

**Report on the implementation
of the Convention on the Rights of Persons with Disabilities
by the National Human Rights Commission of Thailand**

Preparation of the report

1. The National Human Rights Commission of Thailand (NHRCT) prepared this report in its capacity as the independent mechanism designated to monitor the implementation of the Convention in accordance with Article 33 paragraph 2. The NHRCT set up an *ad-hoc* Sub-committee chaired by the Human Rights Commissioner responsible for the rights of persons with disabilities to prepare a draft report. Representatives of organizations of persons with disabilities of various types were invited to participate in the Sub-committee to provide information and views on the implementation of the Convention. The Sub-committee held 5 meetings between January and May 2015 to discuss issues of concern to persons with disabilities to be incorporated in the draft report. It also requested information from concerned government departments and invited some of them to have further discussion with the Sub-committee including the Department for the Empowerment of Persons with Disabilities (DEP), Ministry of Social Development and Human Security, and the Primary Education Office, Ministry of Education. The draft report was presented to the NHRCT for consideration and was approved in June 2015.

General measures of implementation (Article 4)

2. Thai domestic laws are quite progressive in guaranteeing the rights of persons with disabilities, including the 2007 Empowerment of Persons with Disabilities Act and the 2008 Education for Persons with Disabilities Act. However, there are problems with their implementation or the lack of it. For example, the right of persons with visual impairment to have a guide dog is guaranteed in the 2007 Act but has not been implemented. In many cases, the services for persons with disabilities are inadequate such as the availability of personal assistants. This might be due to the limited budget allocated for such purpose and the rather low and unattractive wage rate for the personal assistant. Many schools do not admit children with disabilities because they do not have the necessary resources to provide proper education. Persons with disabilities have problems accessing transportation as public vehicles do not have appropriate facilities. Public buses are not accessible to wheelchair users and not all the sky train stations have installed elevators. (See paragraph 16 for details)

3. An obstacle to the enjoyment of the rights of persons with disabilities recognized in relevant laws lies in the fact that some by-laws are not conducive for persons with disabilities to access their rights, such as in the management of the Fund for the Empowerment of Persons with Disabilities or the "Disabilities Fund." The Fund was established by the 2007 Act to support activities to improve quality of life of persons with disabilities in the areas of rehabilitation, education and employment as well as to support organizations working to promote their rights. The Act stipulates that the Fund shall be allotted in a fair and all-encompassing manner. In practice, however, there are regulations stating that the Fund will be disbursed in accordance with

a framework plan or project proposed by concerned sub-committees (under the National Committee on the Empowerment of Persons with Disabilities) with specified types of activities and the amount of fund to be approved. A request by an individual person with disability to use the Fund may only be submitted under the framework plan or project, which might not respond directly to his or her specific needs. There is also a maximum limit on the amount of fund to be approved for each type of activity, but very often such amount is lower than the actual cost and many persons with disabilities have to seek additional funds from other sources so as to be able to carry out their intended activities. The regulation relating to the remuneration of a personal assistant to persons with disabilities does not allow parents who act as personal assistant to their children with disabilities to receive remuneration from the DEP. This is because the taking care of children by the parents is considered to be a duty, and not an employment. However, some parents have quitted their jobs to take care of their children full time and need some financial assistance. A lack of appropriate support from the state to enable a family to take care of their children with disabilities may cause some parents to put their children under the care of an institution.

4. The NHRCT is of the view that the problems relating to the realization of the rights of persons with disabilities is partly due to a lack of a systematic follow-up on the implementation of relevant laws. The Empowerment of Persons with Disabilities Act (No. 2) of 2013 states in Section 13/1 that the DEP shall monitor the realization of the rights of persons with disabilities stipulated in the law. If it is found that persons with disabilities cannot exercise their rights in any way, the DEP shall report it to the National Committee on the Empowerment of Persons with Disabilities chaired by the Prime Minister to instruct concerned authorities or persons to take necessary actions to comply with the law. But this provision of the law has not yet been put to action. With regard to the implementation of the Convention, a sub-committee has been set up to prepare the national report to be submitted to the CRPD Committee but it is not mandated to monitor, evaluate or address problems relating to the implementation of the Convention on a regular basis.

5. **Recommendation:** The DEP, in its capacity as the focal point for the implementation of the Convention and secretariat of the National Committee on the Empowerment of Persons with Disabilities, should develop a system to monitor the implementation of relevant laws and the Convention by government agencies and all those concerned, with persons with disabilities being allowed to participate meaningfully in the process. Given the current restructuring of the DEP, it might consider assigning a unit or division the specific responsibility of providing secretariat support to the National Committee. Such unit or division should also be responsible for monitoring, evaluating and analyzing obstacles in the implementation of the Convention and relevant laws, proposing to the National Committee policy recommendations and measures to better comply with the country's obligations under the Convention, as well as coordinating with concerned agencies to ensure that the decisions of the National Committee are effectively carried out. The DEP might consider having 3 other units or divisions to carry out its major functions more efficiently: (1) The Social Service Unit, responsible for developing a system to ensure the availability and accessibility of necessary services to persons with disabilities; (2) The Research, Development and Planning Unit, responsible for supporting research work and making

recommendations to the National Committee on how research results can be put to use to improve the quality of life of persons with disabilities and in the national planning process; and (3) The Fund Management Unit, responsible for the overall management of the Disabilities Fund. With regard to the Fund, the 2007 Act should also be amended so that a request for funds could be considered and approved based on the necessity of the individual person with disability making such request.

Participation of persons with disabilities

6. The 2007 Act provides for representation of organizations of persons with disabilities in the various mechanisms established by the Act including the National Committee on the Empowerment of Persons with Disabilities and the Sub-committee on the Fund Management. Persons with disabilities are also invited to participate in activities organized by government agencies. However, their participation is limited to the activity level. Persons with disabilities want to get involved more in the conception and planning stages as well as in the follow-up and evaluation of the implementation of the national plan by different government departments, the exercise which has not been carried out in an efficient and consistent manner.

