

Accessibility to The Rights of Children with disabilities in Thailand¹

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Abstract

The following paper touches upon the crucial struggle that children with disabilities in Thailand faces from limited accessibility to social rights and social discrimination. Information in the paper would present thoroughly on what the current sociopolitical framework is lacking in tending to these impaired youths. This would allow readers to come to realize on how poorly past attempts has done in increasing the accessibility to the rights of children with disabilities in Thailand. In order to reach this objective, a mix of qualitative and quantitative analyses would be conducted. Literary and statistical evidence would highlight key details on how many children there are, what disabilities there are, as well as how they are mistreated. A framework could then be formed on what policies need to be enacted so that they may gain accessibility to rights as a citizen and being able to grow up to become functional members of Thai society.

Keyword:, Accessibility, Rights of Children with disabilities, Thailand

Introduction

Children with disabilities and their families face ongoing challenges in accessible to their fundamental human rights and integrating into society. Their abilities are neglected, their capacities are undervalued, and their needs are prioritized. However, the difficulties people confront are often caused by the environment in which they live rather than by their conditions. The children with disabilities are quite different. “They include children who have a genetic condition that affects their physical, mental, or social development from birth; those who have suffered a serious injury, a nutritional deficiency, or an infection that has caused long-term functional challenges; or those who have been exposed to toxins in the environment that have caused developmental delays or learning disabilities. Children with disabilities include individuals who had traumatic childhood circumstances and later acquired anxiety or depression.”

Children with disabilities and their families continue to face daily obstacles that limit their ability to exercise their rights, despite the nearly universal ratification of the Convention on the Rights of the Child and the social and political mobilization that resulted in the adoption of the Convention on the

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Rights of Persons with Disabilities. Discrimination and exclusion against people with disabilities happen everywhere, in all spheres of society, and in all kinds of social, political, religious, and cultural contexts.

In Thailand, according to the Department of Empowerment of Persons with Disabilities (DEP), Ministry of Social Development and Human Security, report on the disability situation in Thailand, September 2022, "children with disabilities in Thailand aged 0–21 years have the highest numbers, at 45,629, or 30.28 percent of the total number of persons with disabilities in Thailand. The stories behind the numbers are focused on the needs, desires, and rights of the children with disabilities in Thailand. Each number reminds us of the challenges that far too many of these children experience, as well as the rights that we must protect for all children. The information offered in the following papers will provide a brief insight into both qualitative and quantitative data, which will include the Thailand disabilities 2022 report, CRC actions, DEP actions, and the lives of children with disabilities in Thailand. Accessibility to welfare and, at the end of the papers, the police recommendation for the accessibility to the rights of children with disabilities in Thailand.

Research problem

The research problem is the accessibility to the rights of children with disabilities in Thailand, as a result of the human rights perspective to disability, attention has shifted from a child's physical or mental limits to the societal constraints that restrict their capacity to obtain basic social services, reach their full potential, and exercise their rights. Currently, these children with disabilities in Thailand are suffering dearly not only through neglect from the government body, but are also falling victim to discrimination by more physically or mentally-abled people of the population. Such circumstances prevent them from developing into functioning members of society as well as perpetuating a social stigma withholding them from achieving their full potential. If this is not solved, the current status quo of these children not being able to become capable and contributing members to their communities would remain as is.

Theoretical Framework

The theoretical framework for finding solutions for these children with disabilities in Thailand stems from the perspectives and actions of policymakers. As it currently stands, the children are not suffering solely from the lack of from these government agents, but their destitute circumstances stem from a notion held by these decision-makers that they do not produce value to the society. This ideology is then reflected not only in their policies but also reciprocated by other citizens who are not afflicted with such disabilities. As such, it is important to first look at how the Thai people and the government view this group of people before any intervention is conducted.

Firstly, all children, including those with disabilities, are accorded human rights under the "Convention on the Rights of the Child (CRC)". In one part of the Convention, the rights of children with disabilities are recognized and moved forward. The United Nations General Assembly passed the Convention on the Rights of Persons with Disabilities (CRPD) on December 6, 2006, which, along with the CRC, gives a strong new incentive to promote the human rights of all children with disabilities. The effort to include children with disabilities has been both inspired by and built on the principles of human rights. Regardless of their age, race, religion, language, poverty, or disability, all children must be respected as full members of society and have their rights upheld. This is what it means to be inclusive. Inclusion calls for the construction of suitable supporting and safe surroundings as well as the removal of obstacles that can stand in the way of the enjoyment of these rights. Inclusion of children who would otherwise be seen as "different" requires "changing the attitudes and practices of individuals, organizations, and associations so that they can fully and equally participate in and contribute to the life of their community and culture," according to the "UN Educational, Scientific, and Cultural Organization (UNESCO)." A society that values diversity and aggressively combats discrimination and prejudice in its laws and practices is an inclusive society. Children with disabilities will not be left out and will need to be fully included, and all children's abilities, skills, and potential will be given full expression. The CRC governs this convention globally. Which in Thailand contexts to the children with disabilities are taken care of by DEP. as a cooperating partner with DTH and TRIP are the main research and data collector for the children with disabilities in Thailand to improve the monitoring of policy implementation and law enforcement by organizations of and for children with disabilities and other associated civil society groups in relation to the empowerment of people with disabilities.

