Child Protection in Thailand: Towards an Improved System

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CERTIFICATE OF AUTHORSHIP

I hereby declare that this submission is my own work and that, to the best of my knowledge and belief, it contains no material previously published or written by another person nor material which to a substantial extent has been accepted for the award of any other degree or diploma at Charles Sturt University or any other educational institution, except where due acknowledgment is made in the thesis. Any contribution made to the research by colleagues with whom I have worked at Charles Sturt University or elsewhere during my candidature is fully acknowledged.

I agree that this thesis be accessible for the purpose of study and research in accordance with the normal conditions established by the Executive Director, Library Services or nominee, for the care, loan and reproduction of theses.

Name Miss Rutancheekorn Chotchaisathit

Signature

Date
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PRESENTATIONS AND PUBLICATIONS

Conference Presentation


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Publications


This study is set in Thailand and has the following aims: to analyse the state of child protection before and after the enforcement of the Child Protection Act 2003 according to the viewpoints of those who are involved in child-related work; to examine the state of the child protection system as outlined in the 2003 Act; to look into the related problems according to the system outlined in the 2003 Act; and to develop a model for a child protection system in Thailand, drawing on the analysis and implications uncovered from this research.

The research used a mixed methods approach involving nationwide surveys, interviews and a focused group discussion. The data were gathered in 2007-2008. A group of 328 members from 16 Provincial Child Protection Committees participated in a survey questionnaire. An additional 20 child protection officials comprising multidisciplinary team members and policy makers participated in in-depth interviews and a 13 member focus group discussion was conducted. Data processing included quantitative and qualitative analysis. Quantitative data were analyzed using standard descriptive statistics (frequencies, percentages) and application of z-tests for inference on proportions. A content analysis method was used to analyze the qualitative data from the interviews and the focus group.

Findings showed that Thailand has had child protection legislation and enforcement since 2003. Based on child rights, parent responsibility, and state intervention approaches, a child protection procedure was developed, which appeared to be more systematic than the earlier system. However, some poor practices were found at both the policy and practice levels. The Provincial Child Protection Committee worked with
some limitations and could not fulfill their roles in policy development. There is still no process for quantifying the number of children at risk or storing information about at-risk children. The experience from the field is that children are still being harmed and more serious abuse is occurring. The competent officials, whose duty it is to respond to notifications of child abuse, assess and intervene, faced many problems in exercising their powers.

Thailand now has a strong commitment to child protection. Gaps in service provision and follow-through appear to be directly related to inadequate levels of community knowledge and participation in child protection. There is the persistent misconception that child abuse problems are internal family matters and that external or state intervention should be avoided. The competent officials faced many problems in implementing their powers: the lack of cooperation in collecting data, the fear of being unsafe in separating the abused child, the families’ refusal to allow the competent officials to intervene and provide assistance.

Priorities for child protection in Thailand need to include community education, capacity building of child protection functionaries at all levels and in many forms so that all children receive the care they need and the community will be able to deliver quality services for children.

Child protection mechanisms should be developed at the district and community levels as well as a system to educate and raise the awareness of the public about their legal obligations. A new social value should be promoted to make the community aware that child abuse problems concern everyone, and it is everyone’s duty to help solve them in the best interests of the child.
Chapter 1

Introduction

1. The Child Protection Issue

Children are a very important group of citizens in Thailand. This importance has now been enshrined in law since Thailand ratified the United Nations Convention on the Rights of the Child (UNCRC) in 1992. In line with the other signatories, Thailand agrees that children should grow up free from violence and exploitation. They should be able to develop physically, intellectually, emotionally and socially with freedom and dignity (The UN Convention on the Rights of the Child Articles 2, 19 & 27).

Regrettably, in the past Thai children have not been given the importance they rightfully deserve. As stated by Tower (1993), the maltreatment of children is a longstanding problem and is still a serious problem in Thailand and in many other countries.

Since ancient times, children have been viewed as property to be sold, given, or exploited by adults. Throughout history, children have been overworked, prostituted, and physically maltreated for a variety of reasons. Severe beatings administered with religious fervor were inflicted to gain the children’s salvation and to exorcise evil. Employers used children to further their own economic interests. Despite sexual exploitation of children, the one taboo has been incest. The origins of this taboo seem to have been economic. An untouched female child was insurance for later barter with other tribes and cultures (Tower 1993, p.19).

Tower (1993, p.36) states that it has generally been assumed that parents should be responsible for the welfare of their children and that they should be allowed a wide latitude in how to meet this responsibility. Tower admits there are always cases in
which parents either cannot or will not meet standards that society implicitly or explicitly sets for them. Failure to complete basic tasks includes the family’s inability to provide food, shelter, protection, and education for its members. Some of the cases of child abuse become visible to relatives, friends, neighbours, or others who have contact with the family. Some of these cases that become visible are reported. At that moment, something private becomes, in some important sense, public. The abuse or neglect becomes public in the sense that the witnesses discuss it with one another or the parents and families are informally referred to social welfare agencies or chastised for their conduct. It also can become public in the sense that it can become the focus of the official government action.

While it is generally acknowledged that protection is a universal imperative and the right of every child, violence, abuse, neglect and exploitation remain threats to children. Violence against children occurs within families, schools, communities and institutions (The Children’s Rights Development Unit 1994, p.57). Children can also be affected by both natural disasters (e.g. earthquakes, tsunamis) and human-made disasters (e.g. house fires, terrorist acts of mass destruction) or they can be exploited in labour or the sex industry. Sometimes, children are victims of human trafficking.

Child protection is based on the premise of protecting children from any harm. It involves a set of social policies and programmes which intends to eradicate all forms of abuse, neglect and exploitation of children. It aims to prevent child labour, child prostitution, or discrimination against female children, and to encourage the healthy and adequate development of the future labour force (Ortiz 2001, p.662). Protection responses range from preventive and family support programmes, detection of abuse and neglect, education programmes in schools and communities through to disaster
responses, and criminal investigations and prosecution of serious offences, for example child sexual exploitation or child trafficking (Bainham 1988, pp.5, 70 & 85).

It appears that there is still a continual increase in reports of child abuse and neglect taking place all over the world. Multi-national criminal action involving children has increased. According to the report released in 2000, *UNICEF in East Asia and the Pacific: Meeting the needs and fulfilling the rights of children*, there is still much work that must be done in order to meet the needs and fulfill the rights of every child. This is despite what has already been achieved in recent decades in improving the well-being of children in East Asia and the Pacific.

Millions of children are at special risk because of acute poverty, wars, natural calamities, disabilities and other circumstances over which neither they nor their families have much control. The World Summit for Children goal for child protection calls for improved protection for children in especially difficult circumstances and addressing the root causes leading to such circumstances. Those children who are affected the most include: physically and sexually abused children, child labour, trafficked children, street children, orphaned and abandoned children, and disabled children. The large number of children being neglected, abused, exploited and trafficked across borders is a major concern in many countries of the region. These children are often forced to labour in oppressive and often dangerous factory jobs, in domestic service, on city streets or in degrading conditions of sexual exploitation (UNICEF 2000, p.37).

According to the 2006 UN Study on Violence Against Children, violence is pervasive in the lives of children everywhere in every country and society and across all social groups. This study, the first of its kind on the impact of everyday violence against children, sheds new light on the scale and scope of abuse against children in the East Asia and Pacific region and globally. The UN Study combines human rights, public health and child protection perspectives in five different settings where abuse occurs:
the home and family, schools and educational settings, care and judicial institutions, the workplace and the community (UNICEF East Asia and Pacific Regional Office- Media center 2007, p.1).

In theory, schools should be places where children are protected from being abused. In reality, however, according to UNICEF’s East Asia and Pacific Regional (EAPR) Director (Bangkok Post, October 20, 2006, p.4), millions of children across the East Asia and Pacific area were still subject to violence, including at school. While schools have an important role in protecting children from violence, schools can often be extremely violent places for many of them with children experiencing repeated physical assaults and humiliating forms of psychological punishment and bullying. In addition, female students were subject to sexual and gender based violence and sexual harassment. Parents, teachers and schoolmates who the children knew and ought to have been able to trust, carried out most violent acts. Few of these cases of harassment and violence were ever brought to justice and complaints were not taken seriously.

According to the UNICEF’s EAPR director (Bangkok Post, October 20, 2006, p.4), in 16 developing countries including Thailand, 20% to 60% of school-aged children reported having been verbally and physically bullied in a 30-day period. According to the Office of Basic Education Commission, Ministry of Education, in Thailand, 25 cases of sexual harassment against school children were reported in 175 educational districts nationwide between January and September 2006.

The Bangkok Post also reported UNICEF’s finding that Thai children were being sexually abused not only in their families and communities but also in the on-line
(internet) environment (Bangkok Post, October 20, 2006, p.4). Protecting children and young people from abuse and neglect is indeed a worldwide responsibility.

In ASEAN countries, including Thailand, the problems of child abuse and women’s rights in the region are still serious. There are many forms of violent abuse of children and women. Fathers and mothers still cane their kids. Teachers hit their students’ heads with hard objects. A lot of children commit suicide after they have been scolded severely by their parents. Husbands still beat wives or even rape them. And molestation exists everywhere in the region (Bangkok Post, April 15, 2010).

At the global level the United Nations Declaration of the Rights of the Child provided the impetus to all nations to improve the standards of care for children. In the Asia-Pacific Region, those nations gathered to consider the particular conditions and risks for children (UNICEF, 2000).

At the ASEAN level, the Commission on the Promotion and Protection of the Rights of Women and Children was inaugurated at the summit of the Association of Southeast Asian Nations on April 7, 2010 in Hanoi. The commission is duty-bound to promote and protect the rights of women and children (Bangkok Post, April 15, 2010).

Thailand’s policies and legislation on child protection and welfare have also been informed by the UN Convention on the Rights of the Child (CRC). Thailand considers that it should be the responsibility of the whole community to take action to provide child protection. In both the government and private sectors, no single person or agency is likely to have all the knowledge, skills or authority to safeguard a child or young person from, or to deal single-handedly with, the consequences of abuse or neglect (Ministry of Social Development and Human Security 2004, pp.10-11). Therefore, like other signatories to the UNCRC, Thailand is working towards a fully integrated child
protection system including the state, Non-Government Organizations, communities and families.

The governments of most countries undertake the task of supporting and protecting children. This process usually involves three parts. The first is the formulation of a policy on child welfare and protection which reflects the government’s vision and projects the degree of importance accorded to this matter. The second is the construction of laws which establish the official child protection system that can be used as an indicator of the extent that particular country is actively pursuing its policies towards child protection. The third involves the practice of concerned agencies, both public and private, and their implementation of the government policy and enforcement of the law. These three parts in practice are interrelated and essential.

The number of cases of abuse and neglect which are brought to public notice is partly a function of the kind of reporting system used. Throughout most of the history of child protection, reporting practices were largely informal. In countries where formal reporting laws were established, for instance, the United States of America (USA- Child Abuse Prevention and Treatment Act 1974), the laws focused an unprecedented amount of public attention on child abuse and neglect. The result was a dramatic increase in the number of cases reported. In addition, the laws mandated a formal bureaucratic process for receiving, screening, and investigating these reports. This practice remains a cornerstone of the current child protection system. In assessing the current state of any child protection system, it is, therefore, essential to evaluate the reporting, screening, and investigation procedures.

The current development pressures associated with rapid economic growth and the globalization of the Thai economy have brought about various changes in Thai society.
These changes have had direct repercussions on children and youth in many ways. In particular, more children have come to the attention of protection and welfare services due to the increasing number of reports of abuse and neglect (Buranapanun 2003). There are also reports of children who behave in ways inconsistent with their age for example driving motor vehicles without a license, truancy, attending internet cafes at night, smoking, visiting night clubs, and/or using illicit drugs. Other reports relate to children who have disabilities or who are affected by HIV/AIDS and whose basic care needs are not able to be provided by their parents.

According to Buranapanun (2003), the statistics are unreliable because there is no systematic data collection. For instance, the statistics of the Child Protection Foundation in 2000 shows that the number of abused children during the previous 6-7 years seemed to increase each year at the rate of 70-100 percent, with children aged 7-9 constituting the most abused group. On the other hand, the summarized report of the Child’s and Family’s Rights Protection Center, Ministry of Education, for the fiscal year 2002, states that the Center provided assistance to children and underprivileged youth and received complaints and requests for help numbering 160 cases during 2001-2002. Of these children, 63 were either physically, emotionally or sexually abused. The abusers comprised rapists, sexual abusers and aggressive and abusive teachers. Teachers, parents and children’s friends were also included in the category of physical abusers.

As the data on the number of children and youth in difficult circumstances in Thailand have still not been collected systematically, there is a lack of clear and reliable statistics. The lack of reliable figures results in a discrepancy of statistics provided by different state agencies. Hence, the number of abused children is based on the statistics collected individually by those particular agencies that have rendered assistance to children and

The Ministry of Social Development and Human Security (2003) in their report on Thai Children and Youth and Wajanasara (2011, pp.60-63), found that Thai families have also become weak and unable to provide safe and effective care for their children. Children have to face various exploitative problems. They are exposed to cruelty in various forms and their rights are violated. The number of cases of violence toward children and abuse affecting children has also increased and intensified. At the same time, the available mechanisms of the state, such as government policies, national development plans, laws and the services of numerous agencies, both public and private, have been unable to effectively address these problems. Government agencies and other organizations are only addressing such problems as they arise on a case-by-case basis and often in a reactive manner, and then only with limited success.

Protecting children from falling prey to acts of cruelty and abuse, and violation of their rights, remains a difficult task in Thailand. In effect, many Thai children are presently having to grow up in vulnerable situations and in risky and difficult circumstances, and are subjected to various forms of cruelty and violation (Ministry of Social Development and Human Security 2003, pp.25-26). However, it has to be acknowledged that since Thailand became a signatory to the UN Convention on the Rights of the Child on February 12, 1992, child protection in Thailand has developed progressively. It can be stated that greater progress in child protection has been made possible since the recognition of children’s rights in the Thai Constitution of 1997 and 2007. Since the promulgation of the Child Protection Act in 2003, a child protection system has been
established in Thailand. Prior to this, child protection did not follow any official system, but rather followed what each agency practiced independently. This new law builds on and improves past practice. It no longer aims merely to punish the offender. It now focuses on assisting the child and providing ongoing protection (The Center for the Protection of Children’s Rights Foundation 2003, pp.17-31).

What can be considered as an innovation in the child protection system in Thailand is the promulgation of the Thai Child Protection Act 2003, which stipulates that those who are in charge of looking after children, and even the general public, have the duty to notify or report incidents of child abuse. The intention of those laws is to encourage public intervention to help abused children and their families as quickly as possible. The aim is to enable abused children to be free from danger and to receive timely appropriate therapy. In particular, the law permits requests to the court for orders that the father or mother or both receive therapy. No law in the past allowed this non-custodial option.

The 2003 Act encourages multidisciplinary team work. Team members include social workers, psychologists, doctors, police, public prosecutors and relevant child workers from non-government organizations (NGOs) or private health providers. In addition, there is also a network to coordinate child protection activities in all the provinces throughout the country. In the provinces, networks of child protection workers operate on three levels: 1) they run programmes to prevent children from being placed at risk; 2) they investigate and intervene when abuse or neglect is reported; and 3) they work to effectively restore children to their families and communities if they have had to be removed and taken into care.

The drafting of the Thai Child Protection Act 2003 was based on the concepts and models of child protection used in many Western countries. The resulting Thai child
protection system resembles those of many developed countries. Since it is a new kind of law that calls for the active participation of the general public and various agencies, it is important to study the implementation of this Act to find out to what extent the content and the systems outlined in the Act are appropriate to Thai society; what problems those who are duty-bound to implement or enforce this Act are likely to encounter in practice; and how and in what ways amendments and improvements should be undertaken in the future to enhance child protection.

2. The Researcher

It is perhaps useful to briefly describe what has motivated me to undertake this study. I think, my professional background and work experience, and a new child protection related legislation are the main motivating factors to undertake this study of the child protection system in Thailand. As a holder of a double master’s degree, one of law and the other of social work, I have been assigned to teach courses on social and family welfare as well as family and social development in various universities in Thailand. My academic assignments also include my being thesis adviser on social and family welfare, social work, social justice and child protection. My actual child-related work experience first began when I started to serve as social worker and head of Emergency Home which was then a project run by the Association of Women Law Graduates of Thailand to help women and children in crisis. This was after a stint as Policies and Planning Analyst at the National Economic and Social Development Board (NESDB).
My professional child-related work experience has been increasingly enriched by various appointments. Considered one of the most important provinces adjacent to Bangkok Metropolis, Nonthaburi is a vibrant city hardly distinguishable from the capital itself. Besides serving as adviser to the Nonthaburi Multiprofessional Team Working Group, Vice-chairperson of the Sub-committee on the protection and promotion of child protection and development and support of the administration of Nonthaburi Child and Woman Protection Centre, I have also been appointed as chairperson of Nonthaburi Provincial Child Protection Sub-committee, social worker attached to the Nonthaburi Provincial Court for child-related cases as well as member of Nonthaburi Provincial Child Protection Committee.

Thanks to such official appointments, I have become naturally, intellectually, professionally and academically interested in child protection. It can be stated that for over two decades, my professional life, besides teaching, has been involved in child-related work. After a while, I have found that undertaking a serious study on children, especially child abuse and protection would seem quite fulfilling, and likely to enable me to be more knowledgeable and enhance my professional and academic potential. Admittedly, what is particularly puzzling, however, is the fact that despite great publicity in the mass media and some high-profile prosecutions of child sex abusers, punishments seemed rarely harsh or effective enough to act as a deterrent.

What is also of great personal concern is the public lethargy and apparent indifference to the occurrence of child sexual abuse incidents. Abhorred by the prevalence of child abuse incidents, especially the sexual child abuse ones taking place in Thai families and schools, reported in the mass media and brought to my professional attention during interrogation sessions at the Provincial Court in the presence of a public prosecutor and
or a judge, I deem it appropriate and essential to undertake a study specifically focused on child protection. In addition, despite the prior non-existence of research work on the subject and my awareness of the difficulty lying ahead because of the structure and mentality of Thai society, I was spurred by the expectation of seeing light at the end of the tunnel at the news of the then forthcoming promulgation of a child protection act, the first of its kind in Thailand. Indeed, faced with such a challenge I resolved to conduct systematic research that would shine a light on the remaining problems. This research preceded, accompanied or followed the PhD work reported here and all of my research covered issues surrounding child safety in Thailand.

What follows here is the PhD component of my attempt to use research to make the lives of children in my country safer and happier.

3. Overview of the Study

The study examines the legislation relating to child protection in Thailand to find out why effective child protection was not achieved in the past, and what may be the enforcement and implementation problems of the Child Protection Act 2003 and what implications this has for the future of child protection in Thailand.

4. Objectives

The objectives of the thesis are:

1. to analyse the state of child protection prior to and after the enforcement of the Child Protection Act 2003 according to the viewpoints of those who are involved in child-related work.
2. to examine the state of the child protection system as outlined in the Child Protection Act 2003.

3. to examine the related problems according to the system outlined in the Child Protection Act 2003.

4. to develop a model for a child protection system in Thailand, drawing on the analysis and implications uncovered from this research.

5. Research Questions

To accomplish the objectives of the study, the following research questions are put forward:

1. What was the state of the protection of abused children prior to and after the enforcement of the Child Protection Act 2003?

2. What is the state of child protection system and its related problems according to the provisions outlined in the Child Protection Act 2003?

3. How should the child protection system according to the Child Protection Act 2003 be developed and what should be the ways to develop it?

6. The Research Process

This thesis has employed both quantitative and qualitative research methods and collected data from 16 provinces covering all of Thailand’s major regions. The study sample was categorized into three groups as follows: The first group consisted of 1,823 people who were members of Provincial Child Protection Committees in 16 provinces. It comprised those who worked in various professional fields, those who worked for child protection in a multiprofessional team, were hospital social workers, social workers attached to the Department of Social Development and Welfare, social workers attached to NGOs involved in child protection, psychologists, doctors, police and public
prosecutors and those who were *ex officio* members of Provincial Child Protection Committees. By employing random sampling and stratified random sampling methods, 16 provinces and 328 respondents were selected for the study.

The second group of respondents consisted of the policy-makers, law-makers and child protection academics who had played an important role in developing policies, plans and regulations related to child protection. By using a purposive sampling method, the researcher selected 20 members of this group for an interview. Again by employing a purposive sampling method, the third group of respondents consisting of 13 members was specifically selected to form a focus group. The 13 focus group discussion members were representatives of all the above-mentioned professions involved in child protection just like those who were members of Provincial Child Protection Committees. This focus group differed from the first group in that a judge was also included in addition to the other professionals in view of his role in the court hearing.

A field survey research was undertaken in 16 provinces to collect both quantitative and qualitative data from the above three groups (for details see research methodology chapter). The collected data was analysed by employing both quantitative and qualitative analysis methods. Quantitative analysis by using SPSS computer program mainly included descriptive statistics such as frequencies, percentages, means and standard deviation. Further, content analysis method was used to analyse the responses to open-ended questions and data collected from focus group discussions.

7. Scope of the Study

This research focuses primarily on the recently proclaimed child protection system which consists of law and practice as follows:
1. Law— The study focuses specifically on the period of time between the notification of suspected abuse or neglect to just prior to the court hearing. The researcher is interested in the procedures outlined in the Child Protection Act 2003 and how effectively these have been implemented within the parameters indicated above. The procedures consist of reporting, investigating, intervening and providing child protective services. Of interest are those child protection services which take place prior to the court process. These services are usually provided by a multiprofessional team consisting principally of social workers, psychologists, doctors, police and public prosecutors who are members of the Provincial Child Protection Committees. More generally, the part of the study focusing on law will consider the scope of the legislation related to children in need of prevention and protection and to the child prevention and protection measures and mechanisms set up by the Act.

2. Practice— the study focuses on the practice of child protection workers who are members of the multidisciplinary team and ex officio members of Provincial Child Protection Committees in reporting, investigating, intervening and providing child protective services or child welfare services during the protective process prior to the court hearing in accordance with the Child Protection Act 2003.

8. Definitions of Terms

The following are some terms that will be used throughout this thesis and the definitions as they apply to this thesis.

‘Child protection’ covers activities of keeping children safe from abuse and neglect, and assisting those who are victims of physical abuse, sexual abuse, emotional abuse, neglect, exploitation, violence, and abandonment as well as those in need of special

‘Child protection system’ refers to a system which is aimed at preventing, protecting and assisting children who are or would be the victims of abuse and neglect in line with the best interests of the child principle. It covers 1) the target groups of children who have the right to be protected, 2) the law related to child protection and child welfare and 3) the child protection procedures and criteria for protecting child victims as stated by the Act. The procedures consist of reporting, investigating, intervening and providing child protection services. These child protection procedures take place prior to the court hearing (Ortiz 2001, p.540 & O’Halloran 1999, p.173).

This study focuses on the child protection system in Thailand as stated in the Child Protection Act 2003.

9. Limitations on the Study

This study has some limitations pertaining to the study of the Child Protection Act 2003: this study involves the collection and analysis of data during the period when the provision of child protection was still following the old procedures and practice, and the transitional period when Thailand had just proclaimed the use of the new official child protection system as stated in the Child Protection Act 2003. Hence, in the collection of data related to the respondents’ opinions about the enforcement of the new law, the responses were given under the conditions and situations where there was not yet much experience in implementing this new law, but they were prepared to indicate their expectations based on their existing experiences.
10. The Organization of the Thesis

This thesis consists of 9 chapters. Chapters 2 and 3 are literature reviews: concepts and theoretical frameworks related to child protection are presented in chapter 2, and in chapter 3, child protection systems in 5 countries (The USA, Canada, England, Australia and Thailand) are reviewed presenting the details of child protection systems with different degrees of experience in enforcing their child protection legislation. This is followed by the research design and methods in chapter 4, describing the quantitative and qualitative methods used. In chapter 5, the researcher analyses the Child Protection Act 2003 and its implementation using a socio-legal analysis. Chapter 6 integrates quantitative data from the survey and qualitative data from the interviews and focus groups to present research participants views of and awareness regarding the state of child protection in Thailand prior to and after the promulgation of the Child Protection Act 2003. Child protection problems in implementing the 2003 Act and strategies to improve the child protection system in Thailand which have arisen from the quantitative and qualitative analysis are presented in chapter 7. Chapter 8, presents the researcher’s ideas and implications for the ways to improve the child protection in Thailand. Chapter 9 contains conclusions and recommendations, drawing together the principal findings of the study and suggesting ideas and models of an improved child protection system in Thailand which was the main objective of this thesis.
Chapter 2

Literature review:

Concepts and Theoretical Frameworks

1. Introduction

This chapter discusses the basic concepts used in child protection and major theoretical approaches that are influencing child protection practices. In particular, it discusses the concepts of the child, child abuse and neglect, and child protection. Three theoretical approaches provide a useful platform to inform this research: the children’s rights approach emphasizing parental responsibility and family support; interagency and multidisciplinary approach to practice; and child welfare policy and legislation or the state intervention approach.

A review of the literature on child protection first looks at four developed countries: the United States of America [USA], Canada, the United Kingdom [UK], Australia, and then Thailand. The main rationale behind choosing these four countries is that the Thai people generally view them as the role models for various developments; be they educational, political, juridical, economic or social. One other point to consider is that, as a rule, anything ‘western’ tends to be regarded in high esteem by the Thai public. These four countries have, over many decades of experimentation, developed and refined complex, professional, state-regulated child protection systems in their respective societies to a level whereby childrens’ rights are systematically protected (Beckett 2005, p.7). More importantly, these four countries share democracy as their
political foundation and have laws based on similar key principles, for example, the
primacy of evidence, fair judicial processing and rule of law. They have welfare
legislation, policy and programs in areas such as public assistance, social protection and
social services. Data from these four countries, after long years of trial, practice and
experience, are likely to provide useful insights for developing a good child protection
system for Thailand.

2. Definitions of ‘Child’, ‘Child abuse’ and ‘Neglect’

The review of literature has brought to light a variety of definitions of the words ‘child’,
‘child abuse’ and ‘neglect’ in both legal and operational terms.

Definitions of ‘Child’

The United Nations Convention on the Rights of the Child (Article 1) defines a ‘child’
as any individual of less than 18 years of age, except in countries where the law
stipulates a lower age.

In the USA, a ‘child’ is defined as a person who has not attained the age of 18, except in
cases of sexual abuse where the age is specified by the child protection law of the state
in which the child resides (US Department of Health and Human Services 2001). In
addition, each state may have several laws that determine the age of the child to be
protected in some specific cases, for example, in the State of New York, the word
‘child’ in cases of ‘abuse’ and ‘neglect’ refers to a person under 18 years of age (Family
Court Act, s.1012(e)(f)).
In Canada, the definition of 'child' in need of protection may vary by province as child welfare and child protection is the responsibility of the provinces under the Canadian Constitution, not a federal responsibility. For example, in the Province of British Columbia, protection was given to children under the age of 19; in provinces such as Alberta and Manitoba, under age 18, and in provinces such as Newfoundland and Ontario, under age 16 (Howe 2001, p.367).

In England, under the common law a child is defined as such until he or she attains the age of 21 years (O’Halloran 1999, pp. 61, 215). Since the introduction of the Family Law Reform Act of 1969, the operative age has been 18 years. In the Children Act of 1989 a child is defined as a person below the age of 16 years when making a Section 8 order (Contract arranges in relation to a child subject to a care order) and below 17 when making a care or supervision order. Apart from these purposes, a child means a person below the age of 18 years.

In Australia, the Community Services Department in each state and territory is responsible for child welfare and child protection (Wearing & Berreen 1994, p.137). The child protection or child welfare legislation in each state in Australia defines child, child welfare and child protection systems according to locally accepted definitions that have evolved from past practices and laws in each jurisdiction. For instance, in the Australian Capital Territory, a child is legally defined as a person under the age of 18 years (The Children’s Service Act 1986).

In Thailand, the meaning of ‘child’ is stated in the Child Protection Act 2003, the principal law for child protection in Thailand, as a person under the age of 18 years but excludes those having reached the legal age of majority through marriage. In practice, the meaning of ‘child’ also changes, depending on the appropriateness of the meaning

In some other countries, the age of a child may vary according to their respective legislations, but the maximum age is usually 18 years. Many countries have accepted this UN standard definition while some other countries have opted for a lower age such as 14 or 16. The defined age of childhood stated in the legislation of each country indicates the kind of government policy that takes shape for protecting groups of children. In general, the higher the upper age at which an individual is defined as a child the larger the number of children who will be subject to the laws and legal protection of child protection.

Throughout this study, the researcher will adhere to the definition of child as stated in the Child Protection Act 2003 and in the CRC which is a person under the age of 18.

**Definitions of ‘Child Abuse’ and Neglect**

Child abuse is a generic term that refers to *non-accidental physical injury, neglect, sexual abuse, and emotional abuse of a child* (Van de Creek and Knapp in Dattilio & Freeman 2000, p. 453). According to Aguilera (1994, p. 90), child abuse occurs in a wide variety of ways.

Recent trends have moved toward greatly expanding its definition from physical abuse alone to include also emotional and sexual abuse, as well as physical and emotional neglect. In general, however, consensus is lacking among professionals for any one single definition of the terms *child abuse* or *child neglect*. Definitions vary greatly because there is much diversity in
sociocultural values and practices associated with childrearing, some of which may result in physical and psychological harm to the child.

As for child abusers, they are not limited to any one well-defined group. They belong to widely differing socio-economic, racial, cultural, age and other socially defined groups. However, the most likely abuser is the mother or the father and child abuse is more common in poor families (Zigler cited in Zigler, Kagan & Klugman (1987, p.331). Child abuse is also by no means a new problem, but rather one that is only now being socially recognized and legally addressed (Aguilera 1994, p. 90).

The above information regarding different interpretations and meanings indicates that there is no standardized definition of child abuse that has been developed by researchers, or accepted and operationalised by practitioners. Originating with Kempe in 1962, the phrase *battered child syndrome* dramatically focused professional and public attention on abusive actions by parents and other adults on select groups of children. The battered child syndrome, though being one of the easiest forms of child abuse to prove legally, is only a part of the overall problem of child abuse. By 1976, Kempe had abandoned the ‘battered child syndrome’ concept in favour of the more inclusive term ‘child abuse and neglect’. This better and more comprehensive term referred to the permanent adverse effects on the developmental process and the child’s emotional well-being (Helfer and Kempe 1976 cited in Aguilera 1994, p.91; Parton, Thorpe & Wattam 1997, pp.47-48).

According to the findings of the UN Study on Violence Against Children (UNICEF EAPRO-Media center 2007, p. 2), not only does violence have a devastating impact on children, but also exposes the survivors to the risk of lifelong health, and social, emotional and cognitive problems. Violence also often ‘breeds’ violence and in later
life, child victims of violence are more likely to be victims or perpetrators themselves when they are adults (UNICEF EAPRO-Media center 2007, p. 2).

Undeniably there are numerous other causes that come into play to bring about abuse and not just the problem of personality and character traits. Therefore, the definition of child abuse becomes more complex. Furthermore, the legal definition of child abuse differs from one country to another as follows.

*In the USA*, the maltreatment of children, as in every country, is a longstanding problem. Federal legislation identifies a minimum set of acts or behaviours considered as maltreatment to serve as a foundation for the states’ related actions. This legislation defines child abuse and neglect as any act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, sexual abuse or exploitation and any act or failure to act which indicates an imminent risk of serious harm (US Department of Health and Human Services 2001). However, since each state has its own laws, we will find 50 definitions for child maltreatment instead of one (McCoy & Keen 2009. p. 15).

Most statutes in the USA define ‘child abuse’ to include physical and sexual abuse and neglect. Some states include emotional abuse within this definition (Wallace 1996, p. 135). Forty-nine states now include sexual abuse in their definition of child maltreatment, and forty-one states include emotional abuse, although neglect and physical abuse still account for most maltreatment (Waldfogel 1998, p. 97). All states include at least non-accidental injury and neglect within their definition of child abuse (Van de Creek and Knapp cited in Dattilio & Freeman 2000, p.453). Many state laws provide only a minimal definition of child neglect (McCoy & Keen 2009. p. 64).
Definitions of maltreatment are codified in state statutes. While state definitions vary, all states tend to follow these broad definitions of types of abuse:

*Physical abuse:* harm that is not accidental or physical punishment that is developmentally inappropriate.

*Emotional or Mental Abuse:* acts or omissions by caretakers that have caused or could cause serious behavioural, cognitive, or emotional harm.

*Sexual Abuse:* the use, persuasion, or coercion of a child to engage in any sexually explicit conduct for the purpose of pornography, rape, molestation, prostitution, or incest.

Although the term ‘neglect’ is subsumed under ‘abuse’, it is a category of child maltreatment that centres on a failure by the caretaker to feed, shelter or clothe a child adequately. Also included in this category of maltreatment is ‘insufficient supervision of a child’ (Orr 2000, pp.12, 35-36).

*In Canada*, the Canadian Constitution established child welfare and child protection as a provincial jurisdiction (Wharf (ed.) 1993, p.131). While provincial and territorial legislations are similar in approach, the legislation is often different in several important ways which include the definitions of ‘abused child’. For example, in Ontario, the word ‘abuse’ by law means a state or condition of being physically harmed, sexually molested or sexually exploited (The Child and Family Services Act 1990 (rev.), Section 79).

Moreover, in the Province of Alberta, physical abuse is defined more narrowly as observable injuries. In other jurisdictions, it is defined more generally as non-accidental injury or risk of injury. In Nova Scotia, emotional abuse is defined broadly as harm...
‘demonstrated by anxiety, depression, withdrawal, or self-destructive behaviour’. In the Northwest Territories, it is defined narrowly as harm requiring a psychiatric assessment. Thus children in Canada are dependent for protection on the particular definitions used by the jurisdiction in which they live (Howe 2001, p.4).

In England, the phenomenon of child abuse is represented most often by domestic maltreatment, in the form of a physical or sexual assault, on a child. The Children Act 1989 defines a child as an abused child when he or she ‘is suffering or is likely to suffer significant harm’.

The word ‘harm’ under Section 31(9) of the Children Act 1989 is defined as including both ill-treatment and the impairment of health or development. By the 1989 Act, physical abuse implies physically harmful action directed against a child. Sexual abuse is defined as the involvement of dependent, developmentally immature children and adolescents in sexual activities they do not fully comprehend and to which they are unable to give informed consent or that violate the social taboos of family roles. As for emotional abuse, it includes forms of ill-treatment which are not physical.

In Australia, at first, professionals focused upon ‘battered children’ who had been subjected to physical violence. The term ‘abuse’ came to have an extended definition to encompass sexual abuse, emotional abuse and neglect. The widening definition of child abuse highlighted the social construction of abuse and childrearing standards (Gilding 1997, p. 225).

More generally, professionals increasingly defined abuse in terms of the development needs of the child. But some authors consider the phrase ‘child abuse’ to be an ‘umbrella’ term covering a wide range of activities that harm children in some way or to cover a great variety of harm suffered by children at the hands of others. The activities
covered include physical abuse, neglect, child sexual abuse, emotional and psychological abuse (Goddard 1998, pp.28, 34-38).

Angus and Wilkinson (1993 cited in Goddard 1998, p. 34) provide a definition of ‘child abuse’ and ‘neglect’, from their research of cases from all state and territory welfare departments in Australia, in the following way:

Child abuse and neglect occurs when a person having the care of a child inflicts, or allows to be inflicted on the child, a physical injury or deprivation which may create a substantial risk of death, disfigurement, or the impairment of either physical health and development or emotional health and development. Child abuse or neglect also occurs when a person having care of a child creates or allows to be created, a substantial risk of injury, other than by accidental means. This definition includes sexual abuse and exploitation of the child.

The Australian Institute of Health and Welfare defines ‘child abuse’ and ‘neglect’ as occurring:

When a child has been, is being, or is likely to be subjected to physical, emotional, or sexual action, or inactions, which result in significant harm or injury to the child. In the main, it refers to situations where there are protective issues for the child because the parent, family member or some other person responsible for the care of the child is unable or unwilling to protect the child from abuse or neglect (Australian Institute of Health and Welfare 1999, p. 6).

In practice, definitions of ‘child abuse’ depend on the context: legislators, courts, medical practitioners, and social workers tend to use definitions most suited to their professional roles and needs (Goddard 1998, p. 33). In general, the more extensive the definition of ‘child abuse’ is given by a law, the greater will be the number of children who are likely to receive protection as a result.
In Thailand, in the Child Protection Act 2003, the word ‘abuse’ is defined as any action or non-action that causes harm to a child’s liberty or causes physical or psychological danger to his or her physical or psychological person, or is against the laws, or is immoral, no matter whether the child ‘accepts’ the abuse or not. Some Thai studies define an ‘abused child’ as a person, male or female, aged 18 or under whose health or welfare is in danger or harmed or threatened by others through infliction of physical or mental injuries or sexual assaults (Rodkind & Malyaporn 1997, p. 5).

In Thailand, abused children are divided into two categories: physically/mentally abused children, and sexually abused children. Abused children are also considered to be children in difficult circumstances such as those who are abused, neglected or raped, as well as vagrant or homeless children.

Thus, from the above summaries, the meanings of ‘child abuse’ in many countries seem to be rather similar and appear to include four main forms of maltreatment, namely physical abuse, sexual abuse, emotional abuse, and neglect. However, despite those similarities, the use of different meanings for the term ‘child abuse’ contributes to specific characteristics of child protection work.

For example, according to Palacio- Quintin (in Hellinckx 1997, p.153), violence is a form of maltreatment that has serious consequences on children’s lives and believed to play a central role in the origin of several social problems. Neglect is characterized by the absence of care regarding health, hygiene, nutrition, supervision, education or the emotional needs of the child. This lack of care endangers the child’s health and development and sometimes even the child’s life. Furthermore, this kind of maltreatment is characterized by omission rather than commission of parental acts. The
child neglect phenomenon has to be explained by a series of factors inter-related in a complex network and not just by a single psychological, educational, economic or social one. Intervention will therefore have to be multidimensional to take all these factors into account.

### 3. Nature of Child Protection

According to Ortiz (2001, p. 511) there is a general lack of knowledge of child protection due to a lack of research.

Most research has been carried out in the industrialized world where the prevailing adverse situation of children may have limited explanatory scope for developing countries in Asia and the Pacific. Much of the research, in addition, focuses on individuals as opposed to groups and is based on adult interpretation and supposition and lacks a link to the level of practical implementation.

In developing countries, an increasing attention to childhood matters has led to a change in the Western perception of child protection and a cross-cultural perspective of child development has arisen. The most profound change has been the realization that childhood is culturally determined (Ortiz 2001, p. 512). Child protection is linked to social values, norms, traditions, notions of “the good child” and responsible parenting. The phenomenon of child protection is also linked to family and social dynamics, including poverty, economics and criminality. The latter is seen in the cases of child prostitution and trafficking.

According to the UNICEF Handbook for Parliamentarians, child protection involves a wide range of important issues of various kinds.
Given the ethical and legal imperatives, child protection is the business of everyone at every level of society in every function. It creates duties for presidents, prime ministers, judges, teachers, doctors, soldiers, parents and even children themselves. These duties may be reflected in the legal standards that a country puts in place. They may also be reflected in the choices a government makes, including its allocation of resources (UNICEF Child Protection Handbook for Parliamentarians N°7, 2004, p.15).

