans and activities.

- To achieve the Sustainable Development Goals (SDGs), Ministry of Social Development and Human Security through Department of Empower of Persons with Disabilities (DEP) mobilize and implement policies and plans on disability issues in corresponding with the Convention on the Rights of Persons with Disabilities (CRPD) which also links with the Sustainable Development Goals (SDGs). Moreover, National Committee on Empowerment of Persons with Disabilities chaired by Prime Minister and Sub-Committee on the Convention on the Rights of Persons with Disabilities chaired by the Permanent Secretary of Ministry of Social Development and Human Security are monitoring implementation on CRPD and SDGs. They also comprise of related government agencies, representatives of disabled people’s organizations and disability experts.