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## A Study on Latest Public Policies on Disability and Development in Thailand

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### INTRODUCTION

Thailand is relatively advanced in terms of laws and policies on disability and development among the Member States of the Association of Southeast Asian Nations (ASEAN). This study demonstrates key information on the latest public policies on disability and development in Thailand. As a method that deals with disability and development in Thailand, interviews and documentation research were conducted to outline the trend as of 2017. More specifically, the study aims to answer the following questions: 1) What kind of key contents are included in the public policies on disability and development in Thailand as of 2017?; and 2) how are unique elements perceived in the public policies on disability and development from the perspective of persons with abilities?

### METHOD

To collect data and analyze the details, in-depth interviews were conducted in an objective manner. Although it was on a voluntary basis, the face-to-face interviews were arranged to capture basic information, while the semi-structured interviews were done to analyze the actual background in formulating the public policies in this context. Key government officials and leaders with disabilities were contacted through the field visits, as they were engaged in the discussion on public policies on disability and development in Thailand. Information about demographic background, as well as more than 10 laws and policies on disability and development in Thailand were identified for this study. When it comes to documentation research, the criteria to clarify the target of this research was whether it was available in documents issued by the Government of Thailand. As most of them are written in Thai,

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English-Thai translations were provided for this research.

## RESULTS

### 1. Demographic Background

As of 2017, there are 1,808,524 persons with disabilities in Thailand or 2.75% of the whole population, with 953,541 men and 854,984 women, who have registered with the Department of the Empowerment of Persons with Disabilities, the Ministry of Social Development and Human Security (DEP, 2017). Categorized by types of disability, there are 880,662 persons with mobility disabilities, 332,294 persons with hearing and communication disabilities, 187,249 persons with visual disabilities, 134,915 persons with mental or behavioral disabilities, 126,604 persons with intellectual disabilities, 10,556 persons with autism and 8,726 persons with learning disabilities. As for education, 1,211,943 of persons with disabilities have some forms of education. Among those who are educated, 1,002,773 (55.45%) finished primary schools, 137,134 (7.58%) finished secondary schools, 25,677 (1.42%) finished vocational schools, 16,978 (0.94%) are bachelor degree holders, 2,494 (0.14%) are master or doctor degree holders, 1,026 (0.06%) are diploma holders, and 25,861 persons (1.42%) received non-formal education. There are 596,581 persons with disabilities who never received any form of education. Among these, there are 1,909 persons who are too young for school and 270,318 persons who are the elderly (more than 60 years old). There are 324,354 persons at school age who do not receive any form of education. And among 819,550 persons with disabilities who are at working ages (15-60 years old), only 271,916 of them are working. For those who are not working, 217,295 are unable to work due to their severe disabilities while 330,339 are able to work but cannot get a job. For those who work, 49.23% are farmers, 29.49% are unskilled laborers, 9.07% are self-employed, 4.56% are employees in private sectors, 1.31% are government officials or state enterprises employees and others (6.34%).

### 2. Laws and Policies on Disability and Development by the Government Focal Point on Disability

At the national level, there are some major laws and policies effectively implemented concerning persons with disabilities as of 2017. According to the government focal point on disability and development in Thailand: the Ministry of Social Development and Human Security through the Department of the Empowerment of Persons with Disabilities, the following captures the key elements

of ongoing laws and policies.

1) Persons with Disabilities Empowerment Act B.E. 2550 (2007) and its amendment (Vol.2)  
B.E. 2556 (2013) :

This Act was issued in 2007 to repeal the Rehabilitation of Disabled Persons Act B.E. 2534 (1991) in order to keep up with the situation and global changes concerning persons with disabilities. Directly related to persons with disabilities, this Act is aimed to guarantee that all persons with disabilities can access the rights on an equal basis with others without any form of discrimination. The Act provides eligible and full rights of persons with disabilities to access services and welfare provided by the government and public.