Department of Empowerment of Persons with Disabilities, Ministry of Social Development and Human Security (DEP)

The department was started in B.E. 2483, or 1940, with the main goal of being "the main organization driving and promoting people with disabilities to access their rights and welfare worldwide and equally."

The mission of development, empowerment, and participation is to drive and integrate policies to promote and improve the well-being of the disabled. Under an organization with high performance and good governance, encourage people with disabilities to have equal access to rights, welfare, and basic facilities, and promote and support organizations and networks of people with disabilities that are strong and involved.

Disabilities Thailand (DTH)

The "national coordinating organization for disability policy advocacy under Persons with Disabilities Empowerment Act B.E. 2550 (2007) (PDEA)". DTH is the cover to 6 organization in "Thailand Research Institute for Empowerment of Persons with Disabilities Foundation (TRIP)". The Organization are developed the mechanisms that work with the related parties to involve all of them to create the Alternative Report for "the Convention on the Rights of Persons with Disabilities (CRPD). The Fourth

National Plan of Empowerment of Persons with Disabilities B.E. 2555 - 2559(2012-2016)” is one of the laws that Thailand has implemented, along with “the Constitution of the Kingdom of Thailand and the PDEAB.E. 2550 (2007)”. The report seeks to examine whether these laws and how they are implemented are in compliance with the Convention (NPEPD).

Research Methodology

This paper is based on the study of Thailand Accessibility to the Rights of Children with disabilities, CRC actions, "DEP (Department of Empowerment of Persons with Disabilities, Ministry of Social Development and Human Security) action, Disabilities Thailand (DTH), Thailand Research Institute for Empowerment of Persons with Disabilities Foundation (TRIP)" and discusses the lives of children with disabilities in Thailand and the "social model" of disability and provides a brief insight into both qualitative and quantitative data. Quantitative data will mainly involve statistics regarding the number of children grouped by the physical/mental disability they are afflicted with including to the social rights and benefits from the state they have been provided with. Once the discrepancy between the rights they have been given and what they should have received has been highlighted, a qualitative analysis of various policies and initiatives would then be presented to express how pressing the issue. Once completed, a direction towards how the government should proceed with handling the accessibility to the rights of children with disabilities should become clearer.

Analysis and Findings

The history of disability has primarily been one of stigmatization, exclusion, and prejudice. People with disabilities, especially in particular children with impairments, who are frequently excluded from society, have historically been seen as passive beneficiaries of welfare and objects of charity. This history of charitable giving endures in many nations and has an impact on how children with disabilities are viewed and treated.

The disability "social model," As a result of the human rights perspective on disability, attention has shifted from a child's physical or mental limits to the societal constraints that restrict their capacity to obtain basic social services, reach their full potential, and exercise their rights. The disability social model is essentially one that reflects the importance placed on equality and nondiscrimination in international human rights standards. The long-held notion that impediments to the involvement of persons with disabilities are largely caused by their impairments is rejected by this approach, which instead emphasizes environmental constraints. Which should be combined with the design of the health, welfare, and educational systems; prevalent attitudes and preconceptions that contribute to underestimation; lack of access to facilities, transportation, and the full range of community resources available to the rest of the population; and the effects of poverty and deprivation on the community as a whole, and, in particular, on people with disabilities and their families.