7. **Recommendation:** A process should be developed to facilitate meaningful participation of persons with disabilities in all matters affecting them, especially in the formulation of relevant policies, as they are the ones who know best about their situations and problems. The evaluation of policy implementation should be carried out regularly with specific timeframe.

8. The Disabilities Fund is made up of annual budget from the government and financial contribution from private companies that do not hire persons with disabilities as specified in the law. Although persons with disabilities are represented in the Sub-committee that oversees the management of the Fund, they are smaller in number than representatives from concerned government departments.¹ This has made it difficult for them to advance a proposal for the benefit of persons with disabilities. The regulation regarding the application and use of funds poses an obstacle to persons with disabilities in accessing the Fund and in some cases does not respond to their needs. The amount of funds approved is fixed in accordance with set criteria with no consideration given to the specific circumstance of each case as mentioned in paragraph 3 above. An application for personal loan requires a credible guarantor to prevent loss, but this requirement is hard to fulfill for many persons with disabilities and has barred them from access to available funds. No specific timeframe is set for the approval of funds. The time used in considering an application for funds depends on each Sub-committee at provincial level. According to 2014 Fund status report issued by the DEP, a total of 624.89 million baht was approved, with

¹ The composition of the Sub-committee responsible for the Fund management as prescribed in Section 25 of the 2007 Empowerment of Persons with Disabilities Act consists of the Permanent Secretary of the Social Development and Human Security Ministry as chairperson, representatives of the Ministries of Interior, Labor, Education and Public Health, representatives of the Budget Bureau and the Comptroller General, and 9 experts, 7 of whom must be persons with disabilities. The Secretary-General of the National Office for the Empowerment of Persons with Disabilities (now the Director-General of the Empowerment of Persons with Disabilities Department) serves as the secretary of the Sub-committee.

328.10 million baht in loans and 296.79 million baht for projects to improve the quality of life of persons with disabilities. Presently, the Fund has a remaining balance of about 8,000 million baht.²

9. Recommendation: The composition of the Sub-committee responsible for managing the Fund should be amended to increase the representation of persons with disabilities so that they have more voices in the management and use of funds in a way that responds to their real needs. The procedures for approval of funds, whether it is a project-based or a personal loan application, should be changed since most Sub-committee members do not have the expertise for the task. For a project-based application, the Sub-Committee may consider hiring a specialist to do the feasibility analysis of the project while for a personal loan application, it may outsource the screening and approval of application as well as the collection of debt to a credible financial institution. A specific timeframe should be set for the approval of both the project-based and personal loan applications. This should enhance efficiency of the Fund management.

Awareness raising (Article 8)

10. The Fourth National Plan to Improve the Quality of Life of Persons with Disabilities (2012-2016) identified promotion of positive perceptions towards persons with disabilities as one of its strategies. During the second half of the Plan, the DEP has produced television programs to raise public awareness about the potential and capabilities of persons with disabilities. It has also implemented a program presenting awards to persons with disabilities who have lived a successful life and to private companies or local administrative entities that employ persons with disabilities. The NHRCT, however, is of the view that current efforts aimed at promoting positive perceptions and raising awareness of the public on the situation and problems faced by persons with disabilities may not be adequate. This is reflected by the fact that some parents of children with disabilities do not want their children to register with the DEP. They view the identification card issued by the DEP to persons with disabilities who have registered as a stigmatization for their children. This indicates that even parents of children with disabilities do not have a positive perception towards disability.

11. Recommendation: The government should intensify its efforts to promote positive perceptions of the public towards persons with disabilities on a wider scale. It should also raise awareness and understanding about the Convention's principles that persons with disabilities can live a life in dignity and independently as part of the community and ensure that they can effectively enjoy the rights recognized in the Convention.

Accessibility to physical environment, transportation and information (Article 9)

12. Persons with disabilities face problems accessing physical environment, transportation and information, which present obstacles to their independent living and participation in the community. The universal design has not been put into practice. A pedestrian bridge is not

² The current exchange rate is approximately 34 baht to 1 US dollar.

accessible to wheelchair users while a cross walk is not accessible to the visually impaired. The use of Braille is not widespread and guide dog is unaffordable to many persons with visual impairment. Some public buildings have facilities for persons with disabilities, such as toilets and parking; but they are sometimes used by people in general. This might be due to a lack of understanding about the rights of persons with disabilities of the public.

13. In its decision of 19 May 2012, the Cabinet instructed public hospitals, government buildings (city halls, district and local administrative offices) educational institutions and police stations to provide at least 5 basic facilities for persons with disabilities, *i.e* ramps, toilets, parking, signage and information services within 2015. According to the report on the implementation of the Cabinet decision by the Public Health Ministry, it is found that 356 hospitals and health facilities have made physical adjustments and provided all the 5 facilities for persons with disabilities. This accounts for 40 percent of all the 890 health facilities surveyed. The problems found in making physical adjustments are that the structure of existing buildings are not readily adaptable and there is a lack of understanding about the design requirements on the part of responsible staff such as the civil engineers. This has resulted in the facilities that do not comply with design standards and need to be readjusted. The problem has been addressed by the DEP and *Sirindhorn* National Medical Rehabilitation Center, who have jointly organized training for the staff responsible for making physical adjustments. The information regarding the implementation of this Cabinet decision by other government agencies is not available at the time when this report was being prepared.

14. Recommendation: The government should accelerate and follow up on the implementation of the May 2012 Cabinet decision so that public buildings are accessible to persons with disabilities. Apart from physical adjustments, the government should pay greater attention to other kind of facilities which might have been overlooked but require less time and budget to accomplish such as information services that are accessible to persons with all types of disabilities.