Under the Act, there is the National Committee on Empowerment of Persons with Disabilities chaired by the Prime Minister, with the Minister of Social Development and Human Security as the Vice Chair. The Department of the Empowerment of Persons with Disabilities is requested to serve as the secretariat for this committee. There are also Provincial Sub-Committee on Empowerment of Persons with Disabilities in all 77 provinces in order to implement and mobilize all related laws on disability issues and to eliminate discrimination against persons with disabilities.

The Act guarantees that persons with disabilities have the right to access and utilize public facilities, including welfare services and other supports from the Government, which includes disability allowance, legal assistance, personal assistants, sign language interpreters, accessibilities, reduced fee of public transportation, medical services, educational services, financial support for house modification and tax deduction for persons with disabilities, caregivers and employers.

Section 33, 34, 35 are for employment promotion of persons with disabilities. Section 33 states that workplaces that have 100 employees or more need to hire persons with disabilities in the ratio of 1:100. This applies to both government and private agencies. Section 34 states that employers who do not comply with the employment ratio shall send money as levy to the Fund for Empowerment of Persons with Disabilities. This Fund shall be utilized for employment promotion and vocational rehabilitation of persons with disabilities. For example, some part of the Fund is allocated as interest-free loans for persons with disabilities who self-employ. The Section 35 offers options for employees who do not

employ persons with disabilities and do not send money to the Fund. They can provide other kinds of support such as granting concessions, arranging places for products or services of persons with disabilities, employing persons with disabilities under sub-contracts with other agencies, providing training or any other support for persons with disabilities or caregivers.

According to the Act, persons with disabilities who are discriminated on the ground of disabilities can file complaints directly to the Department of Empowerment of Persons with Disabilities or Sub-Committee on the Elimination of All Forms of Discrimination against Persons with Disabilities for further actions. In this case, persons with disabilities concerned will be provided with legal assistance such as legal counseling, dispute settlement and legal representation in accordance with the National Committee on Empowerment of Persons with Disabilities Regulations on Legal Assistance and Provision of Lawyers to Persons with Disabilities B.E. 2552. To promote access to justice for all, persons with disabilities can seek financial and legal assistance from the Justice Fund, which includes bail charges, lawyer fees, court fees and expenses for gathering truths and evidence.

2) The 5th National Plan on the Empowerment of Persons with Disabilities B.E. 2560– 2564 (2017–2021) :

The vision of this Plan is “To Make the Right Real for Persons with Disabilities towards Independent Living in Sustainable, Inclusive Society”, with an emphasis on Empowerment, Quality Management, Understanding, Accessibility and Linkage. The Goals of this Plan include: to ensure that persons with disabilities and caregivers can access and enjoy the rights, welfare, facilities, transportation, public services and information; to strengthen Disabled People’s Organizations, disability leaders and network; to reform laws, policies and mechanism related to disability development; to raise public awareness and to promote positive attitudes towards disability; to ensure that persons with disabilities can access and utilize physical environment, transportation, public services, learning and information, innovation, information and communication technology, assistive technology and reasonable accommodation; to enhance cooperation among public, private sectors and civil society for inclusive development.

3) The 2nd Strategic Plan for Empowerment of Women with Disabilities B.E. 2560–2564 (2017–2021) :

To address specific needs and challenges faced by women and girls with disabilities, the objectives of

the plans include: to promote full and equal access of women with disabilities, to eliminate discrimination and violence against women with disabilities, to promote quality of life of women with disabilities, to promote equal and active roles of women with disabilities in society.