Many issues of child protection, such as child prostitution and child labour, are very closely linked to economic factors. Others, such as violence in the home or in schools, may be connected with poverty, social values, norms and traditions. Criminality is often involved in child trafficking and even child pornography leading to child sexual assaults and rapes (UNICEF 2004, p. 8).

A wider use of the term child protection encompasses all interventions needed by a society to contribute to the overall development of the child to his or her fullest potential, in the best interests of both the child and society. In a narrower sense, child protection involves society’s obligation to provide the protective measures needed to ensure the protection of the child from all forms of abuse and exploitation.

There is also a new paradigm to be taken into account. This paradigm considers child protection to be an integrated part of social protection and also uses child protection as one aspect of poverty reduction. No single social protection programme can address all the problems confronted by families living in poverty and social programmes often tend to overlook the specific problems connected to child poverty (Ortiz 2001, pp. 503, 510, 539). Therefore, child protection has to be a joint responsibility between parents, families, communities and the government.
Child protection involves keeping children safe from being abused and neglected. This safety perspective is the foundation on which child protection services are established and should always be the first goal of any child protective service response. The child protective service response begins with the assessment of reports of child abuse and neglect. If it is determined that the child is at risk of abuse or has been abused, neglected or exploited, the child protection services should ensure that services and support are provided to the child and his/her family by the public child protection agency and community (Child Welfare League of America 2003, p.1). Sometimes appropriate actions include seeking legal sanction and criminal prosecution of the adult who caused harm to the child.

Where the principle of the welfare of the child has always required, as a basic minimum, that protection be given to the bodily integrity of a child (O’Halloran 1999, p.173), child protection in many countries has long been the first threshold of state intervention. On one level, the purpose of such protection is to ensure the healthy and adequate development of the future labour force (Ortiz (ed.) 2001, pp. 540-541, 662). However, from the above overview, child protection involves primarily the set of social policies and programmes targeted at children to avoid all forms of abuse and exploitation.

**Child Protection at the International Level**

The main instrument of the UN that proclaims the rights of children to be protected is the Universal Declaration of Human Rights 1948. This Declaration states that everyone, the child included, has the right to a standard of living adequate for the health and wellbeing of himself and of his family. In particular, Article 25 states that mothers and
children are entitled to special care and assistance. Furthermore, all children, whether born in or out of wedlock, shall enjoy the same social protection.

The principles stated in the Universal Declaration of Human Rights of 1948 are used as the basic concepts of many other child protection instruments, especially the UN Convention on the Rights of the Child (CRC), which many countries, including Thailand, have ratified. This constitutes, in part, the commitment of the Thai government to child protection and also the task for the country to develop a child protection system to meet the minimum standards of these UN instruments.

The Convention on the Rights of the Child 1989 forms an international basis for ensuring the rights and protection of children. It is a special and important UN instrument for protecting children all over the world and evolved as a result of long negotiations between representatives of countries with different social and economic systems and various cultural, ethical and religious approaches, non-governmental organizations, and UN agencies. As its guiding spirit, the instrument addresses the ‘best interests of the child’ and calls on states that ratify this particular United Nations Convention to create conditions in which children may take an active and creative part in the social and political life of their countries (United Nations 1994, p.16, Jones 2010, p.152). The instrument is also a groundbreaking treaty that expands the world’s legal boundaries to embrace and legitimise the needs of children. The Convention also provides the moral framework upon which governments and their citizens are called to provide for and protect the right of every child to a safe, healthy and productive life. The CRC’s four main principles are:
1. The principle of ‘non-discrimination,’ where all children have the same right to develop to their full potential regardless of race, colour, gender, language, opinion, disability, birth or any other characteristic;

2. The ‘best interest of the child’ are to be primary consideration in all actions regarding children. This principle provides a basis for evaluating the laws and practices of countries with regard to the protection provided to children;

3. Children have the ‘right to life, survival and development,’ and,

4. The principle of respect for the ‘views of the child,’ where the voice and opinions of children must be heard and considered, taking into account the level of their maturity (UNICEF 2000, p. 15).

The best-interests-of-the-child principle was seen essentially as a principle of compassion. This principle was regarded as a self-imposed limitation of adult power based on the recognition that only an adult is in a position to take a decision on behalf of a child because of the child’s lack of experience and judgment. Within the national context, the best interests standard, at least as it has been applied traditionally, enables the decision-maker to decide what is most suitable to be done. Thus, the principle leads to a lack of uniformity at a domestic level which is multiplied at the international level. This lack of uniformity on both national and international levels, is to be expected in view of a lack of agreement over what constitutes children’s interests, let alone their best interests (Bueren 1995, p. 45).

According to Howe (2001, p. 366), the best interests principle requires that in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
Authorities are obligated to give a primary consideration to the child’s best interests not simply in some actions but in all actions concerning children. This is a quite demanding principle. It means that primary consideration must be given to the child’s best interests not only by judges in their orders but also by the child protection system as a whole. Other considerations such as parental rights or the privacy of the family must be secondary.

In light of countries’ obligations under the Convention, the challenge for the child protection system is to advance the rights of the child as described in the Convention. These rights may be summarized as protection, provision, and participation rights. The rights of protection refer to the child’s rights to be protected from harmful acts or practices. This includes the basic rights to be protected from abuse, neglect, violence, maltreatment, exploitation, and failure to be provided with basic needs (Articles 19, 34, 36). The principle of non-discrimination requires that authorities ‘take all appropriate measures to ensure that the child is protected against all forms of discrimination (Article 2). The rights of provision refer to children’s rights to have their basic needs met, including the need for a supportive family environment. Thus, parents have a primary responsibility to provide for the best interests of the child and the state has an obligation to assist parents or guardians in their childrearing responsibilities (Article 18). In the event of abuse or neglect, if the child is to be removed from the home, he or she has the right to special assistance and care by the state and to support measures that promote physical and psychological recovery from the abuse or neglect (Articles 20, 39). In fulfilling these provision rights, child protection authorities have to ensure a proper system of alternative care and treatment programmes. Finally, the rights of participation refer to the rights of children to express their views in matters affecting them and to have their opinions heard (Article 12). The challenge for authorities here is to ensure an opportunity for the child to be heard in all matters but especially in child protection proceedings and in the child care system.
The UN Convention on the Rights of the Child offers the most comprehensive legal framework to address violence and abuse against children. It obligates the various signatory states to act forcefully to ensure that children are better protected. At the very least, the governments of the countries that have ratified the Convention are expected to amend their laws in compliance with this instrument (Theis 2004, p.p.2-3).

According to the CRC, the primary responsibility for raising children rests with parents. When parents are unable to do so, the state has a duty to assist them. That is, Article 19 refers to the state’s obligation to ‘protect the children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in care of parent(s), legal guardian(s) or any other person who has the care of the child’.

In the most extreme cases, the child protection obligation on the state might even entail removal of the child from his or her home. However, this removal practice should always be a last resort. Such a consideration is made clear in Article 9 of the Convention, which provides in part that:

States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with application law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents.…

This literature review indicates that child protection as a system within society involves a two-tiered mechanism. First is the international level outlined above through the various instruments announced by the United Nations such as the Convention on the
Rights of the Child. Second, at the national level of child protection, it is important to see how the CRC provisions are reflected in child protection systems.

From a regional perspective there are some practices that provide a relevant indication of what is happening at the national level. For example, there are four strategies being used to address key child protection issues in East Asia and the Pacific (UNICEF 2000, pp.37-39), namely:

- An emphasis on child-centred prevention and early intervention that is family focused and managed by the community, targeting at-risk children, families and communities;
- A responsive social service system for child protection that is multi-sectorial and coordinated and includes education, health, social welfare and economic sectors;
- Establishment of specialized services for child victims of abuse, neglect, discrimination and exploitation, those in trouble with the law and affected by armed conflict; and
- Development of a comprehensive system of legal protection and justice for children.

Thailand follows those four strategies by implementing them in child policies, child regulations and child protection practice.

Generally, the child protection system in each country is a result of long years of social development for the benefit and welfare of children as well as reflecting the specific cultural and social matrix in which the system is embedded. The legislation, procedures and regulations that follow national government policies aim at ensuring the protection and welfare of children.
4. Approaches to Child Protection

According to Crawford (in Ortiz 2001, pp. 512-513), there are certain key areas in which there has been a change of approach to child protection over the previous decade. Among the various approaches to child protection, the child rights approach has probably played the major role in contributing to the UN Convention on the Rights of the Child. The following is a brief description of the changes in the focus that have taken place.

4.1 The Children’s Rights Approach

Children’s rights are a relatively new concept and they upset the old patriarchal social order. So, the recognition of children’s rights is likely to upset the traditional concept of the parent—usually the father—who ‘knows best’. In the words of Martha Minow (cited in Freeman1996, pp. 41-42)

Children’s rights make adults uncomfortable because they represent new ideas, or old ideas in new forms, and signal that adults and existing practices have to change. Conceiving of children’s rights separate from those of the parent requires significant changes in social attitudes in almost all nations of the world.

According to the doctrine of the best interests of the child, it is no longer possible to argue that only parents necessarily know best. Though children’s rights are officially and clearly recognized in the CRC, which Bueren expects to act as a catalyst to bodies implementing human rights regionally and internationally to acknowledge in practice what has been theoretically true for some time (Bueren 1995, p.1), it is still useful to look at some related perceptions as well as distinctions about the interests of children compared to adults. For Campbell (Coady in Alston, Parker & Seymour 1992,
Children’s needs are fairly similar to those of adults, in terms of food, affection and protection from exploitation. The rights stated in Articles 7, 11 and 19 of the CRC, according to Campbell (in Alston, Parker & Seymour 1992, p. 51) are all rights that adults have or should have, only their application differs from children due to their different circumstances.

Rights have to be fought for and strengthened to make childhood ultimately better (Freeman in Alston, Parker & Seymour 1992, p. 53, Corby in Goldson, Lavalette & McKechnie 2004, p. 138). As young children, it is easy for them to become victims. Treated as objects of intervention and not as legal subjects, as well as seen as property, they easily find their interests brushed aside. Being particularly vulnerable, children need rights to protect their integrity and dignity.

Hence, though some children are in circumstances that prevent them from being able to claim rights, there is no reason for denying them rights. Of the two theories, the will theory and the interest theory, the latter was, according to MacCormick (1982), more coherent and has greater explanatory power in determining the entitlements of children. Before children develop wills to claim rights, children already have interests to protect. Others can complain on their behalf when their interests are compromised. According to Freeman (in Alston, Parker & Seymour 1992, p. 59),
A child deprived of the sort of rights envisaged in the UN Convention will grow up very differently from one accorded them.

Protection of children and protection of their rights are closely linked and interrelated. However, children’s rights are truly recognized only when they are implemented in practice; proper implementation is essential. In the absence of proper implementation, instead of being beneficial, unimplemented, partially implemented or badly implemented, laws may actually be harmful to children (Freeman in Alston, Parker & Seymour 1992, p.60). The following is the viewpoint advanced by Freeman.

To take children’s rights more seriously requires us to take seriously nurturance and self-determination. It demands of us that we adopt policies, practices, structures and laws which both protect children and their rights (Freeman 1992, in Alston, Parker & Seymour 1992, p. 69).

Although the rights stated in the UN Convention already concentrate heavily on protection and on adults granting what they think children need, Freeman suggests the necessity of continuing the search for the moral foundation of children’s rights. Such research must be undertaken by those who wish to see a further improvement in the status and lives of children. That is,

Without such thinking there would not have been a Convention; without further critical insight there will be no further recognition of the importance to children’s lives of according their rights (Freeman in Alston, Parker & Seymour 1992, p.69).

Another theory of children’s rights that merits mentioning is Stephen Parker’s Consequentialist theory aimed at maximizing welfare. One advantage of such an
exclusively goal-based theory, according to Parker, is that it can readily be used for a transformative political strategy (Parker, in Alston, Parker & Seymour 1992, p. 148). Parker points out three aspects that rights theories usually focus upon by citing Martin and Nickel (1980, in Alston, Parker & Seymour 1992, p. 152):

(I) the normative elements which constitute a right;
(II) the function which a right serves, and
(III) the justification for saying that a right does or should exist.

According to Parker, a fully developed theory of children’s rights involves more than child support interests. The child’s interests in being nurtured and the child’s choices would need to be considered. These ideas of interests comprise a cluster of normative elements which commonly include claims, duties, liberties, powers and immunities. The first two elements, namely claims and duties, constitute a fully developed theory. There is a further distinction between the will theory and the interest theory to be noted here. According to the will theory, rights confer powers upon people enabling their will or choice to be upheld. This function distinguishes rights from desires, needs or merits. The function of a right, according to the interest theory, however, is to protect or further the right-holder’s interest. People are ascribed rights regardless of their ability or inability to enforce them (Campbell, 1983:92; Sumner, 1987:45 cited by Parker in Alston, Parker & Seymour 1992, pp.152-153, 163). The concepts in those theories show different ideas that can provide a basis for comparison with the provision in Article 3 of the Convention on the Rights of the Child, which requires every sector to consider best interests of children.

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
According to Parker, a children’s rights theory must include, among other normative elements, claims that impose a duty upon another person. The function of children’s rights is to protect the interests of children, and the justification basis requiring children’s claims to be respected - to have certain interests protected as rights - is a consequentialist one. A consequentialist theory is therefore one that evaluates actions in terms of the value of their consequences (Sumner, 1987:165 cited by Parker in Alston, Parker & Seymour 1992, p.154). In looking at the idea of the Convention on the Rights of the Child, we will see the need to press for recognition of the child as a ‘subject of protection’ – as a human being whose rights and freedoms must be respected as much by parents as by society as a whole (Freeman1996, p.8, Theis 2004, pp.4-7). As stated in Article 5 that:

State Parties shall respect the responsibilities, rights and duties of parent or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

As a consequentialist theory is concerned with welfare outcomes, it holds that children may claim to have certain interests specially protected by institutional rights. According to Eekelaar (1992: p. 234), any rights-based approach to social policy begins with having regard to claims which people make, and providing opportunities for claims to be made. Listening to people is an important part of the process and is clearly pointed out by Eekelaar in the following statement:

No social organization can hope to be built on the rights of its members unless there are mechanisms whereby those members may express themselves and wherein those expressions are taken seriously. *Hearing what children say* must therefore lie at the root of any elaboration of children’s rights. No society will have begun to perceive its children as right-holders until
adults’ attitudes and social structures are seriously adjusted towards making it possible for children to express views, and towards addressing them with respect (Eekelaar in Alston, Parker & Seymour 1992, p.228).

Though children may be too young to say anything, a fact acknowledged as a problem by all children’s rights theorists. According to Eekelaar (1992, p.234) firmly believes that children do have rights. Eekelaar holds that if fully informed of the relevant fact, and of mature judgement, children are likely to want whatever adults’ duties towards them are to be exercised for them.

The children’s rights approach has resulted in four clear shifts as follows (Crawford in Ortiz (ed.) 2001, p. 512):

1) The shift from needs to rights

Incorporated in the UN Convention on the Rights of the Child, the principle of nondiscrimination covers all children and implies that human rights are the same for all human beings. The needs approach, historically closely linked to charity, differs from the rights approach in that it focuses on an external assessment of what children need and are in a position to receive. The rights approach, however, is based on the Convention defining what provisions must be made by parents, families, guardians, governments and others, in order to comply with children’s rights.

2) The shift from problem to resource

Since the 1980s there has been emphasis on considering children first and foremost as human beings (Cappelaere in Verhellen, 1996, p. 405). Defined as a human being in the CRC, a child refers to every human being below the age of eighteen with political, economic, cultural, and social rights. Children are considered to have both resources and obligations (CRC, Articles 1, 13-15 & 30-32). There is also a focus on the role that they may play in families and local communities. Rather than being considered
as a problem, children are expected to be active agents in solving their own problems, and those of the society at large.

3) The shift from charity to obligation

Although international media reports on starving children have led those better off to give help, the Convention clearly describes the obligation of the international community and governments to ensure that the rights of the child are observed (CRC, Article 4). The role of governments is thus made clear and strengthened with ratification of the convention in ensuring children’s rights and helping parents, families and local communities to support the child’s survival, development, protection and participation.

Embedded within obligation is parental responsibility and the family support approach. The UN Convention reaffirms the fact that children, because of their vulnerability, need special care and protection. This need for care is seen as placing responsibilities on governments, individually and in cooperation, to ensure the necessary provision of services and the means of protection, before and after birth. The Convention also places special emphasis on the primary caring and protective responsibility of the family.

Family support work is clearly part of both child protection and preventative work (Baldwin 1998, p.145). It has been internationally acknowledged that the principal method of protecting a child against all forms of abuse and neglect is by supporting the family when it is in need (Bueren 1995, p.86).

Though concerned with bringing the child up, caring for him/her and making decisions about him/her, parental responsibility does not affect the relationship of parent and child for other purposes. Nor does it affect rights of maintenance and succession. Parental responsibility may be shared with others. Though it is possible to delegate this
responsibility in part, it may not be surrendered or transferred entirely except by adoption.

The duration of parental responsibility ends when a child reaches the age of 18, if that responsibility belongs to the mother or the married father of the child, or to the father of the child by virtue of a parental responsibility agreement, legitimation or a court order (Mitchels & James 2001, p. 25).

4) The shift from object to subject

Among the children’s rights defined by the CRC are their rights to play an active role in fulfilling these rights and to participate in the identification of their own needs and in finding ways of meeting such needs. Thus, instead of being regarded simply as objects of international development aid, children become the centre of their own development or active subjects in their own development.

The child rights approach is an important concept in working with children. Since its promulgation, the UN Convention has provided a guiding framework for research, policy-making and programming activities concerning child protection. The best-interests-of-the-child principle incorporated in the Convention also provides valuable guidance to decision-makers whenever the interests of children are affected. The principle applies to all actions by authorities and private institutions. It also applies to both individual children and to children as a group, and implies the sum total of all rights.

With the ratification of the CRC, agencies working with children, most governments and international organizations have an overall framework ready for the implementation of children’s rights in ways covering the three key areas of provision, protection, and
participation, often described as the three Ps (UNICEF 1998, Crawford in Ortiz 2001, pp.510-511). The three Ps of the CRC are as follows:

*Provision*: Provision of the basic needs of a child to develop (e.g. love and care, shelter, clothing, food, access to health, reproductive health, and education systems, water and sanitation).

*Protection*: Protection from all forms of abuse and exploitation (e.g., physical and mental abuse, sexual abuse, inhuman and degrading punishment, hazardous labour, slavery, armed conflict, prostitution, torture, trafficking, land mines, pollution, ethnic and other forms of discrimination).

*Participation*: The right of the child to take part in all decisions concerning the development of the child and the child’s status as an independent human being and citizen. The child is regarded as an active participant in matters concerning the child, rather than a passive recipient (Crawford in Ortiz 2001, pp. 510-511).

As stated in Article 3 of the CRC, the best interests of the child doctrine is one of the overriding principles of the CRC. It is a doctrine understood to coincide with the best interests of society.

### 4.2 Interagency and Multidisciplinary Approach

No child protection system can be expected to work or prove effective when it is implemented only by one single agency and undertaken solely by a unidisciplinary group of workers. The adoption of an interagency and multidisciplinary approach is undeniably an imperative in formulating any child protection policy and practice.

Interagency work is an essential process in the task of attempting to protect children from abuse. In every area, close working relationships between social service
departments, the police service, medical practitioners, community health workers, the education service and others who share a common aim to protect the child at risk, are required (Street 1999, pp. 89-90). The importance of this approach thus warrants a detailed discussion of its various underlying theoretical issues.

Since the 1990s there has been an increasing focus on identifying child abuse based on evidence that can be used in a court of law. To identify possible situations of abuse requires risk assessments. If sufficient indicators of possible abuse are present, intervention is considered warranted. With this change in focus, greater emphasis is placed on family rights. Greater importance is also accorded to the legal professionals than that enjoyed by social workers. This approach has resulted in reducing social workers’ traditional therapeutic role with clients. The relationship between social workers and parents was not smooth because parents felt negatively about the service and commented on a lack of mutual understanding (Parton, Thorpe & Wattam, 1997).

The client and the professionals usually have different ‘operational perspectives’. While the social worker’s aim was to obtain parental acknowledgement of the problem, the parents were looking for someone who was easy to talk to and would listen to them (Parton, Thorpe & Wattam 1997, p. 85).

According to Westcott (1995 cited in Parton, Thorpe & Wattam (1997, p. 85), ‘it often appeared that clients and protection officers could not possibly be discussing the same process’. With the shift of focus away from what had been ‘child abuse management’ to a socio-legal perspective, there was not only greater focus on children’s rights, parental rights and working in partnership with parents, but also an emphasis on working with the police and on interviewing clients to collect credible accounts of abuse and forensic evidence.
Before the 1960s various professionals in child health and welfare mainly worked independently in their own field of specialization. The development and growth of child protection teams gave rise to both legislative and informal mandates requiring them to work together. This was the case in both England and Australia.

Despite the existence of improved services and improved systems of communication in interagency and multidisciplinary work, both the work of practitioners and the wellbeing of clients may be greatly affected by certain unresolved problems. As stated by Lawrence (2004, p. 89), there can be undesirable outcomes that result in forms of continued maltreatment of children and the false assessment to which distraught parents may be subjected (Conte 1984; Blagg & Stubbs 1988; Myers 1994, cited in Lawrence 2004, p. 89).

Having to daily resolve dilemmas about child abuse, practitioners can become fatigued or burnt-out. Possible negative outcomes arising from interagency multidisciplinary work may also be worsened by the number and variety of different professionals involved. Lawrence (2004, p. 89) gives an example:

> Each of these professions may have its own individual perspectives on child sexual abuse, and this can result in different professionals having different definitions of child sexual abuse and different assumptions as regards treatment and prevention (Lawrence 2004, p. 89).

It is important to note that when exposed to matters of child abuse itself, the professionals involved are likely to become stressed (Hallett & Birchall 1992; Stanley & Goddard 1993 cited in Lawrence 2004, p. 91). If not resolved as the abuse occurs, the stress will accumulate and increase with time. Thus Baglow (1990) deems it advisable
for the professionals to be aware of specific interagency contact points in advance so as to reduce potential conflicts and stress to a minimum (Lawrence 2004, p. 91).

The problems that obstruct effective interagency cooperation are mainly theoretical and philosophical in nature. Some problems stem from the various areas that compete with one another, namely children’s rights, parental rights, state intervention in family life, legal constraints, politics, and the socioeconomic marginalization of poverty (Lyon and Kouloumpos-Lenares, Smart, Fox Harding, Buckley cited in Lawrence 2004, p. 94).

To keep the effectiveness of services from weakening, the underlying theoretical and philosophical principles have to be addressed. In particular, it is important to achieve a balance between the objective and subjective approaches in child protection management. When making risk assessment decisions, social workers do so within statistically established figures or the normative framework which also comprises a general overall knowledge with an assumed objectivity regarding what has been accumulated, namely research knowledge about abuse, practice knowledge, and ideas about current cultural child-rearing patterns. Ideas of what constitutes normal parenting also serve as the basis for decision-making (Lawrence 2004, p.96).

Professional assumed objectivity is, however, questioned. Probably out of practitioner bias, social workers assume that parents generally love their children for whom they will do their best. Accused of being discriminatorily biased in their decision-making, social workers are pressured by their agency and by the law to make what are considered to be defensible decisions and to operate objectively (Lawrence 2004, p. 96). Also, there is an implicit acceptance in society of the hierarchy of status among professions such that the medical and legal professions have become dominant.
Compared to these two professions, social work is a relatively new profession with an eclectic knowledge base. It has not received the kind of attention and respect it deserves (Lawrence 2004, p.97).

With the adoption of a more subjectivist approach towards which statutory child protection work is refocused, more accurate assessments apparently emerge. Being faced with the need to assess whether a child is at risk of harm, the practitioner must make a judgement accordingly; a decision-making activity considered by Parton et al. (1997 cited in Lawrence 2004, p. 98) as ‘risk insurance’ which is different from traditional judgments made on the basis of collating objective evidence.

However, to best understand the underlying problems of unresolved issues and lack of congruence in child abuse management, King (1997, 1999 cited in Lawrence 2004, p. 99) proposes that the closed systems theory be taken into consideration. The meaning of closed systems relates to the social systems of such institutions as law, medicine, economics and politics. Each system has its own procedures. It can only communicate in terms of its own discourse and will only understand similarly codified information. Having its own body of knowledge and understandings, each system becomes increasingly independent and autonomous. Such a closed functional perspective often causes a multidisciplinary team to have difficulty in working together. In particular, as social work is not a closed system, its functions need coordination and collaboration within the frameworks of medicine, education and law (Lawrence 2004, p. 99). There are concerns that further worsen the difficulty of working together and these relate to the fact that closed systems do not communicate in terms of morality. There are no real moral judgments that not pay attention to individual moralities.
Despite being viewed as immoral and unjust (King 1997 cited in Lawrence 2004, p. 99) closed systems do have some benefits. For instance, in the case of medicine, it is not possible for doctors to question the worthiness of a patient before deciding to provide adequate treatment. It has to be noted, however, that closed systems are devoid of a full human perspective on the individuals with whom they interact. They consider only that facet of a person that informs their own organization.

According to Lawrence (2004, p. 101), all agencies may need to have a policy shift to accommodate a more subjectivist approach. This approach also needs to be reflected in the aims and objectives of the various professions. The adoption of this approach means that for social work, for instance, a return to the traditional core values and skills of the profession, means focusing on the therapeutic aspect in service provision. However, the planning of policy and services ‘to accommodate all agencies’ and the shift to adopt a more subjectivist approach would require political and governmental priorities and resources to be reordered. As for practitioners, they need organizational support to offer and implement their modified method of practice. For the new philosophy and the shift of approach to be successfully adopted and administered, child welfare agencies, with governmental backing, need to commit themselves totally on the issue of current legislative guidelines (Lawrence 2004, p.102, Littlechild 2000, pp.410-413).

Inherent in the interagency multidisciplinary handling of child protection services are several sources of tension and conflict. There is the tension between those agencies directly involved in child protection as a major responsibility and those having child protection added to their main areas of responsibility. There is the tension between those whose interest in child protection mainly centres on the investigative process and those who are more concerned with prevention and treatment. There is the tension
between those with a high degree of centralization in their decision-making, such as social services and police, and those having considerable autonomy such as doctors and schools (Sanders & Thomas 1997, pp. 93-94).

As regards to the occurrence of professional conflicts, according to Scott (1997 cited in Lawrence 2004, p. 91) there are three main categories of interagency multidisciplinary conflict. Referred to as ‘gatekeeping’ in the child protection discourse, the first kind of conflict involves the reluctance of an overworked child protection services agency to accept referrals from other agencies. To have a case accepted, some referrals may resort to overemphasizing the negative aspects, while the overworked agency may consider the extent of the problems presented, as it believes that exaggerations are being made when, in fact, they may be being presented accurately.

Termed by Scott (1997) as ‘dispositional disputes’, the second category of conflict occurs between a statutory agency and the police or a hospital. The statutory agency’s legal viewpoint about a case is considered by other agencies, such as hospitals, to be an inadequate level of statutory intervention. According to Scott (1997 cited in Lawrence 2004, p. 91), the (this kind of) conflict reflects a ‘philosophical difference’ and can occur when hospital staff having considered the seriousness of the injuries to an infant, deem it essential to have formal post-discharge monitoring. Deciding otherwise, the statutory agency may choose to plan a voluntary association (Scott 1997 cited in Lawrence 2004, p.91) with the family, thus causing hospital staff to feel frustrated and resent having their opinion undervalued. The resulting frustration and resentment not only affect the quality of interagency cooperation but may also give rise to a refusal to participate in further child abuse cases.
The third category of conflict described by Scott (1997) as ‘domain disputes’, may be caused by an overlap of responsibilities between two agencies. Because of a lack of sufficient guidelines for managing child sexual abuse cases in the 1980s, during the initial establishment of interagency teams, the police’s role sometimes overlapped with the responsibilities of a hospital-based, child sexual abuse clinic. There were occasions when the police brought children to the hospital in the early hours of the morning to be interviewed and examined for possible sexual assault. As a result, the police’s action obligated social worker and relevant medical staff to come in very early as well, and such emergency intervention in the middle of the night could have a traumatizing effect on the children. To make an intervention less stressful and more convenient for all concerned, the police only needed to plan their meeting with other related professionals during normal routine clinic hours instead (Lawrence 2004, pp. 91-92).

Similar problems in interagency multidisciplinary child protection work mentioned by Scott (1997) were also identified by Buckley et al. (1997 cited in Lawrence 2004, p. 92). Referred to as structural factors, the three areas of potential conflict regarding interagency communication can also negatively affect interagency collaboration. The first type of communication conflict involves the difficulty in coordinating with another agency, giving rise to a great deal of frustration. The inherent slowness of such agencies is multiplied as the legal system not only does cause dissatisfaction to clients and other agencies, but also sometimes leads to treatment issues being left unresolved (Wattam 1992 cited in Lawrence 2004, p. 92, Miller 2011, p.202).

The second area of potential conflict involves feedback and communication issues. Problems can arise from staff changes, workers’ busy schedule and a lack of organizational mechanisms to coordinate these issues and ensure necessary
communication. There is also difficulty in exchanging information between adult services and child-based agencies. While the adult services feel bound by confidentiality to adult clients, the childcare agencies consider the rights of the child to be paramount. According to Buckley and his team (1997 cited in Lawrence 2004, p. 93) the principle of confidentiality is one of the main reasons for difficulties concerning feedback and communication. There may thus be a need for government intervention to rectify such a situation.

The third area of conflicts in interagency multidisciplinary child protection work concerns problems relating to professional roles, status and responsibilities. Although most professionals in the child protection network were certain about what their roles were, they were unsure about their status and the value of their information to some proceedings, such as case conferences. Some child protection practitioners believed that they shouldered too much responsibility in their ascribed role (Lawrence 2004, p. 93). It is interesting to note what Lawrence has summarized regarding the multidisciplinary method of working as follows:

The multidisciplinary team is a combination of professions, some of whom operate within closed systems where objectivistic approaches are dominant. This method of working achieves its goals without regard to the specifics of individual morality. Social work is not such a closed system and views the individual in situ. Not only is there a balance between these two systems but there is a more fundamental need to make this sometimes problematic relationship explicit. Further, this balance in the relationship needs to be honoured by all of the professions in order for there to be an equality of status among interdisciplinary teams (Lawrence 2004, p.107).
Nevertheless, interagency and multidisciplinary management has still been considered as the most effective method of working. Its practice is likely to continue despite the occurrence of possible misunderstandings and conflicts.

4.3 State Intervention Approach: Child Welfare Policy and Legislation

The role of the state in intervening in families is a key issue for child protection (Corby in Goldson 2004, p.136, Lavalette & McKechnie 2004, p. 137, Jones & Welch 2010, pp.152-158). According to Wharf (1993, pp. 42-43) there are three alternative approaches to child welfare policy and law: the residual formulation, the institutional formulation and social development:

- The residual formulation of child welfare policy is based on the view that most families can look after themselves and that the intervention of the state should be limited to those situations where families have failed to provide for the welfare of children and the state must intervene in the family’s responsibilities. It could be said that the residual view is an expression of conservative ideology, emphasizing the independence of individuals, the responsibility of families, and a minimal role for the state. So, there are considerations to be made regarding the protection of a number of children from neglect and abuse.

- In the institutional approach, the family is viewed as a private institution that requires a planned and supporting environment. The state is expected to provide that environment through attention to income security, employment, day care, counselling, and other social services. The institutional model has two fundamental assumptions. The first is that the family and children’s services of the state will need to be accessed by many if not most families; the second is that in most cases access will be through
parents deciding to seek assistance with the task of parenting. In other cases the school system and the health system will identify situations in which the child needs assistance and will advise parents as to how best to obtain help. The objective of assistance is not to save the child from the family but to strengthen the family and thereby help the child.

- As for the social development approach, this third conception of social welfare fundamentally involves the examination and reform of the structures of society that have caused social problems to prevail. The social development view differs from the other two views in that it provides for more radical criticism of the society’s institutions. Despite its being advanced from a socialist perspective critical of the distribution of power and wealth, this view also constitutes part of an interrelated whole. A well-organised residual child welfare system capable of intervening in family life to deal with abuse and neglect does not conflict with the need for institutional day care and parental support systems. Nor does the existence of good day care and parental support systems keep a society from needing to re-examine its foundations and search for new structures to prevent oppression by class, gender and race.

The concept of *parens patriae* or ‘father of the country’ considered fundamental in child-related law, may be defined as ‘inherent jurisdiction of a court to look after the best interests of the child’ (Bala & Clarke 1981, cited by Macintyre in Wharf 1993, p. 20). Under the authority of this doctrine, the court may act, on behalf of the state, as a substitute benevolent parent. The interference of the court with usual parental custody and other rights, if undertaken in the best interests of the children involved, is justified as a benevolent state intervention.

The *parens patriae* concept was expanded to include ‘active promotion of the opportunities that enhanced the physical, religious, social and educational development of a young person’. This expansion equipped the state in the last decades of the
nineteenth century with a rationale for removing neglected or delinquent children from their parents and placing them elsewhere (Macintyre 1993, cited in Wharf 1993, p.20).

The focus of state intervention then was more on the control and enforcement of standards of care rather than on the caring aspects. Parents were still responsible for financial maintenance and discipline of their children.

In the early legislation, state paternalism was a principle likely to be applied when parents were seen to be incapable of fulfilling their duties and obligations to care for, protect or rear their children, or considered unfit to meet their children’s basic needs. Acting in the best interests of the child, the state had to intervene and assume the role of a substitute paternalistic figure. Although state intervention arose not because of children having inherent rights, but because of their parents’ failure; it did protect them to some extent from their abusive parents (Freeman 1997, pp. 47-49; Howe 2001, p. 364). Under the new concept of children’s entitlement to having their needs provided for, is due to neither their parents having obligations towards them, nor the states having a paternalistic duty to them, but rather to their having fundamental rights. Because of their status as subjects and persons with inherent rights, children are entitled to make claims. Thus, this concept of children’s rights differs from the traditional concept of child welfare in that it is much more demanding of state and parental action (Howe 2001, p. 364).

With the promulgation of the Children Act 1989, in England, many issues previously unresolved were raised in this legislation, especially those concerning state intervention in family life, child rights, rights of parents and children in need. Considered as a legislative milestone in the history of childcare, child rights and child protection placed
emphasis on parental and children’s rights and on the need to consult parents during an investigation. Apart from promoting the need to work in partnership with parents, the Act, for the first time, gave powers for state intervention on the basis of a prediction of behaviour (Lawrence 2004, p. 74). While maintaining the protective role of the state, the Act also sought to strike a balance between the state and the family to include the supremacy of children’s rights. Despite its laudable attempt to balance children’s rights, parental rights and the state’s responsibilities, the Act has a number of ambiguities that need to be resolved in practice (Lawrence 2004, pp. 61-62, Jones & Welch 2010, p.75).

With a rapid increase in further procedures such as risk assessments to identify possible abuse and the trend to introduce checks and balances systems, for example, auditing social workers, a shift towards the legal control of child protection became more obvious. Howe (1992 cited in Lawrence 2004, p. 95) referred to the trend of increased policies and procedures as the ‘bureaucratization’ of social work. Social work decision-making, previously based on the socio-medical model, was shifted to legal considerations so as to ensure that the decisions made were defensible. The pursuit of evidence came to play a dominant part in the investigation of child abuse allegations (Wattam 1992 cited in Lawrence 2004, p. 95). On the other hand, closely linked to children’s rights, are also the issues of family autonomy and state intervention.

There are two levels of state intervention, namely state action to protect the family in the form of acts of a social nature and state intervention in the functioning of the family. As indicated in the CRC, responsibilities put both on parents and on the state to protect children’s rights. According to Articles 18, 24, 27, 28, while parents have a primary responsibility to provide for the best interests of the child and a duty to nurture and educate their children, the state has an obligation to give them appropriate help in their
childrearing responsibilities. It is both a private function and a social responsibility to educate and train the child. Parents tend to be criticized for not taking adequate care of their children. Often overlooked is the cause of their action which stems from their poverty, alienation through poor living conditions and lack of education. The state and the community must therefore be involved to turn social rights into effective policies for living, employment, education and culture rooted in family life. To help families resolve their problems, various programmes have been devised (Freeman 1996, p.29).

At the second level, the state has only a subsidiary role in family life, while the parents have sovereign rights to care for the moral and material interests of the child or adolescent. State control will only take place in cases where the children are clearly at risk of danger or their care and education are abandoned or neglected.

However, the exercise of extensive state intervention can produce some unexpected effects. For instance, in some cases it may be better to leave the extended family and the community to deal with abusive parenting. This is because the more the state intervenes in family life, the less the extended family and the community become involved. In the long run, in its attempt to help, there is the potential for the state to end up weakening society’s informal protective networks (Beckett 2005, p.9, Kimberly 2011, pp.985-986).

It should be noted, however, that with the international adoption of the concept of the best interests of the child, it was no longer possible to assert that parents necessarily knew best. Nor was it possible to claim that state intervention in family was wrong. For many children, the home was the site of their most serious oppression and it became necessary to use state power to protect them from that oppression. But once state power was seen as an appropriate tool to protect children, often from their own families, the

Although international law has not regulated the quality of the relationships within the family, human rights fora, in their attempts to protect children’s rights, are now having to consider issues concerning state responsibility balanced against the privacy of family members. While international law respects the privacy of the family, the state still has a duty to intervene where the child may be at risk of being abused by family members (Bueren 1995, p.72, Jones & Welch 2010, p.152).

Thanks to the worldwide ratification of the UN Convention on the Rights of the Child, there is increased recognition of children’s rights and children in need of special protection. There has been a significant coordination in child protection work between governments, international organizations and non-governmental organizations, which try to prevent the violation of child rights as set in the Convention.

5. Conclusion

The definitions of the key concepts used in this study included the definitions of ‘child’ as defined in the CRC, which is any person under the age of 18 years and the definition of ‘Child abuse’, which often includes physical, emotional, sexual abuse and neglect. The nature of child protection involved child protection both at the international and national levels. The chapter also reviewed the three major theoretical approaches used in child protection: the children’s rights approach - the foundation principle of this approach is ‘the best interest of the child’; the interagency and multidisciplinary approach - the basic concept of this approach is based on the idea that no child protection system can be expected to work or prove effective when it is implemented by
only a single agency and undertaken solely by unidisciplinary groups of workers; and
the state intervention approach, which attempts to balance family responsibilities/the
privacy of family members and the state paternalism or duty in situations where parents
were seen to be incapable of fulfilling their duties and obligations to care for, protect or
rear their children.
Chapter 3

Literature Review: Child protection systems

1. Introduction

The main objective of this chapter is to survey the child protection systems in five selected countries: the USA, Canada, England (as used by most authors and not referring to the UK as a whole), Australia and Thailand. The child protection systems of the selected countries will be described in terms of their underpinning conceptual frameworks, legislation, process, procedures and organization according to stages of reporting, intervention for child protective services, investigation, and child welfare services. However, a comparative study on these five countries is not intended. Such a study per se is incompatible with the title of this thesis which deals directly and exclusively with ‘Child Protection in Thailand’. The purpose is to identify and select key and useful ideas that might shed some light on child protection in Thailand.