15. Hearing impaired persons who travel by public buses have problems communicating with bus conductors while those with mobility impairment want the government to provide for buses that are accessible to wheelchair users. Hearing impaired persons complained that the Land Transport Department does not accept their application for a driving training course on an individual basis but has requested them to make a group application of about 10 persons. The fact that they have to submit their application only at the Department headquarters in Bangkok is inconvenient for those living in other provinces. If there is concern for a communication problem, the Land Transport Department may request hearing impaired persons to bring along a sign language interpreter as this service is now available nationwide.

16. In 2007, a group of persons with mobility disability who experience difficulty traveling by sky train due to unavailability of elevators at certain stations filed a lawsuit against the Bangkok Metropolitan Administration (BMA) and the Bangkok Mass Transit System Company (BTS), requesting them to provide elevators and other facilities for persons with disabilities at every station in accordance with the Regulation on Standard Equipment and Facilities for Persons with Disabilities of 2011. In January 2015, the Supreme Administrative Court issued an order that the

BMA and BTS installed elevators at all sky train stations and provide in the train facilities for persons with disabilities, *i.e.* wheelchair space, signage and installation of handrails at boarding and alighting areas within one year. The Court reasoned that although the sky train started its operation before the coming into force of the 2011 Regulation, the BTS was bound to provide facilities for persons with disabilities as the Regulation did not have temporary provisions for buildings built prior to the date of its enforcement. Persons with disabilities have also campaigned for a purchase of new public buses that are accessible to them. According to the DEP, the National Committee on Empowerment of Persons with Disabilities have instructed concerned agencies to proceed in accordance with the request of persons with disabilities.

17. Recommendation: The government should attach greater importance to accessibility to transportation which would help enhance inclusion of persons with disabilities in society. Concerned government departments should take steps to ensure that private transportation companies make adjustments to the physical environment and provide facilities for persons with disabilities so that they do not have to take the legal action by themselves. Some 3,000 new public buses that are in the procurement process should be of low-floor type for wheelchair accessibility and have necessary facilities for persons with disability of different types. For example, there should be both display and announcement indicating the place at each stop so that such information is accessible to persons with visual or hearing impairments.

18. As regards accessibility to information, the Ministry of Information and Communication Technology issued a Ministerial Regulation in 2009 setting out criteria and requirements for state agencies to provide information, communication and other relating services in formats and arrangements that can be used by persons with disabilities. However, the web page of many state agencies are still inaccessible. Out of 35 web pages claimed to be compliant with W3C standards that have been surveyed, about 14 percent, or only 5 of them, are found to be accessible to persons with disabilities.

19. Hearing impaired persons have problems accessing information on television as sign language is provided in only some news programs. The National Broadcasting and Telecommunications Commission (NBTC) has prepared an announcement requiring television operators to provide sign language, caption and audio description for news and other programs for public interest in proportion set out by the NBTC. The announcement has yet to be published in the Royal Gazette before taking effect. Hearing impaired persons also have problems accessing information at tourist sites and that which has direct effect on their safety such as warning in time of a disaster or an outburst of epidemic, and closure of traffic routes during a political demonstration.

20. Recommendation: The government should promote research work and the development of a system, devices or mechanism to support persons with disabilities' access to information. The Disabilities Fund may be used for this purpose. The government should also support the use of technology to enable hearing impaired persons to communicate with others in their daily life such as an application for sign language or speech-to-text translation for smart phones including the provision or lending of the phones with such application.

Access to justice (Article 13)

21. Persons with disabilities have limitations in accessing justice partly due to the lack of appropriate services such as sign language interpreters and other professionals to assist them in legal proceedings. According to Court regulations, sign language interpreters are paid for the period of time spent in the Court only and not for the time spent in waiting before the proceeding starts, which can last for hours. The remuneration for the interpreters, therefore, does not reflect the actual time spent and has become a disincentive for them to give service at the Court. The lack of a sign language interpreter could negatively affect the interest of persons with disabilities in court proceedings.

22. Recommendation: The State should make appropriate accommodations in legal proceedings for persons with disabilities. Special assistance should be given to persons with disabilities who are the aggrieved or witnesses to facilitate their access to justice. A specialist or psychologist should be provided to persons with mental disability during a statement taking. A legal representative should also be provided when necessary. The DEP has a program to provide financial assistance to persons with disabilities in acquiring a lawyer worth not more than 5,000 baht per person. However, such assistance is usually not adequate and excludes certain cases such as those relating to family and inheritance disputes. In case where the assistance is insufficient, persons with disabilities should be able to request for additional financial support from the Disabilities Fund. For a person with mental disability who commits an offence due to an inability to control his or her own behavior, an alternative to punitive measures such as behavioral rehabilitation program should be used.

Freedom from exploitation, violence and abuse (Article 16)

23. Persons with disabilities in poor families are usually left to stay at home by themselves while other members go to work. For those with serious disabilities who cannot help themselves, the situation might amount to neglect, and those who are women and girls are at risk of sexual abuse as can be seen from news reports. However, concerned government departments have not adopted a pro-active approach to protect persons with disabilities who are particularly vulnerable to exploitation and abuse. They only have measures to assist them after such a case is found. The Social Development and Human Security Ministry has a hotline number 1300 to receive reports on abuses and exploitation cases and its office in each province has two officers to provide legal assistance to those in need. There is a complaint, however, that some hotline staff do not have enough knowledge and understanding to give advices and effective assistance to persons with disabilities.

24. Recommendation: The DEP should develop a system to protect persons with disabilities who are vulnerable, such as those left alone at home, from exploitation and abuse. There could be a network of volunteers to visit persons with disabilities in their community on a regular basis. The DEP may cooperate with the Public Health Ministry to use the existing system of health volunteers to provide information on persons with disabilities in the community who are in vulnerable

situations so that appropriate measures could be developed to protect them. As regards measures for assistance, the Social Development and Human Security Ministry should provide training to hotline staff so that they have sufficient knowledge to give preliminary advices to those making a phone call complaint.