### 3. Laws and Policies on Disability and Development by Other Government Bodies

Aside from the Department of the Empowerment of Persons with Disabilities, Ministry of Social Development and Human Security, there are some other laws and policies by other ministries or more than one ministry as below:

#### 1) Constitution of the Kingdom of Thailand B.E. 2560 (2017) :

The rights of persons with disabilities are mentioned in Article 27 and Article 71. Article 27 guarantees the rights and freedom of all persons including persons with disabilities. Discrimination on the grounds of races, languages, places of origin, ages, sexes, disabilities, physical or health conditions, personal status, economic or social status, religious beliefs, education or training shall be prohibited. Article 71 mentions about the roles of the government to promote physical and mental health of people, human resource development and to support children and youth, women, senior citizens, persons with disabilities and underprivileged groups of people and to protect them from violence and discrimination.

#### 2) Thailand 12th National Economic and Social Development Plan B.E. 2560–2564 (2017–2021) :

The 12th Plan will continue to focus on the Philosophy of Sufficiency Economy, which had become guidelines for the country's development since the 9th Plan. The 12th Plan is geared to reduce income disparity and poverty, to strengthen Thai economy and enhance the country's competitiveness and to promote environmental quality. Even though the Plan does not specify target groups of development, it emphasizes on people-centered development.

#### 3) The 20-year National Strategic Plan B.E. 2560–2580 (2017–2037) :

It consists of six areas, six primary strategies, and four supporting strategies. The six areas include (1) security, (2) competitiveness enhancement, (3) human resource development, (4) social equality, (5) green growth and (6) rebalancing and public sector development. The six primary strategies seek to

enhance and develop the potential of human capital; ensure justice and reduce social disparities; strengthen the economy and enhance competitiveness on a sustainable basis; promote green growth for sustainable development; bring about national stability for national development toward prosperity and sustainability; and enhance the efficiency of public sector management and promote good governance. The four supporting strategies for efficient national development involve infrastructure development and logistics systems; science and technology, research and innovation; urban, regional, and economic zone development; and international cooperation for development.

4) Persons with Disabilities Education Act B.E. 2551 (2008) :

It guarantees the rights of children with disabilities to receive free education at basic level and financial support at the university level. They can also receive support, services, teaching media and any other kinds of support based on their needs. Persons with disabilities can choose and decide forms of education, academic institutes and systems of education that suit their interest and their needs. They are eligible to receive standard education with appropriate teaching and evaluating methods.

5) National Education Act B.E. 2542 (1999) :

It demonstrates equal rights of persons with disabilities to receive basic education throughout for not less than twelve years with quality and without cost. In the provision of education for a person with physical, mental, intellectual, emotional, social, communication and learning with disabilities or an underprivileged person, such a person shall be guaranteed equal right and opportunity to receive education on an equal basis with others. In the provision of education to persons with disabilities, it shall be provided at birth or upon discovering the disability without cost and such person shall have the right to receive facilities, media, services and other assistance in education.

6) National Health Security Act B.E. 2550 (2007) :

Section 6 states that the health of a child, a person with disabilities, an elderly person and a socially deprived person, as well as groups of people with specific health characteristics shall be appropriately promoted and protected. Persons with disabilities are eligible for the National Health Insurance under the “Health Insurance for All” scheme. They are also eligible for the Health Insurance for Persons with Disabilities. They can choose to be covered under either of these national insurance schemes. For persons with disabilities who officially work, they can choose to be covered under the National Social

Security scheme or they can choose to be covered with the aforementioned health insurance scheme. However, they have to choose only one scheme.

7) Mental Health Act B. E. 2551 (2008) :

Under this Act, persons with mental disabilities have the rights to be given treatment in accordance with medical standards, with due regard to his or her human dignity; to be protected from research; to be protected, in an impartial and equal manner, within the health care and social security system and other state-provided systems; to have his or her confidentiality protected with regard to the illness and the treatment.