2. Child Protection in the USA

The term ‘child protective services’ (CPS) refers to a highly specialized set of laws, funding mechanisms, and agencies that together constitute the government’s response to child abuse and neglect. Although definitions vary by jurisdiction, the CPS is broadly defined as follows: to protect children, using the authority of the state, by providing a comprehensive programme of child protective services, beginning with the screening and investigation of reports that a child has been harmed or is at risk of harm as a result of abuse or neglect by a parent or other caretakers (Waldfogel 1998, p.124).
In the USA, responsibility for child protection is at the state level with some states further delegating their responsibility to counties. US states have laws that require immediate reporting of child abuse and mandate CPS or law enforcement agencies to investigate the circumstances surrounding the abuse. They also authorize the emergency removal of the child suspected to be in imminent danger (Myers 2002, pp.305-306).

The first federal national child protection legislation in the USA, the Child Abuse Prevention and Treatment Act (CAPTA), was promulgated in 1974. Through this Act, supportive federal money was allocated to those states that adopted mandatory reporting laws (Waldfogel 1998, pp. 30-31). According to the Act, US states were required to list mandated reporters as well as to provide immunity for them in this role, and to ensure confidentiality of records in order to be eligible for federal aid (McCoy & Keen 2009, p.31).

Child protection agencies are a part of the child welfare system and often referred to as ‘the front end of the system’ because they are the beginning of serious social service involvement with a family (Orr 2001, pp.11-12). Child welfare services are also intended to help public welfare agencies to keep families together (US Department of Health and Human Services 2000, p.4). These services include assessment and service planning, ongoing service provision, and periodic case review. The final stage of CPS intervention is case closing (Waldfogel 1998, pp.5-6, 95-97,106). The intervention process involves both an investigation and court hearing. The court has the power to remove a child from the custody of the child’s parents or caretakers and order placement outside of the home (Wallence 1996, p.157).
In the USA the earlier child protection movement, in conjunction with the early child welfare and public welfare systems, had resulted in the separation of large numbers of children from their families and the placement of those children in predominantly institutional settings. Early in the twentieth century, there was a shift of focus in child protection issues away from extensive state intervention. The new system reflected a general agreement that instead of separating children from their parents, it was better for children to stay with their own parents whenever possible, that it was preferable to have minimal government intervention and that the delivery of services should take place in a family-like rather than institutional setting if at all possible (Waldfogel 1998, p.71). Towards this, strategies were employed to making parents feel less guilty about their children’s being abused and strengthening the family unit to provide protection for the child in the future (Tower 1993, p.134).

3. Child protection in Canada

In Canada, each of the ten provinces and the two territories has their own legislation for child protection. In 1976, Canada enacted mandatory reporting legislation just like the USA (Discipline of Social Work and Social Policy, University of Western Australia 2002, p.20). The principle of child protection legislation in Canada traditionally was guided by humanitarian concern for the welfare of the child and by the belief in the need for state paternalism in ensuring child welfare. The principle of children’s rights gradually was incorporated into new legislation and child protection policies. It received full recognition in public policy through Canada’s signing of the UN Convention on the Rights of the Child in 1990 (Howe 2001, pp.362-365).

In the provinces of Alberta, New Brunswick, Nova Scotia, Newfoundland and Saskatchewan, there are child protection statutes that specifically refer to domestic violence as
a factor in claiming that a child is in need of protection (Echlin & Osthoff 2000, cited in Jaffe, Lemon & Poisson 2003, p.81).

During the 1990s, there was the development of more child-centred legislation and policy in Canada. These changes signaled an important shift from family preservation to a more interventionist and child-centred approach to child protection (Howe 2001, pp.369-370, 372). Child protection services are provided by the state authority through various Children’s Aid Societies (CAS) or other quasi-voluntary NGOs (Armitage 1990, pp.199-200).

Whether or not child protection proceedings are commenced, the CAS child protection worker can negotiate a written voluntary services agreement with the child, the non-offending parents and where possible with the offending person. The agreement will specify conditions of voluntary service and will indicate this as an alternative to the Provincial Court, Family Division proceedings. Conditions under which the matter might subsequently go to court will be spelled out. In child protection proceedings, the resulting arrangement must be in the best interests of the child. Where possible, the child should be maintained in the family home.

4. Child protection in England

In England, the Children Act 1989 provides a clear framework for child welfare in the widest sense, including protection, prevention and support services. The Act was viewed positively by many social workers as a comprehensive and coherent piece of legislation that provided a legal framework for the protection and promotion of the interests and welfare of children (Lewis 2000, pp.118-119).
Under this Act, if investigating agencies become concerned that the child may be in immediate danger, court action can be taken. If future protection is the concern, the case will be considered at an initial child protection conference (NSPCC 1989, p.31). There are three key elements used to ensure an efficient interagency flow of information. These are the case conference, the child protection register and the Area Child Protection Committees (Beckett 2005, p.12).

A child protection conference may take place within eight to fifteen days of the investigation beginning. The initial conference must come to a decision, as to whether to add the child’s name to the child protection register. The child protection register is a list which includes the names of all the children in the area that a child protection conference has decided are at risk of abuse or neglect and need a joint plan to help protect them in the future (NSPCC 1989, p.53). The local authority’s duty to safeguard and promote the welfare of children in need exists quite independently of its child protection responsibilities (Horwath & Calder cited in Calder & Horwath (eds) 1999, p.20).

The idea that children are best brought up by their own families was given legislative expression in the Children Act 1989. The new concept of family support contained in the Act can be regarded as a major breakthrough in the concept of prevention. Positive outreach and support for children and families became a major focus (Packman & Jordan 1991, p.323 in Hellinckx et al 1997, p. 140).

A number of key principles underpin the Children Act 1989. For example, the concept of parental responsibility has replaced the traditional emphasis on parental rights. Thus, parents, rather than the state, are responsible for their children. They can free
themselves of this responsibility only through legal adoption. With the introduction of this new concept, the Act has changed the status of parents in relation to their children.

Recognition that parents may need a service from the local authority in order to fulfill their responsibilities has led to an emphasis on a third key concept: partnership. The concept of partnership is not actually mentioned in the Act but derives from the Review of Child Care Law. According to the Review, the focus should be on maintaining family links in order to care for the child in partnership with rather than in opposition to his parents, and to work towards his return to them (Colton & Williams cited in Hellinckx, Colton & Williams (eds) 1997, p.142).

Child protection policy and practice in England offer an example of system overload. Too many cases are unnecessarily classified as deserving protection and far too much time and resource are used up in child protection referral investigations (Discipline of Social Work and Social Policy, University of Western Australia 2002, p.19). There is also the problem of an ever-increasing number of families becoming investigated but fewer receiving the practical supportive treatment they need. Service provisions for children in need and those who need protection continue to be hampered by a lack of financial support. Because of a lack of funds, resources and understaffing in many areas resulting in a dramatic increase in workloads and limited preventive work and early intervention in child protection.

5. Child protection in Australia

In Australia, Child welfare workers and related professionals must report any instances of suspected child abuse and neglect. Guideline on Mandatory reporting of child abuse and neglect in Australia notes that:
Parliaments in all Australian states and territories have enacted mandatory reporting laws of some description. However, the laws are not the same across all jurisdictions. The main differences concern who has to report, and what types of abuse and neglect have to be reported (Australian Government, Australian Institute of Family Studies, Child Family Community Australia. (2013). p.1).

The method by which cases of child abuse and neglect arrive at the Children’s Court is different in each state, with differences in reporting, investigation and intervention. Governments demonstrate their commitment to children’s rights and welfare through their publicly funded system of education and medical care (Goddard 1998, pp.96, 123-124).

In Australia, child protection practice is the responsibility of the respective Community Services Departments in each state and territory (Australian Institute of Health and Welfare (AIHW) 1999-2000, p.1, names of these departments have changed in later years). It can also be said that the whole community is responsible for child protection with the special participation of government and non-government agencies involved in the provision of care for children and their families. Australian state welfare agencies hope to avoid their old image of taking children away and a great deal of controversy and contradictions have become inherent in child protection.

Child protection legislation was introduced in all Australian states in the 1970s (Healy 1998, p.64). Despite adopting a common description of mandatory reporting in all jurisdictions, different people are obliged to report and each jurisdiction has different thresholds for reporting (Discipline of Social Work and Social Policy, University of Western Australia 2002, p.14). In all jurisdictions team-based professional decision-making is used as a screening tool (Discipline of Social Work and Social Policy, University of Western Australia 2002, pp.13-14, 22).
The mandatory reporting legislation helped in making government social welfare departments the lead child protection agency. Notifications increased rapidly from the mid-1980s after state authorities’ decision to expand mandatory notification, broaden the definition of physical, sexual and emotional abuse and neglect, and increase public education campaigns (Healy 1998, p.64). A National Child Protection Council was set up in 1990 to provide a national focus for child protection work. State welfare departments are moving further towards paying other agencies services to provide many services on their behalf rather than providing them themselves. Voluntary agencies, a major sector of the Australian welfare state, are ready to expand their services further (Healy 1998, pp.64-67).


The main process followed in the Australian child protection system is described by the AIHW as follows (Child Welfare Series, AIHW Publications, ‘Child Protection Australia 1999-2000’, pp.4-6): reports to the Department; notification, investigations and substantiations; care and protection orders and out-of-home care.
As in the other three English speaking jurisdictions selected for literature review, the underlying principle of Australia’s child protection policies, laws and practices is that the welfare of children should be protected and their best interests served through state intervention.

6. Some Shortcomings of Child Protection in Practice

While there is no magic solution to child abuse available in any of the four selected countries, it is important to note the shortcomings of some measures adopted. The researcher intends to use them in her analysis of the child protection system in Thailand in the following chapters.

The Problem of Defining Child Maltreatment

The legalistic framework inherent in child protection practice in relation to the definition of child maltreatment can bring about some unexpected outcomes. For instance, attempts have been made to restrict definitions of maltreatment in order to limit coercion and stigma (Hallett & Birchall 1992 cited in Tomison 2004, p.18). Emotional abuse or neglect, by nature more difficult to prove legally, may therefore be less likely to receive adequate attention. Maltreated children may receive less care and protection (Stanley 1997 cited in Tomison 2004, p.18). The compliance with evidential standards tends to have case investigations dominated by a focus on criminal concerns which hampers therapeutic work (Mouzakitis & Varghese 1985, 1992 cited in Tomison 2004, p.18).
Mandatory Reporting

Though intended to address the concern that many people might not report if they were not legally required to do so, the enactment of mandatory reporting laws gave rise to some previously unexpected issues (Waldfogel 1998, pp.95-96). The reporting is often not accurate and thus too many cases enter the system (Waldfogel 1998, p.117). In Australia, for instance, despite great increases in reporting rates of child maltreatment in the last ten years, substantiation rates have not increased so much (Discipline of Social Work and Social Policy, University of Western Australia 2002, p.14).


In the USA, despite an increase in the number of reported incidents of child maltreatment from 669,000 in 1976 to 2.5 million in the early 1990s, only a small percentage involved serious physical trauma or neglect. For instance in 1986, it was only about 3 % and 55-65 % of these could not be substantiated. Substantiation rates themselves began to decline from around 40 % from the late 1970s to 1990 to 34% by 1996 (Waldfogel 1998).
The disproportionate emphasis on child maltreatment investigation has resulted in: arcane professional definitions of child maltreatment, a great increase in reporting rates, little impact on child morbidity or mortality, increased stress on public child welfare, only children found to be maltreated being provided with services and little progress in the development of early intervention. All jurisdictions are faced with these issues. Immobilized by unnecessary reports, the mandatory reporting system does not seem to yield completely successful outcomes (Discipline of Social Work and Social Policy, University of Western Australia 2002, p.18).

The Problem of Increasing Numbers of Reports and Fewer Resources

In the 1990s, child protection service provision was under pressures of increasing numbers of suspected child maltreatment reports and fewer resources.

While many reports were not considered by the statutory child protection services as requiring their involvement, they did involve at risk families who had not maltreated their children but who had more generic problems, such as financial or housing difficulties, an incapacitated parent or serious stress problems. To address these pressures, the style of intervention for all families had become ‘forensically driven’. The adoption of such an approach brought about a number of negative consequences (Tomison 2004, p.18).

For instance, the scarce child protection resources came to be shifted away from the provision of support to family to enable the conduct of investigations. Both England and the USA faced the same problems. Swamped with referrals from child protection...
services, the already under-resourced family support system was so affected by the focus on child protection investigations at the expense of prevention and treatment services that it had to end its prevention work done with ‘at risk’ families and cope with substantial waiting lists for all but the most severe child abuse cases (Tomison 2004, p.18). England does not have mandatory reporting but still suffers from an overloaded system with efforts being made to meet need regardless of the existence of abuse (Discipline of Social Work and Social Policy, University of Western Australia 2002, p.19). In the USA, the concern is that mandatory reporting is increasing the number of reports and investigations, but not the number of children helped. In fact, investigating unfounded claims may be wasting resources that could be better used to aid children in families in other ways (McCoy & Keen 2009, p.35).

**Limitations of Child Protection Services**

If child protection workers who have to operate under pressures and constraints are expected to deliver more than is realistically possible, instead of an expected improvement in practice, the result will adversely become a practice based on defensiveness and fear (Beckett 2005, p.232). It is interesting to note the following comment of a British government minister:

> We must not pretend that actions taken by child protection agencies can ever guarantee that parents will not harm their children. The danger of trying to give such guarantees and of pillorying those agencies when harm does occur is that inappropriate interventions may be made out of fear (John Bowis, OBE, MP, *Foreword* to Department of Health, 1995 cited in Beckett 2005, p.232).

There are also many underlying factors in child maltreatment, such as poverty, unemployment, drug abuse and mental illness that are beyond the control of social work
and other child protection agencies. Besides, it is impossible to predict human behaviour and abuse in every case (Beckett 2005, pp. 232-233) child protection agencies inevitably often fail to protect children – even those drawn to their attention as at risk from subsequent abuse (Beckett 2005, p.243).

**Inadequate Family Support Services**

Family-centred programmes are one of the fastest growing programme areas in child welfare in the USA as well as in Europe and Australia. These programmes are designed to improve family functioning and to realize a number of objectives. The family-oriented nature of the programmes is reflected in name such as family support, family-centred, family support programmes, family-based services (cited in Hellinckx, Colton & Williams (eds) 1997, p.vii). There are a few examples as follow:

In the USA, the Child Welfare League of America has proposed a trichotomised typology of family-centre programmes:

1. Family support services. These are community-based services that assist and support adults in their roles as parents.
2. Family-based services. These services encompass a range of activities for families with problems that threaten their stability.
3. Intensive family preservation services. These services are meant for families in crisis, when removal of a child is imminent, or when the return of a child from out-of-home care is being considered(cited in Hellinckx, Colton & Williams (eds) 1997, p.viii).

In England, there has been a consideration on the context of family support after many of the problems that social welfare practitioners have encountered in operationalizing
the Children Act appear to arise from the incongruity between the all-embracing spirit of the Children Act and current political, economic and social realities. For example, the Northern Ireland child care from the 1950s, family support is a policy introduced from outside the region it is also one that connects with local child care concerns. The legislative mandate for family support is then considered along with its implications for personal social services practice. According to the Children Northern Ireland Order, Article 17 and 18, clarify the legislative intent in relation to family support by setting out the general duty of every authority: to safeguard and promote the welfare of children within its area who are in need; and so far as is consistent with that duty to promote the upbringing of such children by their families; by providing a range and level of personal social services appropriate to those children’s needs (Pinkerton, Higgins & Devine 2000, pp.24-33).

In Australia, in the mid-to-late 1990s, there was a shift to a family support model of child protection practice. With the reframing of child protection service provision in the 1990s, interest in family support revived. Interest in prevention has also increased considerably over the last two decades because child abuse and neglect produces harmful and expensive adult outcomes. These included, for instance, physical and emotional harm, and the transmission of abusive or violent behaviour through the generations from parent to child. Socially and economically, prevention is also deemed capable of producing greater benefits compared with crisis services. A more prevention-focused service philosophy has thus been adopted (Tomison 2004, pp.19-20).

With the recognition of the need to adequately address wider family support needs as a means of preventing the occurrence and recurrence of child abuse and neglect, it is necessary to change the conceptualization of the role of child protection and the wider
child welfare and family support systems. It is therefore essential to conceptualize the child protection system as a prevention-protection ‘continuum of action’, where irrespective of whatever protective concerns, children and families receive some form of support to relieve their concerns (Tomison 2004, p.79).

**Interagency Coordination and Collaboration Problems**

In general, a coordinated child protection response was accepted to achieve: a comprehensive perspective in case assessment; comprehensive case plans or interventions; support and consultation for the workers involved in child protection; and the avoidance of duplication or gaps in service delivery (Hallett & Birchall 1992 cited in Tomison 2004, p.51).

However, interagency coordination is not a natural state of affairs and does not result merely from good intentions. While coordination in child protection and family support is a necessary and valuable practice, effective coordination is difficult to achieve. Service coordination problems, especially where many services are involved, have often been cited in the literature as leading to less than optimal case management. Poor coordination and cooperation have also been mentioned as contributing factors in a number of child abuse death inquiries. In Australia, service providers in programs could be said to be working collaboratively or in partnership with another agency. However, in general, the partnerships involved only limited liaison between the agencies in order to refer cases and/or to share knowledge as a means of enhancing their service’s response to particular groups of client families. Most of these arrangements did not appear to constitute cross-sectoral working arrangements (Tomison 2004, p.52).

The operation of child protection services is often the scene of interagency conflict and misunderstanding. The problems encountered in interagency working could surface
problems, such as the stress and tensions created in the child protection system for both practitioners and clients, and the underlying theoretical and philosophical problems which are other problems at a deeper level of operation that are not so readily acknowledged or understood (Lawrence 2004, p.84).

7. Child Protection in Thailand

The contents in this section provide the details of policies, laws and practice related to child protection in Thailand prior to the promulgation of the Child Protection Act 2003 and following with child protection system according to the 2003 Act.

Prior to the Promulgation of the Child Protection Act 2003

At the 19th Session of the United Nations Committee on the Rights of the Child Annual Conference 21 September- 9 October 1998, the Thai Delegation presented the following statement:

Since Thailand became a signatory to the Convention on the Rights of the Child on 12 February 1992, the government has taken several noteworthy steps to review and amend its national policies and legislation in compliance with the Convention’s provisions. Efforts to internalise the Convention, in turn, have offered unprecedented opportunities to build up information about children and their situations as well as networks of child rights advocates and partners for children across sectors of the society.

Of special interest here are those articles which serve as core standards, namely non-discrimination, the best interests of the child, the rights to life, survival and development and respect for the child’s views, as well as additional articles that deal with protection and the family. By examining Thailand’s ability to internalise these

To a great extent, the following policies and measures have contributed to making Thailand’s attempts at providing better and more effective child protection become a reality.

**National Policies and Plans for Child Protection**

Thailand formulated a National Plan for Children and Youth Development within the framework of the National Economic and Social Development Plan, which is updated every five years, since the 5th National Economic and Social Development Plan (1982-1986) with difference focus in each period. A good example of the implementation was the carrying out under the 8th National Economic and Social Development Plan (1997-2001). This 8th National Plan set the framework for long-term development of Thai society and gave priority to human development, including child protection and participation. This could be regarded as a step towards formulating a national agenda and strategies for children within the framework of the UN Convention on the Rights of the Child. The Plan attached great importance to child rights. Moreover, the National Plan for Children and Youth Development during the duration of the 9th National Economic and Social Development Plan (2002-2006), including the long-term policy and plan for Children and Youth Development embraced a clear direction for the development of children and youth. Children and youth are categorized into three groups, namely the children in especially difficult circumstances, the general and the talented groups (The Ministry of Social Development and Human Security 2003, p.10).
The Plan on Problem Solution for Children in Especially Difficult Circumstances (2002-2006)

For the children in especially difficult circumstances group, a separate plan has been devised, namely the Plan on Problem Solution for Children in Especially Difficult Circumstances (2002-2006), which aims at solving their problems and enabling them to lead normal lives. This Plan also attempts to prevent the marginalized high-risk group of children from falling into hardship. The Children in Especially Difficult Circumstances in this Plan include any persons under 18 years who are at risk and whose basic needs are not met and hence have to be assisted by society so as to be able to live happily. These children can be divided into six groups as follows (The Ministry of Social Development and Human Security 2003, p.11):

1) neglected children, namely vagrant children, child beggars, abandoned children, orphans, slum children;
2) children whose rights are abused, namely maltreated children, child prostitutes, sexually abused children and child labourers;
3) misbehaved children, namely those who are drug addicts, those committing crimes, those frequenting night entertainment venues;
4) disabled children, either physically, mentally or intellectually;
5) underprivileged or poor children having no access to services, namely those who are uneducated, those whose fathers are unemployed labourers;
6) HIV/Aids infected children, namely those who are HIV/Aids-positive patients, those orphaned by the deaths of their HIV/Aids infected parents.

The Plan on Problem Solution for Children in Especially Difficult Circumstances was considered to be the ‘policy plan’ which indicated how to develop children who have to
depend on others and who are incapable of protecting or asserting their own rights. The Plan is based on the concept of the provision of services to develop children by meeting their basic needs using a holistic approach which involves the child, the family and the community. This plan involved cooperation between the public sector, the non-governmental organizations (NGOs) sector and the community.

Furthermore, the Ministry of Justice also initiated a Plan for the Protection of the Rights of Children, Youth and Family (1997-2006). This Plan aimed to protect children both in and outside the Juvenile Court system, and their families. The children were categorized into three groups, namely 1) child offenders 2) marginalized children at risk of breaking laws, and 3) children who are victims of abuse, child labour and sexual exploitation. With this Plan in place, equal protection to these groups of children could be exercised on an extensive scale, involving the participation of the families of the children and youth concerned at all stages of planning and implementation. Other initiatives included the establishment of indicators, including social indicators (basic minimum needs); indicators on child and youth development; and indicators on child rights.

In 2007, it was due to the submitting the UN frameworks, the Special Session of the UN General Assembly in 2007 on children and adolescents, called “World Fit for Children” guidelines, Thailand declared 2 kinds of policies: the National Policy and Strategy Plan on Child and Youth Development Plan for 2007-2016 according to the “World Fit for Children”; and the Livable Province Strategy Plan (The UN General Assembly 2007).

In 2012, the National Child and Youth Development Plan for 2012-2016 had been declared to be used, it was the result of the combination of the 2 above said policies.
The focal points of the plan are the development of the child and youth quality, the protection and development of the children who have special needs, the promotion of the child and youth council and networks strategy, the development of the child and youth administration system (The National Child and Youth Promotion and Development Board: 2012, pp.1-4).

Indicators comprise a checklist of conditions, circumstances and provisions for children and youth that enable minimum needs, development and rights to be assessed or movement towards them to be measured. The establishment of such indicators can be considered as an attempt by the state to provide guidelines for protection workers to follow. These guidelines establish effective standards of practice across the country. Such standards are incorporated in the Child Protection Act 2003, the substance of which will be presented later.

**Child Protection Laws**

There are many Thai laws relating to child protection which have been amended to allow children to be treated in a non-threatening situation in judicial processes and in the courts. These include the Constitution of the Royal Kingdom of Thailand 1997 and 2007, the Criminal Code, the Criminal Procedure Code 1934, The National Child and Youth Development Promotion Act of 2007, The Child Adoption Act (No.3) of 2010, The Juvenile Family Court and its Procedure Act of 2010, The Anti-Trafficking in Persons Act 2008, The Domestic Violence Victim Protection Act of 2007,. Closely following the promulgation of the 1997 Constitution and with its implementation, a number of new laws and amendments to laws relating to children, which aim at assisting children, including creating child-friendly legal procedures and protection, have come into force.
In view of the above-mentioned statutes, UNICEF confirmed that Thailand has acceded to various international laws and conventions relating to children which deal with protection and promotion of child development on basic rights, health, education and protection of Children in Especially Difficult Circumstances (UNICEF 2000, p.11). The most important law, enforced since March 30, 2004, has been the Child Protection Act 2003.

**Child Protection Practice**

Prior to the promulgation of the Child Protection Act 2003, there was no standard official system of child protection practice (Koompraphant 2004, p.7). At the practical level, however, there were various processes through which assistance was given to abused children. This included processes to:

1) complain to the police or the Public Welfare Department to investigate and prosecute wrongdoers as well as give appropriate assistance and safety protection to the abused children;

2) inform the relevant NGOs so as to coordinate with the police and the Public Welfare Department (the work of this Department has now come under the new Ministry of Social Development and Human Security since 2003, which is responsible for the well-being of all vulnerable groups of the population) to assist the abused children. The child protection practice of government officials adhered to only the Announcements No.132 and No.294 of the Revolutionary Council, dated 22 April 1972 and 27 November 1972 respectively, which could not provide protection for all the Thai children at large, and had been in force for a long time.

In Thailand, a Revolutionary Council Announcement is considered to be equivalent to an act of parliament. Revolutionary Council Announcements are usually proclaimed by
those who have set up a military government by means of a coup d’état. Revolutionary Council Announcements have a continuous legal force just like other laws promulgated by the parliament. They will remain in effect until there is a proclamation to annul them. Even though there has been a change of governments with new elected civilian governments to replace the military government, the two above-mentioned Revolutionary Council Announcements had been in force continuously for thirty-one years. It was until the promulgation of the Child Protection Act 2003 that these two Revolutionary Council Announcements were finally revoked.

In adopting the standards of the Convention on the Rights of the Child, Thailand has also taken steps to abide by the best interests of the child principle in cases where special protection measures are needed such as those associated with violence, abuse, and poor family environments, sexual exploitation and maltreatment. Studies have shown that cases of child neglect or abandonment most often stem from broken families, poor families, out-of-wedlock pregnancies, urban migration of the mother, and teenage pregnancies. To prevent and reduce cases of child neglect, Thailand has launched many projects, especially those to promote family stability as well as those concerning child and youth poverty and street children. These are undertaken by several organizations, most notably the Department of Public Welfare, the Department of Social Welfare under the Bangkok Metropolitan Administration, the National Council on Social Welfare of Thailand, and the National Youth Bureau. For abandoned children and orphans, most efforts aim at providing substitute care, both on a temporary and a permanent basis. Welfare centres, foster or adoptive families, provide the child with physical, intellectual, emotional and social support. The Department of Public Welfare is the central government agency in charge of this type of care (UNICEF 1997, p.32).
In the case of violation, assistance is provided for children whose rights have been violated, using an integrated and multidisciplinary approach. By means of coordination and referral among agencies concerned, the children are provided with prompt and comprehensive assistance through the establishment of a 24-hour hot-line centre and provision of an emergency response team. Upon receiving reports of violation, the personnel on duty coordinate with the authorities concerned, both in the public and private sectors, to have assistance provided for the affected children.

In the case of a general physical abuse, the parents or guardians of the child will be given the custody of the child, so that the child can continue to live with them. However, in the case of a serious physical abuse, or sexual abuse, the child victim will be separated from the family, or away from his/her home environment for protection. He/she may be sent to an emergency home, a welfare centre, or an NGO, which could provide him/her with protection, medical care and rehabilitation to bring him/her back to normal so that he/she could lead a normal life in society. In both instances, a fact-finding investigation is conducted to determine appropriate assistance to the child victim.

While the provision of these services is welcome and admirable, in practice child victims of violation, neglect or abuse or persons who witness such acts often lack information regarding where and how to report and to get assistance. As a result of this lack of knowledge, effective access to services and concern in the communities where violations and abuse took place, a number of those cases were unreported. Fear of offenders’ has also been implicated in the reluctance of eyewitnesses to report or intervene in cases of child abuse. Besides, authorities’ assistance, care and rehabilitation are often not efficient and effective enough (The Ministry of Social Development and Human Security 2004, p.6).
Prior to the promulgation of the 2003 Act, a large number of government organizations were responsible for child protection and/or for the welfare of children leading to inefficient service provision through overlap and lack of focus. Organisation responsible included the Ministry of Social Development and Human Security, which now has the lead responsibility for child protection, the Ministry of Education, the Ministry of Public Health, the Ministry of Labour, the Ministry of Justice, the Royal Thai Police, the Office of the Attorney-General, the Central Juvenile and Family Court, and the Office of the Council of State.

In the past, there was a lack of a clearly defined protection system for abused children, resulting in a lack of budgetary support and sufficient staff provision from the government. There was no single child protection system covering the whole country. The provision of assistance and child protection was undertaken within the scope of responsibility and the availability of resources of each agency. The organization related to and the resources earmarked for child protection work were mostly in Bangkok and other large centres. Nor was there the impetus for developing a protection system at the provincial level. Therefore, the system could not provide nationwide protection to every child. Besides, child protection workers faced many challenges such as the lack of knowledge of and skills in protection work and related regulations; the lack of having the same concept of child abuse; the lack of standard criteria in judgment; the lack of essential data; the lack of confidence in stepping in to provide assistance; and the lack of relevant networks to work together (Ministry of Social Development and Human Security 1999, pp.50-53). The lack of budgetary support from the government and the lack of measures that require doctors, social workers or those involved in child welfare upon witnessing incidents of child abuse or suspected cases of child abuse to report to
the principal child protection agencies both constituted important obstacles to rendering effective child protection (National Youth Bureau 1998, pp.68-70).

Although in the past, the Thai government and society accorded increasing importance to child protection and there were efforts to develop the formulation of policies and related laws and operations to respond to the increasingly violent and complicated problems that arose, whatever development that took place was still insignificant. There was still a problem of formulating effective policies, because of the lack of complete and relevant data and the absence of systematic data collection. Although plans to develop and protect children and youth were introduced, several of them had similar national strategies for children within the framework of the UN Convention on the Rights of the Child (Ministry of Social Development and Human Security 2004, p.9).

It could be said that, the overall child welfare system in Thailand provides for children who are abused or neglected or children in difficult circumstances. The provision of welfare and assistance is undertaken in such a manner as to be useful and appropriate for each child. This can take the form of providing lodging, giving necessities for living, arranging physical and mental checkups, providing healing and medication or offering education, counselling, advice and assistance to parents in cases where the abused children need assistance and welfare protection. Most services are institutionally based. They comprise, for instance, emergency assistance, physical and mental rehabilitation by pediatricians, psychologists and social workers, provision of foster care and foster homes, and referrals of children to receive assistance from other agencies are also undertaken. Most child welfare agencies, especially non-governmental organizations (NGOs), readily use referral systems because they include counseling services both for basic problems and legal problems.
Although state services are available both in the central region and elsewhere, every province is expected to provide comprehensive services to children. However, these agencies are, in practice, faced with work restrictions that hamper access to abused children. There is a lack of data on child abuse cases as well as low levels of knowledge of new techniques to assist children. As the government has to look after a large number of children in its child care agencies, it cannot deal with the real needs of children on a case-by-case basis. Most of the assistance given by various previous Thai governments and agencies tended to cater to the physical needs of children, mainly in the form of provision of home care. This was insufficient for meeting the needs of abused children, as they badly need rehabilitation and specialist staff to help them (Wechyachai 2003, p.16).

With regard to the services provided by NGOs, they also have various constraints. Because of the small size of NGOs and the small number of staff in the agencies, they can mostly provide only counselling to abused children and referral services to other agencies. There are only a few that are able to provide temporary homes and meet the needs of abused children, for example, by mapping out individual assistance plans and arranging up-to-date group rehabilitation programmes (Wechyachai 2003, pp.16-19).

According to a study on ‘The Current Situation of Children, Youth and Family, and Policy Recommendations’ by Wetchayachai, there are still problems in providing welfare services to Thai children. Abused children, especially, do not have access to either state-provided services or the services of NGOs because they are not aware of the existence of those services and there is no mandatory process.
Conceptual framework of Child Protection in Thailand

Figure 1 Conceptual framework of Child Protection in Thailand

Drawing on the literature reviewed in chapter 2 and 3, a conceptual framework of child protection in Thailand is proposed (see Figure 1). The salient features of the child protection system as summarized in Figure 1 show that the child protection system in Thailand is influenced by the Thai traditions and international standards in terms of the UN conventions and western child protection systems. Although Thai traditions do not have any specific law for children, international standards and expectation have led to the new Child Protection Act 2003, though it has to be implemented within the Thai cultural context. Thus, among others, community and neighbours, parents and guardian
and children, a range of professionals, and Provincial Child Protection Committees and
Children and Family Court play a pivotal role in the child protection system in
Thailand. Their role performance in relation to the implementation of the new child
protection system and related policies is affected by complex factors which are rooted
in the Thai cultural and traditional practices, (lack of ) awareness of new laws/policies
and expectations, and resource allocations to implement policies. It may be premised
that child welfare and protection in Thailand will depend upon implementation of policy
reforms, practice rethink and public-parent recognition.

8. Conclusion

From the above literature review, the following key issues have been given special
emphasis:

First, the child protection concept has had an important bearing on the development of
the child protection system, underpinning the related legislation in each of the five
countries. It can be stated that the philosophy and concepts of child protection policies
and legislations of the countries which have ratified the UN Convention on the Rights
of the Child, especially Canada, England and Thailand, have all focused on efforts to
meet ‘the best interests of the child’ concept which is consistent with the child rights
and child-centred approach. This is an approach used in parallel with the family
preservation approach. The responsibility for child protection in the countries with a
federal system such as the USA, Canada and Australia is at the state or province level.

Second, as for child protective services, Canada, England and Australia can similarly
trace the origins of their present-day child protective services systems to early efforts by
private societies. In Canada, these are called Children’s Aid Societies; in England and
Australia, as in the USA, they are called Societies for the Prevention of Cruelty to
Children. In all these countries, the government has played an increasingly active role in child protection in the twentieth century. The private societies, however, still continue to be active in child protection notwithstanding.

Third, regarding child protection vis-à-vis child welfare, through the first half of the twentieth century, child protection in the four selected countries (except Thailand) was similarly seen as part of the overall child welfare agenda. Not until the 1960s, with the publication of new medical studies on child maltreatment, was there a resurgence of interest in child abuse and neglect as a distinct condition requiring intervention by the state. England’s Society for the Prevention of Cruelty to Children established a Battered Child Research Unit in 1967. Canada and Australia likewise concentrated their efforts on the battered child.

Fourth, as for mandatory reporting, Canadian provinces and territories (except the Yukon) and all Australian States and Territories have had mandatory reporting laws enacted as in the USA. Unlike the USA, Canada and Thailand, but England, however, has no mandatory reporting legislation. CPS investigations are handled by public employees and reports are made to local authorities.

Finally, based on the overall literature review a conceptual framework of child protection in Thailand is proposed.
Chapter 4

Research Design and Methods

1. Introduction

This chapter presents the research design and research methods employed to conduct the study. First, it briefly discusses the author’s research methodology orientation in terms of concepts used and the rationale for choosing this particular research approach combining qualitative and quantitative research methods such as contents analysis, survey research and focus group discussion. The strengths and weaknesses of the chosen methodological approach are also discussed. The chapter also details the total population of the study, the process of selecting the samples, research instruments, details of data collection and data analysis.

2. Research Design – Overview and Rationale

Overview of the Research Approach

This is essentially an exploratory study combining both qualitative and quantitative research methods. To develop the research design, the researcher has taken into account the characteristics of the study which involves child protection in relation to the formulation of law and its enforcement. The researcher has chosen to study the legal dimension of child protection in Thailand, represented by the Child Protection Act 2003 and its enforcement. The enforcement involves many groups of people, the important ones being child protection committee members in every province, those related professionals comprising doctors, lawyers, social workers, psychologists, the police,
public prosecutors as well as those who are specifically given power designated by the Act as competent officials. The study also focuses on the committee members’ views on improving the child protection system.

The researcher has utilized several sources of primary and secondary data which fall into three categories:

1. The Child Protection Act 2003, related legal documents/ reports and expert recommendations;
2. Quantitative data collected from the survey of opinions and facts from those involved in child protection, namely child protection committee members throughout the country. This provides information on the state and problems of the enforcement of the child protection system according to the 2003 Act and ways to improve the child protection system;
3. Qualitative data to be collected from interviewing qualified persons involved in the drafting of the Act as well as from focus group discussions so as to deepen our knowledge regarding the state of the problems that arise within the Thai system and enable the development of recommendations to improve the child protection system.

**Rationale for Research Design**

After taking into account the above-mentioned data sources, the researcher decided to employ several data collection methods to obtain such data as no single method would enable the researcher to access the multi-dimensional data needed for this study. The research design has combined both quantitative and qualitative approaches. It may also correspond with Denzin’s (1978 b cited in Patton 1990, p. 187) concept, which is called the methodological triangulation. It means the use of multiple methods to study a single
problem or program. The logic of triangulation is based on the premise that no single method ever adequately solves the problem of rival causal factors. Because each method reveals different aspects of empirical reality, multiple methods of observations must be employed. The triangulation approach was important and necessary for this study as it looked for both qualitative and quantitative data from a range sources as stated above.

According to Patton (1990, pp.14, 95), the quantitative method makes it possible to measure the reactions of a great many people to a limited set of questions. It allows one to identify core themes and factors that result from agreement on items through the analysis of central tendency. By contrast, the qualitative method permits the researcher to acquire a great deal of detailed information about a much smaller number of people or cases. This is likely to increase the understanding of persons involved or cases and situations studied but reduces generalizability. Qualitative inquiry is highly appropriate in studying processes because describing a process which is both fluid and dynamic requires detailed information. Besides, the experiences of a certain process will vary for different people. Thus the researcher employed a combination of both quantitative and qualitative research approaches for this study.

3. Analysis of the Child Protection Act 2003

The analysis of the Child Protection Act 2003 in chapter 5 was a documentary research using the content analysis. Content analysis is a technique used for qualitative secondary data. It is a procedure for systematically examining textual or visual material to extract information bearing on the message or message they communicate (McTavish & Loether 2002, pp.214-221). The researcher analysed the Child Protection Act 2003 in Thailand that was delineated into four areas as follows.
1) analysis of the historical context - before the Act;

2) analysis of the child protection system codified in the Child Protection Act 2003;

3) implementation of the 2003 Act; and

4) review of the relevant research on the implementation of the Child Protection Act 2003.

4. Quantitative mail survey

Survey Research

The survey research design is generally carried out through developing questionnaire items designed to assign respondents to different categories or groups that can be compared with respect to the independent and dependent variables of the study (McTavish & Loether 2002, pp.95-96). Surveys involve systematic observation, systematic interviewing or administering a questionnaire. The questionnaire includes several planned questions which the researcher wants answered, and some questions may dictate the range of answers, if they are close ended. Standardization lies at the heart of survey research, and the whole point is to get consistent answers to consistent questions. The researcher asks everyone precisely those questions to which answers are wanted. Besides, the researcher tries to ask the questions in precisely the same way in each interview to standardize the questionnaire as a measuring instrument (Sapsford 1999, pp.4-5).

Survey research typically involves four stages. Beyond the usual conceptualization and problem definition and basic design steps, survey research also involves

- Finding a sampling frame for the desired population and selecting a sample;
Creating suitable measurement instruments;

Gathering the desired data; and

Analyzing the data and writing up the result.

In many respects, surveys share these stages with other forms of research. Although many types of research involve identifying sample cases, the context of survey research gives rise to special problems and opportunities (McTavish & Loether 2002, pp.159-160).

Measurement also involves many issues and concerns that are common to all research. Survey research differs in the ability to ask questions and expects good answers. For example, considerable time is devoted to planning the question order posed, how they engage the respondents, and how easy they are to answer. Special ways of gathering data may or may not be possible in survey research and, because a large number of cases are typically gathered, analyzing survey data often involves statistical analysis. At each of these steps, survey research design influences the options that are available and the typical choices researchers make (McTavish & Loether 2002, p.160).