Independent living and adequate standard of living (Articles 19, 20 and 28)

25. Independent living is misunderstood by many Thais to mean living by oneself. However, its real meaning is that persons with disabilities can choose the way of life they want to live. This is closely linked to dignity and the freedom to make one's own decision. Article 19 of the Convention states that persons with disabilities must have the opportunity to choose their place of residence, including in the community, and the State should provide necessary support services to make their homes or places of residence suitable for their living in the community. Section 20 of the 2007 Empowerment of Persons with Disabilities Act recognizes the right of persons with disabilities to have access to and benefit from state welfare program and assistance in various ways including the adjustment of residential environment. At present, persons with disabilities can apply for such assistance from the DEP.

26. In 2014, the government allocated an annual budget of 9.24 million baht for residential adjustments which benefited 462 persons with disabilities. The DEP drew an additional funding of 14.14 million baht from the Disabilities Fund for 700 persons with disabilities. Altogether, a total of 23.83 million baht was granted to 1,162 persons as assistance for residential adjustments. However, the maximum amount granted to each request for assistance is limited to 20,000 baht, which is usually less than the actual cost and persons with disabilities have to seek additional funds from other sources.

27. Recommendation: The assistance for residential adjustment should be considered in accordance with the needs of the each person making the request so that he or she could truly benefit from it. The maximum amount of assistance granted should be reviewed to correspond more with the current cost of living.

28. The DEP has a program to provide personal assistants to persons with serious disabilities by developing a training course for interested persons. Those who have attended the training course will be registered as personal assistants and are entitled to receive a remuneration of 50 baht per hour for a maximum of 6 hours per day. Currently, there are about 550 personal assistants registered with the DEP, which is quite a small number compared to the existing demand due to the limited budget allocated for this purpose. Moreover, the fact that personal assistants cannot reimburse the travel cost has been a disincentive for many assistants to give services to persons with disabilities who live further away. The DEP has addressed these problems by requesting the Council of Persons with Disabilities to assist in organizing more training courses and seeking cooperation from local administration organizations to allocate a specific budget for the training. The DEP has also used the money from the Disabilities Fund to support the travel costs for personal assistants. The reimbursement for travel costs is limited to not more than 1,000 baht per month.

29. Parents of persons with disabilities who have attended a training course for personal assistants cannot receive remuneration for assisting their children. Concerned agencies deem it a duty of parents to take care of their children, so they should not be paid for performing the task. However, some parents have left their jobs to look after their children on a full-time basis. This group of parents needs assistance from the State to support their living and care for their children. The situation of single parents is especially compelling for such state support.

30. The government has a scheme to support families that look after their members who have disabilities. This includes a grant worth 3,000 baht to assist poor families in their daily living but the assistance is limited to not more than 3 times per year per family. A personal income tax deduction of 60,000 baht is allowed for each person with disabilities under the care of the taxpayer. Moreover, persons with disabilities who are registered with the DEP are entitled to receive a monthly allowance of 500 baht. The allowance has been recently increased by the current government to 800 baht.

31. Recommendation: The DEP should develop a system of volunteers to ensure that persons with disabilities can easily access the services provided by the State. It could explore making use of the existing system of public health volunteers for this purpose. Local authorities should be encouraged to take part in the work of the service centers for persons with disabilities which are being set up in some provinces with the DEP serving as the agency that gives advices to those authorities to ensure that the services provided to persons with disabilities respond to their needs in an efficient way.

32. Recommendation: The DEP should review the rate of remuneration for personal assistants to make it more attractive. It should also consider allowing parents who act as personal assistants to their children with disabilities to receive remuneration or adopting other measures to support parents who are not employed and look after their children on a full-time basis since they cannot benefit from the tax deduction scheme. The government should develop a specific work plan to assist families facing difficulty in caring for their children with disabilities including low income or single parent families, using the UN poverty line as a reference. Financial support in various forms such as a grant for poor families and monthly allowance for persons with disabilities should be reviewed to accord more with the cost of living. The government may consider providing supplementary income to a person with disability with low earning to so that his or her total income is not less than the minimum wage rate.

33. Presently, many children with autism live with their relatives who are usually the older members of the family. There is concern that if these members can no longer take care of the children, how the government will look after them. There are now care institutions for persons with various types of disabilities but not for children with autism, while home for children may not have the staff with the knowledge to care for these children.

34. Recommendation: The Social Development and Human Security Ministry should be responsible for finding a foster family for children with disabilities who have no family members to care for. Putting such children under the care of an institution should be a measure of last resort

since children growing up there do not usually develop social and other life skills as is the case with ordinary children. If such a family cannot be found, the Ministry may use the “group home” approach where families in the community take the children under their care and receive remuneration from the government in return. The Ministry should have an oversight system of such families called “home visitation program.”

35. Recommendation: Putting children with disabilities under the care of an institution should be considered only when they cannot be placed in a family environment. Concerned government departments should improve the overall operation of care institutions by ensuring that they have adequate staff with the knowledge and skills appropriate for caring for children with different types of disability. They should have equipment and facilities for persons with disabilities and the staff should be trained on how to use them properly.

Right to education (Article 24)

36. Section 5 of the Education for Persons with Disabilities Act of 2008 states that persons with disabilities have the right to receive education of standard quality since birth or when disabilities are detected. Providing education for persons with disabilities must take into account their ability, interests and the special needs of each person and each type of disability (in terms of the physical environment of the schools, the system and form of education, curriculum, learning process and testing methods). The Education Ministry has adopted a Five-Year Plan on the Development of Education for Persons with Disabilities (2012 – 2016) with the aim of ensuring that persons with disabilities have equal opportunity to quality education that responds to their individual needs, that they have the necessary life skills, can earn their living and live independently and in dignity. The Plan sets forth several strategies to achieve its goals. These include enhancing educational opportunities for persons with disabilities through an increase in the number and diversity of educational institutions in all regions, promoting research and development of curriculum, learning process, testing and evaluation that are suitable for persons with disabilities, and strengthening the capacity of teachers and other educational personnel.

