During the 2nd UPR cycle, Thailand received 34 recommendations directly addressing Child Rights. The supported recommendations include increase the minimum age of criminal responsibility, regulation to prevent and eliminate online violation against children, corporal punishment, eliminate child labour and sexual exploitation of children in travel and tourism, and the involvement of children in armed conflicts.

In the five years since the 2nd Cycle of the UPR, the evidence prove that the government has persistently failed to implement any of the recommendations received. There are still children and youth who were physical and emotional abused, including domestic violence, discriminations, and exploitation where the government should pay the attention of the Working Group on the UPR (Working Group) and to the Human Rights Council (Council) seven issues relating to the rights of children and Thailand's implementation of its obligations under the UN Convention on the Rights of the Child and the three optional protocols (Optional Protocol on the Involvement of Children in Armed Conflicts; Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography; Optional Protocol on a Communications Procedure): (1) Online sexual abuse and violence against children; (2) Stateless children, refugee children and undocumented migrant children, (Articles 22 and 7 UNCRC); (3) Minimum age for marriage law and enforcement: (4) Corporal Punishment (Article 19 UNCRC); and (5) Children's right to quality care.

### REALITIES ON THE GROUND

#### Challenge 1: Online sexual abuse and violence against children

Since 2016, children have been able to increasingly access online services and platforms, with an estimated 52 million social media users in Thailand as of January 2020[1]. Thailand remains a host country for child sexual abuse images (ranking 6th out of the top 15 countries (ECPAT and UNICEF Situation Analysis, 2015) and undoubtedly COVID-19 is increasing attempts to access existing material or coerce more children living in Thailand in selling or exposing intimate photos online. 45% of respondents from COPAT’s survey reported being involved in collecting, downloading and sharing illicit materials i.e., child pornography, while 17% of respondents reported having been sexually harassed including pressured to share sexual images. Thailand Internet Crimes Against Children Taskforce (TICAC) has reported that online sexual abuse in 2020 has hit a record high. TICAC received 404,002 TIPS of online child sexual exploitation from the U.S. National Center for Missing and Exploited Children (NCMEC), compared to 117,232 TIPS for the entire year in 2019. The majority of victims of online sexual exploitation are between 8-14 years old.

While there are many obvious educational and social benefits to online access, especially during the COVID-19 pandemic, there are evident negative impacts and risks to children, making them vulnerable to cyberbullying, sexual exploitation through online grooming, theft of personal information, and the growing problem of “digital addiction.” A recent study by Thai Health reported that children in Thailand spend more than 35 hours a week on smartphones and that 61% of the 15,000 children aged 6 to 18 surveyed showed risks of being addicted to online games.

COPAT’s 2020 national survey shows that children 12-18 years of age are increasingly exposed to different forms of online abuse with 69% of children respondents reported experiencing cyber bullying, 43% expressing that the excessive amount of time spent online (10 hours and above) had resulted in a negative impact on their family relationships as well as their education performance and 68% revealing that they practice online risk-taking behaviour.

The establishment of a Cyber Crime Investigation Bureau (CCIB) in October 2020 is expected to streamline and build collaboration across Ministries. Unfortunately, the number of designated, qualified officials is limited with case processing facing bottlenecks. Consequently, child victims face unnecessarily long legal proceedings and risk becoming re-traumatized during court procedures. The existing framework, i.e. the National Strategy for the Protection of Children and Youth from Online Exploitation and Abuse (2017-21), will come to an end soon.
### REALITIES ON THE GROUND

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<th>Challenges</th>
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<td><strong>Challenge 1: Exploitation of migrant children</strong></td>
<td>Thus, all key responsible agencies including the Sub-Committee on the Protection of Children from Online Abuse, the Committee for the Development of Children and Youth, and the Child Online Protection Action Thailand (COPAT) under the Department of Children and Youth need to set a new direction and strategies for the online protection for children.</td>
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Although the Royal Thai Government adopted Education for All (EFA) policy in 1990 to promote education for all children regardless of their nationality and legal status, the policy implementation imposes some barriers that prohibit migrant and stateless children, in particular, from enjoying their full rights to education.

Of almost 400,000 migrant children currently living in Thailand, an estimated 200,000 are not in school due to socioeconomic reasons. Migrant parents, despite the 15-year free education scheme, still have to pay for the indirect costs for education which they often cannot afford. Even after migrant children enroll in school, an estimated 50% of them drop out due to economic hardships. In addition, the lack of understanding of government policies among school officials and migrant parents has resulted in lower enrolment and higher drop-out rates among migrant children. Parents of migrant children are often not aware of their options for their children’s education, which defeats the intention of the free education policy.