The type of data-gathering method used presents opportunities and constraints depending upon the way questions are formed and put together in a measurement instrument. Three types of data-collection methods are usually associated with survey research: mailed questionnaires, phone interviews, and personal interviews. The first requires an instrument that the subject can read and understand. Questionnaires may contain precoding of structured questions and may also include unstructured questions (McTavish & Loether 2002, pp.171, 178).
Advantages and Limitations of Surveys

Advantages of surveys

The strength of the survey method as presented by Burn (1998, p. 469) is as follows: it is often the only way to obtain information about a subject’s past life; it is one of the few techniques available to provide information on beliefs, attitudes and motives; it can be used on all normal human populations except young children; it is an efficient way of collecting data in large amounts at low cost in a short period of time; and structured surveys are amenable to statistical analysis.

Other advantages of surveys are that, in case of mail-out questionnaires, most respondents have ample time to read, and most questions can be answered effectively. More elaborate response formats can be used when the model is paper and pencil. A respondent is able to refer back to prior answers and that may help reduce inconsistencies. Mailed questionnaires can also preserve subject anonymity and confidentiality.

Phoned and personal interviews also have useful characteristics. They permit the interviewer to probe and explain questions further than is possible in mailed questionnaires. Another important advantage of personal interviews is that the interviewer can clarify questions that the respondent does not readily understand and can observe the respondent during the interview (Mc Tavish & Loether 2002, pp.157, 171-172, 178).
Limitations of surveys

Borg and Gall (1976) state that a serious criticism of surveys is that they are often shallow and fail to dig deeply enough to provide a true picture of the opinions and feelings of participants. Besides, respondents are not likely to reveal the negative aspects or the negative feelings towards others and will only reveal it in an interview situation if they have been made to feel comfortable by a skillful interviewer. However, the interview has also its limitations as a research tool such as possible bias, being time-consuming and requiring considerable training in interviewing techniques.

For the researcher’s purpose, the survey provides all the advantages indicated by Burn. As data had to be collected from the members of the Provincial Child Protection Committees who were all adult respondents and not from young children and as they were scattered nationwide in large numbers in every province. Respondents were in a good position to offer the benefits of their experiences of their past and present work as data on a large and extensive scale at low cost, not to mention the provision of their opinions of the kind of improved child protection system that should be set up in the future.

As regards the limitations of the survey, the researcher, having been aware of what Borg and Gall have stated, has attempted to circumvent them by undertaking supplementary qualitative interviews. These were undertaken with a view to complementing and supplementing the survey and obtaining more detailed data.

Source Population for Child Protection Committee Survey

The source population for the survey in this research involves the people whose work is related to child protection. They are the people who have been appointed as members of
the Provincial Child Protection Committees set up in accordance with the 2003 Child Protection Act, in all of Thailand’s 76 provinces throughout the 5 regions of the country.

Each Thai province has a Provincial Child Protection Committee and each committee is composed of 24 members, from both Government Organizations (GOs) and Non-Government Organizations (NGOs) as stated in Table 1. Based on their positions, these 24 members of the committee may be categorized into four strata: administration; education and social science, public health and law. Altogether there are 1,824 persons in a varied range of professions and positions (see Table 4.1).

Table 4.1 Composition of Thai Provincial Child Protection Committees and the total number of committee members by profession/position

<table>
<thead>
<tr>
<th>Professions/Positions of Committee Members</th>
<th>Number of Committee Members in Each Province</th>
<th>Total Number of Committee Members in the Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governor</td>
<td>1</td>
<td>76</td>
</tr>
<tr>
<td>Deputy Governor</td>
<td>1</td>
<td>76</td>
</tr>
<tr>
<td>Provincial Public Prosecutor</td>
<td>1</td>
<td>76</td>
</tr>
<tr>
<td>Chief of Provincial Development</td>
<td>1</td>
<td>76</td>
</tr>
<tr>
<td>Chief of Provincial Labor</td>
<td>1</td>
<td>76</td>
</tr>
<tr>
<td>Director of Educational Zone</td>
<td>1</td>
<td>76</td>
</tr>
<tr>
<td>Provincial Public Health Doctor</td>
<td>1</td>
<td>76</td>
</tr>
<tr>
<td>Provincial Police Commander</td>
<td>1</td>
<td>76</td>
</tr>
<tr>
<td>Representative of Provincial Juvenile and Family Court (or Representative of Provincial Court)</td>
<td>1</td>
<td>76</td>
</tr>
<tr>
<td>Representative of Provincial Remand Centre (or Representative of Justice Ministry)</td>
<td>1</td>
<td>76</td>
</tr>
</tbody>
</table>
(Table 4.1 continued)

<table>
<thead>
<tr>
<th>Professions/Positions of Committee Members</th>
<th>Number of Committee Members in Each Province</th>
<th>Total Number of Committee Members in the Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>President of Provincial Administration Organisation</td>
<td>1</td>
<td>76</td>
</tr>
<tr>
<td>Chief of Provincial Social Development and Human Security</td>
<td>1</td>
<td>76</td>
</tr>
<tr>
<td>Social Worker</td>
<td>2</td>
<td>152</td>
</tr>
<tr>
<td>Teacher</td>
<td>2</td>
<td>152</td>
</tr>
<tr>
<td>Psychologist</td>
<td>2</td>
<td>152</td>
</tr>
<tr>
<td>Lawyer</td>
<td>2</td>
<td>152</td>
</tr>
<tr>
<td>Doctor</td>
<td>2</td>
<td>152</td>
</tr>
<tr>
<td>Person with Experience in Child Welfare</td>
<td>2</td>
<td>152</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>24</strong></td>
<td><strong>1,824</strong></td>
</tr>
</tbody>
</table>

**Sample for the survey of Provincial Child Protection**

**Committee members**

A sample is a subset of the population usually chosen with the implication that the subset resembles the population closely on key characteristics. If the sample is representative of the population, then what is true of the sample will also be true of the population within a calculable margin of error (Sapsford 1999, p.6).

Sampling from a population, analyzing sample data, and generalizing the results of that analysis to the population sampled make up the process of inference. The next step, generalizing the results, is the one in which the inferences are actually made. Sampling
theory provides the rationale for optimizing the representativeness of a sample, and probability theory provides the rationale for generalizing the results of the data analysis to the population sampled. Sampling theory deals with strategies for selecting a sample of the elements or cases in a population to instill confidence that those elements are representative of the population and that any statistics computed from the sample data are optimal estimates of the corresponding population parameters.

The above sampling theory is based on probability theory. A representative sample of a population that justifies generalization to the population is a probability sample. Such a probability sample is called a random sample. In probability terms, random means that every element in the population sampled has a known probability of being included in the sample. In the simplest case, every element in the population would have an equal probability of being included in the sample drawn. Furthermore, every possible sample of a given size would have an equal probability of being the sample drawn. A sample meeting these two criteria is known as a simple random sample.

In a simple random sample every element of a population is supposed to have an equal probability of being included in a simple random sampling, it is necessary to have a list of all of the elements in the population and to assign a number to every element on that list. This is generally done by assigning numbers consecutively, until all elements have unique case numbers. Once the list has been obtained and the elements have been numbered, the next step is to select a given number of those elements through some random selection procedure. Sample size is often abbreviated as n, the number of cases selected (McTavish & Loether 2002, pp.103-105).
Another variation of the simple random sample is the stratified random sample. This research has drawn a random sample of the Provincial Child Protection Committees by using the stratified random sampling method. The stratified random sample requires more detailed information about the population to be sampled than a simple random sample. So, in order to use a stratified random sample, it is not only necessary to have a single primary sampling frame, but it must also be possible to divide that sampling frame accurately into separate strata based on some characteristic or characteristics of the cases in the population. The stratified random samples described thus far are called proportionate stratified random samples because the sample strata use the same sampling fraction (have the same proportions of cases) as the population strata from which the cases are sampled. This proportionate sampling is important in generalizing sample results back to the population sampled because it ensures that no stratum in the combined sample has undue influence on the overall results of the study (McTavish & Loether 2002, pp.115-116, 335).

It can thus be stated that the sampling pattern used for this study is not a simple random one, but a complex stratified design which aims to produce as good as possible a representation of the population, including people in rare but important categories (Sapsford 1999, p.7).

**Sample size**

For this research, systematic steps were followed to determine the sample size and select provinces and choose respondents from each of the categorized stratum for the survey.
First the sample size was determined. The sample size is the number of cases included in a sample. This is traditionally symbolized as ‘n’. Some important considerations in determining needed sample size are: what is being studied, the degree of sampling error tolerable in making inferences from the sample to the population, the number of cases needed in order to carry out the data analysis necessary to develop sound arguments or to make reasonable generalisations, and the response rate or percentage of those sampled who end up providing data (Sapsford 1999, pp.127, 129). Once a decision is made on how much sampling error can be tolerated, it is possible to compute the necessary sample size (McTavish & Loether 2002, pp.126-127).

The calculation for the size of sampled group in this research was by determining the reliability rate at 95% and the discrepancy rate at not over 5% (error = 0.05) from the following formula:

\[
n = \frac{N}{1+N(e)^2}
\]

\[
n = \text{number of sampled group}
\]

\[
N = \text{number of source population (Provincial Child Protection Committee members in 76 provinces, altogether 1,824 members)}
\]

\[
e = \text{discrepancy value}
\]

\[
= \frac{1824}{1+(1824)(.05)^2}
\]

\[
n = 328.05 \text{ (or 328)}
\]

This number 328 includes 18% of the 1824 committee members that constitute the total for Thailand. Therefore, the sampling fraction is set at 18% and this will be used at the second stage below – the selection of at least 14 of the 76 provinces across the 5 regions that make up Thailand.
Second, by employing random sampling method (lot-drawing of provinces’ names), proportionately 16 provinces were region by region randomly selected from the five regions; 3 provinces from the North; 4 provinces from the Centre; 4 provinces from the North East; 3 provinces from the South and 2 provinces from the East. Total number and names of selected provinces in each region are shown in Table 4.2

Table 4.2 16 provinces selected for the survey

<table>
<thead>
<tr>
<th>Regions/ Provinces</th>
<th>North N=13, n=3</th>
<th>Central N=21, n=4</th>
<th>North East N=20, n=4</th>
<th>South N=16, n=3</th>
<th>East N=6, n=2</th>
</tr>
</thead>
<tbody>
<tr>
<td>n=16</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note that the number of provinces sampled exceeded the targeted number of 14 provinces. This was because of the rounding up the sample size within each region to the nearest whole number. As well, one extra province was added to the sample in the eastern region to avoid representing that region by only one province.

Third, for these randomly and proportionately selected 16 provinces each group of the 24 Provincial Child Protection Committee members was categorized into four strata as follows.

Stratum 1  Administration 3 persons/ 3 positions, (see positions 1, 2, 11 in Table 1).

Stratum 2  Education, Social Science 12 persons/ 8 positions, (see positions 4, 5, 6, 12 - 15, 18 in Table 1).

Stratum 3  Public Health 3 persons/ 2 positions, (see positions 7, 17 in Table 1).

Stratum 4  Law 6 persons/ 5 positions, (see positions 3, 8, 9, 10, 16 in Table 1).
Fourth, the ratio of the sampled groups’ committee members were calculated according to the positions and the four strata, and by employing the stratified random sampling method, respondents were selected from each stratum proportionately. The total number of respondents from each region and the total number of respondents from each stratum are presented in Table 4.3. Of the 328 persons sampled, 57 were from the Northern region, 90 were from the Central, 87 from North eastern, 69 from Southern and 25 from Eastern regions. The majority of the sampled population was from the education and social science stratum (163) followed by law (82), administration (42) and public health (41), (see Table 4.3).

Table 4.3 The sampling fraction for Committee members stratified into four work categories for each region

<table>
<thead>
<tr>
<th>Province samples (no. sampled/no. available) by Region</th>
<th>Number of Committee Members</th>
<th>Sampled Committee Members by work categories (N=no. available)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northern (3/13)</td>
<td>312 (N=228)</td>
<td>Administration (N=228)</td>
<td>57 (19)</td>
</tr>
<tr>
<td>Central (4/21)</td>
<td>504 (N=156)</td>
<td>Education-Social Science (N=912)</td>
<td>90 (18)</td>
</tr>
<tr>
<td>Northeastern (4/20)</td>
<td>480 (N=39)</td>
<td>Public Health (N=228)</td>
<td>87 (18)</td>
</tr>
<tr>
<td>Southern (3/16)</td>
<td>384 (N=78)</td>
<td>Law (N=456)</td>
<td>69 (18)</td>
</tr>
<tr>
<td>Eastern (2/6)</td>
<td>144 (N=18)</td>
<td>Total sample (%)</td>
<td>25 (17)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>328 (18)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

N (%) 1824 (100)
Survey Instrument: Questionnaire

Questionnaire construction

Drawing on the literature review and issues in the child protection system a draft questionnaire consisting of three parts was constructed. The first part included personal information relating to gender, age, kind of organization and profession, and present position. The second part included questions relating to respondents’ views on the child protection system and the laws and practice pertaining to the protection of abused and neglected children prior to the enforcement of the 2003 Act. The third part comprised questions to ascertain viewpoints relating to the problems of the child protection system according to the Child Protection Act 2003 which consists of reporting, investigation, child welfare and services provision, multi-disciplinary team work, including suggestions about the future improvement of the child protection system in Thailand.

Necessary steps were taken to ensure that the questionnaire is valid and reliable. To measure validity, two aspects were compared. One is the conceptual definition of the concept to be measured. This calls for careful and explicit detailing of what is being measured. The second aspect needed is to examine the validity of the actual measurement process. Checking the validity of a measurement process involves comparing the measurement process and the result of applying it to the conceptual definition. If one is measuring what one professes to want to measure, then the measure is valid. If the measurement process has nothing to do with the intended concept as it has been defined, the measurement process is not valid. Usually validity is a matter of degree and lies somewhere between these two extremes.

In this research, the researcher validated the questionnaire by using content validity. Five experts on the child protection system were asked to review and determine the
adequacy and structure of content, language and the sequence of items of the questionnaire. This review took place between December 24, 2006 and February 21, 2007. As a result of the validation process, a number of suggestions were used to improve the questionnaire.

Reliability of measurement refers to the stability of the measurement process. A reliable measure is one that measures in a consistent manner. Hence, one can expect to get the same value of a concept if the same case is measured again (assuming no real change in the concept being measured). Random error is an indicator of the reliability of the measurement of a concept. The more reliable the measure, the smaller the random error. There are several ways in which evidence can be gathered to see whether an operation is sufficiently reliable (McTavish & Loether 2002, pp.66-72). Reliability can be defined as the relative absence of errors of measurement in a measuring instrument. Error and reliability are opposite sides of the same coin. Reliability is concerned with giving the same result consistently under the same conditions. Synonyms for reliability are: dependability, stability, consistency, predictability, and accuracy (Burns 1998).

The reliability of the instrument had been tested by carrying out a pilot study with thirty Provincial Child Protection Committee members who were not in the sampled group so as to find out the Coefficient of Alpha for the questionnaire in Part 2 (0.87) and retesting reliability for parts 3 (0.88). Clearly, the questionnaire was reliable. The responses from these respondents were utilized in improving the instrument. This was to determine the adequacy and structure of content, language and the sequence of items of the questionnaire. For this pilot study, the time involved was 20 days, during March 1-20, 2007.
The revised questionnaire was presented to the first three experts in the group who were asked to initially validate the questionnaire. Since there were no significant problems found, no further changes were made. The researcher at this point considered it as the final form of the questionnaire for implementation in the study (see Appendix B).

The final draft of the questionnaire was divided into 3 parts as follows:

Part 1 Personal information (7 questions).

Part 2 Opinions of the Child Protection Committee members about the state of child protection prior to and after the enforcement and implementation of the 2003 Act, comprised 15 questions. The questionnaire was designed in the multiple choice format, requesting the respondents to select one or more than one answer. Open-ended questions were also included to allow the respondents to elaborate and/or to specify views (if any).

Part 3 comprised 17 questions/issues pertaining to reporting, investigation, child welfare and services provision, multi-disciplinary team work, and invited suggestions regarding the future improvement of the child protection system in Thailand.

Each issue was divided into two sections: the first dealt with the existing state of child protection; the second with the suggestions about the future improvement of the child protection system. Each issue in each section had multiple choices, requesting the respondents to select one or more than one response. Also included in each question were open-ended items for the respondents to specify (if any). At the end, the questionnaire also included two supplements providing additional information about the child protection system.
Data Collection

Procedure for administering the questionnaire

A copy of the questionnaire, accompanied by a cover letter outlining the nature and purpose of the research and a self-addressed return envelope were mailed to the 328 sampled Provincial Child Protection Committee members in 16 provinces on April 6, 2007. These members were multi and interdisciplinary professionals such as hospital social workers, social workers attached to the Department of Social Development and Welfare, psychologists, doctors, police, public prosecutors and those who are ex officio members of Provincial Child Protection Committees. To ensure that the questionnaire was properly filled out and returned by them, the researcher used some follow-up procedures, e.g. a personal letter of reminder and a telephone call. By the end of four weeks, 275 questionnaires from the five regions were returned. A follow-up reminder letter was sent on June 20, 2007. As a result, 315 copies of the questionnaire were finally collected. Of these, 313 questionnaires were properly completed. This suggests a return rate of 95.43%. As shown in Table 4.4, the number of returns from the administrator stratum was relatively smaller than the other strata.

Table 4.4 Sample size and completed copies of the questionnaire received from each region

<table>
<thead>
<tr>
<th>Position/region</th>
<th>North</th>
<th>Central</th>
<th>North East</th>
<th>South</th>
<th>East</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>S*</td>
<td>R**</td>
<td>S</td>
<td>R</td>
<td>S</td>
</tr>
<tr>
<td>• Administration</td>
<td>7</td>
<td>4</td>
<td>12</td>
<td>9</td>
<td>11</td>
</tr>
<tr>
<td>• Education/Social Science</td>
<td>28</td>
<td>28</td>
<td>45</td>
<td>45</td>
<td>43</td>
</tr>
<tr>
<td>• Public Health</td>
<td>7</td>
<td>7</td>
<td>12</td>
<td>12</td>
<td>11</td>
</tr>
<tr>
<td>• Law</td>
<td>15</td>
<td>15</td>
<td>21</td>
<td>21</td>
<td>22</td>
</tr>
<tr>
<td>Total</td>
<td>57</td>
<td>54</td>
<td>90</td>
<td>87</td>
<td>87</td>
</tr>
</tbody>
</table>

S* = Sample, R** = returned number of questionnaires
Personal attributes of survey sample

The details of personal characteristics of sample groups of the Provincial Child Protection Committee members who responded to the questionnaire were as follows:

Sex and age: About three-fifths of the Provincial Child Protection Committee members who responded to the survey were male and the remaining female. Over half of the respondents’ age was between 45 to 60 years, a little more than one-fourth of them were between 35 to 44 years, over one-tenth of them were 20 to 34 years age and less than one-tenth of them were above 60 years age.

Positions and organization: The majority of Provincial Child Protection Committee members (71.6%) held education and social work-related positions and worked in government agencies (84.3%).

Work experience, involvement in child protection work and knowledge of the Child Protection Act of 2003: Most of the Committee members – some 173 persons or 55.3% – had more than 5 years of child protection work experience. Those without direct child protection work experience numbered 172 persons or 55%, followed by 141 persons or 45% with direct child protection work experience. Most of the Provincial Child Protection Committee members have been appointed as ex officio members according to the Child Protection Act 2003 and all of them work at the administrative level where the child protection practice is not their job description. So most Child Protection Committee members – some 186 persons or 59.4% – had only “moderate” knowledge of the Child Protection Act of 2003. There are some reasons: 1) the Child Protection Act of 2003 contains more than 80 articles and normally it is very hard for people to understand so many articles; 2) all of the Provincial Child Protection Committee members are not directly child protection workers in practice and as
administrators of the department they have no time and no need to understand in detail the 2003 Act; and 3) there is no child protection training course designed for them.

5. Qualitative Studies

Qualitative studies employed 2 methods: the interviews and the focus group discussion. The source population, the study sample and the agenda of the two methods were as follows.

a. Interviews

Source population (child protection workers)

The population for the interviews in this research are the administrators of several sectors related to child protection: hospital, police department, school, public prosecutor, social service department, non-governmental child protection center.

Study sample (n=20)

Sample for interviews: By employing the purposive sampling method, 20 key informants from various child protection agencies were identified to conduct interviews.

Appendix D shows the backgrounds of 20 informants who agreed to in-depth interviews. Those interviewed comprised 11 males and 9 females aged 39-58 years, of whom 17 (9 males and 8 females) were government officials who work in multidisciplinary areas: doctor, police, social workers, lawyer, public prosecutor, senior teacher. 5 (1 male and 4 females) were officers of the Ministry of Social Development and Human Security: 3 worked in Bangkok and 2 worked in other provinces. Among the 5 government service informants, 2 (1 male and 1 female) were high level administrative officers and 3 females were middle level administrative officers. There
were 3 informants who work in non-governmental organizations: 2 males in the Center for the Protection of Children’s Rights Foundation and 1 female in UNICEF. Overall, 16 informants had experience in child protection work for more than 20 years.

**Interview agenda**

There are three approaches to collecting qualitative data through in-depth face to face open-ended interviews – informal interview, semi-structured interview guide and standardized /structured interview (Patton 1990, pp.278-285). For this study the researcher used the standardized face-to-face open-ended interview approach by developing open-ended questions. This technique has been described as follows:

The standardized open-ended interview consists of a set of questions carefully worded and arranged with the intention of taking each respondent through the same sequence and asking each respondent the same questions with essentially the same words. The basic purpose of the standardized open-ended interview is to minimize interviewer effects by asking the same question of each respondent. Moreover, the interview is systematic and the necessity for interviewer judgment during the interview is reduced (Patton 1990, pp.278-285).

The objectives of the interview schedule was to obtain some additional data on the issues raised in the mailed survey questionnaire as well as to obtain more detailed answers to the questions asked. Interview questions were developed to cover key issues relating reporting of child abuse, family intervention, and the provision of social services to abused children and their families. Most of the questions were similar to the questions used with members of Provincial Child Protection Committees in part 3 and part 4 (see Appendix B). They particularly focused on the current state of, problems with and ways to improve the child protection system as stated in the Child Protection Act 2003. Altogether the interview schedule included 15 main questions. The
researcher enhanced the quality of the interview schedule by testing it on those child protection workers who were not part of the sampled population in a face-to-face manner and then proceeded to use the information thus collected to improve the open-ended questions. In particular, those questions that were previously not quite clear were improved.

Data collection from interviews

The face-to-face interviews were conducted with 20 key informants selected from the Northern, the Central, and the Northeastern regions to complement and supplement the data collected through mail-out questionnaires. The key informants consisted of competent officials, administrators of the ministries of Social Development and Human Security, Justice and Education, senior pediatricians, high-ranking police officers, social workers, psychiatrists, senior public prosecutors and lawyers (see Appendix H). The researcher interviewed them individually after sending them a letter to give them some preliminary information and after getting their consent, the researcher made an appointment to visit and interview them in person. The interviews were conducted during May-July 2008 for duration of 1-2 hours and were recorded.

b. Focus Group Discussion

Source population (policy makers)

The population for the focus group in this research included key informants whose work was related to child protection and social welfare academics.

Sample (n=13)

Sample for the Focus Group Discussion (FGD): Based on their experience of working in child protection at various levels, their willingness and their availability, 13 key
informants were purposively selected for the FGD. These included policy-makers, lawmakers and social welfare academics from both GOs and NGOs, including higher-ranking administrators. The FGD was organized for one time, taking 3 hours and a half.

Appendix F summarizes the backgrounds of the 13 focus group participants who joined the group discussion. Those participants comprised 5 males and 8 females aged 38-57 years. Three males worked in the criminal justice system: (Court of Appeal; Public Prosecutor office; and Royal Thai Police Department). Five participants (1 male and 4 females) worked in hospitals (pediatrician; child psychiatrist; nurse; clinical psychologist; and social worker). Four females worked in child protection and child welfare services (Social Development and Human Security Department). All of the participants had work-experience in child protection for at least 15 years.

**Focus group agenda**

Guidelines and questions for the FGD included a summary of the results of the survey. Broad guidelines for the focus group discussion included five important issues to improve the child protection system. These are:

1) reporting;
2) investigation;
3) child and family intervention;
4) law enforcers and enforcement; and
5) the development of child protection mechanisms.

Most importantly, the FGD guideline also included ideas on the development of a model of an improved child protection system that is more appropriate for Thailand.
Data Collection from the Focus Group Discussion

As stated above data collection through FGD was the second stage in this qualitative section of the research and the discussion was based on the findings of the survey through questionnaire and interviews, which was the first stage of the field data collection. As stated earlier the main purpose of the FGD was to seek critical feedback on child protection issues and gather ideas on development of a model for an improved child protection system in Thailand. Systematic steps such as composition of the group by identifying key informants, arranging a venue and communication with group members were followed. By employing the strategies suggested by Krueger and Casey (2000, p.73), Patton (1990) and Kitzinger (1994), Fern (2001, pp.15-16), a multi-professional group consisting of pediatricians, police officers, social workers, psychiatrists, public prosecutors, lawyers and competent officials who work as administrators of social welfare centers in both GOs and NGO was assemble. The size of the focus group was 13 members, whose names and biographical data appear in Appendix D. The group was characterized by homogeneity but with sufficient variation among participants to allow for contrasting opinions. After giving due consideration to a suitable venue, Sukhothai Thammathirat Open University was chosen for the group discussion as most participants were familiar with this venue and it was easily accessible. After obtaining consent to participate in the focus group discussion, an invitation letter was mailed to all participants. Necessary facilities and provisions (eg. A tape recorder, refreshments, etc.) were arranged. The FGD was conducted for three and a half hours on October 2, 2008 (2.00-5.30 p.m.). This time was chosen to make attendance convenient and possible for all the participants.

After explaining the purpose of the FGD, participants’ consent was obtained to tape record their discussions. A well qualified moderator was appointed to facilitate the
focus group discussion. The moderator had a doctoral qualification and was well-trained in group dynamics and interview skills. The results from the survey were summarized and presented to the focus group for discussion so as to explore the best possible ways to improve the child protection system in Thailand. As per the FGD guideline, the discussion mainly focused on reporting, investigation, child and family intervention, law enforcers and enforcement, and the development of child protection mechanisms. The researcher consciously did not moderate discussion so as to control any bias that may arise intentionally or unintentionally from the researcher, although the moderator’s characteristics, background, position, belief or attitudes may have influenced discussions in a desirable or undesirable way. However, the researcher played a key role in selecting and inviting participants, and informing about the topic, the objectives, the significance and nature of the research, and the results of the survey. Without participating, sharing views or engaging in the discussion, the researcher carefully listened and took notes.

6. Data management

Data from the survey questionnaire, responses from interviews and result from the FGD were managed by the following means.

Survey Questionnaire

The steps used were as follows:

1. Examine returned questionnaires to make sure they are completed.
2. Rectify the incomplete or inconsistent questionnaires.
3. Code the quantitative data.
4. Use the SPSS statistical package for analysis of the data.
5. Categories and code the open ended questions in the questionnaire by giving the same number for the same answer in each issue.

6. Identify the main themes and contents from interview responses.

**Interviews**

**The steps use as follows:**

1. Transcribe tape recorded interviews

2. Categorize and code qualitative responses from interviews by giving the same number for the same answer in each issue.

3. Identify the main themes and contents from those interview responses; they are the key issues relating reporting of child abuse, the family intervention, the providing of social services to abused children and their families.

**Focus Group Discussion**

**The steps use as follows:**

1. Transcribe the tape recorded discussion after asking for the consent of the participants.

2. Identify the main themes, contents and result from the FGD data; they are reporting; investigation; child and family intervention; law enforcers and enforcement; and the development of child protection mechanisms.
7. Data Analysis and Statistics

Quantitative Analysis

Quantitative analysis involved initially descriptive statistics (frequencies, percentages, mean and standard deviations) of items in the questionnaire.

- Frequencies and percentages were used to present the distribution of data about personal information of each professional member of the Provincial Child Protection Committee in this Chapter, to present the state of child protection prior to and after the enforcement of the 2003 Act in Chapter 6 and to present problems and suggestions for child protection system development according to the 2003 Act in Chapter 7.

- The researcher analysed the open ended questions in the questionnaire by using the content analysis method.

Qualitative Analysis

The content and thematic analysis method was used for analyzing the qualitative data from the Child Protection Act 2003, the answers for the open-ended questions in the mail-out questionnaire, 20 individual interviews, and the Focus Group Discussion.

Focusing on the objectives and research questions of the thesis, important themes and issues were identified and analyzed in the child protection policy documents, relevant reports and the Child Protection Act 2003. For the Child Protection Act, concepts and issues such as child, the ‘children in need of protection’ and ‘child rights’, the rights and duties of parents; the rights and duties of the state regarding child protection, the powers and duties of competent officials, the child protection procedures, and the mechanisms supportive of the social welfare service provision and the safety protection to children were qualitatively analyzed.
8. Ethical Considerations

1. The nature and purpose of the study was informed to all respondents and their participation in the study was voluntary.

2. The name of every respondent who gave either quantitative or qualitative data remains confidential.

3. Interviews were only tape-recorded with the respondent’s permission.

4. All the collected data from the mail survey, interview and focus group have been used only for this research and will not be use for the other purpose.

9. Limitations

This study has five limitations. First, the literature on the implementation of the Child Protection Act 2003 was very limited as the Act has been recently implemented and very little research has been undertaken on it. Second, the survey respondents - Child Protection Committee members – had diverse background as their careers, knowledge of the Act and experiences in child protection significantly varied. This may have impacted the quality of survey data. Third, the focus group members’ views were based on very short experience with the implementation of the Act. Fourth, as the study does not include the views of parents and children processed in the child protection, it is not comprehensive. Fifth, as the author has worked for a long time in the child protection system, her own subjective experience in the system and biases might have influenced the study, though she has consciously tried to reduce such influence.
10. Conclusion

In this chapter the research design and research methods employed for the thesis has been presented. It utilized both quantitative and qualitative research methods. The four data sets for the study were: 1. the analysis of the Child Protection Act 2003; 2. the survey; and 3. the interview and 4. the Focus Group Discussion. Research instruments for the study included broad guidelines for obtaining secondary data, a questionnaire, an interview schedule and guidelines for the Focus Group Discussion. Quantitative analysis involved initially descriptive statistics (frequencies, percentages) using SPSS programme. Content analysis method was used to analyze the qualitative data from the interview and the focus group. It was conducted according to ethical guidelines. A few limitations of the study have also been pointed out. The analysis and results of the study has been presented in the following chapters.
Chapter 5

The Thai Child Protection Act 2003

1. Introduction

This chapter analyses the main features and provisions of the Child Protection Act 2003. Particularly, it looks at basic concepts defined in the Act, rights and duties of parents and the state, powers and functions of ‘competent officials’ and child protection procedures and mechanisms. The Child Protection Act of 2003 is the latest child protection law in Thailand. The rationale for the promulgation of this Act is that the Announcements No.132 and No. 294 of the Revolutionary Council proclaimed in 1972 have been enforced for child protection purposes for a long time.

Chapter Contents

This chapter will investigate the child protection system as codified in the Child Protection Act 2003, addressing the following issues:

1. Definitions used in the Act - the child, the ‘children in need of protection’ and ‘child rights’;

2. Rights and duties of parents;

3. Rights and duties of the state;

4. Powers and duties of ‘competent officials’;

5. Child protection procedures- which include reporting, investigation, and provision child and family social welfare service, provision of safety protection for abused children or those in danger of being victims of violence from their parents or those close to them, including children at risk;
6. Child protection mechanisms - which include the Child Protection Committees, the tools to follow up on the state of the child and the family, the five places for providing safety protection, namely nursery, remand home, welfare centre, safety protection centre and development and rehabilitation centres;

7. Approaches in the Child Protection Act 2003 - which include child rights approach, parental responsibility approach, family support approach, family intervention approach, interdisciplinary and multiprofessional approach; and

8. Implementation of the Act

2. Definitions Used In The Act

‘Children in Need of Protection’: According to the 2003 Act, the child who would be protected refers to a person below 18 years of age, but does not include those who have attained majority through marriage. Children warranting safety protection are abused children, children at risk of wrongdoing and children in a state necessitating safety protection in accordance with ministerial regulations. Abused children refers to those who are under 18 and are the victims of any commission or omission of acts which cause the deprivation of freedom of, or mental or physical harm to, a child; sexual abuse committed against a child; inducement of a child to act or behave in a manner which is likely to be mentally or physically harmful to the child, unlawful or immoral, regardless of the child’s consent (Articles 4 and 40).
Child Rights: in the protection of child rights, according to this Act, children can enjoy some broad rights as follows:

- The best interests of the child must be given primary importance in any case and any discrimination of an unfair nature shall not be allowed (Article 22).

- The child has the right to be taken care of, exhorted and developed by the child’s guardians in manners appropriate to local traditions, customs and culture but which in any case must not be below the minimum standards as stipulated in ministerial regulations. The child also has the right to be safeguarded by the guardians against harmful circumstances, whether physical or mental (Article 23).

- The child has the right to be protected from being in a state likely to harm the child physically or mentally, or in that which impedes the child’s growth and development as well as to have access to assistance and behaviour promotion in accordance with the set standards (Articles 28-29).

- The child has the right to be protected from being exposed to harmful advertisements through the mass media or other forms of information in ways detrimental to the child’s future (Article 27).

- Children warranting welfare assistance have the right to receive health care, education, recreation and occupational training, counselling and training, to promote proper behaviour, to be safe and to have social responsibility (Articles 33-39).
• Children who are in welfare homes or rehabilitation centres have the right to receive education, training, disciplining, physical and mental therapy and rehabilitation as deemed suited to the children (Articles 41-45).

• Children have the right to be protected by their parents or guardians, regarding the treatment of children by their parents. This case deals with parents or guardians who can look after their children. The Act covers measures of having children’s rights protected by preventing children from being maltreated or abused by stipulating the minimum requirements that parents have to comply with, including certain restrictions that forbid parents and others to mistreat children. In the case of parents or guardians, the following activities are prohibited according to Article 25:

They are not allowed to abandon their children in a nursery or a health-care centre or in the care of a person hired to look after them or in a public place or any other place with the intention of not taking him or her back. Nor can they abandon their children at any place where there is no appropriate welfare protection or provision of food supplies. They cannot willfully refuse to provide what is essential to life or health to the extent of endangering a child physically or mentally. They cannot treat their children in such a way as to impede their growth or development. Nor can they provide the kind of treatment considered as being an improper upbringing for their children.

• The child has the right to be protected by the people, regarding the treatment of children by the people at large. In the case of the people at large, the following activities are prohibited according to Article 26:

They are forbidden to do or not do anything that abuses a child physically or mentally. They are forbidden to willfully give or neglect to give what is essential to living or health- caring to the children in their charge in such a way as likely to endanger them
physically or mentally. They cannot force, intimidate, persuade, encourage, permit or cause a child to behave improperly or in such a way as likely to be at risk of wrongdoing, or to become a beggar or a vagrant or to do wrong or provide them with illicit gains. Nor can they advertise through the mass media or any other means to receive or give away a child to others who are not the child’s relatives. They are forbidden to force, intimidate, use, coerce, encourage, goad or permit children to play sports, perform lewd acts or do anything of a lewd nature for remuneration, for commercial interests or for any other purposes in such a way as to abuse them or impede their growth or development. They cannot use, employ or ask children to work or do anything likely to endanger them physically or mentally, affecting their growth or impeding their development. Nor can they use or permit children to gamble in whatever way or to enter any gambling or prostitution establishment or any establishment off-limits to children. They are also forbidden to sell, exchange or give liquor or cigarettes to children.

The above-mentioned children’s rights and state activities to prevent parents or guardians and any other people from abusing or harming children can be considered to be of a nature likely to cover all aspects of misdeeds and abuses caused to children both physically, mentally and sexually as well as in the case of child neglect. If these measures are implemented effectively in practice, this Act should provide adequate assistance and protection to children and keep them from being abused and enable them to preserve their rights. How the people at large know the child rights, and how they are concerned with protecting the child rights are matters that should be studied. In the opinion of concerned professionals, whether the recognition of those child rights is appropriate and whether they themselves can play a role in making known those child
rights and how they can protect those rights are matters that deserve to be studied as well.

3. Rights and Duties of Parents or Guardians

According to this Act, parents or guardians have some rights and duties to their children as follows:

- They have the right to receive assistance or welfare or counselling from the state and state employees to enable them to rear their children (Articles 33 and 39).
- They have the right not to be separated from their children without good reason and the right to give or refuse to give their approval of sending their children to receive assistance. In the case of children having to be separated from their families, parents or guardians have the right to appeal to the Juvenile and Family Courts.
- Guardians have the duty to take care of, exhort and develop a child under their guardianship in manners appropriate to local traditions, customs and culture but which in any case must not be below the minimum standards stipulated in ministerial regulations. They also have the duty to safeguard the child under their care against potentially harmful circumstances, whether physical or mental (Article 23).
- They have the duty to protect the welfare of the children under their care and guardianship, preventing them from being in a state likely to endanger the children physically or mentally and must not do anything to impede their growth or development (Articles 28-29).
4. Rights and Duties of the state

According to this Act, the state has rights and duties towards children as follows:

- The state has the duty to comply with this Act in providing assistance for children, protecting their welfare and promoting their behaviour (Articles 32-47).
- The state has the duty to provide education, training, disciplining, treatment, counselling and rehabilitation, physical and mental, in a manner suited to the children (Articles 51-61).

5. Powers and Duties of Competent Officials

As the protection of child welfare and safety in accordance with the 2003 Act has to rely on those who have specific knowledge and skills as well as special powers and duties to be able to carry out child protection work effectively, the Act therefore designates a group of officials to be specifically responsible for protecting children in accordance with this Act called ‘competent officials’.

The ‘competent officials’ are divided into two groups, (Article 4, 24):

- The first group consists of those state officials who have passed the evaluation undertaken by an evaluation subcommittee appointed by the National Child Protection Committee. This group also comprises those who hold at least a bachelor’s degree in social welfare, psychology, law, medicine or education with two years of child-related experience. Having undergone the competent official training programme and passed the above-mentioned evaluation, they will be officially appointed to be ‘competent officials’ by the Minister of Social Development and Human Security.

- The second group is composed of some state officials who serve as *ex officio* ‘competent officials’.
The powers and duties of competent officials in child protection according to the Act are as follows:

- They have the duty to search for facts and report on the children and their families (Article 30).
- They have the duty to provide welfare and the power to intervene in case of receiving notifications or witnessing children deserving of receiving welfare (Articles 28, 33, 35 and 39).
- They have the duty to provide safety protection for the children and the power to intervene in curbing parental authority or in dealing with the guardians themselves so as to protect the children from all kinds of danger (Articles 28, 41-45 and 47).
- They have the duty to ask the Ministry’s Permanent Secretary/ the Provincial Governor to appoint someone appropriately qualified to help supervise the children who stay with their parents according to Article 48.

The competent officials have the duty to decide on and determine the appropriate ways to provide assistance, safety protection for each child. They need to cooperate with such professionals as social workers, doctors, psychologists, police officers, lawyers and teachers by working in an interdisciplinary manner or working together with a multiprofessional team.