37. However, in practice education is still inaccessible to many persons with disabilities. The admission of children with disabilities usually depends on the discretion of the administrator of each school. Many children with disabilities are denied admission in ordinary schools. From the experiences of many parents of children with autism, a complaint or demand has to be made before their children can be admitted. Some schools arrange a specific class for children with different types of disability and provide two teachers for the class, which are not sufficient. Others have not made appropriate adjustments to accommodate the needs of children with disabilities. For example, arrangement is not made for a child with mobility disability to attend class on the ground floor. The fact that public schools are generally not ready to provide appropriate education for children with disabilities have resulted in a *de facto* discrimination of these children. This is despite the fact that Section 8 of the 2008 Education for Persons with Disabilities Act stipulates that a denial to admit a person with disability by an educational institution is considered an unfair discrimination. There is a case where a child with disability who passed an admission examination

to a school was persuaded to study at another because the former school was not apt to provide proper education. There are only a small number of special schools that offer education to children in accordance with their specific type of disability, but there is no special school for children with autism. The government also operates special educational centers to prepare small children with disabilities for primary education. However, there is only one such center in each province. This has made it difficult for children living far away to travel to the center.

38. One major obstacle to providing quality education to children with disabilities is the lack of personnel with proper knowledge and skills. Schools generally do not have qualified teachers. In schools where children with disabilities are learning together with other children, teachers are not adequately trained. This has affected the learning of children with disabilities and has usually resulted in the suspension of study and, in many cases, the acquittal of children from the school. In some schools, there are not enough assistants in class to care for children with disabilities and protect them from being bullied by their classmates. Another problem found is that the form of education is not conducive to their learning. Children with intellectual disability are put in the same class with children with other types of disability. This arrangement is not apt for the learning of children with intellectual disability as their learning capacity is different from other children.

39. The Primary Education Office provided information that more than 90 percent of children with disabilities who study in special schools have completed their education. The information on children with disabilities studying in normal schools is being collected and not available at the time the report was being prepared. However, persons with disabilities and parents of children with disabilities believe that quite a number of children with disabilities have been unable to complete their education as they usually have difficulty in learning in many ways. These include the problem with the school curriculum that does not correspond with their special needs. Although Section 8 of the 2008 Education for Persons with Disabilities Act requires every public school to prepare an individual education plan, in practice this has not been implemented in most schools. Where such a plan is prepared, it usually does not correspond with the real needs of the children. Moreover, there is no support system to help children with disabilities remain in schools. Other problems relating to education of children with disabilities include poverty which prevents the children from attending schools regularly, traveling problem due to the long distance between home and school, and the severity of the disability such as in the case of intellectual disability. The government education policy which encourages children to continue higher education does not correspond with the special needs of children with certain type of disability. Children with intellectual disability do not need to learn all the contents intended for ordinary children, but the aim of education for these children should be to enhance their ability in specific fields to enable them to earn a living. According to the Primary Education Office, the Education Ministry has started to develop a Student Support Service program in about 1,000 schools where children with disabilities are learning together with other children. It has a plan to extend this service to all 21,000 schools nationwide, but this cannot yet be done due to budget constraint.

40. Recommendation: The Education Ministry should support schools to enable them to provide mainstreaming or inclusive education³ to children with disabilities in an efficient manner. The support should include additional budget or funding for making necessary adjustments to the physical environment to make it accessible to students with disabilities and for hiring more staff; training of teachers to enhance their knowledge about children with disabilities and methods of teaching appropriate with each type and severity of disability; the development of guidelines for preparing an individual educational plan that corresponds with the specific needs of each student as well as appropriate testing and evaluation methodology appropriate for students with different types of disability. The government should allocate extra budget to the Education Ministry to enable it to provide accessible and quality education to children with disabilities. Moreover, the Education Ministry should collect statistical data on the number of students with disabilities who are admitted and have completed schools disaggregated by levels of education and types of disability for use in the planning for education of persons with disabilities.

41. Recommendation: The Education Ministry should develop a system to direct children with disabilities who have completed secondary education to receive vocational or entrepreneurial training. The Non-formal and Informal Education Promotion Office should be responsible for such training and parents of children with disabilities should be involved in its design. For vocational training, children with disabilities should either be allowed to do the work assignment at home or receive the training in business establishments so that they can develop necessary skills for working with others and living in the community. The Disabilities Fund could be used to promote and support such training.

42. Section 8 of the Education for Persons with Disabilities Act of 2008 requires all educational institutions to make accessible to persons with disabilities physical environment, learning support system, technology and facilities and other kinds of services and assistance relating to education. However, such law is not effectively implemented. The Primary Education Office informed that the government provides each student with disability a financial assistance of 2,000 baht for the purchase of educational materials, services and facilities. But such assistance is not accessible to all students. The production of educational materials for students with disabilities is often done on a project basis which lacks continuity and sustainability, and it is not completed in time for the study in each semester. The materials usually do not correspond with the students' need as specified in the individual educational plan. The lack of such materials has made students with disabilities to choose to study at certain schools with readiness in educational materials, resulting in the crowdedness of students with disabilities at those schools. The delay in the production of education materials is an important problem faced by children with visual impairment. Given such delay, charitable organizations have to take up the duty of producing materials for students with

³ According to the Education Ministry, "mainstreaming education" means an arrangement for children with disabilities to study in normal schools so that they can learn and participate in some activities together with other children. Such activities include studying in the same class as other children on certain subject matters, the studying in tutorial classes, the studying in music and physical education classes, and participation in extra-curricular activities such as girl and boy scouts. "Inclusive education" means an arrangement for children with disabilities to study with other children on all subject matters and participate in all activities without distinction based on disabilities. For this form of education, teachers have to adjust their teaching methods and provide for educational materials and facilities as well as testing and evaluation methods appropriate for students with disabilities.

disabilities instead. Moreover, the provision of educational equipment to students does not take into account the needs of children with disabilities. For example, the tablets provided in accordance with the policy of the former government do not contain contents that are in accessible format to children with disabilities. Moreover, educational materials for children with autism should be designed in a way that is conducive to their learning, such as the use of pictures rather than descriptive texts in textbooks.