These combined factors ultimately leave these children vulnerable to child labour, exploitation, and trafficking. Almost 50% of migrant children drop-outs stated that they needed to work to take care of family members. Because of the legal age limit for employment in Thailand set at 15, migrant children drop-outs entering the labor force are economically exploited. 21% of the migrant workers reported that there were children under 18 working with them.

**Challenge 2: Stateless children, refugee children and undocumented migrant children**

Although the Royal Thai Government adopted Education for All (EFA) policy in 1990 to promote education for all children regardless of their nationality and legal status, the policy implementation imposes some barriers that prohibit migrant and stateless children, in particular, from enjoying their full rights to education.

Thailand does not have a specific law with respect to the rights and obligations of refugees and asylum-seekers, and the Royal Thai Government does not undertake formal refugee status determination (RSD). Thailand has made a reservation to article 22 of the Convention on the Rights of the Child concerning refugee children. It is estimated that 36,344 children age 0 to 17 are living in the camps of which only 18,079 refugee children (8,564 boys, 9,515 girls) attend school.

In these border areas, the Royal Thai government has established Migrant Learning Centers (MLCs) which use a standardized curriculum that can be accredited in Myanmar or with Thai non-formal schools. In 2018, the Ministerial Proclamation of Education For All (EFA) eliminated legal obstacles that prevented migrant children from enrolling in Thai schools. Challenges still remain, however, especially with formal recognition of MLCs and teacher’s accreditation, and access to quality and inclusive education for out of school children (OSCC). In time of the COVID-19 pandemic, the MLCs are not permitted to operate. This creates the long-term impact of disrupted education for migrant children. School closures and the wider socio-economic impacts of COVID-19 on communities and society also disrupt children’s and young people’s normal support systems, leaving them more vulnerable to illnesses and child protection risks such as physical and humiliating punishment, sexual and gender-based violence, child marriage, child labour, child trafficking and recruitment and use in armed conflict. It is estimated that around 19,410 migrant children are affected as a result of the school closure. Tak is one of the country’s primary provinces in which migrant children live. The province has the greatest number of MLCs, with around 11,329 children enrolled.

**Challenge 3: Minimum age for marriage law and enforcement**

Based on the latest available statistics, Thailand ranks 19th among 193 UN States as having the highest number of girls married or in a union before the age of 18 years. Regarding the highest prevalence of early childhood marriage among boys, Thailand ranks 11th among UN States. Child early and forced marriage and unions (CEFMU) is globally acknowledged as an issue that violates the many rights of children, especially of girls, that could lead to severe mental and physical health deprivations, high school drop-out rates, and contribute to an ongoing cycle of poverty, among others.

During the 2019 International Conference on Population and Development (ICPD25), the government of Thailand committed to reducing child marriage below age 18 by empowering female students to continue their education. Yet, under the current Thai Family Law, Section 1448, a marriage [in Thailand] can take place only when the man and woman have completed their seventeenth year of age. In addition, a glaring loophole in this law that leaves children and, especially girls, vulnerable is a provision that states that the Court, “in case of having appropriate reason, [may] allow [children] to marry before attaining such age.” Conforming to international standards of raising the minimum age for marriage to 18 years together with the elimination of loopholes in its domestic marriage law, will go far towards eliminating child early and forced marriage and unions in Thailand while enabling Thai girls and boys to assert their nationally and internationally recognized rights based on the UNCRC, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Declaration on the Elimination of Violence Against Women, the Declaration on the Elimination of Violence against Children, as well as commitments made concerning the same at the 23rd ASEAN Summit.
In the second UPR Cycle (2012-2016), Thailand accepted the recommendation by Sierra Leone to ensure that the minimum age of marriage is 18 for both boys and girls (A/HRC/33/16 - Para. 158.129). The State has not yet implemented this recommendation.

Though Thailand has enacted many laws related to child protection, parent/guardian duties, and domestic violence, none of these laws explicitly prohibit corporal punishment and thus, by default, corporal punishment remains lawful in domestic settings. In school settings, there are two sets of regulations related to corporal punishment, included in teacher and staff ethics guidelines. Although corporal punishment is unlawful, specific, humiliating punishment of children in schools is not regulated.

