

Policy development to integrate the mechanisms for protection of children, youth and family from risk factors

1. Situation:

1.1 Risk factors concerning children, youth, and family

The situation in which children, youth and family find themselves today is complex. There are several risk factors that pose a clear threat to them, hampering their physical, mental, psychological and social and intellectual development as well as making it difficult to bring to pass their wellbeing. The situation in turn affects community, social and national development necessary to meet the challenges of global change. Hence, it is necessary to develop a mechanism that makes it possible for the society to protect children, youth and family.

The National Health Assembly has already come up, on separate occasions, with a number of resolutions on risk factors that threaten children, youth and family: Resolution No. 9 on Impacts of Media on Children, Youth, and family and Resolution No. 10 on Sexual Wellbeing: Sexual Violence, Unplanned Pregnancy, and Sex and AIDS/STD adopted by the 1st National Health Assembly in 2008; Resolution No. 10 on Development of Participatory Mechanisms for the Wellbeing of Children, Youth, and Family by the 2nd National Health Assembly in 2009; Resolution No. 8 on Solving Problems facing Thai Teenagers and Unplanned or Teen Pregnancy by the 3rd National Health Assembly in 2010; and Resolution No. 9 on Management of the Environment Surrounding Children Around the Clock: the Case of Thai Children and IT by the 5th National Health Assembly in 2012. Their follow-ups reveal that attempts have been made to develop measures as suggested. However, there still remain constraints, while the follow-up has not been properly integrated as a whole both at national and local levels, and the results are still far below expectation.

In addition, Thailand has taken action on children, youth and family in line with the international approach and practice as advocated in the Convention on the Rights of the Child and United Nations Resolutions. For example, in 2014 the country celebrated the 20th anniversary of the International Day of Families focusing on 3 major topics: (1) Confrontation of the Family with Poverty and Social Discrimination, (2) Proper Balance between Work and Family Life, and (3) Development of Social Integration and Unity of Different Generations of Family and Community Members. This is also in line with Brunei Darrusalam Statement on Ensuring Work Family Balance and with the (Draft) 10th Berlin Family Summit Statement, Berlin, Germany, recognizing the results of the Rio+20 process, UN Secretary-General's Report on "Life with Dignity for All", and the Secretary-General's Report of the High-Level of Eminent Persons on the Post-2015 Development Agenda together with its vision and framework for post-2015 development focusing on public participation.

However, the current situation in Thailand indicates the presence of significant risk factors that threaten the life's quality of children, youth and family on a regular basis and will likely increase in severity. They can be seen in many

manifestations. Of particular significance is violence. Of course, domestic violence is reported in every country. The reported number of victims of violence in all probability falls below the actual fact. Violence tends to occur at home, and the abusers are often family members. Most incidents are not reported and kept hidden from the outside world.

In Thailand there are 22.83 million households with 21.48 million children between 0 and 25 years old, representing 33% of the total population. Its domestic violence incidence is one of the highest in the world. According to the 2014 report by the Office of women's Affairs and Family Development, Thailand ranks No. 30 in the world for spouse violence and No. 7 for assault of women by men.

Risk factors against sexual wellbeing are as important as ever. The problems have accumulated over the years, including sexual violence, unplanned pregnancy, and AIDS or STD. It is reported that the number of people phoning in for advice via hotline 1663 between 1 September 2013 and 31 July 2014 is 22,886. Of this number, 19,447 or 85% sought advice on AIDS, while 3,439 or 15% were concerned with unplanned or Teen pregnancy. Further inquiry of the 1,588 recorded cases of the latter group reveals that most did not have money for child support, representing 36%, while 29% were still at school and 18% worried that pregnancy would pose a barrier to their careers. These problems are likely to escalate in severity and complexity to national level, affecting physical and mental health as well as society as a whole. Factors related to sexual violence, unplanned or teen pregnancy and sexually transmitted diseases include consumption of alcoholic beverages and all kinds of media that reproduce contents of sexual violence.

Thus, it is found that the consumption of all forms of unsafe and unconstructive media constitute a risk factor increasingly threatening children, youth and family on a regular basis. A social science expert in child and teenager psychiatry at Siriraj Hospital explained how young people are hooked to television and Internet media which are readily accessible and available through several channels. More often than not, they are negatively manipulated, something difficult to control. Most come from families that do not spend time with them. As a result, they spend far too much time with these media and are easily influenced. A matter of grave concern is that nearly 100% of the cases of child sexual abuse seeking care and treatment are attributable to media in some way or another.