CEC and children with disabilities

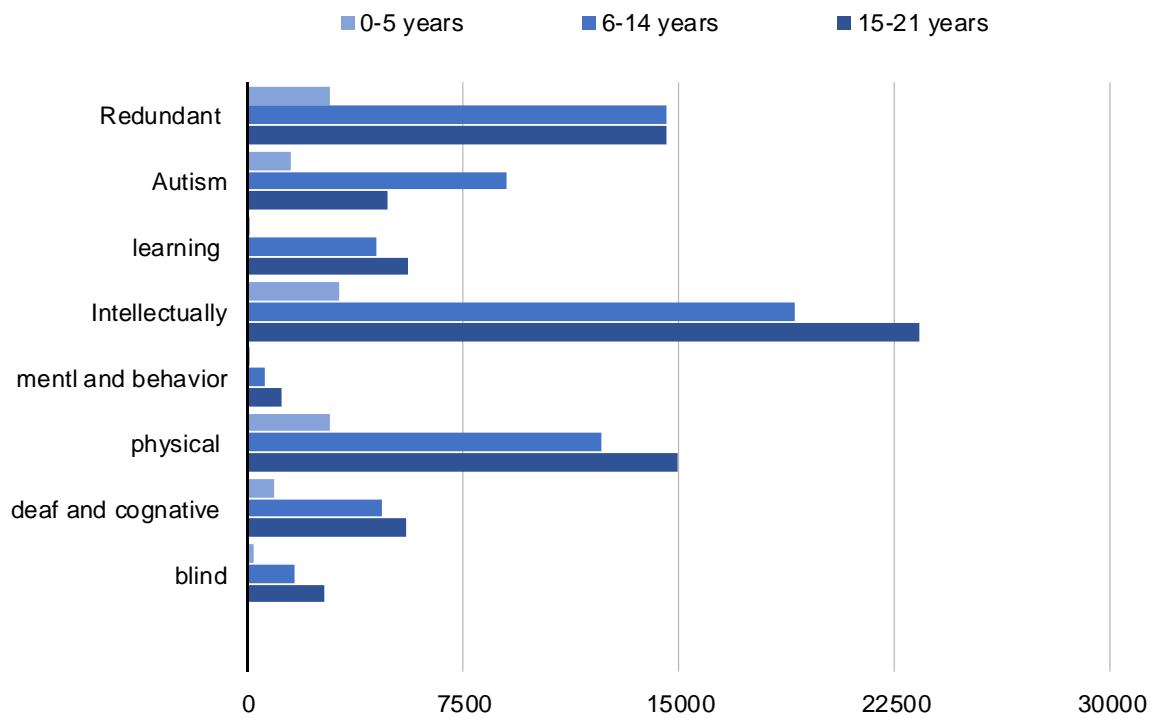
This model reflects the idea that "since the 1989 Convention on the Rights of the Child (CRC) is significant for including a section that is explicitly concerned with the rights of children with disabilities," It is the first binding international law document to deal extensively with children's human rights. "The Committee on the Rights of the Child" oversees and advocates for CRC implementation on a global scale.

The CRC's article 2 clearly forbids discrimination on the basis of disability, which reflects the concept of non-discrimination:

"States parties shall respect and ensure the set forth in the present Convention to each child ...without discrimination of any kind, irrespective of the child's...disability...or other status."

This idea is driven by the understanding that segregated or separate facilities for education, healthcare, recreation, and many other facets of human existence may establish and reinforce exclusion based on disability. To exercise their rights, some children need additional or alternative types of help. A child with mental or physical disability is entitled to a complete and decent existence, in circumstances that protect dignity, foster self-reliance, and enable the child's active participation in the community, according to Article 23 of the CRC, which relates to the responsibility of States parties: States parties acknowledge that a child with a mental or physical disability should live a full and respectable life, in circumstances that uphold dignity, encourage independence, and make it easier for the child to actively participate in the community, the rights of disability children to special care and must encourage and guarantee the provision of assistance...appropriate to the child's condition, to the eligible child and those responsible for his or her care, according to the availability of resources, With the aim of ensuring that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment, and recreational opportunities in a way that is conducive to the child achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development, extended assistance shall be provided free of charge, whenever possible, The promotion of appropriate information sharing in the areas of preventative health care and the medical, psychological, and functional treatment of children with disabilities is required by the States Parties. The concerns of emerging nations should be given special consideration in this respect. Without limiting the broad applicability of the CRC's principles and provisions to the situation of children with disabilities, this particular article on children with disabilities is included.

Thailand and children with disabilities



Disabilities	0-5	6-14	15-21
Redundant	2884	14578	14586
Autism	1499	9035	4879
Learning	59	4489	5544
Intellectually	3193	19048	23365
Mental and Behavior	46	584	1150
Physical	2860	12276	14953
Deaf and Cognitive	905	4638	5513
Blind	212	1635	2656
Total (45,629 persons)	11658	66287	72687

The stories behind the numbers are focused to the Children with disabilities in Thailand needs, desires, and rights. Each number reminds us of the challenges that far too many of these children experience, as well as the rights that we must protect for all children.