The 2003 Act is not clear about whether the competent official could ‘screen out’ the received report without investigation or not and in which cases they can do. It thus seems to imply that every report has to be ‘screened in’ and must be investigated unlike the USA where reports may be screened out at the ‘screening in’ or ‘screening out’ stage, if they clearly fall outside the mandate of the concerned agency or if there is insufficient information to locate the family for an investigation (Waldfogel 1998, p.5).
Because of this lack of clarity, the competent official is likely to face some problems, especially those relating to the workload and the quality in investigation reports.

Other issues of the investigation are about how to control the standards of decision-making of the competent officials. These officials are the key persons in pointing out the means of providing the appropriate welfare assistance or safety protection for the child. They are expected to know how to ensure that their decisions will meet the best interests of the child, and which mechanisms could be used at this stage. These are the points and issues that deserve to be studied.

6. Child Protection Procedures

The 2003 Act includes the first mandatory reporting law in Thailand. The child protection procedures in child abuse cases involve the following steps:

- **Notifying, Mandatory Reporting:** According to the 2003 Act, in dealing with children who are abused, every person throughout the country has the duty to protect the safety of children, in case of

  …having witnessed or coming to know of conduct which leads a person to believe that an act of abuse has been committed against a child, such a person shall promptly notify or report to a competent official, administration official or a person having the duty to protect a child’s safety (Article 41).

In other cases, every person is still required to report,
upon finding a child in circumstances which warrant welfare assistance or safety protection as stipulated under this Act, a person shall provide basic assistance and notify a competent official, administration official or police officer or person having the duty to protect a child’s safety without delay. Otherwise, a doctor, nurse, psychologist or public health official admitting a child for treatment, teacher, instructor or employer having the duty to take care of a child who is his or her student or employee, shall report immediately to the above-mentioned officials if it is apparent or suspected that the child has been abused or is sick due to unlawful care (Article 29).

It has to be acknowledged that, in reality, having good laws can serve as a protection guarantee for children only to a certain extent. Several factors must be in place in order to enforce this Act effectively. The key factor, according to this Act, which can help protect children extensively and on a large scale is the legal stipulation that it is the duty of everyone who happens to see children in the kind of situation requiring assistance and protection that they assist and protect them. This measure particularly applies to doctors, nurses, psychologists, social workers or public health officials who admit children for treatment. Certain categories of people, in particular, nurses, teachers or employers who have the duty to supervise children as students or employees are specially required by law to give initial assistance and notify without delay such state officials as government administration officials, police, or those legally in charge of child welfare and safety protection (Article 29). Such a measure is taken so that every party can help give information leading to the fruitful implementation of the protection system in practice in accordance with the spirit of the law.
Mandatory reporting is an innovative measure in Thailand. However, no sanction or penalty is imposed on those who fail to notify or report. It should be interesting to find out whether Thailand will face the same problems of failure to notify and report on the part of the public and the professionals as is encountered in many developed countries. Should Thailand have the same problems as experienced by those countries, it would mean that a number of abused children would not be protected by this Act. Hence, there arises the question of how to have the measures stipulated in this law implemented stringently and effectively.

- **Investigation**: According to the 2003 Act, the terms that are used in the investigation are ‘tracing and observation’. They encompass an act of searching and gathering facts relating to a person in order to make an analysis in accordance with the social welfare, medical, psychological, legal and other principles relating to that person and such person’s family (Article 4 para 14).

The collection of information stage may take place during the period when a child is at risk or before being abused, so as to save the child from being abused, or after the child was abused, so as to find the best ways to provide welfare or safety protection for the child and his or her family.

The persons who have the duty to search for facts according to this Act comprise those who have been appointed as competent officials, *ex officio* competent officials and other officials in charge of looking after children in various establishments, such as remand homes, welfare centres, safety protection centres and development and rehabilitation centers, under the supervision of the person in charge of the child’s safety (Article 37).
The information collected by the competent officials or persons having the duty to protect a child’s safety who are in charge of collecting information to be used for considering the appropriate protection to be given can be undertaken in various ways such as entering the residence of the child’s guardian, the place of business of the child’s employer, the child’s place of education or the place with which the child is concerned or connected, within the period from dawn to dusk to interview persons living in such places and gather information or evidence concerning the child’s living conditions, relationship within the child’s family, the care provided, as well as the character and behaviour of the child. (Article 30).

The information that has been gathered will be used by competent officials to consider and decide on the appropriate kind of welfare assistance, safety protection and rehabilitation to be given to the abused children in accordance with the problems and the specific needs of each child individually.

It is to be noted that the investigation of child abuse and neglect is the responsibility of a competent official or person having the duty to protect a child’s safety. The interrogation of and the inquiry about the child are aimed principally at finding out information on the child. The information will then be used to decide on the appropriate ways of providing assistance or protecting the child’s welfare and safety. They may involve sending the child to receive assistance at a remand home, a welfare centre, a safety protection centre, a child development or rehabilitation centre, or handing the child over to guardians or persons willing to accept the child under their charge. The main objective of this measure is thus to serve the best interests of the child. It can be seen that this Act has attached importance to allowing the child to live normally with his or her family, as is evident in the following stipulation. If the competent official is of
the opinion that it is not yet timely to send the child to a remand home, welfare centre, safety protection centre or development and rehabilitation centre, the competent official shall hand over the child to the child’s guardian or person consenting to take the child into care and guardianship, in which case the competent official may or may not appoint a safety protector, and after having consulted with the child’s guardian or person consenting to taking the child into care and guardianship, the competent official may impose suitable conditions to prevent the child from misbehaving or adopting behaviour which places the child at risk of wrongdoing by ordering the child’s guardian or person consenting to taking the child into care and guardianship to adopt one or more than one course of action as deemed appropriate (Article 30).

• Child and Family Welfare Services Provision, Child Safety Protection and Intervention— According to the 2003 Act, the stipulations about the provision of ‘child welfare’, ‘family welfare’ and ‘child safety protection’ are stated rather broadly as follows:

• Child and family welfare services provision and intervention:

According to the 2003 Act, the provision of welfare services encompasses the child and his or her family deserving of receiving welfare according to this Act or other related laws. The assistance provided may be in the form of money, food, other basic necessities or other services. The providers of assistance may be state or NGO agencies who can enable the child to be cared for, educated and developed in accordance with the prescribed minimum standards. The welfare provision according to this Act has to be undertaken principally with the guardians’ consent or cooperation by taking account of their needs (Article 33).
Welfare services provided according to this Act include both ‘child welfare’ and ‘family welfare’, i.e. the assistance and welfare provided for a child and his or her family or any person providing care for the child so as to enable them to take care of the child in a manner pursuant to this Act. The provision consists of such services as entrusting a suitable person with the care of a child if that person consents to provide care for the child for a period as deemed appropriate; facilitating the adoption of the child by a third person in accordance with the child adoption law; sending a child to be looked after by a suitable foster family or nursery consenting to take the child into care; sending a child to be cared for at a remand home or welfare centre; sending a child to receive education or occupational training, or to receive treatment, rehabilitation, education or occupational training in a development and rehabilitation centre, or to receive spiritual discipline in a Buddhist temple or another place of worship of another religion consenting to take the child into care (Article 33).

Welfare services and protection can be given to children in several ways and measures to be taken to provide both prevention in cases of abuse not yet taking place and protection in cases of abuse having taken place are as follows:

• **Child safety protection and intervention:**

According to the 2003 Act, *safety protection* means 1) providing safety for the child when his or her guardians may contribute to harming the child or seem incapable of protecting the child from danger by re-arranging the legal relationship between the child and his or her guardians so as to protect the child from being at risk of wrongdoing or in case of the guardians’ inability to protect the child from being at risk of wrongdoing by re-arranging the legal relationship between the child and his or her guardians so as to protect the child from being at risk of wrongdoing (Articles 41, 42 and 44).
There are five types of situation to be noted.

- The first type deals with child rights protection in a situation where parents cannot support their children and the children need safety protection. These are cases where there is no abuse but the child may be at risk of being harmed or whose upbringing is substandard or who receives improper treatment. The law has prescribed six conditions that enable officials to assist children in the above-mentioned situation to be freed from their families to receive protection (Article 28). The six conditions are:
  - if the parents are not in a position to support, bring up and develop their children in any way and for any reason;
  - if the parents are likely to do anything to jeopardize their children’s safety or to impede their growth or development;
  - if the parents bring up their children in an improper manner;
  - if there are other causes or necessities to provide assistance or protection for the children;
  - if there is need to protect the children from danger; or
  - if the children are treated inequitably.

In dealing with these cases, the competent official must undertake to provide welfare services or safety protection for the children in accordance with this Act.

- The second type deals with children who are abused. Upon finding a child in circumstances which warrant welfare assistance or safety protection as stipulated in this Act, a person shall provide basic assistance without delay before notifying the competent officials, administration officials or police officers or persons having the duty to protect a child’s safety (Article 29).
The official who has received a notification about child abuse being committed or happens to see or witness the likelihood of child abuse taking place anywhere, he or she has the power to enter and inspect such place and separate the child from the child’s family in order to provide protection to the child at the earliest opportunity (Article 41 para 2).

When the abused child is separated from his or her family, the concerned officials have to provide protection. Part of the protection is to have the abused child immediately undergo medical examination, both physically and mentally, for the purpose of providing the appropriate rehabilitation and of collecting relevant information to be used as evidence in prosecuting the offender. However, it should be noted that the abused children can only be separated from their families for no longer than seven days. During that time the concerned officials have to search for as much information as possible to be used for deciding the most appropriate protection measure to be taken for the abused child’s benefit. In case of need, the public prosecutor may request the court to order the extension of the child detention period which altogether must not exceed 30 days (Article 42). The reason for such time restriction is that it serves as a guarantee for the abused child not having to be separated from his or her family for too long a time. It also serves as a protection against system abuse.

With regard to other forms of giving assistance and protection to the abused children, the competent official can make various arrangements to assist the abused children according to each child’s individual needs. For instance, there can be visitation, behavioural counseling, provision of occupational education for the children in one’s charge, counseling provided for the parents about ways to bring up and feed children, or sending the abused children to receive welfare services in various welfare centres as
deemed appropriate. The competent official can, for example, choose to send the abused children to stay for a while at a remand home, a place where a child is temporarily sheltered and cared for. The purpose is to trace and observe the condition of the child and his or her family so as to develop guidelines for an appropriate provision of assistance and safety protection for each individual child. Competent officials use this measure pending their search for, and collection of, information about the abused children and their families so as to find the most suitable protection method to suit each of them individually, a task which can be quite time-consuming. If they come across the case of a child being badly abused, they may prefer to send the child to receive appropriate therapy and to be properly rehabilitated at a development and rehabilitation centre.

- The third type deals with children who are abused. In case of the children being abused by their guardians or relatives and the competent officials still being unable to take the abused children under their care as well as the offender still not being prosecuted or no criminal charge being brought against the offender despite the offender being likely to abuse the child again, the Act empowers the competent officials to ask for a court order to protect the children from being abused again. The court can also impose probation and surety measures on the offender and order the arrest of the offender and have the offender taken into custody for not more than 30 days each time (Article 43 paras. 2-3)

- The fourth type deals with children who are at risk of wrongdoing. Before deciding on the ways to provide safety protection, the competent officials have to begin by searching for facts first. They can then proceed to decide on what to do as deemed appropriate, namely 1) in case of having to send the abused children to remand homes,
they have to submit a report either to the Ministry’s Permanent Secretary or the Provincial Governor to decide on the appropriate child safety protection measures to be taken or 2) in case of the competent officials deeming it not yet appropriate to send the abused children to remand homes, they can have the guardians or any person consenting to taking care of the children care for them and have a child safety protector appointed as well (Articles 44 and 48).

- The fifth type deals with children who purchase or consume liquor or cigarettes, or enter a place which has the particular purpose of selling or permitting the consumption of liquor or cigarettes.

In case of violation, the competent officials shall question the child with a view to obtaining information about the child and issue a letter summoning the child’s guardians to meet them and consult with them about admonishing the child, putting the child under bond of good behaviour, or producing a joint agreement concerning procedures and a timeframe for arranging for the child to undertake social service or public utility work, or imposing any other conditions to rectify the situation or prevent the child from repeating the offence (Articles 45 and 49).

The issue to be considered is that on the one hand, the state has to respect the privacy of family members, while, on the other hand, the state is also under a duty to intervene where there is a risk that members of the family may be abusing the child. How to balance the rights of the child, the rights and duties of family members and the responsibilities of the state is another issue that requires careful consideration.

It should also be noted that the abused children can only be separated from their families for no longer than seven days, such time restriction without adequate staffing
levels can lead to cases piling up. As a result, not all the relevant information can be found initially. Because of the workload the follow-up is unlikely to be as in-depth or to occur as frequently as it should. Children can thus continue to be abused and neglected.

In short, the provision of welfare focuses on providing services for the abused children and their families with the guardians’ cooperation so as to enable the children to be reared in accordance with the prescribed minimum standards. As for the child safety protection, it places emphasis on re-arranging the legal relationship between the children and their guardians to ensure their safety or protect them from being at risk of wrongdoing without having to take account of the guardians’ consent.

7. Child Protection Mechanisms

The following are the important mechanisms that help drive forward the child protection procedures and the implementation of this 2003 Act:

- **Child Protection Committees:** The existence of child protection agencies at the policy level, including three different kinds of committees with varying geographical areas, namely, National Child Protection Committee, Bangkok Metropolitan Child Protection Committee and Provincial Child Protection Committee are important part of the child protection mechanism.

- **Child Protection Fund:** This 2003 Act stipulates the setting up of a child protection fund to cover the expenses incurred for providing assistance and child and family protection.

During the one-year period after the Act came into force, the Ministry of Social Development and Human Security issued several regulations outlining details of
practical processes to be followed in accordance with the measures and mechanisms stipulated in the Act so as to enable practitioners’ work to follow the same line. These were such important ministerial regulations as the 2004 Regulation on the Provision of Child Welfare, the 2005 Regulations on the Management of the Child Protection Fund.

8. Approaches in the Child Protection Act 2003

The promulgation of the Child Protection Act 2003 aimed at systematising the child protection process and bringing about clearer child protection practices. At the same time, certain new Western concepts have also been adopted to protect children throughout the country. As earlier stated under the literature review, the Act appears to employ a combination of approaches consisting of rights and best interests of children, parental responsibility and family support and intervention.

- Child Rights Approach. The Act contains a key principle in line with the provisions stated in the Convention on the Rights of the Child: ‘Treatment of the Child in any case shall give primary importance to the best interests of the child and any discrimination of an unfair nature shall not be allowed’ (Article 22). In order to enable children to receive the maximum benefit in accordance with the above-mentioned principle, this Act has, therefore, incorporated many of the child rights. However, it should be noted that the legal recognition of child rights alone in no way implies that every child will have those rights automatically protected accordingly. In practice, the complete protection of children’s rights will depend on certain key factors, namely the awareness of the importance and acknowledgement of those child rights on the part of those concerned with the child as well as the degree and extent of such awareness. Included are the guardians, family members, professionals and the general public.
**Parental Responsibility Approach.** The parental responsibility has replaced the traditional emphasis on parental rights and duties. Thus, parents, rather than the state, are responsible for their children, and they cannot divest themselves of this responsibility. This new concept has been stated clearly in the 2003 Act that guardians have the duty to take care of, exhort and develop a child under their guardianship in manners appropriate to local traditions, customs and culture but which in any case must not be below the minimum standards as stipulated in ministerial regulations. They shall also safeguard the child under care against potentially harmful circumstances, whether physical or mental. Besides, the Act also indicates some acts that are forbidden for the guardians of a child to do as stated above (Articles 23, 25), and in the case of the child who has to receive some welfare assistance, the consent of the child’s guardians must be obtained before using any measures to provide welfare assistance to the child (Article 33).

It should be noted that in practice, such minimum standards pertaining to child upbringing to be set up in a ministerial regulation in the future may eventually not prove practicable in reality or appropriate enough when applied to every family and every child. This is because each child has a different life background and a different environment. Besides, each family has an inherent difference in education, occupation, social and financial status, life style and culture. Such standards may prove suitable for certain families, but not for all families, because they may be too high for some and too low for others. Hence, this is an issue that requires further study and analysis.

Besides, this is a new concept emerging for the first time in Thailand through the 2003 Act which assigns to the parents the responsibility for looking after their children. Parents are henceforth equipped with rights, authority and duties in relation to their children. It is necessary to find out whether and to what extent, in practice, parents in
general are conscious and aware of their responsibilities as determined by law. Also needing clarification is what role professionals should play in urging and causing parents to become aware of the importance of such responsibilities.

- **Family Support Approach.** This Act attaches great importance to family Support. It is due to the fact that in the eyes of those responsible for its formulation, the family can play an important role in addressing problems relating to children. They believe that the family is the most effective and relevant solution and that this measure constitutes at the same time an important factor that strengthens the family. The idea that children are best brought up by their own families is given legislative expression in the 2003 Act which states that

  In the case where the guardian, having taken a child back into his or her guardianship, displays conduct which suggests that he or she will resume unlawful caring behaviour, a competent official or person having the duty to protect the child’s safety according to this Act shall give advice, make recommendations and provide assistance for the child’s guardian (Articles 39, 56).

In child protection, it is necessary to have a good system capable of providing services and assistance not only for children, but also for the family so as to enable it to give standard rearing to the children in an appropriate manner as should be the case. A positive approach to family support entails the promotion of policies, laws and practices aimed at helping children to enjoy, in their own homes, the kind of parenting, the freedom from suffering, the standards of living, and the quality of community life which is considered reasonable for children in society (Hellinckx 1997, p.146).
**Family Intervention Approach.** The Act empowers competent officials, the police and those in charge of child safety protection to enter domiciles or any establishments or any vehicles in cases believed to involve child abuse, child confinement or improper upbringing and to search or separate the abused children from their families temporarily. Such empowerment can also be considered as an act of empowering the state and granting it the right to family intervention to intervene in and supersede the parents’ use of authority in governing their children. Through this Act, concerned officials can take immediate action to provide safety protection effectively by exercising the right to family intervention thus sanctioned by law.

This is, in fact, an innovative measure that emerges in Thailand for the first time in Thai legal history. The spirit behind this measure is naturally to empower state officials to have access to the abused children and keep them safe from their offending parents as soon as possible. Prior to this Act, concerned officials were not authorized to intervene in the affairs of any offending family by taking away the abused child from his or her parents if there was no request for interventions. This was because there was no law that gave the concerned officials the legal power and legitimate right to intervene in the exercise of parental authority. Hence, it is with the intent and purpose to assist and protect the abused children immediately after an abuse has taken place that such an empowerment law is promulgated.

It can be said that this Act provides a proactive kind of child protection system by authorizing concerned officials to intervene to protect children immediately without having to wait for an abuse to take place first. Hence, the Act prescribes various tools for concerned officials to use so as to obtain comprehensive information and data about the children and their families in a systematic manner. The tools to be used for tracing
and follow up on the state of the children and their families are of four types, as will be mentioned later.

The family intervention approach and the measures for tracing and follow up on the state of children and their families are innovations not in existence and never in use in Thailand before, it is, therefore, interesting to find out what the concerned professionals who have to use those tools think about such a concept and measures. It is also useful to know whether they consider them appropriate and effective for dealing with the children and their families as well as what kind of obstacles and problems have been encountered or expected to encounter in their child protection work.

• Interdisciplinary and Multiprofessional Approach

In the past, child protection work had staff constraints when various mechanisms were used. There was also a limited number of serving agencies. As a result, the state was unable to protect children throughout the country. The 2003 Act, however, intends to provide protection for each and every child all over the country. New mechanisms have therefore, been designed to protect all the children who are the target groups and to provide services extensively. The mechanisms involve two kinds of operation, namely

  • Interagency operation which consists of setting up coordination and cooperation networks transferring and exchanging information, transferring responsibility and assuming joint responsibility. This type of operation gives rise to an interdisciplinary team working with interprofesssional coordination networks either within the same agencies or among different agencies.

  • Multiagency operation which consists of the setting up of coordination centres. The centres are co-hosted by those concerned with child protection work. The centres have joint mission and responsibility from the identification of a child in need of
assistance till the end of the process. This type of operation results in a multidisciplinary team working together with professionals from every related field in various processes of providing protection for children.

Experience of other countries suggest that there are some problems in implementing this approach. In England, for instance, services for children and families are fragmented between several different local authority agencies, including social services, education, health, the police and probation services, youth services, and the Department of Social Security (Sanders & Thomas 1997, p.29). Progress towards an interagency strategic approach to the full range of children’s services has been disappointing except where it is mandatory. Various reasons have been cited for this: change in agency structures and personnel, a lack of skills and resources, and agencies remaining fairly insular and wary of joint ventures.

Although relationships between practitioners from different agencies seem to be generally good, conflicts tend to occur where joint work is most common; for example, between social services, education and health. Difficulties centre around referral procedures, attitudes, lack of understanding of each other’s roles, and disagreements over who should take responsibility for particular clients, especially where lack of resources encourages agencies to pass responsibility for clients to someone else (Hellinckx 1997, p.144).

As for Thailand, the use of such types of operation is an innovation for a large number of professionals involved in child protection work. They have to work together in accordance with what is stipulated in the 2003 Act, which constitutes a change in work culture. It would therefore be constructive to find out their attitudes and viewpoints
about this matter and whether there are or will be implementation problems as in other countries and what solutions should be found to address those problems.

9. Implementation of the Act

The Child Protection Act 2003 can thus be considered as a ‘Code for Children’ since the Act has provisions that cover all forms of assistance to children and their families categorized under this Act or other relevant laws to receive welfare from the state. Four years after the promulgation of the 2003 Act, there have been various policy formulation and implementation activities which can be summarized as follows:

Policies. The various child-related policies and plans in existence at the time had been formulated before the promulgation of the Act. The important policy is included in the long-term National Child and Youth Development Plan (2002-2011) and the Plan on Problem Solution for Children in Especially Difficult Circumstances (2002-2006). With the promulgation of the Act, it could be considered to be a declaration of long-term policy in the form of important legislation. In view of the substance of the Act, it reflects the most modern child protection policy at the time of its promulgation.

Regarding the policies previously in existence, although those policies and plans have not been revoked nor conflicted with the substance of the Act, they have hardly been implemented. Besides, in 2002 just one year before the promulgation of the Act, there was an administrative change and modification of the structure of various ministries, especially the newly established Ministry of Social Development and Human Security, new child-related policy formulation agencies and new child-related work agencies. All this had the effect of interrupting child policy management to a certain extent, both in terms of the implementation of existing policies and the formulation of new policies.
During 2003-2007 no new policies and plans have been formulated specially for children. There was only the national policy stated in 2006 in the National Economic and Social Development Plan (2007-2011) which set out a broad framework to develop the country socially and economically. After 2007 Thailand’s child development plan will focus on the child development plan in line with UNICEF’s child development concept of the ‘A World Fit for Children’.

Regarding the issuing of regulations in accordance with the Act during the one-year period after the enforcement of the Act, the Ministry of Social Development and Human Security issued several regulations outlining the practice process in detail in accordance with the measures and mechanisms stipulated in the Act so as to enable practitioners’ work to follow the same line. There were such important ministerial regulations as the 2004 Regulation on the Provision of Child Welfare, the 2005 Regulations on the receiving of money taking care of money and using the money, available to generate additional income as well as the Regulation on the Management of the Child Protection Fund.

Regarding the implementation of the Act, it was found that during the first year of the enforcement of the Act, every province had set up a Provincial Child Protection Committee in accordance with the Act. Each Committee consisted of those having the qualifications as stipulated in the Act. However, as the Committee was a mechanism in charge of policy matters, it could not supervise at the practice level. Hence, later on the National Child Protection Committee came to advise each province to set up some sub-committees to help handle such matters as each province saw fit. Almost all the provinces have thus set up a number of subcommittees named differently as seemed appropriate. Besides, some provinces have also set up child protection centres at the
provincial level to serve as central units to receive notification of child abuse and to coordinate with other related agencies to provide protection and assistance for children and their families.

Case studies of ‘Child Protection Centres’

1. Chiang Mai is one Thai province where a child protection centre has been established, called the Chiang Mai Child Protection Coordination Centre. It was set up in 1998 before the promulgation of the Act. Since the enforcement of the Act, it has become the main child protection coordination agency fulfilling the responsibility as stipulated by the Act in a sustainable manner. The Centre has been attached to the Chiang Mai Social Development and Human Security Office. Several activities were carried out with the support of UNICEF. As this Centre has been in existence for many years, it has accumulated a great deal of experiences in the protection of abused children. It has also had experience in using the multiprofessional team approach in its work and attached great importance to having a multiprofessional team working efficiently together. The multiprofessional team consists of a police officer, a doctor, a social worker and a psychologist. This Chiang Mai Centre can be considered to be in a good position to guide and advise other provinces in the North on setting up centres of this type.

2. In the Central Region, Nonthaburi is a province where a child protection centre has also been established. Prior to this establishment, it had to face various problems just like other provinces. In particular, despite the setting up of a Provincial Child Protection Committee and two subcommittees, it has had to encounter the lack of unity in child protection work and the absence of concerted efforts in protecting children. Most agencies have gone about their child protection work in their own ways. One of the
causes has been the lack of a central coordination agency. Hence the Nonthaburi Child Protection Committee decided to set up the Nonthaburi Protection Centre for Children and Women in October 2006. This Centre has been tasked with being the centre to receive notifications and coordinate the protection of children and women who have been abused and are faced with problems. It also serves as the centre in charge of campaigning to prevent children and women from being abused or exploited. At the initial stage, this Centre was faced with budgetary problems resulting from not having sufficient financial support from the central administration. As a result, it had to rely on the Organization of Provincial Administration for partial funding. Besides, there are also the problem of their lack of sufficient experience in child protection work and the problem of their lack of specific knowledge of the law as well as their difficulty in dealing with the various cases assigned to them. However, the attempt to use the multiprofessional team approach has helped increase their confidence and enable them to decide more properly.

Besides, during the first two years after the 2003 Act came into force, no official research was undertaken. However, thanks to the National Human Rights Commission’s tour of inspection, many interesting data on the functioning of Provincial Child Protection Committees in fifteen provinces during 2005-2007 have been discovered. They concern the problems and obstacles that those Committees have encountered. In several provinces, there has been a lack of operational strategies or a master plan to protect children in the provinces. Activities have only been carried out by relying on the existing regular budget of each agency. Few Committee meetings have taken place. Some of them meet only once a year. Much of the Committee work has been assigned to the various subcommittees that have been set up. It has also been found that the related state officials in these provinces have not yet understood or realized what their
duties are according to the Act. Not only do they lack a work system, but they also fail to coordinate with other local agencies. The Committees themselves have not yet worked closely with the local public sector agencies. There is also a lack of work process and support from national mechanisms, especially the allocation of sufficient operational budget.

However, there are some Provincial Child Protection Committees that have performed fairly effectively. For instance, there have been attempts to work proactively, preventively and promotionally. These consist of making available certain public areas to support the development of children’s life skills, hold forums for children to have an opportunity to express ideas and encourage children’s participation. But these activities are still not widespread (National Human Rights Commission 2006).

After the National Human Rights Commission’s tour of inspection, the Ministry of the Interior issued an important circular dated 18 January 2007 instructing the governors of all the provinces throughout the country to follow certain ministerial guidelines in their implementation of the Child Protection Act 2003 and to go about their protection work in the same direction. As stated in the circular, the Ministry has discovered in its follow-up on the performance of Provincial Child Protection Committees that there have been differences in their child protection undertakings. The Ministry therefore deems it essential for high-ranking administrators of all the provinces—either the governor himself or the deputy governor assigned by the governor—to attach importance to their child protection undertakings. If they did so, their province would be able to achieve good results in their implementations of the Act. The integration of the cooperation provided by all child related agencies in the province would also result in their being capable of implementing the Act successfully. Besides, the governors should avail themselves of
the secretariat of the Provincial Social Development and Human Security Office which has been considered to have sufficient potential to contribute to the creation of an effective child protection system.

In the Ministry’s viewpoints, children and youth nowadays are vulnerable. Apart from having wrong values and leading a life of luxury, they allow themselves to depend on drugs, become addicted to gambling, drink alcohol, smoke cigarettes, have sexual intercourse prematurely, become sex workers, indulge in various vices and be lured into prostitution. As Chairman of the Provincial Child Protection Committee, each governor is therefore entrusted with the task of coordinating and supervising in an integral manner with various agencies and local administration organizations so as to join forces to determine ways to implement the Act effectively and to immunize children and youth socially against various harmful elements.

10. Conclusion

In conclusion, ‘Child protection’ in the Child Protection Act 2003 covers the protection procedures, care, development and rehabilitation of the abused child and their families, providing social welfare and the kind of safety protection that will keep the child from being at risk of being harmed or abused or of wrongdoing. Child Protection Mechanisms, especially the Provincial Child protection Committees have important roles in controlling the implementation of the 2003 Act in each province. In the first four years of the enforcement of the Act, there were progressives both in regulations and practice accordance with the Act. In the same time, there were also some limitations and a lack of work process, support from national mechanisms and local public agencies.
Chapter 6
The State of Child Protection

1. Introduction

This chapter examines and compares the state of child protection before and after enforcement of the Child Protection Act 2003 capturing the experience of provincial child protection committee members involved in child-related work. The information reported here is centred on the service recipients and the provision of services and the child protection administration and management. The chapter will also provide a comprehensive analysis of the state of child protection according to the three concepts underlying this Act: the child’s right to receive protection; the duty of guardians to rear children; and the right of guardians to send their children to receive welfare.

The findings are derived from both quantitative survey data and qualitative information from face-to-face interviews and the focus group discussion. Quantititative data are reported as frequencies and proportions within the 313 respondents surveyed. Proportions are compared and tested for significant differences (p<0.05) by performing a z-test using Microstat software.

2. Child protection before and after the Child Protection Act of 2003

Child protection before and after the Child Protection Act 2003, according to those involved in child-related work, centred on two main issues. These were the provision of
services for abused children and their families, and child protection administration and management. Each of these two main issues is considered separately below.

**Provision of Services for Abused Children and Their Families**

Survey data cover the state of child protection reported by child-related workers before and after the Child Protection Act of 2003 came into force. The information on the provision of services for abused children and their families are tabulated in Table 6.1.

Highlights of the findings are as follows:

1. **Awareness of the overall status of abused children**

   “Overall status” includes the social, legal, physical and emotional states of the child. After the Act came into force, the percentage of child-related workers who were aware of the overall status of abused children significantly increased from 26.2 percent to 36.1 percent \((z = 2.67, p < 0.01)\). Complementing this positive trend in holistic perception, the percentage of child-related workers unaware of the overall status of abused children significantly decreased from 20.1 percent to 12.1 percent \((z = 2.72, p < 0.01)\). (see Table 6.1.)

2. **Sources of data on abused children**

   The three main sources of data utilized by child-related workers remained the same before and after the Act came into force, i.e. from people notifying the whereabouts of an abused child, mass media, police and teachers. The percentage of usage of all of these sources by the child-related workers increased by 10-15% after the Act’s enforcement. However, the increase was not statistically significant \((p > 0.05)\). (see Table 6.1.)
3. Ways of knowing what kind of services children and families require

In providing services for abused children and their families, child related workers should have enough information about their problems and the kind of services they require. The two methods of obtaining this information which were used significantly more often after the Act came into force were observation (23.6 percent vs. 30.4 percent, \( z = 1.92, p < 0.05 \)) and inquiring from children and their guardians (34.5 percent vs. 40.9 percent, \( z = 1.65, p < 0.05 \)). However, the most often used method - case by case problem assessment - had little change in usage after the Act’s enforcement (43.1 percent vs. 44.1 percent, \( z = 0.0252, p > 0.05 \)). (see Table 6.1.)

4. Criteria used to assess the needs of children and their families

After an abused child appears in the intake process, by whatever channel, the next step before providing services is to investigate their real problems, and assess the needs of both the children and their families. Regarding the tools used to assess the needs of children and their families, it was found that around one-third before, and almost half of all respondents after the Act, based their judgment on a “combination of several criteria” such as self judgment; consulting with colleagues/ boss/ multi-disciplinary team/ lawyer; or following traditional guidelines (34.5 percent and 43.1 percent respectively). These criteria include individual discretion and criteria set up by agencies. The increase in criteria combination usage is significant (\( z = 2.21, p < 0.05 \)). Use of non-combination criteria did not change significantly and were substantially less frequent (see Table 6.1).

5. Services provided for children and their families

There was a wide variety of services provided for children and their families. As presented in Table 6.1, the service provided most often for children and their families
was counseling: both before (46.6 percent) and after the Act (47 percent). Other important services provided included the giving of necessities (31.9 percent before and 32.9 percent after the Act) and the provision of legal assistance (which significantly increased from 26.2 percent before to 33.2 percent after the Act). Besides that, around one-quarter of all respondents both before and after the Act reported that they provide other kinds of services such as giving money, organizing accommodation and arranging medical care and treatment. Some respondents (around 10 percent) in both periods, provided key services such as welfare protection, training, setting up family camps, providing therapy and rehabilitation. These services were relatively infrequent which probably reflects some limitations of child-related workers.

6. Professionals sharing responsibility for providing services

Working together among professionals in child protection is necessary to share child information and also to share the responsibility for services to abused children and their families. Before and after the Act, social workers played the greatest part in service provision (44.1 percent and 48.2 percent). Those who had a marginally lesser role to play, according to their proportions, were doctors, psychologists and the police (around 35 percent before the Act, over 40 percent after the Act). The actual increase for the police was statistically significant (35.1 percent to 42.2 percent, $z = 1.82$, $p < 0.05$) (see Table 6.1.) An even stronger increase was noted for psychologists (35.5 percent to 43.8 percent, $z = 2.12$, $p < 0.02$).

7. Follow-up on the provision of services

It was not clear by job descriptions which parties among various child-related workers should follow-up the provision of services. It was found that both before and after the Act, those responsible for following-up on the provision of services consisted
mainly of related state agencies, and they significantly increased (29.7 percent before and 42.5 percent after, \( z = 3.33, p < 0.01 \)). The second most often identified party responsible for service provision follow-up, both before and after the Act, were “superiors” such as the director of the department, administrator of the division or head of the office (15.7 percent and 20.8 percent, respectively), followed by “others” such as teams of professionals, teachers or community volunteers (9.9 percent and 14.4 percent, before and after the Act came into force respectively). It is interesting to see that after the Act, all responsible parties significantly increased their involvement in follow-up. As would be expected given the trend of increasing responsibility described above, the number of cases where no one is responsible for following up on the provision of services significantly decreased after the Act (13.7 percent vs. 8.0 percent, \( z = 2.30, p < 0.05 \)). (see Table 6.1.)

8. Checking the quality of the provision of services

It was also not clear by job descriptions for child-related workers who is responsible for checking the quality of the provision of services. Both before and after the Act, the related state agencies were mostly the ones checking the quality of the provision of services or intervening in case of a service provision problem and their role increased significantly (28.8 before and 40.9 after the Act, \( p < 0.01 \)). The second most often identified responsible party were “superiors” (18.8 percent before and 22.0 percent after the Act enforcement, respectively), followed by “others” e.g. mass media and NGOs (6.7 percent and 12.5 percent for before and after the Act, respectively). Here, the results also show a substantial and significant increase in responsibility for quality of services across all parties. Correspondingly, significantly fewer respondents answered that no one was responsible for service provision quality checking after the Act (14.1 percent vs. 5.4 percent, \( z = 3.70, p < 0.001 \)). (see Table 6.1.)
9. Constraints on child protection provision

There are still many constraints persisting for the provision of child protection in Thailand. Thus both before and after the Act, around two-fifths (40-44 percent) of all respondents reported similar constraints with little change noted in the proportions (p>0.05). All of these constraints related to insufficient and unsupportive factors in protecting abused children. Constraining factors arose from families, other child protection agencies and even the child protection workers themselves. The important components of those constraints were inadequate budget, lack of data on abused children, insufficient staff capacity or skill or legal knowledge.

| Table 6.1 Provision of services for abused children before and after the Thai Child Protection Act of 2003 |
|---|---|---|---|---|
| **Respondent Data** (N= 313) | **Before Act enforcement** | **After Act enforcement** | **Significance test** |
| | n | % | n | % | z² | p value |
| 1. Awareness of the overall status of children¹ | | | | | | |
| - Aware | 82 | 26.2 | 113 | 36.1 | 2.67** | < 0.01 |
| - Unaware | 63 | 20.1 | 38 | 12.1 | 2.72** | < 0.01 |
| - Other | 10 | 3.2 | 9 | 2.9 | 0.22 | 0.4136 |
| 2. Sources of data on abused children | | | | | | |
| - State officials saw those abused children | 76 | 24.3 | 89 | 28.4 | 1.16 | 0.122 |
| - People notified their whereabouts | 106 | 33.9 | 120 | 38.3 | 1.15 | 0.1259 |
| - Information given by various media | 110 | 35.1 | 119 | 38.0 | 0.75 | 0.2256 |
| - Information given by police/teachers | 106 | 33.9 | 124 | 39.6 | 1.48 | 0.0696 |
| - Other | 28 | 8.9 | 31 | 9.9 | 0.43 | 0.3341 |
(Table 6.1 continued)

<table>
<thead>
<tr>
<th>Respondent Data</th>
<th>Before Act enforcement</th>
<th>After Act enforcement</th>
<th>Significance test</th>
</tr>
</thead>
<tbody>
<tr>
<td>(N= 313)</td>
<td>n</td>
<td>%</td>
<td>n</td>
</tr>
<tr>
<td>3. Ways of knowing what kind of services children and their families require</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- By inquiring from children and their guardians</td>
<td>108</td>
<td>34.5</td>
<td>128</td>
</tr>
<tr>
<td>- By observation</td>
<td>74</td>
<td>23.6</td>
<td>95</td>
</tr>
<tr>
<td>- By judging from the state of the problem in each case</td>
<td>135</td>
<td>43.1</td>
<td>138</td>
</tr>
<tr>
<td>- Other</td>
<td>22</td>
<td>7.0</td>
<td>27</td>
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<tr>
<td>4. Criteria used as a tool to analyze and assess the needs of children and their families</td>
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<td></td>
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<tr>
<td>- Individual discretion</td>
<td>51</td>
<td>16.3</td>
<td>40</td>
</tr>
<tr>
<td>- Criteria set up by agencies</td>
<td>69</td>
<td>22.0</td>
<td>76</td>
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<tr>
<td>- Use of a combination of several criteria</td>
<td>108</td>
<td>34.5</td>
<td>135</td>
</tr>
<tr>
<td>5. The kind of services provided for children and their families</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>- Counseling</td>
<td>146</td>
<td>46.6</td>
<td>147</td>
</tr>
<tr>
<td>- Giving necessities</td>
<td>100</td>
<td>31.9</td>
<td>103</td>
</tr>
<tr>
<td>- Giving money</td>
<td>79</td>
<td>25.2</td>
<td>84</td>
</tr>
<tr>
<td>- Giving accommodation</td>
<td>70</td>
<td>22.4</td>
<td>79</td>
</tr>
<tr>
<td>- Giving medical care and treatment</td>
<td>77</td>
<td>24.6</td>
<td>87</td>
</tr>
<tr>
<td>- Giving legal assistance</td>
<td>82</td>
<td>26.2</td>
<td>104</td>
</tr>
<tr>
<td>- Other e.g. providing welfare protection; training; setting up family camps; putting up bail; referring; providing therapy, rehabilitation</td>
<td>29</td>
<td>9.3</td>
<td>38</td>
</tr>
</tbody>
</table>
(Table 6.1 continued)

<table>
<thead>
<tr>
<th>Respondent Data</th>
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<th>After Act enforcement</th>
<th>Significance test</th>
</tr>
</thead>
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<tr>
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</tr>
<tr>
<td>(N= 313)</td>
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<td></td>
</tr>
<tr>
<td>6. Professionals sharing in the responsibility for providing services</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>6. Professionals sharing in the responsibility for providing services</td>
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</tr>
<tr>
<td>- Police</td>
<td>110</td>
<td>35.1</td>
<td>132</td>
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<tr>
<td>- Doctors</td>
<td>116</td>
<td>37.1</td>
<td>136</td>
</tr>
<tr>
<td>- Social workers</td>
<td>138</td>
<td>44.1</td>
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<tr>
<td>- Psychologists</td>
<td>111</td>
<td>35.5</td>
<td>137</td>
</tr>
<tr>
<td>- Other e.g. teachers, probation officers, NGOs</td>
<td>65</td>
<td>20.8</td>
<td>82</td>
</tr>
<tr>
<td>7. Those responsible for following-up on the provision of services</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Superiors</td>
<td>49</td>
<td>15.7</td>
<td>65</td>
</tr>
<tr>
<td>- Related state agencies</td>
<td>93</td>
<td>29.7</td>
<td>133</td>
</tr>
<tr>
<td>- No one responsible for following-up</td>
<td>43</td>
<td>13.7</td>
<td>25</td>
</tr>
<tr>
<td>- Other e.g. teams of professionals; teachers; community volunteers</td>
<td>31</td>
<td>9.9</td>
<td>45</td>
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<tr>
<td>8. Those responsible for checking the quality of service provision/ intervening in case of service provision problem</td>
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<td></td>
</tr>
<tr>
<td>- Superiors</td>
<td>59</td>
<td>18.8</td>
<td>69</td>
</tr>
<tr>
<td>- Related state agencies</td>
<td>90</td>
<td>28.8</td>
<td>128</td>
</tr>
<tr>
<td>- No one responsible for quality checking</td>
<td>44</td>
<td>14.1</td>
<td>17</td>
</tr>
<tr>
<td>- Other e.g. mass media/NGOs</td>
<td>21</td>
<td>6.7</td>
<td>39</td>
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</table>
(Table 6.1 continued)

<table>
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<th>Respondent Data</th>
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<th>After Act enforcement</th>
<th>Significance test</th>
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</thead>
<tbody>
<tr>
<td>(N= 313)</td>
<td>n</td>
<td>%</td>
<td>n</td>
</tr>
<tr>
<td>9. Constraints on provision of child protection</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Insufficient budget</td>
<td>134</td>
<td>42.8</td>
<td>132</td>
</tr>
<tr>
<td>- Insufficient/inadequate personnel</td>
<td>132</td>
<td>42.2</td>
<td>133</td>
</tr>
<tr>
<td>- Insufficient skills in dealing with abused children</td>
<td>132</td>
<td>42.2</td>
<td>130</td>
</tr>
<tr>
<td>- Insufficient knowledge of related laws</td>
<td>132</td>
<td>42.2</td>
<td>127</td>
</tr>
<tr>
<td>- Lack of data on abused children and their families</td>
<td>133</td>
<td>42.5</td>
<td>127</td>
</tr>
<tr>
<td>- Lack of cooperation from the abused children’s families and other agencies.</td>
<td>139</td>
<td>44.4</td>
<td>132</td>
</tr>
<tr>
<td>- Other</td>
<td>12</td>
<td>3.8</td>
<td>13</td>
</tr>
</tbody>
</table>

^1^Overall status of children includes the social, legal, physical and emotional states of the child

^2^Z-tests compare proportions and give p values that correspond to z (Microstat software)

Note:*p < 0.05;  **p < 0.01;  ***p < 0.001

**Discussion about services for abused children and their families**

For changes in the provision of services for abused children before and after the Thai Child Protection Act of 2003 only two of the nine data categories analysed showed little change between the two periods - sources of data on abused children and the constraints on provision of child protection. The other seven categories showed a substantial and significant improvement in some or most items assessed, illustrated as follows:

- The percentage of child-related workers who were aware of the overall status of abused children, significantly increased.