Furthermore, there is another risk factor – gambling. The problem is related to the phenomenon of child addiction to games and Internet media which makes it easier for children and youth to be drawn to on-line gambling. According to a survey conducted in October 2013 by the Ministry of Social Development and Human Security, as many as 2.8 million Thai children gamble, the youngest being 7 years old. The most popular forms of gambling include card games, bingo, underground lottery, state lottery and football betting. If this trend continues or does not slow down, what will happen to these children who are supposed to be important resources for future national development? Of course, Thailand has in place laws that protect children against gambling to a certain extent; they are not, however, intensive and extensive enough to guard them against gambling and related adverse effects.

In addition, there are other related risk factors that are posing problems, such as narcotic substances, orphans, homeless people, children and youth caught in the justice system, hill tribe people, poverty, slums, human trafficking, and child labor.

The State has passed necessary laws, formulated policy, and assigned agencies and organizations from various sectors to deal with the situation and act as driving forces. Admittedly, the efforts have produced some good results.. The problems facing children, youth and family remain and are likely to become worse. Listed below are some mechanisms and strategic plans related to children, youth and family, including responsible committees and commissions that came into being by virtue of the relevant laws, as well as other related networks at the national and local levels:

1.2 Current protection mechanisms

1.2.1: At national level:

1) Laws and mechanisms designed to protect children, youth, and family with the Ministry of Social Development and Human Security acting as Secretariat:

1.1 The Convention on the Rights of the Child is an international human rights treaty adopted by most countries. Thailand ratified the convention in 1992. The convention acknowledges that every child has four basic rights that every country must guarantee: 1) the right to life, 2) the right to development, 3) the right to protection, and 4) the right to participation. Every five years each country is required to submit its progress report to the United Nations Committee on the Rights of the Child.

1.2 The National Child and Youth Development Promotion Act B.E. 2550 (2007) is under the care of the **National Child and Youth Development Promotion Commission** chaired by the Prime Minister, with the **Office of Promotion and Protection of Children Youth, the Elderly and Vulnerable Groups acting as Secretariat**. The Children and Youth Council of Thailand gives comments on the State's policy about the subject on behalf of children and youth.

1.3 The Child Protection Act B.E. 2546 (2003) has the **National Child Protection Commission** acting as enforcing mechanism and the **Office of Permanent Secretary for Social Development and Human Security** as Secretariat.

1.4 The Domestic Violence Victim Protection Act B.E. 2550 (2007) has the **Office of Women's Affairs and Family Development (OWAFD)** as law enforcing agency under the **National Family Policy and Strategy Commission** chaired by the Prime Minister. The national commission was established by the Office of the Prime Minister's Regulation.

1.5 The Anti-trafficking in Persons Act B.E. 2551 (2008) is under the care of the **Anti-trafficking in Persons Commission** chaired by the Prime Minister. The commission is responsible for formulating policy, strategies and measures to prevent and suppress human trafficking, including the supervision of legal enforcement. There is also the **Anti-trafficking Coordinating Committee** chaired by a Deputy Prime Minister assigned by the Prime Minister. The coordinating committee is responsible for supervising and ensuring the anti-human trafficking operation to be in line with the policy, strategies and measures

prescribed. It designates the **Office of the Permanent Secretary for Social Development and Human Security** to act as the coordinating centre with other agencies concerned.

2) Laws and mechanisms related to the support and implementation of local government organizations on prevention and control of risk factors:

2.1 Determining Plans and Process of Decentralization to Local Government Organizations Act B.E. 2542 (1999) is under the chairmanship of the Prime Minister, with the Bureau of Decentralization to Local Government Organizations Committee, Office of the Permanent Secretary for the Prime Minister's Office, acting as secretariat.

2.2 Gambling Act B.E. 2478 (1935) is under the responsibility of the Department of Provincial Administration, Ministry of Interior.

2.3 Computer-Related Crime Act B.E. 2550 (2007) is under the care of the Office of the Permanent Secretary for Information and Communication Technology.

2.4 Film and Video Act B.E. 2551 (2008) is under the care of the National Film and Video Commission chaired by the Prime Minister with the Office of the Permanent Secretary for Culture acting as secretariat.

2.5 National Education Act B.E. 2542 (1999) is implemented by the Ministry of Education.

3) Strategic Plans related to the work on children, youth and family:

3.1 The 11th National Economic and Social Development Plan B.E. 2555-2559 (2012-2016) intends to develop human capital in such a way that people are equipped with immunity in their daily life and can effectively adapt themselves to the changing world in the 21st century. The approach is based on the Philosophy of Economic Sufficiency. The plan attaches importance to the promotion of public mind in five areas: 1) academic mind, i.e. life-long learning, analytical and practical, 2) synthetic mind, i.e. accumulating, building on and generating knowledge, 3) creative mind rooted in the belief that creativity is possible with regular practice, 4) respectful mind, i.e. open to receiving and listening to opinions from all sides, and 5) moral mind, i.e. knowledge and development being governed by morality.