8) Thailand's 3rd National Human Rights Plan B. E. 2557-2661 (2014-2018) :

It encompasses both persons with disabilities and ethnic groups as two of the 15 main target groups. Under this Plan, persons with disabilities who are ethnic minorities are protected as persons with disabilities and as ethnic minorities. The Plan underscores the elimination of all forms of discrimination against persons with disabilities and promotes public awareness and positive attitudes towards persons with disabilities as well as people belonging to various ethnic identities. The rights of persons with disabilities who are ethnic minorities are protected under Persons with Disabilities Empowerment Act B.E. 2550 (2007) and its amendment (Vol. 2) B.E. 2556 (2013). Section 19/1 of the Act states that persons with disabilities and with status problem shall receive support from the government in accordance with the principles of fundamental human rights and human dignity. Such support includes the right to education for all at basic education for free. In February 2015, Thailand withdrew the interpretative declarations to Article 18 of the United Nations Convention on the Rights of Persons with Disabilities (CRPD), which guarantees that children with disabilities shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by their parents.

## DISCUSSION

Thailand ratified the CRPD and its Optional Protocol on July 29, 2008 and September 2, 2016 respectively. After the ratification of the CRPD, several laws and policies have been launched and amended as stated above. For example, the Persons with Disabilities Empowerment Act 2007 was



amended and the 2nd Volume of the Act was launched in 2013. The new Constitution and some other laws and policies that were launched after the ratification of the CRPD i.e. Persons with Disabilities Education Act, the 5th National Plan on the Empowerment of Persons with Disabilities, The 1st and 2nd Strategic Plan on the Empowerment of Women with Disabilities, Thailand 12th National Economic and Social Development Plan, Thailand's 3rd National Human Rights Plan, are all in accordance with the CRPD.

Thailand as one of the State Parties of the Convention has made progress in implementing the CRPD in various aspects. After ratification, the State Parties must ensure that their domestic laws are in accordance with the CRPD. The Persons with Disabilities Empowerment Act 2007 and its Amendment (Vol.2) 2013, as main domestic law of Thailand, strictly follows the principles of the CRPD. Basically, the Act prohibits all forms of discrimination that result in the loss of benefits or rights of persons with disabilities. However, there may be some points that need to be amended according to the proposal by disabled people's organizations. Such amendments include providing a specific definition of reasonable accommodation and specifying that denial of reasonable accommodation is a form of discrimination.

In case persons with disabilities experience discrimination on the ground of their disabilities, they can file their complaints through various channels as there are legal avenues available in urban and rural areas to guarantee the rights of persons with disabilities. Provincial Sub-committee on Empowerment of Persons with Disabilities provides support and receives complaints, including those related to discrimination, from persons with disabilities. Persons with disabilities concerned will be provided with legal assistance such as legal counseling, dispute settlement and legal representation in accordance with the National Committee on Empowerment of Persons with Disabilities Regulations on Legal Assistance and Provision of Lawyers to Persons with Disabilities B.E. 2552. Hotline 1567 and 1300 are available 24 hours to receive calls from persons with disabilities and families. Their cases will be referred to the Department of Empowerment of Persons with Disabilities, which is the focal point of CRPD implementation, for further action.

Moreover, a Sub-committee on Elimination of Discrimination against Persons with Disabilities was established under the Act, which empowers the Sub-committee, expands its mandates and allows more budget allocation. Since the Sub-committee was established, the number of cases has increased because

persons with disabilities have another channel to file their complaints. Complaints received through the Sub-committee include: health issues (cannot get assistive devices/prosthetics & orthotics, do not get proper care and services), education (cannot receive inclusive education, no services, no Individualized Education Plans for students with disabilities) and employment (cannot get jobs in open labor market, no career path, not promoted in the work places). Since Thailand already ratified the Optional Protocol of the CRPD, persons with disabilities in Thailand have another legal avenue to challenge discriminatory laws and practices at the international level.