Issues to the Convention to be successfully implemented in Thailand

Thailand's laws were completely changed in accordance with “the Convention between 2007 and 2013, they now promote and defend the rights of people with disabilities.” So, in several disability-related legislation, such as “the PDEA B.E. 2550 (2007) and its modification B.E. 2556 (2013) and the Education Act for Persons with Disabilities B.E. 2551 (2008) and its amendment B.E. 2556 (2013), important concepts were formed (EAPD)”. Certain rights under the acts, however, cannot be actually applied in the real world since they fall under the jurisdiction of all Thai Ministries, not just “the Ministry of Social Development and Human Security”; at the very least, five Ministries are required to jointly enforce the laws. The implementation of the policy is carried out in a very vertical and hierarchical manner, which results in the departmental silos of service delivery systems for individuals with disabilities. Furthermore, there is a dearth of employees with a deeper grasp of impairments concerns who can continue to be accountable for the duty due to the turnover of high-ranking officers in government agencies every 2-4 years. This hinders efforts to raise the quality of life for people with disabilities. For instance, there are not continuing the work or the information links or updates to the database used to confirm the identity of people with disabilities at the point of service. Furthermore, there hasn't been much progress in Thailand in protecting the legal rights of people with disabilities because different types of disabilities call for different considerations and services, and because the majority of responsible government agencies still lack knowledge about, have a poor understanding of, and have an inappropriate attitude toward people with disabilities.

A variety of rights and advantages for children disabilities and those who care for them have been made clear as a result of the aforementioned legislation. For instance, the right to health care, education, work, access to information, disability pension, loan for self-employment, sign language interpreting services, legal help, and personal support service are all guaranteed to persons who register and acquire an ID card. Since the PDEA B.E. has been in effect for 10 years, 2550 (2007) (2007) In collaboration with “the Committee for Persons with Disabilities under the Parliament of Thailand (composed of the Senate, National Legislative Assembly, and National Reform Council)”, as well as the associated network, the “DTH, which was founded in 1983, has been fully engaged and strongly driving the laws enforcement and related policies implementation”. A Rights-Based Society has been attempted in partnership with the government. “The National Reform Assembly” resolution that was sponsored by “Persons with Disabilities Alliances in 2010” that addressed the "Inclusive Society" issue marked the beginning of the civil society mobilization effort. The National Assembly of Persons with Disabilities has met annually since then to advance that decision, promote the Convention, and ensure that relevant

laws are enforced. During these meetings, the major issues, such as Discrimination Against Persons with Disabilities Must Be Eliminated, have consistently been discussed (Thai society, concerns connected to discriminatory behaviors towards people with disabilities are frequent.), Accessibility, At least four laws for disabilities must be able to access and benefit from the physical setting, transportation, information and communication to the technology, facilities, and services; the enforcement process is governed by four Ministries: "the Ministry of Transport, the Ministry of Information and Communication Technology, the Ministry of Public Facilities, and the Ministry of Disability Affairs."

To the Children with Disabilities

The present condition of children with disabilities in Thailand revealed that there are 1,562,133 children with disabilities. Thailand laws have shown that the "Persons with Disabilities Act, B.E. 2550 (2007)" has no legislative content to safeguard the rights of children with disabilities; rather, it solely protects carers' rights to their beneficial and beneficial services. Disabilities Thailand (DTH) has recommended amending the PDEA B.E. 2550 (2007) to address the issue of children with disabilities; however, it was rejected by the DEP. "Policymakers have never considered the rights of disabled children, nor have they sought their meaningful participation in all government sectors. "The government does not have any programs to prevent child abandonment or to try to reintegrate institutionalized children with disabilities into families or communities in order to decrease the frequency of such admissions. Four residential care facilities for children with disabilities are now run by the DEP. A total of 2,000 kids with disabilities of any type and ages ranging from infancy to 18 years old were accepted. The staff-to-child ratio is one adult for every seven to ten kids, and the majority of babysitters lack the necessary skills or expertise to care for or rehabilitate children with disabilities. Additionally, there aren't enough qualified staff members to provide any rehabilitation programs or life skills instruction.

The "right to education" is a critical issue for children with disabilities; disability statistics show that around 44.5% of children with disabilities do not have access to education, while the remainder get very basic education. Children with various forms of impairments are still enrolled in the same schools, with the same educational curriculum, in special schools for children with disabilities. "The Ministry of Education" has often stated that there is a scarcity of special education staff, which has resulted in the denial or insufficiency of educational services for children with impairments. "The Ministry of Education" does not have a good policy for providing education to all types of children with disabilities and people of all ages. "Policy implementation has traditionally been limited to trial programs in a few provinces." This has been the implementation pattern for the previous ten years (2006–2016).