3.2 National Child and Youth Development Plan B.E. 2555-2559 (2012-2016) is a strategic plan developed in accordance with the National Child and Youth Development Promotion Act B.E. 2550 (2007) and serves as the framework for child and youth development for the 11th National Economic and Social Development Plan. The objective of the plan is to ensure that children and youth enjoy life security, are physically and emotionally strong, are imbued with morality and ethical principles, have a sense of civic duty, have moral courage to think and act constructively and democratically, and are happy individuals. This strategic plan is under the responsibility of the National Child and Youth Development Promotion Commission.

1.2.2 Local mechanisms:

1) Mechanisms implemented by the Ministry of Social Development and Human Security through provincial social development and human security offices acting as coordinator and secretariat: The work is conducted by such organizations as the provincial child protection committee and Bangkok child protection committee, provincial family promotion and development committee, local child and youth councils at provincial, district and sub-district levels, and Community Family Development Centers (CFDC).

2) Local government mechanisms: provincial administrative organizations, municipalities, Tambon (sub-district) administrative organizations, and special forms of local government organizations.

3) Mechanisms for treatment and advice provided by the Ministry of Public Health: One Stop Crisis Centers at the hospitals and Tambon (sub-district) health promotion hospitals.

4) Local mechanisms provided by civil societies for children, youth and family.

2. Problems and obstacles in the protection of children, youth and family against risk factors:

2.1 Ill-defined responsibilities and work integration

In practice the responsibilities of various agencies are often ill defined in the laws and national strategic plans. Their organizational structures and responsibilities make it difficult to integrate the work on the protection of children, youth and family at the central and local levels. Work tends to be based on target groups categorized into people with disabilities, the elderly, women, family, volunteers for social development and volunteers for people with disabilities. Such categorization may not be adequate or effective in the protection of children, youth and family against risk factors.

It can be seen that the work on children, youth and family as defined by Child Protection Act B.E. 2546 (2003), Domestic Violence Victim Protection Act B.E. 2550 (2007), and National Child and Youth Development Promotion Act B.E. 2550 (2007) needs to be better integrated to meet their objectives. Children, regardless of what groups they belong to, all need special protection. **More importantly, there is no strategic plan for the integration of work on protection of children, youth, and family against risk factors that are posing threats to society in particular.**

In addition, the work provided by Community Family Development Centers (CFDC), supposedly important local mechanisms for family protection, is tied to so many agencies under the Ministry of Social Development and Human Security that the results are not always properly delivered. Their work also overlaps with other agencies, for example with the Office of the Narcotics Control Board (ONCB) in the Family Fence Strategy. The status of CFDC differs from center to center, thus making it difficult to achieve the desired results. The budget and support process are not proportional to the expected delivery.

2.2 Legal interpretation

The attempts to enforce the Domestic Violence Victim Protection Act B.E. 2550 (2007) have met with a number of problems. Although the act has only 18 sections, almost each section is subject to different interpretation. For example, the question whether the term "a person in the family" should include the ex-wife or ex-husband depends a lot on their relationship or likely effects on the child/children of the party concerned. Likewise, the term "domestic violence" in actual fact also refers to mental violence, which is difficult to measure and requires certain standard to allow a clear-cut understanding whether it should include a loss of consciousness and loss of mind.

Similar problems of interpretation are found with the Computer-Related Crime Act B.E. 2550 (2007) and other laws related to online gambling. Confusion arises when it comes to the scope of duty in the prevention and suppression of online gambling.

2.3 Legal provisions out of touch with current situation

For instance in the Gambling Act B.E. 2478 (1935) certain provisions and penalties are not in line with the current gambling situations. The charges and penalties against the host and players are outdated. The penalty rates are very low and dated back for more than 80 years. All this is not in line with the current situation. In addition, there are no specific provisions designed to strictly protect children and youth against gambling.

2.4 People do not know much about the law, their rights and duty.

Another important issue is that local people do not know and understand legal provisions concerning their right and duty in the face of social risk factors. In many cases, victims may not know that there are mechanisms in place intended to protect their right and the right of those subjected to domestic violence and therefore are unable to benefit from the law fully.

In view of the ongoing problems and risk factors increasingly threatening children, youth and family on a regular basis in Thailand, in view of the advent of the ASEAN Economic Community in 2015 and with it more migration of the people in the ASEAN region, and in view of more FTAs coming into effect between Thailand and partner countries, it is only appropriate to integrate all the existing mechanisms designed to protect children, youth and family from risk factors and solve the problems more effectively and sustainably.

3. Issue to be submitted for consideration to the National Health Assembly

Requesting the Health Assembly to consider Document Health Assembly 7/
Draft Resolution 1 on Policy development to integrate the mechanisms for protection of children, youth and family from risk factors.