In terms of accessibility, Thailand also made progress in many aspects. For example, the Act of Accessibility for All is under the drafting process. This Act shall include the concept of reasonable accommodation, universal design and assistive technology. At present, accessibility rights of persons with disabilities are guaranteed under Section 20 of the Persons with Disabilities Empowerment Act which states that persons with disabilities have their rights to access information, communication, telecommunication services, information and communication technology and communication access technology for all types of disabilities as well as public media of the governmental agencies or private sector that receive financial support from the government. Government agencies are required to report to the Department of the Empowerment of Persons with Disabilities every six months on their implementation on accessibilities of public facilities for persons with disabilities. Regarding accessible tourism, handbooks are disseminated to hotels and tour operators as guidelines on how to service senior customers and customers with disabilities. In 2014, the Ministry of Public Health developed action plan and process indicators to regulate provincial hospitals in accessibility standards in all 5 aspects (ramps, lavatory for persons with disabilities, parking space, signage and information access).

Persons with disabilities are also guaranteed equal access to justice. When they have lawsuits, they are eligible to request for lawyers, legal assistance and reconciliation officers. In case of persons with hearing disabilities, sign language interpreters will be provided. Legal assistance and Justice Fund under the Justice Fund Act 2015 and Compensation and Expense to Injured Persons and the Accused are also provided to persons with disabilities by the Ministry of Justice. Moreover, the Criminal Procedure Code stipulates specific measures to facilitate persons with disabilities in judicial proceedings. For example, it requires the inquiry official, Public Prosecutor, or the Court to provide a sign language interpreter, or communicate in ways that fit for the accused or witness who cannot speak, hear, or use different means

of communication. In case the human rights of persons with disabilities are violated, they can file complaints through various channels, for example, the National Human Rights Commission of Thailand which serves as an independent monitoring body on all forms of discrimination in Thailand.

The Ombudsman Thailand and the Administrative Court also work to provide channels where people including persons with disabilities, can submit complaints against discrimination. To promote access to justice for all, persons with disabilities can seek financial and legal assistance from the Justice Fund, which includes bail charges, lawyer fees, court fees and expenses for gathering truths and evidence.

Another integral part of the implementation of the CRPD is an awareness raising. In Thailand, there are programs to promote positive attitudes of the public and the communities at all levels. For example, the Workshops on Disabilities Equality Training are organized by the government and organizations of persons with disabilities throughout the country for government officials, community leaders, stakeholders and general public to promote proper understanding on disabilities and to eliminate stereotypes and stigma against persons with disabilities. Every year, outstanding persons with disabilities are selected and awarded as “Role Models” from various areas such as education, sports and social contribution to generate the recognition and acceptance among the general public. Persons with disabilities are encouraged to take part as leaders at the community, provincial, national and international levels.

At present, persons with disabilities also serve as members of the National Legislative Assembly and the National Reform Steering Assembly. The government has supported the training programs of athletes with disabilities and their participation in Paralympics Games. Some Thai athletes with disabilities have won medals, resulting in more positive attitudes from the public. Youth with disabilities are sponsored to join in the Global IT Challenges for Youth with Disabilities in Asia and the Pacific. Women with disabilities are sponsored to participate in international training and conferences such as ASEAN Workshops on Empowerment of Women with Disabilities. The National Committee on Empowerment of Persons with Disabilities chaired by the Prime Minister and Sub-Committee on the Convention on the Rights of Persons with Disabilities chaired by the Permanent Secretary of Ministry of Social Development and Human Security are the main monitoring mechanisms on the implementation of the CRPD in Thailand.

With the above mentioned laws and policies on disability and development, Thailand has progressed well in several areas such as the increase of disability allowances, more choices of health insurance schemes, access to education, employment opportunities, interest-free loans for entrepreneurs with disabilities, specific skills training for sign language interpreters, personal assistants for persons with severe disabilities, access to transportation and ICT, etc. Most of this progress is in line with the international instruments, particularly the CRPD.

## CONCLUSION

The study showed that nowadays there are several advanced public policies on disability and development in Thailand. Moreover, the study found that a priority has been given to persons with disabilities as the target of public policies clearly. Further research could be conducted to clarify the differences between Thailand and other countries such as those in the ASEAN region, which could illustrate the situation of Thailand internationally.

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