The statutes specifically establish the rights of children with disabilities, yet they are rarely enforced. The issues stem from a variety of obstructive situations and limitations, such as Poor health and educational rehabilitation services are a result of a number of structural barriers, including the absence of early intervention units at the city and rural area levels, the inadequacy and unequal distribution of personnel for children's rehabilitation, the inadequacy of family assistance, particularly for transportation,

and the lack of subsidies for families with children with disabilities. All relevant organizations (social sector, education, and health care) are not well integrated; the majority of them operate passively. When kids use one service, they might not be able to use others that they actually need. There is no formal articulation of the unique educational assistance programs for children with impairments. When kids with disabilities enter "normal" school, there isn't any planning or support in place. Children with disabilities leave school at a high rate as a result. This demonstrates deceptive legislation and policy enforcement in relation to children with disabilities' rights to inclusive education. Some families of children with disabilities have unfavorable views against the identification and registration of the disability because they believe that doing so would result in the children getting government charity benefits and being kept at home.

In Thai society, young people with impairments are marginalized. Few disabled young people have the chance to take part in "the Children and Youth Council of Thailand." There is no system or service to support or assist children with disabilities in exercising their rights, and none of the government's policies, processes, or activities have taken the needs of these individuals into account.

It was discovered that when it comes to "support services for parents' groups and networks, the government does not cover all types of disabilities or parents' groups and networks that reside in remote areas. Additionally, the PDEA B.E. Only the Association of Parents for Thai Persons with Autism, the Association for Persons with Intellectual Disability of Thailand, the Parents Council for Children with Cerebral Palsy, the Parents Group for Children with Hearing Impairment, and the Parents Council for Children with Learning Disability were authorized under Thai Law 2550 (2007). The administration of self-help support services started by parent organizations should have continued government assistance. Government services may become more readily available to impaired children with more group development and capacity building. "Financial support in the amount of 2,000 Baht every time, up to three times per year, is just a general aid for anyone who is in extreme need." On the other hand, families with impaired children have less access to this kind of social support.

There is a nationwide vertical initiative named "BDR Online" that was established by a "medical professional network and 40 hospitals" and is backed by the Thai Health Promotion Foundation and the National Health Security Office. It strives to maximize data consumption in order to give early treatments; changes in morbidity and disability severity are intended outcomes. However, sustainability and continuous improvement remain issues. The MOU was signed on February 3, 2012, to build a national database of children with impairments at birth because the gathering of data on children with impairments at birth is not systematic, which means that the present data is only partially gathered and is frequently inadequate, resulting in inappropriate and poor preventative and treatment strategies. Thailand lacks integrated care for all impairments at birth, putting the burden of finding treatment on the shoulders of families, which is time-consuming and expensive.

Policy Recommendation

“The Government of Thailand should work harder to advance and defend the rights of children and youth with disabilities by recommending specialized inclusion policies, disability and family assistance programs, and accessibility to medical care, education, social and rehabilitation services, and suitable vocational training. Increasing the number of handicapped children and youth represented in the Children and Youth Council of Thailand is one step the Thai government should take to enable children with disabilities to share their thoughts on all matters. The Thai government must establish a solid framework and allot enough resources to enable effective national policy and strategy implementation since children and young people with disabilities are significant national resources.” “The Thai government must also provide resources and support to families with children and teenagers with disabilities in order to prevent abandonment, concealment, and isolation. Family subsidies, family psycho education, family empowerment, and age-specific life skills instruction must all be included in these programs. In an effort to ensure that community-based Disabilities Service Centers can mobilize resources and offer support and skill development based on self-reliance, rehabilitation services, family planning, vocational training, violence prevention against children with disabilities, and other services, among other things. To create connections and provide efficient services across the social, health, and educational sectors, the Thai government must improve the registration process and database of children and teenagers with disabilities.” Additionally, this might be applied to encourage more effective lobbying, the creation of laws and policies, and responsibility for advancing the rights of children with disabilities.

Conclusion

All children with disabilities deserve the opportunity to thrive. To make this a reality, Thai governments must provide programs and services that address the whole spectrum of needs of these children and their families. Accessibility of children with disabilities in all parts of life must be prioritized. Every children, no matter where they are, has something to contribute. Their energy, abilities, and ideas may benefit families, communities, and the world. The extent to which children with disabilities are impoverished, feel discriminated against, and lack hope for the future demonstrates that nations are failing to achieve the most fundamental human rights of all children.

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