43. For hearing impaired students studying in kindergarten up to grade 6, there is concern that they have not learned effectively because teachers are not skilled in using sign language and the educational materials used in the teaching are the same as those used by students in general. This has resulted in hearing impaired students to be less knowledgeable and unable to compete with students from other schools in examinations. They also have problems writing Thai correctly. At university level, there are only a few institutions for hearing impaired persons who want to further their study to choose from for they can study only at universities having Disability Support Service (DSS).

44. Recommendation: The Education Ministry should ensure that students with disabilities have educational materials and equipment that correspond to their needs, are of good quality and in time for the study in each semester. It should provide for the training of teachers on the use of sign language and an evaluation system of teachers should be introduced. More attention should be paid to the study of Thai language both in reading and writing skills to children with hearing impairment at an early age to address their writing problems and enhance their reading skills. For the study at university level, the government should make efforts to provide DSS in more universities so that persons with disabilities of all types have more choices of educational institutions for higher studies.

Right to Health and Rehabilitation (Articles 25 and 26)

45. Medical rehabilitation in public hospitals is not adequate and do not respond effectively to the needs of persons with disabilities. The provision of rehabilitation equipment and assistive devices is available only in certain hospitals and there is no early intervention service for very small children. Some provincial hospitals do not have enough expertise for rehabilitation. However, concerned government agencies have made some efforts to make health care services more accessible to people at the local level. Specific budget is allocated to local administration organizations in 39 provinces to provide for health care services in their localities, including rehabilitation and other basic services necessary for an independent living of persons with disabilities at their homes. Such services are administered jointly by the Social Development Office and the public hospital in each province.

46. The provision of rehabilitation equipment and assistive devices is rather limited. The Public Health Ministry issued an announcement in 2009 stating that persons with disabilities may receive 26 items of medical rehabilitation services, but the National Health Security Office (NHSO), who is the public health service provider, offers only 9 such services. Rehabilitation services provided by public hospitals and the *Sirindhorn* National Medical Rehabilitation Center are mostly for mobility

disabilities while those for other types of disability are lacking. Assistive devices in the NHSO package are not of good quality as the quotation prices set by the government for such devices are rather low. *Sirindhorn* Center has assistive devices for lending but they are available at its office in Bangkok only. Training on the familiarization with the environment and on mobility for visually impaired persons is done on a project basis and can be terminated at any time. A hearing aid is given only to those who are diagnosed to have hearing loss of lower than 80 decibels. Public hospitals usually do not have development rehabilitation for persons with intellectual disability.

47. Recommendation: The government should make available medical technology that helps to eliminate barriers to the daily living of persons with disabilities such as a sight enabling device for the visually impaired. It should provide hearing aid to persons who have a hearing loss of lower than 80 decibels to enhance their hearing of other sounds such as that of an approaching car, which would make it safer for them when traveling on a road. The government should also expand medical and rehabilitation services to reach out to persons with disabilities such as in Japan, where there is a rehabilitation center in every village in accordance with the each type of disability. A more accessible service can help reduce the severity of disability. Children with certain type of disability who have been rehabilitated at a very early stage have a good chance to develop almost as normally as ordinary children.

48. As for persons with mental disability, the Mental Health Department of the Public Health Ministry is the agency that provides technical and academic services but is not responsible for giving medical treatment or rehabilitation. Psychiatrists at public hospitals have to treat persons with mental disability as well as patients with mental illnesses. These patients are growing in number each year, putting a strain on service available to persons with mental disability. The Public Health Ministry has not developed a system that responds effectively to the needs of persons with mental disability. Responsible personnel of many hospitals are not trained to rehabilitate persons with mental disability and such service is not available at small hospitals. Presently, there is no specific institution that is responsible for the rehabilitation of persons with mental disability whereas for those with mobility disability, the *Sirindhorn* Center serves as the institute that both offers medical rehabilitation and conducts research work. Although Thailand has a law on mental health, persons with mental disability were not involved in the drafting of the law and it does not provide effective protection to them.

49. Some parents of children with autism of over 18 years have problems handling their children who are depressed due to their inability to cope with changes in hormones. They can become violent and might try to hurt themselves, but very often hospitals, both general and specialized ones, do not admit persons with autism who have become violent as in-patients. The problem was conveyed to concerned government agencies but it has not yet been addressed. Recently, persons with autism under the national health care coverage scheme has been prescribed locally made medicines which the parents believe have more side effects than the imported ones although the latter are on the list of medicines that physicians can prescribe to patients. Non-listed medicines are not covered under the scheme and the patients have to bear the costs of these

medicines themselves. Because most of the non-listed medicines are usually more expensive, this can be a burden for many persons with autism.

50. At present, there are no clear guidelines regarding transfer service for persons with mental disability for treatment in emergency situation. A request for emergency assistance can be made to the Institute for Emergency Medical Service via its hotline number 1669. However, there is a different perception of what constitutes a situation of emergency between relatives of persons with mental disability and the Institute staff. When a person with mental disability exhibits a behavior that might be dangerous to others but no one has yet been hurt, such as when that person is holding a knife in his hand but has not hurt anyone, such situation is not considered an emergency by the Institute staff and thus does not meet the criteria for transfer service. In such a case, relatives of the person with mental disability have to arrange for a transportation to take that person to the hospital by themselves.

51. Recommendation: The Mental Health Department should have both treatment as well as prevention and promotion mandates similar to the Health Department which is responsible for the physical well-being of the people. Hospitals should admit a person with mental disability who exhibit aggressive or uncontrollable behaviors for treatment until his or her condition gets better. Training should be provided to relatives or caregivers of persons with mental disability so that they know how to handle the situation when persons under their care have turned violent and aggressive. It should also be made clear as to which hospitals are responsible for treatment of persons with mental disability in such a situation. As regards medical emergency service, efforts should be made to establish a common understanding about the situations constituting an emergency to enhance the effectiveness of the transfer of patients with mental disability in a timely manner and not too much burden is imposed on the patients' relatives. In case where a person with mental disability needs to use expensive medicines whose costs are not covered or are only partially covered by the universal health care coverage scheme, the Disabilities Fund should be used to support the difference in cost of such medicines.