Thailand is currently in the process of preparing the progress report numbers 5-6 for submission to the UNCRC committee, although the plan to submit by October 2017 was delayed. In the public hearing for draft progress report numbers 5-6, the report mentioned that Thailand has drafted a revision of the Civil and Commercial Code to protect children from violence, including corporal punishment, in order to comply with the UNCRC and the ASEAN Regional Forum on Child Violence Action Plan. In 2016, the recommendations from UPR review process related with corporal punishment were again put forward in the second cycle (2012-2016). The Royal Thai government accepted the recommendation, asserting that the government would “carry out measures to prohibit corporal punishment of children in all settings, including the home... prohibit corporal punishment of children in all settings [and]...explicitly prohibit in law any form of corporal punishment or other cruel or degrading punishment of children in all settings.” At the time of this report, the government's commitment has not been matched by its progress in implementing the recommendations from the second Universal Periodic Review of Thailand in 2016.

**Challenge 4: Corporal Punishment**

Though Thailand has enacted many laws related to child protection, parent/guardian duties, and domestic violence, none of these laws explicitly prohibit corporal punishment and thus, by default, corporal punishment remains lawful in domestic settings. In school settings, there are two sets of regulations related to corporal punishment, included in teacher and staff ethics guidelines. Although corporal punishment is unlawful, specific, humiliating punishment of children in schools is not regulated.

**Challenge 5: Children’s right to quality care**

Thailand has developed a heavy reliance on private institutional care for children which is the least desirable option for the overall wellbeing of children as confirmed by numerous research findings and the United Nations Guidelines for the Alternative Care of Children (UNGL). The risk of harm to children's healthy development is increased in Thailand where many private care facilities remain unregistered and unmonitored by the government. There is growing concern that the quality of care in many of these facilities is very low.

While there is substantial investment by private sector actors in Thailand in the provision of private institutional facilities, there is little investment in services to support families so that children need not enter private institutional facilities in the first place. This means many children are being removed from their families (or extended families) unnecessarily before all possible efforts to support families to care for their own children have been exhausted. In effect, institutional care has become the first option for many children, instead of the last resort. Furthermore, most moves into institutional type care are long term and there are no existing mechanisms attempting to return children to their families as soon as possible as recommended in the UNGA.

The government's own residential care facilities still record poverty as one of the primary reasons for children to be in their care, just like many private institutional facilities. For example, from Sangkhlaburi alternative care research, the two main causes of child intake are poverty and lack of access to education. The study found that less than 10% of children living in Sangkhlaburi's private institutions are double orphans. So it can be assumed that with a regular review and access to family support services, the chances for the majority to be reintegrated back to their families are high. Unfortunately, such reviews are lacking, raising concern that very few government officers or private care providers who are responsible for the alternative care of children in Thailand possess a working awareness of the UN Guidelines.

At the time of this report, the number of children in the 30 government child institutions is 4,177. The CRCCT has documented over 500 private children's homes operating in Thailand, including 239 unregistered private children's homes. A 2015 UNICEF report into the situation of Alternative Care in Thailand stated that Thai government boarding schools are also, to all intents and purposes, alternative care institutions. In excess of 33,000 children are currently living in these schools.
RECOMMENDATIONS

1. **On Challenge 1: Online sexual abuse and violence against children**

   1.1. Review and extend the National Strategies to Protect Children from Online Exploitation and Abuse in alignment with the UNCRC’s General Comments No.25 (2021) and the "WeProtect" (Working to protect children from the growing threat of sexual exploitation and abuse online) Global Alliance’s framework.

   1.2. Set up the National Center for the Protection of Children from all forms of Online Exploitation and Abuse to coordinate collaboration and resources among different ministries, and CSOs referring to the five pillars for online safety: Policy, Prevention, Protection, Prosecution and Promotion.


   2.1. Ensure the continuity of the academic learning of children; that all migrant children, being documented or undocumented, are not denied enrolment/getting back to schools and are provided with equitable and inclusive access to good learning conditions, especially during pandemic conditions requiring additional resources and mitigation measures.

3. **On Challenge 3: Minimum age for marriage law and enforcement**

   3.1. Raise the minimum age for marriage to 18 years and eliminate legal loopholes that allow children to be married or enter into a union by revising Section 1448 of the Thai Family Law and in compliance of its existing international UN and ASEAN commitments.


4. **On Challenge 4: Corporal Punishment**


5. **Challenge 5: Children’s right to quality care**

   5.1. Commit to the 2019 UN Resolution on the Rights of the Child and maximize the reinforcement power of the 2003 Child Protection Act to bring oversight and accountability to both government and private children’s homes as a first step towards implementation of the UN Guidelines of Alternative Cares (UNGL).

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For more information, evidence and data, please refer to the references and/or contact

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