- Use of all of the main sources of data by child-protection workers increased by 10-15 percent after the Act’s enforcement.
In assessing the need of abused children, the percentage of workers who based their judgment on a “combination of several criteria” significantly increased.

The provision of legal assistance significantly increased.

All responsible parties in follow up on the provision of services significantly increased their involvement.

The role played by related state agencies in checking the quality of the provision of services or intervening in case of a service provision problem increased significantly. (see Table 6.1.)

The similarity in the access to recipients of services and the provision of services to abused children both before and after the Act came into force is probably due to the service providers being familiar only with what they had been used to in the provision of services and working in the same old manner. In addition, it was probable that most workers might not yet have had an adequate understanding of the details of the provision of protection and welfare assistance for children according to the Act as this study was carried out in the period soon after the Act came into force. Whatever training that was provided was unlikely to cover all the personnel involved since the workers were scattered all over the country. Many of them being probably unaware or ignorant of the Act could not thus understand guidelines given in the Act or lacked enough confidence to carry out the guidelines stated in the Act.

The above analysis complements and corresponds to the qualitative data obtained from the interviews (see Chapter 7). In particular, the response that the Act laid down many new tasks that had never been set before. For instance, the requirement for the professionals involved to make reports on child abuse incidents witnessed, the search for facts of various kinds, the provision of services for abused children and their
families that encompassed both the provision of assistance and protection. Most workers probably were unaware of such practices, or did not understand because there was still a lack of clear practice procedure. All these facts have probably contributed to the workers failing to adopt new service provision practices. Most of them thus inevitably came to provide almost the same kind of services, namely the provision of counselling or necessities. In short, it was still a traditional routine kind of work instead of an aggressive innovative one. It was still also assistance/ protective kind of work rather than preventive. It was thus not surprising that due to the above causes, the access to recipients of services and provision of services for abused children prior to the enforcement of the Act differed in some ways from that taking place three years after the Act’s enforcement.

The difference that was apparent between before and after the Act came into force centred on the sources of data on abused children. Before the Act, most respondents obtained their data on abused children from various kinds of media. After the enforcement of the Act, however, most samples obtained their data from police or teachers. In addition to the media, members of the public were increasingly coming forward to report incidents of child abuse. That the number of notifiers and reports had not yet increased substantially was probably due to the modest publicity undertaken among the various professionals involved and the general public. An important issue for the research reported here is to create a model for encouraging the public to notify and report incidents of child abuse. This will be considered in the next chapter.

It was interesting to note that the same constraints on child protection existed both before and after the enforcement of the Act. The problems encountered by those involved in child protection were almost the same both in the nature of the problems
and the number of those who encountered the problems. More than 40 percent of the child protection workers encountered the same kinds of constraints, namely (see Table 6.1).

1. the problem of budget insufficiency;
2. the shortage or inefficiency of personnel;
3. the personnel’s lack of skill to work with abused children;
4. the lack of data on abused children and their families;
5. the personnel’s lack of knowledge to provide services
6. Lack of cooperation was thus forthcoming from the families of abused children and other related agencies as would otherwise be the case

There was nothing new about the constraints on child protection listed above because they were the kind of problems that existed prior to the Act came into force. It was nevertheless a challenge that the state needs to solve successfully both in the short run and in the long run. Otherwise it would continue to be a problem that would directly impact on the effectiveness of child protection.

Of particular importance is the lack of related legal knowledge among child protection workers. The enforcement of many other child and family related laws, e.g. the Protection of Victims of Domestic Violence Act 2007 and the Prevention and Suppression of Human Trafficking Act 2008 make it even more essential for child protection workers to have a well-rounded knowledge, especially of the spirit and the requirements to protect children and families, of each law. This was because present-day child protection, in many cases, required that several laws be taken into consideration in conjunction with one another so as to find an outcome which is in the best interests of the child.

Strategies to remedy this unsatisfactory situation will be presented later on.
Child Protection Administration and Management

The researcher focused on some main activities in child protection administration and management before and after the enforcement of the 2003 Act. These activities include setting up work systems; providing services for target groups of children; gathering information on the number of abused children; the setting up of a child abuse database; and the kind of cooperation in child protection given to other agencies. The results are shown in Table 6.2 and summarised below.

1. Responsibilities for setting up a work system for duties in accordance with the Act

Both before and after the Act, the parties viewed by the respondents to be responsible for setting up a work system were, from most to least commonly reported, the Social Development and Human Security Ministry, the Administrators of agencies, respondent’s superiors, and “others” such as related ministries, multi-professional teams and Child Protection Committees. Among these various parties, the ones whose role significantly increased after the Act were the Social Development and Human Security Ministry (28.8 percent vs. 40.9 percent, z = 3.18, p < 0.01) and “others” (8.0 percent vs. 12.1 percent, z = 1.71, p < 0.05).

2. Capability to service target groups of children

Before the Act, the percentage of respondents who viewed child protection administration and management to be incapable of providing services for the target groups was triple the percentage of those who viewed them as capable (35.8 percent vs. 11.5 percent). After the Act, these proportions were each changed significantly (p<0.05) and the gap between them narrowed (“incapable” - 28.8 percent vs. “capable” - 17.9 percent).
3. Methods of estimation for the number of abused children and their families likely to come to receive services

Both before and after the Act came into force, most child-protection workers estimated the number of abused children and their families likely to come to receive services from previous service provision statistics compiled by other agencies (23.6 percent before vs. 29.1 percent after). Secondary in importance was the use of child abuse statistics as data for preparing the provision of services and this source showed a significant increase after the Act (17.3 percent before vs. 26.8 percent after, z = 2.87, p<0.01). Correspondingly, the number of respondents who stated that they had no relevant data on which to base their estimation significantly decreased after the Act (z = 2.06, p < 0.05).

4. Setting up of a child abuse database within one’s own organization

After the Act, the number of respondents whose organizations had set up a child abuse database significantly increased (22.0 percent vs. 30.0 percent, z = 2.28, p < 0.05). Correspondingly, the number of respondents whose organization had no child abuse database set up significantly decreased (27.8 percent vs. 19.8 percent, z = 2.35, p < 0.01). It is interesting to note that before the Act, there were more respondents’ organizations without a database set up than there were ones with. The case reversed after the Act.

5. Cooperation with other agencies in child protection

Before the enforcement of the Act, cooperation was given to other agencies in the form of the provision of data on abused children and their families (38.0 percent of respondents). Next, in order of importance, were assistance in coordinating with abused children’s families and assistance in follow-up to the provision of assistance (36.1
percent and 32.6 percent, respectively). After the Act, cooperation was given most often in the form of assistance in coordinating with the abused children’s families (42.2 percent). Next, in order of importance, were the provision of data on abused children and their families for other agencies and assistance in the follow-up to the provision of assistance (40.3 percent and 39.3 percent, respectively). In general, all types of cooperation increased after the Act. However, the only increase which was significant was the increase in the follow-up to the provision of assistance (z = 1.74, p < 0.05).

6. The kind of child protection as a whole as provided by various agencies

The provision of child protection both before and after the Act most frequently involved referring abused children to the care of concerned state agencies (40.6 percent before vs. 41.9 percent after). Second most common was giving comprehensive services without child referral (18.8 percent and 22.4 percent for before and after the Act, respectively). The third most often provided child protection service was referral of abused children to the care of NGOs (14.4 percent and 21.4 percent before and after the Act, respectively). In general, all types of child protection service provision increased after the Act. However, the only significant increase was in referring abused children to the care of NGOs (z = 2.28, p < 0.05).
Table 6.2 Child protection administration and management before and after the Thai Child Protection Act of 2003

<table>
<thead>
<tr>
<th>Respondent Data</th>
<th>Before Act enforcement</th>
<th>After Act enforcement</th>
<th>Significance test</th>
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<tbody>
<tr>
<td>(N= 313)</td>
<td>n</td>
<td>%</td>
<td>n</td>
</tr>
<tr>
<td>1. Those responsible for setting up a work system to accommodate the execution of duties in accordance with the Act.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>- Superiors.</td>
<td>46</td>
<td>14.7</td>
<td>58</td>
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<tr>
<td>- Administrators of agencies.</td>
<td>87</td>
<td>27.8</td>
<td>88</td>
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<tr>
<td>- Social Development and Human Security Ministry.</td>
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<td>28.8</td>
<td>128</td>
</tr>
<tr>
<td>- Other e.g. related ministries, multi-professional teams, Child Protection Committees.</td>
<td>25</td>
<td>8.0</td>
<td>38</td>
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<tr>
<td>2. Capability of providing services for the target groups of children in the areas under charge.</td>
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<tr>
<td>- Capable of comprehensive coverage.</td>
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<td>11.5</td>
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<tr>
<td>- Incapable of comprehensive coverage.</td>
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<td>- Other.</td>
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</tr>
<tr>
<td>3. Methods of estimation for the number of abused children and their families likely to come to receive services.</td>
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<td></td>
</tr>
<tr>
<td>- By estimating from previous service provision statistics.</td>
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<td>23.6</td>
<td>91</td>
</tr>
<tr>
<td>- By judging from child abuse statistics.</td>
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<td>17.3</td>
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<tr>
<td>- No related data ever in existence in this regard.</td>
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<td>18.8</td>
<td>40</td>
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<td>- Other e.g. assessing from the state of social problems.</td>
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<td>6.4</td>
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<td>4. Setting up a child abuse database within one’s own organization.</td>
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<tr>
<td>- A database has been set up.</td>
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<td>94</td>
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<tr>
<td>- No database has been set up.</td>
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<td>5. The kind of cooperation in child protection given to other agencies.</td>
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<td>- Providing data on abused children and their families as are available.</td>
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<td>- Assisting in the follow-up to the provision of assistance.</td>
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<td>32.6</td>
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<td>- Assisting in coordinating with the families of abused children.</td>
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</tr>
<tr>
<td>- Other e.g. referring abused children to other agencies; coordinating with multi-professional teams; notifying state officials.</td>
<td>23</td>
<td>7.3</td>
<td>25</td>
</tr>
</tbody>
</table>
(Table 6.2 continued)

<table>
<thead>
<tr>
<th>Respondent Data</th>
<th>Before Act enforcement</th>
<th>After Act enforcement</th>
<th>Significance test</th>
</tr>
</thead>
<tbody>
<tr>
<td>(N= 313)</td>
<td>n</td>
<td>%</td>
<td>n</td>
</tr>
<tr>
<td>6. The kind of child protection as a whole as provided by various agencies.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Giving comprehensive services without having to involve any child referral.</td>
<td>59</td>
<td>18.8</td>
<td>70</td>
</tr>
<tr>
<td>- Referring abused children to the care of other state agencies.</td>
<td>127</td>
<td>40.6</td>
<td>131</td>
</tr>
<tr>
<td>- Referring abused children to the care of NGOs.</td>
<td>45</td>
<td>14.4</td>
<td>67</td>
</tr>
<tr>
<td>- Other e.g. providing counseling/assistance as deemed necessary; undertaking therapeutic or rehabilitative activities.</td>
<td>28</td>
<td>8.9</td>
<td>32</td>
</tr>
</tbody>
</table>

1z-tests compare proportions and give p values that correspond to z (Microstat software)

Note:*p < 0.05; ** p < 0.01; ***p < 0.001

Discussion on child protection administration and management

Child protection administration and management before and after the Act had a great number of changes. For instance, some agencies were much more active in setting up work systems to facilitate and serve the performance of duties in accordance with the Act, especially the Ministry of Social Development and Human Security and related child protection workers. Various agencies improved their capability to provide services for target children under their charge. Some methods were more often deployed after the Act to obtain data on the number of children and families intending to use the services provided. In particular, estimation of the number of children needing protection was more often derived from the actual statistics of services provided for abused
children during the past few years. The child abuse database in each child protection organization has expanded. As well there was more cooperation in child protection given to other agencies, especially assisting follow-up to provision of services and coordinating with the families of abused children. Referring abused children to the care of NGOs was used for child protection increased in frequency after the Act.

There were some similar aspects in child protection management before and after the Act reflected that it was essential in reality to create a whole new system capable of implementing new requirements stated in the Act. It was, however, found that most agencies still used the same methods in their child protection administration and management. Also, this study was conducted when the Act was relatively new, a period earmarked for training and educating those involved. It was also a period in which laws, regulations and guidelines in the practice of various matters had not yet been formulated. This probably caused the child protection workers throughout the country to not yet possess the ability to carry out their new tasks. Hence, it was not surprising to see them follow the same old practice while there were still no new guidelines.

However, at the time this study was conducted there had already been some key changes to child protection management, in particular, the setting up of child abuse databases. It was found that after the Act, there was some increase in the setting up of databases on abused children in each respective agency. This could be considered a good aspect of management. To be of greater benefit to the assistance of children, the state should encourage every province to set up a database on abused children at the provincial level in a uniform manner as a matter of policy. At present, however, this has still not occurred.
3. Child Rights *versus* Duties and Rights of Guardians

According to the Child Protection Act 2003

The Concepts Underlying this Act

This Act has principles that correspond to certain concepts, of which the important ones are as follows:

- Children’s rights (every child has the right to protection and development)
- The responsibilities of parents for child-rearing (stipulation that parents must rear children in accordance with prescribed minimum standards and that children have to be returned to their families as soon as they are ready to look after them.)
- Support for children (empowerment of competent officials, administration officials, the police and welfare protection officials to enter premises to check/search for children and separate them from their families to receive welfare protection (Article 41)).

Table 6.3 reveals that the state and problems of the concepts underlying this Act centered on the child protection workers’ lack of complete understanding of those concepts in practice, good as they might be in principle (73.8 percent). Most of the respondents (82.7 percent) suggest how to improve on the application of those concepts in the same way. They recommended determining concretely the patterns of coordination between governmental and non-governmental organizations involved in child protection work so as to enable those concepts to come to fruition. Next, in order of importance (77.3 percent) was provision of knowledge and training for child protection workers, network of agencies and the public to make them understand the concepts and the spirit underlying this Act.
Table 6.3 Respondents viewpoints on the concepts underlying the 2003 Act

<table>
<thead>
<tr>
<th>Problems/Ways to improve</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Problems</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1 The concepts are good but in practice have not yet been fully understood by child protection workers</td>
<td>231</td>
<td>73.8</td>
</tr>
<tr>
<td>1.2 The concepts are too western-based in nature.</td>
<td>89</td>
<td>28.4</td>
</tr>
<tr>
<td>1.3 The concepts are too difficult to be put in practice.</td>
<td>100</td>
<td>31.9</td>
</tr>
<tr>
<td>1.4 The concepts are aimed at providing therapy and rehabilitation for children and hence only light punishment is imposed which causes society to think that the solution of children’s problems is ineffective.</td>
<td>160</td>
<td>51.1</td>
</tr>
<tr>
<td>1.5 Other e.g. there is a lack of publicizing such concepts.</td>
<td>34</td>
<td>10.9</td>
</tr>
<tr>
<td><strong>2. Ways to improve</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1 By providing knowledge and training for child protection workers, network of agencies and the public to make them understand the concepts and the spirit underlying this Act.</td>
<td>242</td>
<td>77.3</td>
</tr>
<tr>
<td>2.2 By determining concretely the patterns of coordination between governmental and non-governmental organizations involved in child protection work so as to render those concepts to come to fruition.</td>
<td>259</td>
<td>82.7</td>
</tr>
<tr>
<td>2.3 By designing an operation handbook indicating the objectives and the good points of each concept.</td>
<td>152</td>
<td>48.6</td>
</tr>
<tr>
<td>2.4 Other e.g. by publicizing those concepts.</td>
<td>26</td>
<td>8.3</td>
</tr>
</tbody>
</table>

Qualitative data gave rather similar answers for this issue. Interviewees were asked whether they considered it appropriate to apply those concepts to Thai society, whether they were appropriate to the state of the problems facing children in Thailand. They were also asked which concepts were inappropriate or should not be applied, which concepts gave rise to difficulties and whether other additional concepts should be introduced.
Most interviewees and the Focus Group Discussion members thought that the above concepts were not problematic and that it was necessary to apply all of them without exception. In fact, previous child protection work had been based on those concepts but they had not been crystallized into definite standards for general use or application.

According to qualitative data, the problems encountered in practice were as follows:

1) Child protection workers were unaware of those concepts underlying the Act.
2) Child protection workers did not understand those concepts and could not apply or adjust them in accordance with the spirit of the Act.

Ways to resolve those problems were suggested as follows:

1) Turn those concepts into something concrete to be put into practice, leading to the formulation of mechanisms, guidelines and step-by-step operation manuals.
2) Thai concepts should also be introduced and used side by side with western ones, especially the application of Buddhist principles to the ethical education provided for those who abused their authority to harm children.
3) Social sanctions should be applied as punishment against child abusers in conjunction with legal measures.

The Child Right to Receive Protection

As stated in Chapter 5, Thai children enjoy some broad rights, according to the 2003 Act, such as the right to be treated with primary importance to the best interests of the child; the right to be taken care of, encouraged and developed by the child’s guardians; the right to be safeguarded by the guardians against harmful circumstances; the right to be protected from being in a state likely to harm the child physically or mentally, or in that which impedes the child’s growth and development; and the right to be protected
from being exposed to harmful advertisements through the mass media or other forms of information.

Data from the survey show some obstacles that make it difficult for Thai children to be protected (Table 6.4). Around four-fifths (81.5 percent) of respondents stated that the majority of child guardians were unaware of child rights. Next, in order of importance, was the ignorance among most children of their own rights (64.2 percent) and the insufficiency of personnel to help provide protection to every child (63.9 percent). Regarding the ways to improve on protecting child rights, more than four-fifths of respondents recommended campaigns to make the public and child guardians aware of the rights that children had according to the Act.

Table 6.4 Respondent viewpoints on implementation problems of the Act in protecting child rights.

<table>
<thead>
<tr>
<th>Problems/Ways to improve</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Problems</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1 Shortage of personnel.</td>
<td>200</td>
<td>63.9</td>
</tr>
<tr>
<td>1.2 Insufficiency of budget allocation for child protection provision.</td>
<td>176</td>
<td>56.2</td>
</tr>
<tr>
<td>1.3 Unawareness of most children of their own rights.</td>
<td>201</td>
<td>64.2</td>
</tr>
<tr>
<td>1.4 Unawareness of most guardians/the majority of those concerned with children of the rights every child has to receive protection.</td>
<td>255</td>
<td>81.5</td>
</tr>
<tr>
<td>1.5 Other e.g. state officials and the public being unaware of children’s rights; incorrect attitudes towards children’s rights.</td>
<td>41</td>
<td>13.1</td>
</tr>
</tbody>
</table>
(Table 6.4 continued)

<table>
<thead>
<tr>
<th>Problems/Ways to improve</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Ways to improve</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1 By increasing the number of personnel.</td>
<td>192</td>
<td>61.3</td>
</tr>
<tr>
<td>2.2 By increasing the budget.</td>
<td>189</td>
<td>60.4</td>
</tr>
<tr>
<td>2.3 By publicizing to make children aware of their rights.</td>
<td>212</td>
<td>67.7</td>
</tr>
<tr>
<td>2.4 By publicizing to make the public/guardians aware of children’s rights.</td>
<td>273</td>
<td>87.2</td>
</tr>
<tr>
<td>2.5 By confining the groups of children entitled to receiving protection to a smaller number of groups.</td>
<td>103</td>
<td>32.9</td>
</tr>
<tr>
<td>2.6 Other e.g. by raising awareness of children’s rights.</td>
<td>59</td>
<td>18.8</td>
</tr>
</tbody>
</table>

Qualitative data from interview and the Focus Group Discussion (FGD) also reflect on the Act’s requirement to have each child entitled to receive welfare protection. There was a broad consensus that the size of the groups entitled to welfare assistance may cause problems in practice. The qualitative data revealed similar opinions on the problems and ways to improve, but the suggestions are more detailed than data from survey.

Regarding the data derived from interviewing resource persons, the important findings were as follows:

Female interviewee, 57 years, Project Officer-Child Protection, United Nations Children’s Fund, UNICEF Office for Thailand, suggested as follows:

It was better to determine the composition and size of the groups of children entitled to receive welfare protection in a broad manner, because it would facilitate prevention work, especially in campaigning for children to know how to take care of themselves. If the groups of children entitled to receive protection were determined in a narrow manner, only problem or abused children would be looked after, while wrongdoers from families where there was abuse, as well
as other groups of children, would be overlooked. Other groups of children would thus become discriminated against. To look after various groups of children was not a difficult task. Each province could undertake it by designating only those children deserving of special assistance as the target group of the province. For instance, the northern provinces of Thailand could place emphasis on the groups of children who were victims of human trafficking which was a serious problem, or if some provinces were plagued with drug problems, they could restrict the composition and size of the group of children who had become drug victims.

Female interviewee, 53, Dean, Faculty of Social Administration, Thammasat University, made the following suggestions:

Solving child protection problems does not depend on the reduction of the size of the groups of children deserving of protection, but on searching out children and screening those in need of protection, which could not as yet be done. This made it impossible to know the exact size of this group of children. Hence, to solve such a problem, it would be necessary to set up a system of searching out and screening children. This necessitates the formation of networks to receive information and cases just like data centers linking personnel and agencies at various levels together so as to lead to child screening. For example, by formulating Child Watch projects in each province with the task of searching out children deserving of protection. More importantly each province had to set up a process of joint deliberations to identify problems and consider which issue was to be of prime concern. The work undertaken should also be data-based so as to make it possible to identify which was the main task and which was the secondary task. This would then lead to the screening of groups of children, classifying those who were abused and those who were abusers. Then joint deliberations had to be undertaken to determine what further action to be taken and what had to be done on a broad basis mechanism-wise to look after children. Hence, child protection in each area should not be similar to that in another area. For instance, protection given to children along the borders should be different from that provided for urban children. There was thus a diversity of protection to be provided for children based on the problems that actually arose.
Male interviewee, 53 years, Deputy Commissioner of Metropolitan Police Bureau thought that requiring each child to have the right to protection was a good concept in principle, because it would enable children to be looked after systematically.

There was, however, the problem of the impossibility to have all the children come under the system. The solution to this problem was to oblige all the concerned agencies to adjust their operations in such a way as to enable them to have access to as many children as possible.

Female interviewee, 48 years, Social Worker, Child Psychiatry Unit, Pediatrics Department, Siriraj Hospital, Mahidol University, believed that although it was required by the Act to have each child entitled to receive protection, the problem encountered was that the mushrooming of child-related problems was too extensive for existing numbers of government officials to cope with all of them. This made it necessary to be selective.

Hence, it was imperative 1) to increase the number of personnel commensurate with the number of problems that arose; 2) to develop the knowledge and skills of child protection workers and more importantly 3) to undertake prevention work in conjunction with protection work. This was because, regardless of the number of children to be protected, if there was no prevention work as well, the problems would not cease to exist. Therefore, a good way to protect children was to attend to the observance of the prescribed child-rearing standards by parents and the reduction of poverty so as to prevent an overwhelming increase in problems.

The Duties and Rights of Guardians

The duty of guardians in rearing children

According to the 2003 Act, guardians must take care, encourage and develop a child under their guardianship in manners appropriate to local tradition, customs and culture but which in any case must not be below the minimum standards as stipulated in the ministerial regulations. They shall also safeguard the child under their care against
potentially harmful circumstances, whether physical or mental (Article 23). The Act provides basic duties for guardians, but both quantitative and qualitative data showed recurring problems in implementing this provision.

The Act has a legal requirement for guardians to rear children in a manner not lower than the prescribed standards. Four-fifths, or 81.2 percent, of respondents thought that most problems arose because most guardians were unaware of minimum standards for rearing children (Table 6.5). Suggestions for ways to improve this situation consisted of campaigning to make the public aware of child rearing standards (82.7 percent) and of educating guardians on rearing children so as to raise their standards (78 percent).

Table 6.5 Respondents viewpoints on problems of rearing children and ways to improve child guardian performance

<table>
<thead>
<tr>
<th>Problems/Ways to improve</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Problems</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1 Most guardians still cling to the old ways of rearing children</td>
<td>178</td>
<td>56.9</td>
</tr>
<tr>
<td>1.2 There is no punishment imposed on guardians who do not rear children in accordance with the prescribed standards</td>
<td>162</td>
<td>51.8</td>
</tr>
<tr>
<td>1.3 Most guardians do not know what minimum standards of rearing are</td>
<td>254</td>
<td>81.2</td>
</tr>
<tr>
<td>1.4 State officials cannot supervise the rearing practice at large</td>
<td>200</td>
<td>63.9</td>
</tr>
<tr>
<td>1.5 Other</td>
<td>28</td>
<td>8.9</td>
</tr>
<tr>
<td><strong>2. Ways to improve</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1 By educating guardians on rearing children so as to raise their rearing standards</td>
<td>244</td>
<td>78.0</td>
</tr>
<tr>
<td>2.2 By designing measures capable of making guardians provide standard rearing</td>
<td>214</td>
<td>68.4</td>
</tr>
<tr>
<td>2.3 By publicizing and campaigning to make the public aware of the need to provide standard rearing</td>
<td>259</td>
<td>82.7</td>
</tr>
<tr>
<td>2.4 Other</td>
<td>45</td>
<td>14.4</td>
</tr>
</tbody>
</table>
Interviews gave more detail than survey data. Interviewees considered that minimum child-rearing standards were a useful tool for child protection workers to check whether parents complied with the minimum standards in rearing their children. Protection workers could then probe reasons for not doing so. The reasons once known could lead to the solution of the problems that arose. Nevertheless, most interviewees believed that such a minimum standards requirement still gave rise to certain problems, namely:

1) It could not be applied to every family and it was impossible to have every family rear children in accordance with the prescribed minimum standards, because there were still a large number of children who were reared in a sub-standard manner due to their parents’ lack of readiness and their not being in a position to do better. There were many factors that gave rise to such a situation e.g. the poverty faced by families, parents’ obligation to go out to work and make a living. As a result, they did not have time to rear their children by themselves or devote time to their offspring as much they should have done or they had a low income and were so destitute that they could not rear their children in accordance with the prescribed standards. Some parents had a low education and lack knowledge of child development and child nutrition. Others had personality problems, were stressed and had other problems that prevented them from rearing their children by themselves.

2) The majority of the population could not as yet realize what the minimum standards set by the state were. Only government officials and concerned professionals knew what they were, because they were not yet publicized.

3) There was the problem of follow-up to evaluate whether the parents and guardians had reared their children in accordance with the minimum standards. This was because Thailand did not have a custom of following up to enforce the law.
Regarding the ways to solve those above-mentioned problems, most interviewees considered it important to:

1) Strengthen the potential of families and increase the number of measures and social mechanisms to protect children. The state should formulate measures and set up mechanisms and various kinds of welfare to help children who had been reared in a sub-standard manner. Concerned agencies should also see to it that all members of the family, whether parents, guardians or children had a better living condition and promote the development of children in conformity with their age.

2) Urge society to accept and attach importance to pre-marital counseling, educate those who started to have a family on pregnancy, child development for each age group and child-rearing. The organization to be responsible for all this should be the Ministry of Public Health which had to expedite the creation of other responsible agencies and auxiliary systems as well as set up a linkage of mechanisms concerned with those duties.

3) Look for agencies to take care of children in lieu of parents who were not equipped to do so as a kind of family assistance/family support, to increase the number of adoptions of children, to increase the number of good foster homes, to improve on the existing system and attach greater importance to home visits by classifying groups of children and families to be visited.

4) Train child protection workers to be aware of the existence of minimum rearing standards and to understand what they were and how important they were.

5) Change the attitudes of the public and make the observance of minimum rearing standards part of what society had to undertake and encourage everybody to share the same objective to have children receive standard rearing.

6) Possess basic data by instructing community agencies to develop a database and participate in the collection of data in the communities so as to make use of them in resolving the problems that arose.
7) Assign the child protection committee of each province to evaluate the child-rearing of parents and guardians and determine whether it conformed to the prescribed standards.

Male interviewee, 39 years, Lawyer attached to the Center for the Protection of Children’s Rights Foundation, stated that the inability of parents to rear their children in accordance with the prescribed minimum standards could be considered as a kind of structural problem.

The parents’ unreadiness to live a marital life, their unreadiness to have children and their unreadiness and lack of skills to rear children, all these factors constituted a big problem. There was also the problem of lack of government officials and agencies capable of following up on the state of families and strengthening their potential as well as really checking their child-rearing standards.

Female interviewee, 53 years, Dean, Faculty of Social Administration, Thammasat University, was of the opinion that it was compulsory for parents to know what the prescribed minimum standards were. Although the minimum standards had come into existence, they were known and acknowledged only among government officials and concerned professionals, while families were still in the dark about them. It was necessary to make families become aware of their existence by using pre-marital counseling to bring about guidelines to follow. This could start from the beginning phase to the pregnancy phase, enabling parents to know how to rear children at each age interval.

Only the proclamation of the Act alone did not suffice. It was imperative to expedite the search for responsible persons and agencies, the setting up of sub-systems and the formation of mechanisms linkages which should be entrusted to the Ministry of Public Health.
The right of the guardians to bring their case to court

According to the 2003 Act (article 38), in cases where the provincial Governor orders a child to receive welfare assistance without the consent of the child’s guardian, or where the guardian disagrees with the specified period of assistance, or where the guardian had submitted a request to take a child back into guardianship but such request had been rejected - the child’s guardian has the right to bring the case to court. From the viewpoint of the respondents, there are many guardians who were unaware of such rights (Table 6.6).

Table 6.6 shows the situation regarding guardians and their rights to bring the case to court. More than half of respondents stated that most guardians are ignorant of their own rights, are not interested in exercising their own rights, and competent officials have not advised guardians to exercise their rights. Regarding the ways to improve on this shortcoming, more than four-fifth of respondents (82.1 percent) recommended urging guardians to realize the importance of exercising their rights for the interests of their children. Next, in order of importance (79.2 percent), was publicizing to make guardians aware of their rights.
Table 6.6 Respondents viewpoints on guardian rights to bring cases to court

<table>
<thead>
<tr>
<th>Problems/Ways to improve</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Problem</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1 Most guardians are ignorant of their own rights</td>
<td>234</td>
<td>74.8</td>
</tr>
<tr>
<td>1.2 Most guardians are not interested in exercising their own rights.</td>
<td>178</td>
<td>56.9</td>
</tr>
<tr>
<td>1.3 Competent officials have not advised guardians to exercise their rights.</td>
<td>174</td>
<td>55.6</td>
</tr>
<tr>
<td>2. Ways to improve</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1 By publicizing to make guardians aware of their own rights.</td>
<td>248</td>
<td>79.2</td>
</tr>
<tr>
<td>2.2 By entrusting competent officials with the task of informing guardians about their rights.</td>
<td>195</td>
<td>62.3</td>
</tr>
<tr>
<td>2.3 By urging guardians to realize the importance of exercising their rights for the interests of their children</td>
<td>257</td>
<td>82.1</td>
</tr>
</tbody>
</table>

4. Conclusion

The survey results on the state of child protection in Thailand before and three years after the enforcement of the Child Protection Act 2003 reported in this chapter showed relatively small differences in the “before and after” child protection practices and related management. The services provided and the management of child protection by most workers did not change much, despite the problems encountered. The sources of data on abused children did change: after the Act most respondents obtained their data from more sources, especially the police or teachers. The setting up of child abuse databases was another important difference, after the Act.

Regarding the concepts underlying the Child Protection Act 2003, the information from both quantitative and qualitative data shows most child protection workers were unaware of or did not understand those concepts. Three years after the enforcement of
the Act, there were still problems in providing welfare protection, and a large number of children themselves had no access to the services provided by the state. Regarding the legal requirement for guardians to rear children in a manner not lower than the minimum standards, there are still some problems because of low education and lack of public information. As well there is ignorance among guardians about their right to bring the case to court when the guardian disagrees with the authorities’ sending their children to receive welfare.
Chapter 7

Problems Implementing
the Thai Child Protection Act of 2003 and
Ways to Improve the Child Protection System

1. Introduction

The Child Protection Act 2003 created some new rules in child protection practice in Thailand. As stated in Chapter 5, the Act included the first mandatory reporting law in Thailand. It also gave new powers to officials who receive notifications about child abuse or witness child abuse taking place. Officials now have the power to enter and inspect such a place and separate the child from the family in order to provide protection at the earliest opportunity. Also, the requirement to set up child protection mechanisms in every province, especially the Provincial Child Protection committee, are important changes.

The new child protection system in the 2003 Act was inspired by child protection models from some developed countries such as the USA, Canada, England and Australia which all had regulatory systems with their own distinctive features. In Thailand, the use of such new procedures is an innovation for a large number of professionals who are responsible for child protection work. The following viewpoints of Provincial Child Protection committees and professionals involved in child protection show many problems or constraints occurred when implementing the Act and contain suggestions to improve the situation.
This chapter presents the results and interpretation of both quantitative data from a mail-out survey and qualitative data collected from interviews and Focus Group Discussions (FGD). These data allow the answering of the research questions in Objective No. 3. That is to identify problems with the enforcement of the Child Protection Act of 2003 and to suggest ways to improve the child protection system according to the Act. The main elements of the child protection system presented here consist of notifying and mandatory reporting, investigation, intervention, and child protection mechanisms.

The findings of the study are divided into two sections: the problems with the 2003 Act and suggestions for ways to improve the Act.

2. Notifying and Mandatory Reporting

According to the 2003 Act children enter the child protection system by one of two channels: the first, notifying or reporting by the community; and the second, reporting by certain groups of professionals. The findings are reported separately for each channel as follows:

Notifying or Reporting by the Community

According to the 2003 Act, people must report child abuse cases they have witnessed. This empowers the public to intervene with initial assistance to children in need of protection. A requirement is imposed on the public to notify the authorities of the abuse cases that they have witnessed without imposing any punishment on those eyewitnesses who failed to notify (Article 29 Para 1).
Table 7.1 summarizes the survey results on the requirement to enable every community member to notify authorities – competent officials, administration officials and police officers – of all child abuse cases. The most common factor seen as inhibiting the public from reporting child abuse were that most of the public believe that it is an internal domestic affair (85 percent). Next, in order of importance, was the public’s ignorance of the Act’s requirement to notify authorities of child abuse cases (70 percent).

The table also shows opinions on the ways to improve on such a requirement centered on the public’s abstention from notifying authorities about child abuse. To improve on the mandatory reporting requirement, the majority of respondents (79-89 percent) recommended providing more education to make the public aware of the importance of abuse notifications, publicity to acquaint the public with the kind of agencies in charge of accepting notifications, and publicizing to make the public aware of the Act. Some respondents (about two-fifths) recommended imposing a punishment on those who fail to notify of abuse cases witnessed.

<table>
<thead>
<tr>
<th>State &amp; Problems/Ways to improve</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. State/Problems</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Members of the public are ignorant of their duties</td>
<td>219</td>
<td>70.0</td>
</tr>
<tr>
<td>Members of the public do not know where to notify authorities of the abuse cases witnessed</td>
<td>202</td>
<td>64.5</td>
</tr>
<tr>
<td>Members of the public think that child abuse in an internal domestic affair and hence abstain from notifying authorities</td>
<td>266</td>
<td>85.0</td>
</tr>
<tr>
<td>Other e.g. members of the public are afraid of the ensuing repercussions</td>
<td>47</td>
<td>15.0</td>
</tr>
</tbody>
</table>
Qualitative information from interviews revealed both similar and some different problems related to public notification of authorities of abuse as follows:

1) Similar to the quantitative data, interviewees felt the public were not aware of their power and duty regarding this matter or did not want to get involved or did not dare to exercise that power because they were afraid of the resulting complications that might arise, not to mention their fear of having to go to court or being assaulted later. Hence, despite the legal requirement to have the public come to the assistance of abused children, nothing much had taken place.