52. Many persons with mental disability have not registered themselves with the DEP and thus do not have a person with disability identification card. This is because the parents fear that having such a card is a stigmatization on their children. Currently, only some 100,000 persons with mental disability have registered with the DEP while it is estimated that as many as 600,000 such persons have not. There is concern that this group of persons with mental disability may not have access to medicines that are necessary for them to live a normal life and benefit from rehabilitation and other assistance program which is offered only to registered persons with disabilities. A number of persons with mental disability have a misunderstanding that being registered with the DEP may affect their ability to enter into contracts or their rights to inheritance. But a mental disability is not a permanent trait. Once the person has recovered from such disability, he or she can revoke her identity card as a person with disability. Meanwhile, there is limitation to the issuance of an identity card for persons with mental disability as the diagnosis of such disability has to be done by a specialist. Hospitals generally do not have such specialists and thus cannot issue an identity

card to a person with mental disability. This has to be done at specialized hospitals for mental illnesses and at present there are only 17 such hospitals all over the country.

53. Recommendation: The government should develop a database of persons with disabilities for the purpose of providing services to them without having to issue an identity card to avoid stigmatization. The DEP may collect information from various agencies at which persons with disabilities come to request for services to create a database and then link that database back to agencies and organizations providing services to persons with disabilities. At the same time, the government should ensure that persons with disabilities or their parents know about their rights and services available to them as provided for by the law.

54. Persons with different types of disability have problems receiving services at hospitals. Wheelchair users cannot access certain hospitals because the ramp slopes are too steep. Some women with disabilities are discriminated against as they do not receive equal treatment for baby delivery. Some hospitals have queuing system with only information display which is not accessible to visually impaired persons, while others use call system with no display which is not accessible to the hearing impaired. There is the case of a person with disability who was asked to wait until all the other patients had been served before he could see the doctor. Hearing impaired persons have problems acquiring a sign language interpreter when they have to go to the hospital urgently because an interpreter has to be reserved well in advance. Without an interpreter, hearing impaired persons are faced with communication problems at the hospital.

55. Recommendation: Hospitals should use queuing system that have both display and call announcement so that it is accessible to both visually and hearing impaired persons. Public hospitals should have an arrangement to provide service specifically to persons with disabilities. The government should accelerate the implementation of the 2012 Cabinet decision so that public hospitals have the facilities accessible to persons with disabilities. (See details in paragraphs 13-14 above). Every hospital should install a 24-hour sign language translation booth or provide for a laptop computer to be linked to the Thai Telecommunication Relay Service which have sign language interpreters to give real time translation through computer monitors. This would help solve the communication problem for hearing impaired persons who have to go to the hospital urgently.

56. Currently there are discrepancies in the health services provided to persons with disabilities under the universal health care coverage scheme and those under the social security system. The former is the health care system funded by the government for everyone who is not in the civil service or employee of a private company while the latter is a system specifically for employees and is funded by contribution from both employers and employees in proportion provided for by the law. Persons with disabilities who are unemployed enjoy their right to health under the universal health care coverage scheme. Once they become employed, their right is transferred to the social security system, which limits the scope of medical treatment and rehabilitation to disability that is caused after, and not before, they join the social security program. The benefits they enjoy under the social security system are thus less than those under the universal health care coverage scheme. This is in spite of the fact that they have to make a monthly contribution

to the social security fund in order to receive the benefit package while under the universal health care coverage scheme they are not required to make any contribution. Moreover, persons with disabilities under the social security system can only go to a hospital situated in the same locality as the workplace. This could be a problem since not all hospitals offer rehabilitation service. The NHRCT has been informed by the National Health Security and Social Security Offices that discussions among concerned agencies are underway to ensure that persons with disabilities under the social security program do not enjoy less benefits than when they are under the universal health care coverage scheme.

57. Recommendation: Concerned agencies should accelerate discussions to ensure that persons with disabilities in the social security system receive the same medical and rehabilitation services as they used to in the universal health care coverage scheme. Persons with disabilities may be allowed to choose the health care system that is most responsive to their needs and enables them to receive necessary services on a continuous basis.

58. The right to reproductive health of girls with disabilities is not effectively protected. Sterilization is usually recommended as a way to prevent undesirable pregnancy arising from sexual abuse. However, such approach is not based on the respect for human dignity and the rights of persons with disabilities.

59. Recommendation: The government should adopt necessary measures to prevent sexual abuse of girls and women with disabilities. Any decision regarding the reproductive health and medical treatment for children with disabilities should be taken when they have reached maturity age and only when they are adequately informed.

Right to work and employment (Article 27)

60. Sections 33-35 of the 2007 Empowerment of Persons with Disabilities Act require an employer or a private enterprise and state agency to hire one person with disability for every 100 employees. An employer or a private enterprise that does not hire persons with disabilities as stipulated by the law has to make financial contribution to the Disabilities Fund, or give a concession, sub-contract, or provide spaces for sale of goods or services, training or other assistances to persons with disabilities or their caregivers. Statistics compiled by the DEP show that government agencies employ far fewer persons with disabilities than the private sector. In 2013, there are 30,769 persons with disabilities employed by the private sector. This accounts for about 46 percent of a total of 53,689 persons to be hired in accordance with the law. As for state agencies, 1,280 persons with disabilities are employed or given assistance out of 10,851 persons required to be employed by the law, accounting for only 9.5 percent of the total number.