2) Distinct from the quantitative data the interviews raised the issue that the state lacked the necessary budget to publicize the duty of the public to notify witnessed child abuse. The agencies responsible for budget allocations had not considered this matter and no money had been assigned to publicizing the Act or its implications for the public in the first year of the Act’s enforcement. Whatever budget that was allocated in the following years had mostly been used for organizing child protection committee meetings.
Interviews also revealed that giving initial assistance to abused children (before notify
the abuse cases) was something interviewees thought that although members of the
public who were eyewitnesses had to do voluntarily, it was difficult to superintend the
public’s role in this matter. At the same time it was also difficult to search out members
of the public who had witnessed abuse cases and failed to report them.

The overview of ways to improve on such a situation given by the interviewees
consisted of the following measures:

1) The state had to launch publicity campaigns to make the public aware of the scope of
their notification duty and the possibility of reporting abuse incidents to many agencies
and not just to the police only. Guidelines to offer initial assistance to abused children
could be imparted to the public by using the public communication process and
selecting target groups and areas to propagate appropriate and relevant knowledge by
starting from the areas where there already were child protection workers.

2) The public should be made to understand that this matter was the responsibility of
each member of the public and they should not be indifferent to child abuse cases they
had witnessed without doing anything about them.

3) Campaigns should be launched to make the public report child abuse cases to the
concerned agencies to enable abused children to receive welfare protection as quickly as
possible and to solve the problem of the public’s reluctance or fear to come to the assistance
of abused children.

4) The public should be assured that their compliance with the Act in this matter would
not bring about any problems, negative consequences or repercussions for them. More
importantly, the state had to provide protection for members of the public who performed
this duty in the same manner as in the case of witness protection. At the same time,
various business groups concerned with children should be urged to participate in anti-
child abuse campaigns and in the networks to be set up in the long run. This was intended to make those business groups have on their conscience that they should not only derive benefits from children but should also participate in protecting them.

Regarding the data derived from interviewing human resource persons, the important findings were as follows:

Female interviewee, 53 years, Dean, Faculty of Social Administration, Thammasat University, offered the following viewpoints:

The problem with this matter was that the public were ignorant of and unfamiliar with such empowerment because there had never been any law that provided the public with such a power before. The solution to this was to have the public educated about childrens’ rights. The public communication process had to be used to enable the public to realize and acknowledge that they had the right and power to deal with child abuse incidents they had witnessed. This was a matter that would take time to accomplish. The government officials, for their part, had to know how to select areas they should go to propagate this matter and map out which areas where there already was child protection work and where teams of child protection workers were already present. The government officials’ ability to pinpoint the areas and the above-mentioned personnel would make the communication meaningful and help in the selection and screening of those who helped to communicate and those who received communications.

Male interviewee, 43 years, Superintendent of Child and Juvenile Welfare Unit, stated that in practice, a large number of people who were witnesses to children being abused dared not intervene to help them for fear of having the duty to go to court as witnesses, which they were reluctant to do.
The solution to this was to publicize to make the public understand that offering assistance to abused children was a duty prescribed by the Act.

The suggestions from the Focus Group Discussion for the ways to develop the notifying by the public are rather similar to those from survey and interviews especially in terms of promoting public education. FGD members however gave additional guidelines for solving this problem suggesting policies which should be made and concrete activities at both national and provincial levels.

**The Mandatory Reporting by Professionals**

According to the 2003 Act, a requirement is imposed on certain professionals to report the child abuse incidents they have witnessed. These professionals (doctors, nurses, social workers, psychologists, public health personnel, teachers, employers) must report without delay evident child abuse cases, suspected child abuse or cases of illness resulting from abuse neglect or inappropriate rearing to competent officials or those responsible for child welfare protection without imposition of punishment in case of failure to report (Article 29 Para 2).

Over half of the respondents (56-54 percent) viewed this as problematic as professionals failed to report abuse cases as they were unaware of their legal obligation and the lack of punishment imposition in case of failure to report (Table 7.2). More than half of respondents (62.6 percent) indicated that failing to report was resulting in the offending guardians being able to avoid prosecution and to have the possibility of abusing/neglecting their children again.
Regarding the ways to improve on such a requirement, education in the requirements of the Act and training for those above-mentioned professionals and making them aware of their obligation to report were recommended by around four-fifths of respondents (81.8 percent), while three-quarters of those (75.7 percent) recommended the soliciting of cooperation from the state agencies of attachment in ordering their personnel to perform their duties conscientiously.

Table 7.2 Opinions on mandatory reporting in abuse cases witnessed by certain groups of professionals

<table>
<thead>
<tr>
<th>State &amp; Problems/Ways to improve</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. State/Problems</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1 Some professionals do not report because they are overloaded with work</td>
<td>135</td>
<td>43.1</td>
</tr>
<tr>
<td>1.2 Some professionals fail to report because they are unaware of their legal obligation to do so</td>
<td>176</td>
<td>56.2</td>
</tr>
<tr>
<td>1.3 Some professionals do not report because there is no imposition of punishment in case of failure to report</td>
<td>170</td>
<td>54.3</td>
</tr>
<tr>
<td>1.4 Other problems e.g. some professionals lack a sense of conscience and duty obligation</td>
<td>30</td>
<td>9.6</td>
</tr>
<tr>
<td>Results of failure</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.5 Failure to report deprives abused/neglected children of protection</td>
<td>150</td>
<td>47.9</td>
</tr>
<tr>
<td>1.6 Failure to report results in the offending guardians being able to avoid prosecution and they may be in a position to abuse/neglect their children again</td>
<td>196</td>
<td>62.6</td>
</tr>
<tr>
<td>2. Ways to improve</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1 By amending relevant laws to impose punishment on the professionals who fail to report</td>
<td>140</td>
<td>44.7</td>
</tr>
<tr>
<td>2.2 By providing knowledge of the Act and training for professionals and making them aware of their obligation to report</td>
<td>256</td>
<td>81.8</td>
</tr>
</tbody>
</table>
(Table 7.2 continued)

<table>
<thead>
<tr>
<th>State &amp; Problems/Ways to improve</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.3 By setting up a system to inspect and monitor the work of concerned competent officials</td>
<td>201</td>
<td>64.2</td>
</tr>
<tr>
<td>2.4 By soliciting cooperation from the state agencies of attachment in ordering their personnel to perform their duties conscientiously</td>
<td>237</td>
<td>75.7</td>
</tr>
<tr>
<td>2.5 Other e.g. by setting up guidelines in reporting ; by raising the professionals’ conscience and awareness of this matter</td>
<td>43</td>
<td>13.7</td>
</tr>
</tbody>
</table>

Data from interviews on mandatory reporting reveal the same problem as previously mentioned, i.e. the unawareness and misunderstanding of most professionals that they had the duty and responsibility to report child abuse cases. The interviewees also reported some extra problems with the requirement for mandatory reporting, they are as follows:

1) Some professionals know that they had the duty to report child abuse cases but did not know how to do it. They did not know which issues to report and to whom or in what form to report. Hence, in general, most professionals still had not undertaken much reporting. Several provinces still had no reports submitted. Some provinces had received a number of reports but they lacked certain important details, giving, for example, only the results of the abused children’s physical examination.

2) The personnel in other child-related professions, especially nurses and doctors still did not have an understanding of this matter and most did not have the status of competent officials according to the Act. Hence, they had not as yet been trained to understand how to report, resulting in the professional teams working without coordination, cooperation or common objectives as well as lacking in giving the kind of data that had to be used and mentioned in reporting with all speed, especially the request for the results of the abused children’s physical examination, which sometimes took a long time to process.
3) Some professionals felt that the necessity to report was an added burden because previously some of them took child-related work as temporary replacement assignment and not their main duty.

4) Some people who reported child abuse could not have access to the necessary data, resulting, in some cases, from a lack of knowledge and understanding of evidence.

As regards the data derived from interviewing human resource persons, the important findings were as follows:

Male interviewee, 52 years, Faculty of Medicine, Chiang Mai University, pointed out the problem of doctors and nurses having no knowledge of the Act, resulting in a lack of widespread performance of duty.

Doctors’ diagnoses are undertaken just to know what abuse was inflicted on the children and in what manner. Besides, as this was already the normal duty of doctors, they, therefore, did not know that this was an additional duty. Some doctors, upon witnessing children being abused did not know or understand whom to contact and how to do it. They thus did not attach greater importance to this matter. Besides, those who undertook child-related work could be found in large hospitals only, whereas small hospitals had no doctors doing child-related work specifically and concentrated on providing medical treatments to patients only.

Female interviewee, 42 years, Social Worker, Lamphun Province Social Development and Human Security Officer stated that child protection workers had never submitted reports despite there being cause for suspicion sometimes.

For instance, children coming to see doctors with complaint of stomach-ache were diagnosed by doctors as having womb inflammation which should rather be suspected as a consequence of sexual abuse, but it was not reported. The reasons for this kind of occurrence might be that there
was a lack of knowledge and understanding of the issue involved or a lack of evidence to substantiate the abuse incident. At present, medical personnel had become more prudent than previously, for fear of being subjected to complaints in case of making a mistaken diagnosis. As a result, child protection in this regard was thus neglected.

**Suggestion for mandatory reporting improvement**

Qualitative data from interviews showed broadly similar views on ways to improve on this requirement. The main suggestions are setting up guidelines of reporting and educating/training for professionals to make them aware of their obligation to report. The details of those suggestions were as follows:

1) **Setting up guidelines:** It might be necessary to set up a particular format or way of reporting appropriate to each profession so as to serve as guidelines for various professionals to report conveniently. A format might not always have to be established because each professional might report differently. A knowledge of what to do would suffice.

One male interviewee, 57 year old, Director and Secretary-General, The Center for the Protection of Children’s Rights Foundation pointed out that it was necessary to inculcate every profession with a sense of conscience to make its members realize that reporting abuse cases by every profession in accordance with the Act constituted a part of standard compliance of that particular profession.

Besides, standard control of reporting had to be conducted by the organization representing that particular profession as well.

The suggestions from FGD members for various relevant professions are asking each profession to develop reporting methods, designing forms for making reports, assigning
the person to receive reports and the person to screen and refer children to other related agencies, settling the conflict arising from what children’s data to be guarded as secrets and what data to be reported so as to enable the practitioner to have confidence in his work. For instance, in the medical profession, the doctor in charge of examining abused children should be required to fill out a form giving their preliminary details so as to be able to use them in making reports later.

2) *Educating & training:* Professionals should be educated and trained to have child abuse on their conscience and be aware of their role and duty that they had to report child abuse cases and to know how to do it and for what purposes. In particular, they had to realize that their reports could be used as evidence in court or as evidence to support the request for the court to order the sending of children to receive welfare and protection in various welfare centers.

The professionals should be also educated and trained to have a well-rounded knowledge. They should know the steps to search for facts, should be able to collect the necessary evidence, observe clues, know how to evaluate the state of children and their families, decide whether the abused children should receive welfare or protection or not and draw up individual assistance plan for each child.

3) *Working together in team:* The professionals should set up teams of co-workers who understood the nature of their work and could work together as a team so as to give support and assistance to one another, thus helping to reduce the burden they had to bear.
One male interviewee, 37 years, a Lawyer attached to The Center for the Protection of Children’s Rights Foundation suggested that the solution to this issue should involve two levels of personnel. High-ranking superiors of each category of professionals should arrange meetings to enable them to have the same understanding of what was involved and set up the same guidelines to follow in practice.

Related documents should also be circulated to make various subdivisions aware of their duty to report, the ways to do it and the agencies to which they had to send their reports. As for the professionals of each profession, education and training had to be provided for them to have a better understanding of and skills in giving initial assistance to abused children and to know what subject matters to be included in the reports they had to submit.

One of the female FGD members, 45 years, suggested another way of working together by:

creating networks of professionals in accordance with Article 29 Para 2 with the coordination centre located at the Office of Social Development and Human Security and providing training for those involved in child-related work who are members of those networks.

3. The Intervention

Intervention to help abused children and their families according to the 2003 Act can be carried out by the public or by state officials.

**Intervention by the Public**

The Act imposes the requirement on members of the public who witness incidents of child abuse to intervene to help and to give initial assistance to children in need of welfare assistance or protection before notifying authorities or competent officials (Article 29).
Table 7.3 reveals that most of the Provincial Child Protection Committee respondents stated that the public’s abstention from intervention arose from their belief that child abuse was an internal domestic affair (83.4 percent). More than two-thirds of respondents thought that this related to the public’s ignorance of the Act empowering them to have the rights and duties to intervene to help and protect children (65.5 percent).

Regarding the ways to improve on such a provision of rights, almost 90 percent of the respondents recommended the setting up of a peoples’ network to help guard against child abuse and watch out for abuse incidents. Educating and training the public to become aware of their rights and duties according to the Act was another measure recommended by nearly four-fifths of respondents (see Table 7.3).

Table 7.3 Opinions about intervention to help abused children by the public*

<table>
<thead>
<tr>
<th>State &amp; Problems/Ways to improve</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. State/Problems</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1 The public are unaware of their legal rights/duty to intervene.</td>
<td>205</td>
<td>65.5</td>
</tr>
<tr>
<td>1.2 The public think that child abuse is an internal domestic affair and hence abstain from intervening to help.</td>
<td>261</td>
<td>83.4</td>
</tr>
<tr>
<td>1.3 Other e.g. the public dare not intervene because they are afraid of the ensuing repercussions.</td>
<td>46</td>
<td>14.7</td>
</tr>
<tr>
<td>2. Ways to improve</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1 By setting up a community volunteer mechanism to protect children in addition to other existing mechanisms.</td>
<td>222</td>
<td>70.9</td>
</tr>
<tr>
<td>2.2 By setting up a people’s network to help guard against child abuse and watch out for abuse incidents.</td>
<td>275</td>
<td>87.9</td>
</tr>
<tr>
<td>2.3 By educating and training the public to become aware of their rights and duties according to the Act.</td>
<td>241</td>
<td>77.0</td>
</tr>
<tr>
<td>2.4 Other e.g. by improving on the notification system and setting up measures to protect abuse notifiers.</td>
<td>55</td>
<td>17.6</td>
</tr>
</tbody>
</table>

*Based on questionnaires sent to Provincial Child Protection committee members
Qualitative data obtained from the Focus Group Discussions also showed the same problems as the survey regarding intervention by the public. However, the qualitative data revealed more details on the way to improve those problems. They are as follows:

- Educating the public on their duties according to the Act, the meaning and characteristics of child abuse, the nature of providing initial assistance for abused children, the list of contact notification agencies as well as the instilling of a sense of conscience into the public to contribute to looking after children in communities.

- Changing the attitude of people by convincing them that child-related problems are not just internal family matters but are social problems that everyone has to help solve without being indifferent to the child abuse incidents or the neglect of children that have been witnessed. This is to solve the problem of the public being reluctant to intervene in spite of having been witnesses of those happenings.

- Providing safety guarantees for those members of the public who have intervened to help abused children so as to solve the problem of the public’s fear of the negative effects arising from their intervention in order to help the abused children.

**Intervention by State Officials**

The 2003 Act empowers state officials (competent officials, administration officials, police officers), to provide safety protection for children allegedly abused or those who witness abuse incidents. They also have the authority to enter and search premises and to separate abused children from their families to provide them with protection as quickly as possible (Article 41).
Child and family interventions by state officials, according to the above article, can happen in 2 ways: one is separating abused children from their families and the other is the safety protection and welfare provided for abused children and their families. The results of the survey questionnaire on this issue are as follows:

1. Entering and searching premises, separating abused children from their families

Table 7.4 reveals problems regarding state officials exercising their power. Around three-fifth (67 percent) of respondents reported problems with state officials lacking data on abused children and hence their failure to exercise this power. The problem of state officials’ having to face guardians’ opposition was also commonly reported (59 percent).

To improve on empowerment of officials to intervene, around three-quarters (71-78 percent) of respondents recommended 3 ways: 1) educating and training state officials to familiarize themselves with the power; 2) campaigning to make the public attach greater importance to notifications of abuse cases; and 3) setting up a multi-professional team with clear roles and duties.
### Table 7.4 Opinions regarding interventions to enter and search premises and to separate abused children from their families by state officials

<table>
<thead>
<tr>
<th>State Problems/Ways to improve</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. State/Problems</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1 State officials lacking data on abused children cannot intervene.</td>
<td>211</td>
<td>67.4</td>
</tr>
<tr>
<td>1.2 State officials have to face guardians’ opposition.</td>
<td>185</td>
<td>59.1</td>
</tr>
<tr>
<td>1.3 State officials are unaware of their empowerment.</td>
<td>99</td>
<td>31.6</td>
</tr>
<tr>
<td>1.4 Other e.g. state officials lack the necessary skills and legal knowledge and hence dare not exercise discretion.</td>
<td>37</td>
<td>11.8</td>
</tr>
<tr>
<td><strong>2. Ways to improve</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1 By campaigning to make the public attach greater importance to notifications of abuse cases.</td>
<td>240</td>
<td>76.7</td>
</tr>
<tr>
<td>2.2 By increasing the workforce of state officials working in this capacity.</td>
<td>181</td>
<td>57.8</td>
</tr>
<tr>
<td>2.3 By educating and training state officials to familiarize themselves with the power they are given and the appropriate and proper practice to follow.</td>
<td>245</td>
<td>78.3</td>
</tr>
<tr>
<td>2.4 By setting up a multi-professional team with the roles and duties of its members clearly set out and defined to perform this task together.</td>
<td>223</td>
<td>71.2</td>
</tr>
<tr>
<td>2.5 Other.</td>
<td>27</td>
<td>8.6</td>
</tr>
</tbody>
</table>

Qualitative data obtained from the study indicated similar problems with state officials exercising their intervention powers. The additional important points raised from Focus Group Discussions are the presence of several Articles empowering competent officials as stated in the Act gives rise to the problem of competent officials not knowing which power to exercise, not daring to exercise power or using the power they possessed incorrectly. This is especially notable in their failure to send abused children to receive
physical and mental examination immediately because of their lack of clear understanding of their responsibilities.

The ways to improve on such empowerment suggested by interviewees and FGD discussants were also similar to the survey data. One different suggestion was to pay more attention to the police and legal counselors’ roles in exercising this power of state officials.

Regarding data derived from interviewing resource persons, important findings were as follows:

One male interviewee, 50 years, Provincial Public Prosecutor, Nan Provincial Public Prosecutor Office stated that the omission to require police officials to be competent officials according to this Act might affect the handling of various child abuse cases that took place.

In particular, if a criminal charge was to be filed as a result having the police participate from the outset it would enable them to make the proper decision to bring the offender to court, because they had experience in handling offenders. Otherwise, without their active participation, there might only be just an admonishment and the offender would then be released. Hence, police officers should also serve as competent officials according to this Act, because it would make child protection work more effective, thanks to their being in the best position to come across the most cases of child abuse.

Female interviewee, 57 years, Project Officer-Child Protection, United Nations Children’s Fund, UNICEF Office for Thailand proposed that in case of non-emergency and in order to make it less risky for competent officials, police officers might have to accompany them in their search and child separation.
Male interviewee, 56 years, Director-General, Department of Juvenile Observation and Protection, Ministry of Justice suggested that serious training should be provided for child protection workers or teams of legal counselors should be set up to provide legal counseling for them.

2. **Safety protection and welfare provision for abused children and their families**

Table 7.5 shows that more than three-fifths of the respondents (60-70 percent) indicated problems with the provision of safety protection and welfare for abused children and their families centered on the difference in the availability of resources for providing services in each area/province. The services provided for children mostly consisted of those for short-term living only and could not meet the real needs of every child and guardian because of existing constraints. So most respondents (81.5 percent) recommended service provision aimed at enabling children and their families to live a good life in the long run.

| Table 7.5 Opinions on the welfare provided for abused children and their families |
|---------------------------------------------------------------|--------|----------|
| **State/Problems/Ways to improve**                           | Number | Percentage |
| 1. State/Problems                                            |        |           |
| 1.1 The welfare services cannot be provided to meet the real needs of every child because of existing constraints. | 189    | 60.4      |
| 1.2 There is a difference in the availability of resources for providing services in each area. | 221    | 70.6      |
| 1.3 The services provided for children mostly consist of those for short-term living only. | 214    | 68.4      |
| 1.4 Other e.g. no need assessment is undertaken in the provision of services; there is a lack of experts on therapy, rehabilitation and welfare center administration. | 31     | 9.9       |
Qualitative data obtained from the study revealed similar problems in the provision of safety protection and welfare for abused children and their families. However, FGD discussants suggested another interesting way to improve service provision - modify the competent officials’ way of thinking and their ways of providing assistance. Instead of providing assistance based on a fixed formula for each child, namely the giving of money and sundries or referrals to welfare centres, they should assist in accordance with Article 23 and Article 33 Sub-para1 which aim to provide client-centred assistance and welfare for children and their families or those who support children. This will provide children with case-by-case customized assistance.
4. The investigation by responsible officials

According to the 2003 Act, responsible officials have the power and duties to be in charge of child abuse investigations. This includes the power to search for facts and collect data on children and their families (Article 30), to trace and observe them if need be and to determine appropriate safety protection measures to take in accordance with Article 42. The persons in charge of protecting the safety of children also have the power and duties to search for and collect data on the children and their families after admitting the children into remand homes, welfare centres or development and rehabilitation centres in accordance with Article 37.

Table 7.6 indicates the state and problems regarding the Act’s empowering responsible officials to enter various premises to question children and their guardians so as to search for facts for child protection purposes. Over three-fifths of the respondents (66-68 percent) reported that responsible officials lacked the skills required to effectively investigate. Data collection was also a problem, as it usually relied, in practice, on such easy methods as simple questioning, resulting in inadequate and sketchy data.

Most of the respondents (76-82 percent) recommended the situation could be improved by: 1) setting up of a work system for competent officials to enable them to investigate effectively; 2) training competent officials to improve their investigation skills; and 3) designing guidelines and work manuals for multi-professional team investigations.
Table 7.6 The empowerment of responsible officials to search for facts for child protection purposes

<table>
<thead>
<tr>
<th>State/Problems/Ways to improve</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. State/Problems</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1 Collection of data usually relies, in practice, on such easy methods as simple questioning, resulting in inadequate and sketchy data.</td>
<td>209</td>
<td>66.8</td>
</tr>
<tr>
<td>1.2 Competent officials are unable to find the time to do what is required of them because of the increased and time-consuming workload involved in entering premises to question children and their guardians.</td>
<td>172</td>
<td>55.0</td>
</tr>
<tr>
<td>1.3 Competent officials lack knowledge of and skills in searching for facts.</td>
<td>215</td>
<td>68.7</td>
</tr>
<tr>
<td>1.4 The Act has given much power to collect data but lacks measures to control the operations of competent officials, which may affect personal freedom.</td>
<td>96</td>
<td>30.7</td>
</tr>
<tr>
<td>1.5 There is a lack of fact-searching system to be used as guidelines in the operations of those concerned.</td>
<td>169</td>
<td>54.0</td>
</tr>
<tr>
<td>1.6 Other.</td>
<td>19</td>
<td>6.1</td>
</tr>
<tr>
<td>2. Ways to improve</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1 By training competent officials to have knowledge of and skills in searching for facts systematically and concretely.</td>
<td>240</td>
<td>76.7</td>
</tr>
<tr>
<td>2.2 By designing guidelines and work manuals that place emphasis on multi-professional team work in searching for facts.</td>
<td>238</td>
<td>76.0</td>
</tr>
<tr>
<td>2.3 By designing mechanisms to control the quality of data search and collection.</td>
<td>216</td>
<td>69.0</td>
</tr>
<tr>
<td>2.4 By setting up a work system for competent officials to enable them to search for facts effectively without affecting personal freedom.</td>
<td>259</td>
<td>82.7</td>
</tr>
<tr>
<td>2.5 Other.</td>
<td>28</td>
<td>8.9</td>
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</tbody>
</table>
Interview data reveals some more details that the problems encountered at the initial stage of the enforcement of Article 30 Paragraph 1 (to enter homes, for the purpose of searching, in those cases where there is reason to suspect that an act of abuse has been committed against a child) were as follows:

1) The officials in charge of enforcement were still ignorant of and lacking experience in the underlying principles of the Act, interview techniques, data collection methods and proper access to data. Despite their previous training, they were still reluctant to proceed with their duties. In particular, although, as competent officials, they were empowered to enter premises to help children without a search warrant, most of them, being social workers or psychologists by profession, had never undertaken the task of entering premises to search out children before and hence were afraid to do so.

2) In their attempts to enter various premises to perform such a duty, most competent officials were worried their safety was not properly guaranteed. In particular, in their search for children and their discovery of certain evidence, they were afraid of being assaulted, of violating personal rights and of being sued later because the proprietors of those premises did not cooperate with their investigation, unaware that they were competent officials empowered by the Act to do what they did.

3) Competent officials still had the problem of searching out children who were victims of violence.

4) From the government officials’ viewpoints, this sector considered the enforcement of Article 30 to be an added burden, owing to the lack of clarity in assigning each agency specific tasks for which it was to be responsible. Besides, all the government officials had other regular work to do already, not to mention the overwhelming load of clerical work they had to do as well.
Suggestions for improving on the enforcement of Article 30 Paragraph 1 were as follows:

1) Importance should be attached to training, improving skills and creating a better understanding of this matter for competent officials, making them realize that entering and searching premises was different from the duty of police investigators in that the purpose was only to help children and not to search and collect evidence or to look for offenders, which was the duty of the police who would proceed to do so when complaints were lodged with them. Responsible officials should also be trained to have knowledge of what issues they should investigate and which issues require collection of evidence.

2) Before entering various premises, responsible officials should ask the police, administration authorities or those in charge of child welfare protection for cooperation e.g. having the heads of local administration organizations to accompany them and entering premises as a team. This would help competent officials to have more confidence and feel more assured of having their safety guaranteed. However, there were arguments against this proposal as asking for police cooperation may conflict with the objective of the Act which aims to give responsible officials freedom and flexibility in their work.

3) Criteria should be clearly set for entering premises to collect data and for revealing the personal data of children so as to prevent children’s rights from being violated.

4) The state should publicize to make the public aware of those who had to perform this duty according to the Act.

5) Police officers should be appointed to work/coordinate directly with child-related workers and they themselves should be made to understand their role too.

As for compliance with Article 30 Paragraph 2 (to question a child when there is reason to suspect that the child is in need of welfare assistance or safety protection), it was
difficult to put it into practice. In particular, consulting doctors had many restrictions, because the doctors’ work had to involve examination and evaluation. As the doctors had to make their diagnoses by themselves, all this was time-consuming. If it was physical examination, it would have to take about seven days to wait for laboratory results and if it was a matter of seeking psychologists’ opinions, they could not possibly offer their viewpoints within a short time either. Sometimes the physical examination of children had to be done without seeing psychologists.

Suggested ways to improve on the enforcement of Article 30 Paragraph 2 were as follows:

1) Guidelines should be set up for specialists in social work and medical science to follow consistent guidelines. Thus upon witnessing incidents in various forms, they should be able to know what actions should be taken and whether responsible officials could play the part of specialists or not. As for medical evidence, there should be clear guidelines available regarding when opinions are needed from doctors from various branches of medicine.

2) Responsible officials should be trained to have a body of accurate knowledge and skills so as to be able to evaluate exactly the initial needs and the real needs of children who come to receive services. They had to expedite the provision of specific medical services for children and should have a multi-professional team participate in meetings so as make a joint evaluation together before giving initial services.

3) Search warrants should be obtained from the court before entering and searching premises so as to reduce the risks taken by responsible officials.

4) Competent officials need to enter and search premises cautiously and prudently.

Regarding the data derived from interviewing resource persons, the important findings were as follows:
Male interview, 57 years, Director and Secretary-General, The Center for the Protection of Children’s Rights Foundation, pointed out that the problem of searching for facts encountered by responsible officials was that most of them had never worked in this capacity before. Hence, they did not know what to do or how to do it and their entering and searching premises was undertaken without their wearing uniforms like policemen, resulting in nobody knowing who they were.

Besides, many competent officials were unfamiliar with this kind of searching which was different from the kind of searching for evidence or offenders undertaken by the police. Even if they happened to discover evidence relating to any wrongdoing, they did not have the authority to keep that evidence. Hence, to enable competent officials to be safe and to have offenders prosecuted, the police should be asked to accompany them when entering and searching various premises for facts and evidence.

Male interview, 48 years, Public Prosecutor, Office of Public Prosecutor in Lampang Province stated that the above-mentioned stipulation was a violation of personal rights.

Even though responsible officials had been empowered by the Act, the Constitution which was the supreme law of the land stated that a search warrant had to be obtained from the court to make searches. Hence, as competent officials were liable to be sued, a court search warrant should be sought before entering various premises so as to make it less risky for responsible officials. The latter themselves should be cautious and prudent when making inquiries or searches by considering what matters should be handled urgently and to what extent.

The suggestions proposed by the focus group discussion to develop the investigation process are as follows:
- Regarding the power of responsible officials to enter premises or various other places to search in case of suspected child abuse or to collect data or evidence on the child’s living conditions, the child’s family relationship, the standard of child-rearing (according to Article 30), it should be publicized that responsible officials have such a power and the general public should be made to understand the role of responsible officials that they enter those premises just to help the children and not to make any arrests and that their role is positive and not negative. At the same time it is also essential to provide safety guarantees for the responsible officials to exercise this power.

- Responsible officials in charge of tracing and observing the child and the child’s family in order to determine the kind of safety protection measures to be taken to help the child in accordance with Article 42 should be trained to understand such a role that the investigation is just about the search for facts within a short period of time only in order to know whether the child has been abused or not and investigate only the essential issues so as to have initial data to decide whether the child is deserving of safety protection or not and which method is appropriate. The search for more in-depth facts is a matter to be undertaken later so as to solve the problem of competent officials’ impression that the Act allows only seven days for all this which is too short a time.

- The investigation and observation of children and their families in case of need to be conducted according to Article 42 and in case of referring them to various welfare centres according to Article 37 should also involve the development of the investigation skills of competent officials and child safety protectors in charge of investigation by coordinating with the Department of Probation and the Department of Juvenile Observation and Protection, Ministry of Justice to have their resource persons provide
training for them and let them have access to the investigation guidelines being implemented by the Ministry to apply in their work as well.

- The search for facts by multiprofessional teams in many cases should be developed in such a way as to be favourable to teamworking among various professions which comprise social workers, psychologists, doctors, teachers and police officers, etc., by setting up connecting networks having the same objectives, having a division of labour according to the role and duties of each profession so as to enable the search for facts to yield a complete collection of issues essential in each respective profession as well as having proper time management to enable each profession to obtain its part of data within the desirable time frame so as to allow other related persons to make use of such data collectively in their child protection work.

The ways to make such an effort effective may consist of organizing case conferences in each abuse case so as to divide the role and duties among members of professional teams as deemed appropriate, collectively determining guidelines for providing protection and assistance for the children and their families in each case, collectively arriving at conclusions and evaluating the outcome of assistance given in each case.

Responsible officials should also receive training regarding their role in accordance with this Act that they have the duty to serve as intermediaries to collect data from various professions.

5. Child Protection Mechanisms

The child protection mechanisms as stated in the Act consist of child assistance centers, child protection committees, the Child Protection Fund and tools for checking/following up on the state of children and their families.
**Child Assistance Centers**

The Act empowers each province to establish 5 kinds of child assistance centers namely: nurseries; remand homes; welfare centers; safety protection centers; and development and rehabilitation centers to provide shelter for children, to assist them, to protect them, to provide various kinds of services for them, to redress their abuse and to rehabilitate them in various ways commensurate with each child. NGOs can also be empowered to establish such centers (Articles 51-60).

Table 7.7 shows the questionnaire respondents’ views on problems regarding the establishment of the five kinds of child assistance centers. The main problem, as stated by over three quarters of the respondents, centered on the unavailability of all the five kinds of centers in various provinces. The majority of the respondents also stated that there is a shortage of centers to provide therapy and rehabilitation for abused children as well as the fact that the existing centers do not have a system to provide services which meet the standard required by the Act.

Regarding ways to improve the quality of the centers, most respondents (80.5 percent) recommended setting up a system of referral and coordinating to provide assistance for children effectively. The other ways to improve suggested by the majority of the respondents are: having professionals specializing in children administer and manage those centers; modifying and improving on the existing patterns of service provision in accordance with the Act; and urgently setting up all five kinds of child assistance centers in every province.
Table 7.7 The establishment of five kinds of child assistance centers

<table>
<thead>
<tr>
<th>State/Problems</th>
<th>Number</th>
<th>Percentage</th>
</tr>
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<tbody>
<tr>
<td>1.1 Various provinces do not as yet have all the five kinds of child assistance centers.</td>
<td>239</td>
<td>76.4</td>
</tr>
<tr>
<td>1.2 There is still a shortage of centers to provide therapy and rehabilitation for abused children.</td>
<td>213</td>
<td>68.1</td>
</tr>
<tr>
<td>1.3 Those centers have not as yet set up a system of providing services with the kind of standard as required by the Act.</td>
<td>187</td>
<td>59.7</td>
</tr>
<tr>
<td>1.4 Other.</td>
<td>30</td>
<td>9.6</td>
</tr>
<tr>
<td>2.1 By urgently setting up all the five kinds of child assistance centers in every province.</td>
<td>198</td>
<td>63.3</td>
</tr>
<tr>
<td>2.2 By modifying and improving on the existing patterns of service provision in accordance with the Act.</td>
<td>217</td>
<td>69.3</td>
</tr>
<tr>
<td>2.3 By having professionals specializing in children administer and manage those centers.</td>
<td>227</td>
<td>72.5</td>
</tr>
<tr>
<td>2.4 By setting up a system of referral and coordination to provide assistance for children effectively.</td>
<td>252</td>
<td>80.5</td>
</tr>
<tr>
<td>2.5 Other e.g. by setting up a system of referral that groups neighboring provinces together so as to refer children to the provinces where such centers are available.</td>
<td>34</td>
<td>10.9</td>
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</table>

Qualitative research from interviews revealed information supportive to the quantitative data as well as raising two other problems regarding the establishment of child assistance centers as follows:

1) Several provinces did not have such establishments to receive, assist and protect children. When there were children deserving of assistance and protection, they had to be referred to the welfare centers in neighboring provinces, which would incur some expense.
2) Although the Act had laid down a system empowering each province to have the authority to register and check the registration of such establishments set up both by the state and by NGOs, there was the problem that each province had not yet publicized its power to register and check those establishments for all to know.

Interviewees provided additional suggestions on ways to solve the problems with setting up child assistance centres which differed from the quantitative data as follows:

1) Most interviewees did not consider it necessary to have all kinds of centers in each province. They did not have to be large welfare centers. Some provinces might have large ones to cater to children from neighboring provinces with a good referral and evaluation system and having expenses paid for. They should also have good facilities and quality management with professional standards.

2) There should be publicity campaigns to raise public awareness of the power of each province to register the establishment of those centers. Encouragement and support should also be given to NGOs to set up such centers where possible to provide welfare for children. NGOs establishing these types of centres will lighten the public sector’s burden, while the other four kinds of centers should be the state’s own responsibility, because NGOs that were capable of setting them up were few and they could not cover all the areas.

3) NGOs should be given the right to set up nurseries, while the state should undertake the establishment of the other four kinds of centers.

Regarding the data derived from interviewing resource persons, the important findings were as follows:
Male interview, 50 years, Director, Legal Division, Office of the Permanent Secretary for Social Development and Human Security, thought that in case of the availability of land, the establishment of all the five kinds of centers in each province could be undertaken, because all the steps to take to have permission granted were already in existence. If deemed appropriate, the establishment of all the five kinds of centers would enable children at large to have access to various services without exception.

Female interview, 42 years, Social Worker, Lamphun Province Social Development and Human Security Officer, stated that the provision of certain kinds of welfare could be entrusted to NGOs e.g. nurseries, while remand homes, welfare centers, safety protection centers and development and rehabilitation centers should be left for the state to handle by itself. The reason for such a division was that letting NGO organizations run those centers would bring about the problem of the tendency of some of them to propagate their achievements, which sometimes violated the rights of the children who were the damaged party.

**Child Protection Committees**

The Act sets up three levels of child protection committees, namely national, provincial and metropolitan. Each committee comprises the governor, the heads of concerned agencies and resource persons chosen from related professions with some women included. These committees number from 24-27 members and they proffer opinions, give advice on matters related to child welfare and safety protection, budgeting as well as policy evaluation.

Table 7.8 shows the state and problems relating to child protection committee members. The problem stated by the largest proportion of respondents (71.2 percent) centered on their lack of understanding of their roles and duties. More than sixty percent of the
respondents also mentioned the problem of *ex officio* appointment of several committee members who were not knowledgeable about this Act and the problem of not implementing the resolutions of these committees concretely. Regarding ways to improve the appointment of child protection committee members, more than seventy percent of the respondents recommended educating and training committee members at all levels on the Act; holding the child protection committee meetings in a sustainable manner; and requiring every province to formulate child protection action plans. More than sixty percent of the respondents also recommended amending the committee structure and composition restricting membership to those with direct child protection experience.

**Table 7.8 The appointment of child protection committees at various levels**

<table>
<thead>
<tr>
<th></th>
<th>State/Problems/Ways to improve</th>
<th>Number</th>
<th>Percentage</th>
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</thead>
<tbody>
<tr>
<td><strong>1. State/Problems</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1</td>
<td>Several committee members have been appointed <em>ex officio</em> and hence are not knowledgeable about this Act.</td>
<td>203</td>
<td>64.9</td>
</tr>
<tr>
<td>1.2</td>
<td>Committee members have no understanding of their roles.</td>
<td>223</td>
<td>71.2</td>
</tr>
<tr>
<td>1.3</td>
<td>The resolutions of these committees have not been implemented concretely.</td>
<td>203</td>
<td>64.9</td>
</tr>
<tr>
<td>1.4</td>
<td>Other e.g. most committee members have a heavy workload, lack conscience about helping children and view the children’s problems without taking everything into account.</td>
<td>39</td>
<td>12.5</td>
</tr>
<tr>
<td><strong>2. Ways to improve</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1</td>
<td>By amending the committee structure and composition to comprise those with direct child protection experience.</td>
<td>196</td>
<td>62.6</td>
</tr>
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</table>
Unlike questionnaire respondents, most interviewees thought the child protection committees were useful and that the committee structure devised was adequate and conformed to international standards. They thought the child protection mechanism at the national level was not very problematic, but the committees at the provincial level were still not as effective as they should be.