61. Although Thailand has a law that promotes employment of persons with disabilities, concerned government agencies do not have effective measures to prepare them for work. Having employment is no longer the only concern of persons with disabilities. They want to be more involved in the formulation of employment policies. Presently, a majority of persons with disabilities are entrepreneurs or self-employed and they need support in the knowledge on how

to run a business and in access to credit. Persons with disabilities who are employees have encountered problems such as a lack of proper training, inability to access work establishments, lack of proper facilities in the workplace and difficulty in commuting to work. Since mass public transportation is not accessible, persons with disabilities have to commute by taxi which is more costly. Some of them find that the travel expenses have taken up most of their earnings. Although private companies have as many as 2,000 – 3,000 open positions, they can recruit only 30-40 persons with disabilities to fill them due to traveling problem.

62. Recommendation: Concerned government departments should adopt a clear guideline or action plan to prepare persons with disabilities for work including developing suitable training courses with the involvement of persons with disabilities and/or parents of children with disabilities. The Social Development and Human Security Ministry should coordinate with other concerned agencies, such as the Labor Ministry and the Non-Formal and Informal Education Promotion Department, in this matter. The government should allocate appropriate budget for this purpose.

63. Recommendation: Persons with disabilities should be supported to engage in work that can be done from home, such as data processing jobs or call center receptionists. Advanced technology should be used to facilitate such work. The Disabilities Fund should be used to commission a research study on how to promote persons with disabilities to work from home to increase their job opportunities. The DEP should act as coordinator with other actors to ensure implementation of relevant policies rather than being an implementing agency itself. For example, the DEP should work with entrepreneurs to encourage them to provide accommodation for persons with disabilities to solve their traveling problem.

64. Some state agencies and private companies do not know what kind of work persons with disabilities can do. Others are hesitant to employ persons with disabilities because they do not want to make adjustments to physical environment to accommodate them. A person with mental disability was reported to leave the job because she was stigmatized by her co-workers. Some companies have employed persons with disabilities to carry out public work or engage in sports activities for public relations purposes, but such kind of employment is not recognized by the government. State agencies have not set good example in employing persons with disabilities because the 2007 Empowerment of Persons with Disabilities Act provides for enforcement measures in relation to the employment of persons with disabilities by private companies only and not by state agencies, resulting in a higher employment rate in the private sector.

65. Recommendation: Concerned agencies should disseminate information on the kind of work that can be done by persons with disabilities of different types to entrepreneurs, private companies and other state agencies for use in job recruitment. They should accept the hiring of persons with disabilities to do public work or engage in sports activities for public relations purposes of business organizations as an employment in accordance with the 2007 Act. State agencies should employ more persons with disabilities to set good example for the private sector.

66. Recommendation: Public and private entities should accept persons with mental disability who have been treated to work. This would help eliminate prejudices against persons with disabilities and contribute to their acceptance by society. Moreover, remedial measures should be provided to persons with disabilities who have to leave their job due to stigmatization in the workplace.

67. The spaces for sale of goods and services that companies have provided to persons with disabilities in accordance with Section 35 of the 2007 Act are sometimes not suitable for the intended purposes and thus are not truly beneficial. For persons with disabilities who cannot work, the government should adopt measures to promote employment of their parents/caregivers instead so that they have earnings to support persons with disabilities under their care.

68. Recommendation: The measures to promote employment of persons with disabilities stipulated in Section 33 of the 2007 Act should be amended to benefit caregivers of persons with disabilities who are not able to work such as persons with serious mental and intellectual disabilities and those with autism. State agencies and companies should be able to hire caregivers of persons with serious disabilities so that they can earn an income to look after persons with disabilities under their care. With regard to the provision of other assistance in accordance with Section 35, concerned government departments should be more flexible in determining the form of assistance that can be provided to persons with disabilities apart from sub-contracting. The purchase of products made by persons with disabilities should be regarded as assistance provided for by the law.

Participation in cultural life and leisure (Article 30)

69. Most tourist sites and hotels do not have facilities for persons with disabilities while information at tourist sites are often not accessible. This presents an obstacle to the participation of persons with disabilities in cultural life. Hearing impaired persons cannot enjoy entertainment programs on television because there is no sign language translation. Such translation is available for some news programs only.

70. Recommendation: The government should adopt measures to encourage private operators of public services to provide facilities for persons with disabilities in accordance with the universal design concept. Hotels should be required to install emergency warning in guest rooms that have both light and sound signals for the visually and hearing impaired. The information at tourist sites should be in the formats that are accessible to persons with different types of disability. The government should require television operators to make caption for entertainment programs, such as drama series, so that hearing impaired persons can enjoy such programs on an equal basis with others.

Statistics and data collection (Article 31)

71. The National Statistical Office (NSO) conducts a disability survey every 5 years. However, concerned agencies have not used the data from such survey fully because the definition of

“disability” used in the survey is different from that found in the 2007 Empowerment of Persons with Disabilities Act. The DEP, which is the focal point for the implementation of the Convention, has thus developed its own system of data collection. It is not clear which set of data should be used to monitor and evaluate the implementation of the Convention.

72. Recommendation: The DEP, the NSO and other relevant agencies should hold consultations to consider adopting a single approach in the conduct of disability survey and collection of data so that a single database can be established for use of reference by concerned agencies in following up on the progress made to promote and protect the rights of persons with disabilities in accordance with the Convention and relevant domestic laws.

Conclusion

73. Thai domestic legislation is quite progressive in guaranteeing the rights of persons with disabilities in compliance with the Convention. However, it is not effectively implemented. As a consequence, persons with disabilities have been unable to access and enjoy their rights fully. The government should attach more importance to ensure the realization of the rights of persons with disabilities as guaranteed by the law and develop an effective monitoring and evaluation system. Importance should also be given to the participation of persons with disabilities or their parents in all undertakings affecting them in a meaningful way and at all stages starting from that of planning to implementation, monitoring and evaluation. More efforts should be made to promote a positive perception of society towards persons with disabilities and to raise public awareness that they have dignity and are entitled to live inclusively with others in society.

August 2015