The information retrieved from the interviewees about the problems of child protection committees at the provincial level was as follows:

1) Those who were committee members were ignorant of the Child Protection Act of 2003; 2) There was the problem of appointing members in the resource person category. In some provinces, the qualifications of the resource persons of each profession appointed were inappropriate, namely their lack of understanding of the problems facing abused children or their being appointed by virtue of their being acquaintances, close associates or just to fill up the number of members as stipulated by the Act;

3) The *ex officio* committee members did not attend meetings in person but sent other persons as proxies, some of whom had no knowledge or experience of child protection. Sometimes the persons who were delegated to attend meetings on their behalf were not
fixed definitely, but rather on a rotation basis. Hence, there was a lack of continuity and actually active participation in meetings as should as should be the case;

4) The administrators in the province did not attach importance to this matter. Neither did they understand the importance of their role nor attend to this matter themselves. What they tended to do was to assign officials such as social workers attached to the Provincial Social Development and Human Security Office to be in charge on their behalf;

5) The officials of provincial Social Development and Human Security Offices who served as secretaries and assistant secretaries to child protection committees in many provinces had certain limitations in performing such duties. In particular, they did not understand this Act and having to be responsible for many kinds of work, they could hardly have much time to devote to coordinating child-related work.

6) The structure of committees comprising a large number of members, numbering some 20 persons, was unwieldy for facilitating the implementation of certain assignments or policies entrusted by the National Child Protection Committee. Several assignments had to rely on academic knowledge having to do with the formulation of child protection plans at the provincial level or the setting up of a child protection system in each province.

7) Child protection committees at the provincial level held few meetings. Some provinces hardly held any meeting almost the whole fiscal year, namely for 9-10 months hardly any meetings look place despite the incidence of child abuse cases. Others held only a few meetings because of budgetary restrictions. In some provinces the person responsible for calling meetings did not know what items of business to include in the meeting agenda.

8) Some child protection committees at the provincial level had not performed their duties properly, had not set up child protection work systems, had not created
coordination networks and had not worked as teams. Despite not holding joint meetings and without coordination among various multi-professional teams they still carried on with their work in their own ways.

When problems arose, committee members often did not know whom to ask for help, because there had not been prior agreement on this and neither had there been any system set up for problem-solving. Hence, as there was a lack of communication, data exchange, child-related database and follow-up and evaluation system, they did not know who should have the duty to follow-up and were themselves incapable of following-up, because no feedback was sent to the agencies in charge of referring child abuse cases to other agencies. Abused children were thus affected and did not have access to protection as they should have. Although sub-committees were set up to help handle child protection work, nothing much was achieved in practice, because they, too, hardly held any meetings.

The ways to resolve those problems were suggested as follows:

1) The National Child Protection Committee should require those appointed as members of child protection committees at the provincial level to attend meetings by themselves and make this mechanism really work. Should it be necessary to send representatives to attend meetings on their behalf, they should be nominated as permanent representatives so as to avoid changing representatives frequently.

2) In the appointment of resource persons as committee members both at the national and provincial levels, the qualifications of those to be appointed should be clearly specified. Those who had knowledge and understanding of child protection and who had previous experience in dealing with abused children should deserve appointment. They would be
the kind of committee members capable of viewing problems in a comprehensive manner and linking the problems that arose.

3) The provincial child protection committee in each province should set up a child protection sub-system in accordance with the policies and guidelines laid down by the National Child Protection Committee. Of particular importance is the setting up of a child protection database in each province and a provincial child protection master plan which details the kind of child protection that province will undertake, what agencies are involved, how all the agencies can be integrated and what kind of monitoring system is in force.

4) Provincial child protection committees should hold meetings at specified intervals, at least once every three months. In every province competent officials should also be invited to attend each provincial meeting, as they are in a good position to provide in-depth data.

5) The secretary to each committee should have vision in coordinating with other agencies.

6) Various ways should be found to push the district administration organizations in each province to set up a monitoring system and educate the local population.

7) More competent officials should be trained without delay.

8) Each province should set up a network of workers dealing with abused children and appoint child protection committees at the sub-district level and set up child protection working groups at the sub-district level. It would then become possible to link data and coordinate work undertaken by local administration organizations at the provincial, district and sub-district levels as a network.

9) Community networks should also be called upon to participate as committee members or sub-committee members.
Regarding the data derived from interviewing resource persons, the important findings were as follows:

Male interviewee, 57 years, Director and Secretary-General, The Center for the Protection of Children’s Rights Foundation stated that there was nothing problematic about child protection committees at the provincial level because the structure was good.

What gave rise to problems were the committee members’ ignorance of their duties according to the Act and the appointees’ failure to attend meetings in person, sending other persons as nominees to participate in meetings on their behalf, while the secretary to the committee was none other than the Social Development and Human Security Officer of the province who was not as efficient as should be the case.

Male interviewee, 50 years, Associate Professor, Pediatrician and Child and Adolescent Psychiatrist, Pediatrics Department, Siriraj Hospital, Mahidol University, was of the opinion that the structure of the provincial child protection committee was rather awkward.

The appointment of many agency heads/ high-ranking officials as committee members was not appropriate because in practice those officials did not participate in meetings by themselves, but sent proxies instead, even delegating a different person for each meeting. The result was that there was no continuity or else there was nobody really knowledgeable about children to attend meetings.

FGD:

The ways to develop these mechanisms as suggested by the focus group are as follows:

*Stipulation of child protection mechanisms via national and provincial child protection committees.*
- Provincial child protection committees should change their mindset, concepts and roles from being used to focusing on protecting only abused children to considering every child in their provinces just like one of their own children, who each need to be looked after without exception.

- Provincial child protection committees might advise each district to appoint sub-committees at the district level so as to help serve as a network linking and coordinating child protection work among the province, districts, sub-districts or villages.

- Provincial child protection committees need to enhance the potential of protection mechanisms and child-related personnel in the province by appointing those with a sense of conscience or mission and enthusiasm in working with children. These are the characteristics needed for child protection committee or sub-committee members. It would be best to appoint those who are actually specialists in various fields to be child protection committee members in the specialist category so as to give professional and specialist support to child protection workers in their work and enable them to work fruitfully and effectively.

**The Child Protection Fund**

The 2003 Act stipulates the setting up of a child protection fund to cover the expenses incurred in providing assistance and child and family protection all over the country.

Table 7.9, reveals the respondents’ views on the state and problems regarding the child protection fund centered on the prevailing lack of clear guidelines and criteria for using the fund (78.9 percent). Regarding the ways to improve on the child protection fund, more than three quarters of the respondents recommended enabling every province to have a reserve fund for child protection in the area within its jurisdiction as well as
establishing the criteria for every province to have an opportunity to make use of the fund as seems appropriate.

Table 7.9 The child protection fund

<table>
<thead>
<tr>
<th>State</th>
<th>Problems/Ways to improve</th>
<th>Number</th>
<th>Percentage</th>
</tr>
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<tbody>
<tr>
<td><strong>1. State/Problems</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1</td>
<td>Child protection workers have as yet no knowledge and understanding of this fund.</td>
<td>156</td>
<td>49.8</td>
</tr>
<tr>
<td>1.2</td>
<td>There are as yet no clear guidelines and criteria for using the fund.</td>
<td>247</td>
<td>78.9</td>
</tr>
<tr>
<td>1.3</td>
<td>Other e.g. the fund has not yet been extended to various provinces.</td>
<td>36</td>
<td>11.5</td>
</tr>
<tr>
<td><strong>2. Ways to improve</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1</td>
<td>By setting up an agency in charge of raising fund specifically.</td>
<td>185</td>
<td>59.1</td>
</tr>
<tr>
<td>2.2</td>
<td>By determining criteria for every province to have an opportunity to make use of the fund as seems appropriate.</td>
<td>237</td>
<td>75.7</td>
</tr>
<tr>
<td>2.3</td>
<td>By enabling every province to have a reserve fund for child protection in the area within its jurisdiction.</td>
<td>243</td>
<td>77.6</td>
</tr>
<tr>
<td>2.4</td>
<td>Other e.g. by setting up a child protection fund at the provincial level with the state allocating a sum of money and every province raising additional fund.</td>
<td>38</td>
<td>12.1</td>
</tr>
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From the qualitative interviews, the problems encountered were not as much related to the lack of fund guidelines themselves as they were related to the implementation of such guidelines. These problems were as follows:

1) Many provinces had not yet received any allocation from the Fund. They had to work with budget restrictions which affected, for instance, drivers’ remuneration and expenses incurred in helping children.
2) The provinces had neither freedom of action nor power to manage the fund they had raised by themselves and could not use it at will, but had to hand it over to be included in the national fund. When they wanted to use it, they had to submit projects to the central fund management committee, which was rather complicated and time-consuming.

Ways to resolve those problems suggested by the interviewees were as follows:

1) There should be intensive fund-raising to have sufficient money to help children at large without exception.

2) Fund-raising and other related issues should be clarified for each province to understand clearly and observe. What needs clarification is the fund-raising methods from various channels, especially donations from the private sector and international organizations, fund management methods, fund utilization, fund utilization regulations and methods of checking the effectiveness of the fund.

The management of the fund should include dividing the fund and allocating budget for use in various activities e.g. those that were policy-related, academically oriented or operational. Each concerned work unit should have a budget to operate simultaneously in conjunction with other units.

3) The private sector should become donors to the child protection funds.

Interviewing resource persons revealed the following:

Male interviewee, 39 years, Lawyer attached to The Center for the Protection of Children’s Rights Foundation stated that it would be helpful to give each province the right to raise funds and to manage them by itself.
The budget for expenditures should be divided into two parts. One part should be earmarked specifically for dealing with children and their families, while the other part should be allotted to the functioning of committees and sub-committees or the operation of competent officials in each province. Clearly defined procedures should be observed by each province for fund-raising, fund management, fund utilization and checking the effectiveness of the fund.

Female interviewee, 48 years, Social Worker, Child Psychiatry Unit, Pediatrics Department, Siriraj Hospital, Mahidol University, stated that the fund needed to have sufficient money that could be used to help every group of children without exception, especially those children who were not eligible for welfare assistance. The money in the fund should be divided and earmarked for various expenditures. The important budget allocations should consist of those for training purposes, academic purposes and operation purposes. All these activities had to have budget items available for them to proceed simultaneously. The lack of budget would have repercussions, not only on the children who could not be properly assisted, but also on their families’ chances of being rehabilitated.

The suggestions proposed by the focus group discussion to develop the child protection fund are as follows:

- The National Child Protection Committee should promote and support the establishment of a provincial child protection fund in each province by allocating budget as seed money for various provinces to set up their own provincial child protection funds. It should also amend regulations on the Child Protection Fund to enable each province to set up a fund at the provincial level, raise funds within the province and administer the fund to protect children at the provincial level independently and flexibly.
Tools to Check/Follow-up on the State of Children

The Act’s stipulates that for child protection work there should be tools to help in the search for abused children and to check and follow-up on the state of children and their families. Those tools consist of the following measures:

1) minimum standards of child-rearing;
2) indications of risk factors showing the danger the child is in;
3) indications of child abuse/neglect; and
4) criteria to evaluate material circumstances and evidence regarding premises, people or the children themselves that are conducive to wrongdoing.

As shown in Table 7.10, over three quarters of the respondents stated that a problem relating to the requirement to have tools to check and follow-up on the state of children and their families centered on the minimum standards of rearing children. These standards could not be applied to every family because some families might not be in a position to comply, while others still clung to the old rearing methods. More than half of the respondents also stated that state officials, when making a judgment regarding the children’s attention, do not pay serious attention to the criteria to evaluate circumstances or the children themselves being conducive to wrongdoing. Also, the use of indicators of risk factors to show the degree of danger the child is in and the evidence of child abuse cannot always indicate the actual happening of every case of child abuse.

Regarding ways to improve on this requirement, the most highly recommended solution (by more than three quarters of the respondents) is to have parents understand good child rearing standards and follow them in practice. Other recommended solutions by more than sixty percent of the respondents are: provide concerned state officials with the knowledge and proper understanding of child welfare and safety protection work;
design measures to have those criteria complied with seriously; provide training for state officials to enable them to make use of risk factor index and indicators in their analysis of children’s problems; and campaign to have multi-professional teams use such tools to analyse the problems of children.

Table 7.10 The requirement to have tools to check/follow-up on the state of children and their families

<table>
<thead>
<tr>
<th>State Problems/Ways to improve</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. State/Problems</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1 The minimum standards of rearing children cannot be applied to every family because some families may not be in a position to comply, while others still cling to the old rearing methods.</td>
<td>237</td>
<td>75.7</td>
</tr>
<tr>
<td>1.2 The use of indicators of risk factors showing the degree of danger the child is in and the evidence of child abuse cannot always indicate the actual happening of every case of child abuse.</td>
<td>183</td>
<td>58.5</td>
</tr>
<tr>
<td>1.3 The criteria to evaluate circumstances or the children themselves being conducive to wrongdoing do not have the serious attention of concerned state officials to use them to make a judgment of the children’s situation seriously.</td>
<td>192</td>
<td>61.3</td>
</tr>
<tr>
<td>1.4 Other e.g. state officials are unaware of the existence of those tools; those who make use of them do not have enough knowledge to do so.</td>
<td>33</td>
<td>10.5</td>
</tr>
<tr>
<td>2. Ways to improve</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1 By making parents have an understanding of child rearing standards and follow them in practice.</td>
<td>243</td>
<td>77.6</td>
</tr>
<tr>
<td>2.2 By providing training for state officials to enable them to make use of risk factor index and indicators in their analysis of children’s problems.</td>
<td>207</td>
<td>66.1</td>
</tr>
</tbody>
</table>
(Table 7.10 continued)

<table>
<thead>
<tr>
<th>State Problems/Ways to improve</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.3 By designing measures to have those criteria complied with seriously.</td>
<td>212</td>
<td>67.7</td>
</tr>
<tr>
<td>2.4 By campaigning to have the multi-professional team use such tools to analyse the problems of children.</td>
<td>206</td>
<td>65.8</td>
</tr>
<tr>
<td>2.5 By providing concerned state officials with the knowledge and seriously.</td>
<td>223</td>
<td>71.2</td>
</tr>
<tr>
<td>2.6 Other e.g. by evaluating the use of those tools.</td>
<td>37</td>
<td>11.8</td>
</tr>
</tbody>
</table>

In the interviews, some of the problems mentioned overlap with the problems revealed in the survey. There were also other problems which arose and did not come up in the survey as follows:

1) Those tools had not yet been completely developed and had not yet been used seriously.

2) In using those tools, the users had to understand how to use them and be capable of using them for analysis purposes in many dimensions so as to decide whether to assist or protect children in what manner. In the past, competent officials had not as yet possessed the kind of knowledge and skills to use those tools to yield the greatest benefit to the children.

3) The tools that had been developed contained so many details that sometimes competent officials could not collect all the relevant data in accordance with all the headings/issues that had been stated in those tools in their entirety.

4) In practice, it was not possible to use those tools/standards to collect all the relevant facts in every case. In particular, it was impossible to use those tools to analyze families facing many kinds of complex problems e.g. families that had alcoholic mothers, battery of mentally deficient children or mothers overburdened with the rearing of many
children and incapable of looking after each of them properly, problem children with aggressive behavior, theft-prone children or vagrant children.

The ways to resolve those problems were suggested as follows:

1) The Ministry of Social Development Human Security should give support by providing budget for in-depth training of competent officials on the use of those tools.

2) Additional tools suitable for analyzing families or children facing many complex problems should be developed.

Regarding the data derived from interviewing resource persons, the important findings were as follows:

Female interviewee, 53 years, Associate Professor, Dean, Faculty of Social Administration, Thammasat University, was of the opinion that these were the main working tools and were indispensable.

In addition, there had to be a continuous development of the quality of those tools and the skills in using them.

Female interviewee, 50 years, Deputy Permanent Secretary, Ministry of Social Development and Human Security, stated that the Act’s requirement to have those standards could greatly help children receive better protection.

The suggestions proposed by the focus group discussion participants regarding tools to check/follow up on the state of children are as follows:
- Stimulate local organizations to become stronger and promote the setting up of child protection mechanisms at the local level, namely child protection committees and volunteers in local areas.

- Set up a database on various groups of children in the province in conjunction with the establishment of a social monitoring system so as to have available data on the whereabouts of children, how many of them and what kind of danger they are facing.

- Encourage child-related workers to attach importance to the tools and various forms to monitor the state of children and know how to use them.

- Set up a system of following up and evaluating the work of competent officials in a sustainable manner.

6. Conclusion

The state and problems of the enforcement of the Child Protection Act 2003 are presented in this chapter as well as ways to improve several issues of child protection procedures. These issues include notifying and mandatory reporting, investigation, intervention and child protection mechanisms. The results and interpretation of the quantitative data were supported by the qualitative data for each issue.

Notification: The public abstain from notifying authorities about child abuse because most of the public believe that it is an internal domestic affair and do not know where to notify authorities. The state should launch publicity campaigns to make the public aware of this duty and encourage every province to set up a provincial child protect centre to serve as a centre for receiving notifications.

Mandatory reporting: The requirement imposed on certain groups of professions to report the child abuse incidents they have witnessed still poses problems. This is
because most professionals were unaware of their legal obligation, did not understand that they had the duty and responsibility to report and did not know what, when, where and how to make reports. The professionals should be educated and trained to be aware of their role, legal duty and the way to work cooperatively in a team. As well professionals need guidelines for report making.

*Investigation:* The problems regarding investigation are that responsible officials lack knowledge and skills needed to search for facts and they usually collected data by using only easy methods such as simple questioning, resulting in inadequate and sketchy data. To improve the responsible officials’ capacity in investigation a work system should be set up to enable them to search for facts effectively and guidelines and work manuals should be designed for multi-professional teamwork in searching for facts.

*Intervention:* Members of the public who had witnessed incidents of child abuse fail to intervene to give initial assistance to children in need of welfare assistance or protection (before notifying authorities /responsible officials). This reflects their belief that child abuse was an internal domestic affair. Also the public are unaware of the Act’s empowering them to have the rights and duties to intervene to help and protect children. The public’s fear of the negative effects arising from their intervention in order to help the abused children is also an important problem limiting public intervention. The recommended measures for solving such problems include setting up a people’s network to help guard against child abuse and watch out for abuse incidents, educating and training the public to become aware of their rights and duties and providing safety guarantees for those members of the public who have intervened to help abused children.
Child and family intervention by state officials: The main problems regarding interventions by state officials were that these officials lacked data on abused children and hence failed to enter and search premises and to separate abused children from their families. As well the state officials had to face opposition from the children’s guardians. Education and training of state officials to familiarize them with their powers will improve official intervention. As well there should be a campaign to make the public attach greater importance to notification of abuse cases. Setting up multi-professional teams with clear roles and duties would also help.

The provision of safety protection and welfare for abused children and their families is another kind of state intervention. The main problem with this type of intervention is that the services provided for children in each province consisted of short-term accommodation and were based on a fixed formula for each child in the same format and were not flexible enough to meet the real needs of every child and guardian because of existing constraints. Assistance and welfare for children and their families or those who support children should be provided in a way which will enable them to provide their children with standard rearing as deemed appropriate on a case-by-case basis, as well as the provision of services aimed at enabling children and their families to have a good and sustainable quality of life.

Child protection mechanisms:

Child assistance centers: The main problem with the establishment of the five kinds of child assistance centers is the unavailability of all the five kinds of centers in various provinces as well as the existing centers lacking a system to provide services that meet the standard required by the Act. Urgent ways to improve the quality of the centers include setting up a system of referral and coordination to provide assistance for children effectively, having professionals specializing in children administer and
manage those centers and modifying and improving on the existing patterns of service provision in accordance with the Act.

*Child protection committees:* The child protection committees, especially Provincial Child Protection Committees, lack an understanding of their roles and duties, face the problem of *ex officio* appointment of several committee members who thus were not knowledgeable about this Act and the problem of not implementing the resolutions of these committees concretely. These problems may be improved by educating and training child protection committee members on the Act, holding the child protection committee meetings in a sustainable manner, requiring every province to formulate child protection action plans as well as amending the committee structure and composition to comprise those with direct child protection experience.

*The child protection fund:* The problems with the child protection fund at the national level included a lack of clear guidelines and criteria for using the fund. This problem could be improved by enabling every province to have their own reserve fund administered to protect children at the provincial level independently and flexibly, as well as establishing the criteria for every province to have an opportunity to use the national fund appropriately.

*Tools to check/follow-up on the state of children and their families:* The four principal indicators used by child protection workers to monitor the state of children and their families consisted of 1) minimum standards of child-rearing, 2) indications of risk factors showing the danger the child is in, 3) indicators of child abuse/neglect and 4) criteria to evaluate material circumstances and evidence regarding premises, people or the children themselves that are conducive to wrongdoing. During the first four years
of implementing the Act, problems arose relating to indicators of minimum standards of rearing children. These indicators could not be applied to every family because some families might not be in a position to comply, while others still clung to the old rearing methods. Also, state officials who evaluate the care of children do not pay serious attention to the criteria to evaluate circumstances or the children themselves being conducive to wrongdoings. As well, the use of indicators of risk factors showing the degree of danger the child is in and the evidence of child abuse cannot always indicate that child abuse is actually happening.

This situation could be improved by making parents understand good child rearing standards and by providing concerned state officials with knowledge of child welfare and safety protection work. As well, improvements are needed for responsible officials, to have those risk criteria complied with seriously, training and enabling the state officials to make use of risk factor indexes and indicators in their analysis of children’s problems. Finally, multi-professional teams must form and use such tools to assess the problems of children.
Chapter 8
Towards an Improved Child Protection System for Thailand

1. Introduction

This chapter discusses the research findings and introduces the researcher’s ideas for ways to improve the child protection system in Thailand. It draws on the analyses and implications uncovered by this research, including the initial literature review in chapters 2 and 3 and the results reported in chapters 6 and 7. These latter two chapters address the first two research questions of the thesis concerning the state of child protection before and after the enforcement of the Child Protection Act 2003, according to the viewpoints of those who are involved in child-related work, and the state of the child protection system as outlined in the Child Protection Act 2003 and the related problems according to the system outlined in the Child Protection Act 2003. This is to answer the third research question: how should the child protection system according to the Child Protection Act 2003 be developed and what should be the ways to develop it?

The discussion in this chapter about the development of the child protection system according to the Child Protection Act 2003 will consider both macro and micro levels of the system, including legal requirements and legal procedure. It will also consider theoretical issues.

The discussion covers 3 main issues. *First*, at the macro level, the structural issues of child protection: child protection policy; the design of national and provincial
committees and other mechanisms set up by the Acts; the power of the competent officials; the duties and rights of child protection workers, guardians and the public; the management administration of child protection agencies. Second, at the micro level, the practices and activities of child protection agencies which are all of the activities following the child protection procedure according to the Act (mandatory reporting, investigation, intervention, service providing). Third, the theoretical issues underlying the Act are analysed and discussed.

2. The structural issues of child protection

At the macro level, the 2003 Act, the first Thai specific child protection law, laid down some important policies and mechanisms which have been enforced all over the country. A similar event occurred in England with the promulgation of the Children Act in 1989. However, the new Thai child protection system change of 2003 could actually be depicted as “revolutionary” and as such represented a greater change than recent “evolutionary” changes in western countries. The research reported in this thesis has shown the post-2003 change in Thailand has nevertheless had some limitations and problems at the policy level.

Child protection policies formulated in the 2003 Act are reflected in child protection mechanisms, system procedures, empowerments and the duties given to or forbidden to some groups of people.

The Child Protection Committee

As reported in Chapter 5, the 2003 Act formulated some significant child protection policies in Thailand, especially child protection mechanisms and system procedures.
However, the spirit underlying the Act had some implementation problems as revealed in Chapters 6 and 7. Nevertheless, there was substantial progress in development of more systematic child protection system legislation in Thailand. These changes signaled an important shift from a traditional adult-centred system to a child rights-based system.

The results presented in Chapter 7, showed that the Provincial Child Protection Committee is a well designed mechanism comprising every important child related official, but most of these committees were still not as effective as they should have been. The large structure of the Provincial Committees, their lack of knowledge about the 2003 Act and poor understanding of their roles and duties (Table 7.8) were impediments to their effectiveness. Qualitative data from interviews also revealed the problem that most Provincial Child Protection Committees held insufficient meetings in each year. As well, senior officials who can make decisions often sent junior delegates in their place and this hampered effectiveness. These were evident and important weak points of the post-2003 nationwide child protection system.

Another weak point is that the 2003 Act did not formulate any district or sub-district child protection mechanisms. So there is no official legal body for child protection work at the district and sub-district level. Even though the 2003 Act empowered each local authority to provide child protective services, most of them still do not know and remain unaware of this power. In fact, local areas have been responsible for providing social welfare and services to local people, but other human services such as schools and public health care operate under separate ministries. There is no official network of workers dealing with abused children and no appointed child protection committees at the sub-district level. This situation in Thailand compares unfavourably with the existence of Area Child Protection Committees in England under the Children Act 1989.
which are a key element used to ensure an efficient interagency flow of information (Beckett 2005, p.12, Freel 2010, p.165).

On the one hand, the Provincial Child Protection Committees do act as an important mechanism in each province, with some weak points and limitations. But, on the other hand, there is a clear need to restructure the Provincial committees and to consider the establishment of sub-district level committees. As well there is a need to integrate family support services, especially those designed to protect women and children, with child protection services.

Another essential weakness of the Provincial Child Protection Committees is that the secretary of each committee should have vision in managing and coordinating with other agencies. In practice, it was shown in this study (Chapter 7) that the officials of provincial Social Development and Human Security Offices who served as secretaries in many provinces had certain limitations in performing such duties. Most of them did not understand the Act and had varied work responsibilities. The experience of the researcher as a Nonthaburi Provincial Child Protection Committee member confirms this limitation.

These structural limitations effected even the capacity to formulate meeting agendas, and responsible secretaries don’t know what policy issues should be raised to the Committee for consideration. The resulting impacts include wastage of money for meetings with no useful outcomes.

So the essential issues for improvement of the roles of the Provincial Child Protection Committees were to review the structure and capacity building of both the Committees
and the secretaries of the Committees, as well as setting out clear roles for the Committee.

The Child Protection Fund

The budget is a very important factor in providing child protective services at each step. The child protection service providers in some cases worked under threat of their activities being limited due to lack of funding. This study found that even though the national child protection fund had been set up by the 2003 Act, the workers still faced this financial problem. It was caused by not only difficulties in using the fund, but also by workers being unaware of the funding channel and disbursement procedures. Some interviewees suggested that this trouble could be solved by allowing each Provincial Child Protection Committee more flexibility in using the fund to serve some urgent cases or by setting up separate child protection funds in each province. But from the researcher’s experience in Nonthaburi province, even though this province had already set up their own unofficial fund, after 3 years there were very few using the fund, and there were difficulties managing documentation.

This difficulty in budgetary procedures and limitation in access to the funds is an important issue which should be resolved at the policy level. This will involve consideration of government integration of central, provincial and local levels.

The Child Protection Authorities

As reported in Chapter 5, the 2003 Act gives some groups of people special powers and duties. In particular competent officials are appointed as agents of the state. They are given special powers and duties to investigate, to provide welfare, and to intervene in
some kinds of child protection cases. The results of the study reveal limitations and problems of two groups of competent officials: the first group includes persons who have passed the evaluated training program and the second group were persons who serve *ex officio*. It is interesting that both of these two groups perform their roles inefficiently, but for different reasons. The problems of the first group are both the lack of clarity of some duties especially the screening in and screening out of cases, the excessive workload and poor quality of investigation reports. This means that the training course for this group could not help them in work performance. The problems of the second group are also the problems of the whole child protection system: a great amount of district level group work, but with principal duties on other tasks and ignorance of the roles assigned by the 2003 Act. These problems should be considered when integrating roles assigned by the 2003 Act with principal job descriptions of social welfare work provided to each group of people. Another measure should be to encourage each sub-district to put child protection issues in their annual strategy and action plans.

Guardians and members of the public are another important authority given support for child protection under the 2003 Act, as stated in Chapter 5. Even though this study could not collect data from families and the public, some results revealed that most families and members of the public are still not aware of their authority and responsibility under the 2003 Act. It should be a short and long term aim to encourage Thai families and the public to think of child rights and child protection as a public matter, this would help them play attention to their responsibilities.
3. Practical issues of the child protection procedure

Results of this study reveal that child protection procedures according to the 2003 Act are better than child protection processes before. In one government act the new law deals with both 1) the abused children and their families, and 2) the powers/duties of competent officials and child workers. Such integration was never possible before. The overall child protection procedure adopts a multi-agency approach based on the idea that no child protection system can be expected to work or prove effective when it is implemented by only a single agency or disciplinary group (as reported in Chapter 5). But the results of this study also show that in practice the child worker who implements the procedures still met significant problems. The management administration of provincial child protection committee and agencies also faced obstacles to protecting the best interests of the child, the ultimate goal in child protection.

The process of the child protection procedure

The child protection procedure according to the 2003 Act, as stated in chapter 5, was designed to encompass three steps: 1) the case input or uptake (notification/mandatory reporting); 2) the case processing (child and family service providing process); and 3) the case output (to meet the best interest of the child, return children to their family if possible, and to close the case).

The study revealed that child related workers and competent officials faced difficulties in each of the above steps. The difficulties of enforcing the 2003 Act and some related laws are still problems for child workers. Problems enforcing the Act centered on the child protection system and related high degree of discretion leading to a lack of necessary data for those actually implementing decisions. Some other problems also barred the children and their family who were in difficult circumstances from accessing
the protective services provided by the 2003 Act. In particular they were afraid to enforce their power and were often unsure or unclear how to implement the 2003 Act and other related laws.

These results confirm the necessity of adjusting the administration of the key agency, the Provincial Social Development and Human Security Office in each province. The recommendations arising from this study are to set up a system to collect data on children for competent officials to use in making their decisions. Furthermore, clear guidelines are needed for child protection workers to carry out their tasks.

Although some recommendations for improving the procedure in each step as outlined above were sound, there are impediments to reform. For example in the input or intake step, in implementing the mandatory reporting, the results in Table 7.2 show that over half of the responsible government officials failed to report child protection cases because of unawareness of their legal obligations under the 2003 Act. Also revealed in Table 7.1 is the public’s ignorance of the Act’s requirement to notify authorities of child protection cases. This study reveals several ways to improve this situation, especially the setting up of channels for various professionals to report conveniently, training professionals to be aware of their roles and duties, education to make the public aware of the importance of abuse notifications, and the launching of campaigns to make public reports. But these approaches are limited by available personnel and insufficient funds.

The experiences in some other countries are salutary. For example, the enactment of mandatory reporting laws gave rise to some unexpected issues in both England and the USA, as reported in Chapter 3. Child protection policy and practice in England offers an example of system overload with too many cases being unnecessarily classified as
deserving protection. As a consequence, too much time and resources were used up in child protection referral investigation. A similar situation is found in the USA where the reporting is often not accurate and thus too many cases enter the system (Waldfogel 1988, pp.95-96, 117, Discipline of Social Work and Social Policy, University of Western Australia 2002, p.19).

Another weak point in the intake process that should be considered is the acknowledgement, awareness and beliefs of the family and public regarding child rights and child protection. The 2003 Act was intended to bring families and the public in line for child protection work and to incorporate government and non-government agencies as supportive bodies. Unfortunately, after almost 10 years have passed, the government agencies still only focus on the improvement of child protection system with other official bodies. That limits cooperation with families and the public. In the future, the Child Protection Committees both at national and provincial levels should emphasise the role of families and the public, to strengthen their capacity and awareness to join the path toward the best interests of the child along with other child protection agencies.

On the child protection investigation and intervention stages, the study revealed some problems. The skills and experience required to investigate were lacking as were data on abused children. Therefore responsible officials failed to exercise their power, lacked clear understanding of their responsibilities, worked with fear of negative effects, and had no guidelines for working together in multidisciplinary teams (Table 7.3-7.4). Those weak points affected the provision of protection and welfare for abused children and their families. The causes involved both personal and administrative factors. The curriculum for training competent officials and the administration of child related agencies in each province should be adjusted to enable working together under the same
standard and with the same goal, the best interest of the child. Also of note is the need for the child protection system to work with other related sectors such as the social welfare system.

Data from other studies also reveal problems regarding the 2003 Act. Poor enforcement of policies was also confirmed by the UN Committee on the Rights of the Child which was deeply concerned at weak and inadequate enforcement and implementation. The Committee was particularly concerned that there has been no comprehensive review of the implementation of the Child Protection Act of 2003 (Ministry of Social Development and Human Security (MSDHS) 2012, p.150-151).

The limitations in child protection procedures outlined above require a focus on the role of the key-core agencies, the Ministry of Social Development and Human Security, child-related policy formulation agencies and child-related work agencies. These agencies should each make more effort in child policy management, both for implementation of existing policies and formulation of new policies and regulations.

4. The Theoretical Issues Underlying the Act

The three major theoretical approaches used in child protection (child rights, parental responsibilities, and state intervention) all remain in good standing with child protection workers, as reported in Chapter 6. These concepts must be applied with no exception and previous child protection work was also based on those concepts. This study found that after the 2003 Act, accepting and implementing those concepts in Thailand still faces some problems. Also revealed is child protection workers’ lack of complete understanding of those concepts in practice (Table 6.3). The implications for implementing those concepts in detail are discussed below.
The provisions of the 2003 Act states clearly (Article 22) that “Treatment of the child in any case shall give primary importance to the best interest of the child and any discrimination of an unfair nature shall not be allowed.”

This indicates that child rights approaches in the UN Convention on the Rights of the Child (chapter 2) were the founding principle for the Child Protection Act 2003. This was important for child protection policy and legislation development for Thailand and many other countries which have ratified the UNCRC, such as Canada and England. Thus the 2003 Act consisted of a child rights and child-centred approach.

A child rights approach is now a basic theoretical concept accepted as national policy and ratified in both the Thai Constitution 1997 (Article 52) and National Child and Youth Development Plan 2012-2016. Even though the Thai government has already officially ratified child rights, the results of this study imply that not all Thai child rights have been protected. The evidence from this study reveals that we still don’t know the number and location of children in difficult circumstance who cannot access protection services in each province. The cause of this problem is the lack of data on abused children in each province and the opposition from guardians to state official intervention (Table 7.4). Also competent officials lack clear understanding of their responsibilities meaning some abused children do not receive physical and mental examination immediately (qualitative data from Focus group discussion Chapter 7). Some 85 percent of respondents think that the public still believe that child abuse is an internal domestic affair and some of them think that the public intentionally ignore the requirement to notify authorities of child abuse cases (Table 7.1). This confirms the limitations to the complete protection of children’s rights which depend on certain key factors as stated in Chapter 5.
When we talk about child rights in Thailand, a contentious issue is parental responsibility, an approach replacing parental rights and duties which dominated in the past. As stated in Chapter 5, the 2003 Act clearly gives guardians a duty to take care of, exhort and develop a child under their guardianship. The Act requires a minimum standard of children rearing, but child protective services report that there are many domestic child abuse cases still happening every day. It could be said that there are many guardians especially from poor or lowly educated families still unaware of or ignore the standard. This also means that the requirement for a minimum standard needs to be inculcated in guardians so they have awareness that child rights must be protected.

The above result, also confirmed by the UN Committee on the Rights of the Child, concluded that in Thailand the principle of the best interests of the child is not fully applied in judicial and administrative proceedings. This also effects decisions regarding placement and management of alternative care (Ministry of Social Development and Human Security (MSDHS) 2012, p.157). It could be implied that 1) there is still a lack of protection for child victims at various steps both in and out of the judicial system; 2) child rights remain below internationally acceptable standards; and 3) training of child related workers in child rights may not be adequate. So it is necessary for the child related ministries to strengthen the training for child related workers on the principles and provisions of the UNCRC.

The interagency and multidisciplinary approach –this approach is based on the idea that no child protection system can be expected to work or prove effective when it is implemented by only a single agency or uni-disciplinary groups of workers. According to the 2003 Act child protection activities in each case have to incorporate cooperative team work. The search for facts in many cases must be undertaken by multiprofessional teams which comprise social workers, psychologists, doctors, teachers and police
officers. Chapter 7 revealed how this requirement has led to some problems when cooperative work has insufficient guidelines for referrals and investigations.

The state intervention approach attempts to balance family responsibilities and the privacy of family members with state paternalism or duty of care where parents were seen to be incapable of fulfilling their duties and obligations to their children. In practice, the results of this study show that competent officials work with fear as they have no insurance and worry about their own safety when intervening in family affairs. Even after the 2003 Act, child protection workers were still using traditional methods and their own judgment when deciding how to react in child protection cases. There is no process of evaluation of child protection worker decisions and no punishment is imposed when there is a failure to intervene.

Many of the problems identified in this study and the possible solutions raised regarding child protection in Thailand are supported by the study of Svevo-Cianci, Kimberly (2009) and Kimberly (2011). This report found that every signatory State to the United Nations (UN) Convention on the Rights of the Child (UNCRC), has committed to comply with the Convention, including UNCRC Article 19, toward improved child protection. Article 19 focuses on the "child's right to protection from all forms of violence". It also reveals the level to which those child protection measures were implemented by several States and professional bodies. The study suggests that: (a) the UNCRC is an important guide for States Parties in finding the necessary balance between the role of government in supporting families and children to have safe, healthy and productive lives and the parents' role in protecting their children; (b) Child protection improves when States, Parties and professionals work in partnership to effectively accomplish the challenging goals of establishing and enforcing effective
laws and policy, reporting and referral systems, medical, mental health and legal services, trained and engaged professionals and public awareness of the issue of violence and children's rights; and, (c) Basic child protection improves when States establish good social practices to ensure children, including the most vulnerable children, the rights to health and education.

So, in Thailand, strengthening all relevant child protection bodies both in the policy and practice spheres to achieve the concept of child’s rights could be the best way for implementing an effective child protection system.

5. Conclusion

It can be seen from this study and from other research conducted after the enforcement of the Child Protection Act of 2003, that Thailand is making good progress in the development of an effective child protection system. The Act has established a concrete child protection system which met the global child rights concept, family responsibility and state intervention approaches. The 2003 Act laid down some essential features of the child protection procedure, especially mandatory reporting, the requirement for the public to notify authorities when child abuse is witnessed, the authority of competent officers to separate abused children from their families.

However, this study and other research have confirmed the existence of both strong and weak points in the 2003 Act. A good law with an effective system and procedures may still be undermined in its effectiveness by poor implementation, poor administration without comprehensive data to work with, and poor understanding of rights and responsibilities among child protection workers and the public. Despite the systems established by the Act the difficulties and risks faced by child protection workers in
practice mean that many continue to use traditional methods. The lack of punishment or disciplinary measures when there is a failure to report and intervene also leads to a reluctance to act by child protection workers. Another limitation to the Act’s effectiveness is the lack of a child protection action plan in each province and a district level child protection mechanism. Child protection workers have low professional expertise, lack action guidelines and have no guarantees of personal safety.

This study found significant ways to strengthen the child protection system under the 2003 Act. These include capacity building among child protection workers, enhancing and encouraging the ability of competent officers to work without fear, integrating the child protection plan/programs and activities in each province, and encouraging the public to regard child abuse and family violence as an important public issue, not a private issue.
Chapter 9

Conclusion

1. Introduction

This last chapter will present a summary of the principal findings of the research, the implications of the study and recommendations for an improved child protection system in Thailand.

The principal findings of this study will be summarised according to the 4 research objectives of this study. These objectives were: 1) to analyse the state of child protection prior to and after the enforcement of the Child Protection Act 2003 according to the viewpoints of those who are involved in child-related work; 2) to examine the state of the child protection system as outlined in the Child Protection Act 2003; 3) to look into the related problems according to the system outlined in the Child Protection Act 2003; and 4) to develop a model for a child protection system in Thailand, drawing on the analysis and implications uncovered by this research.

2. Summary of principal findings

Objective 1 findings (the state of child protection before and after the enforcement of the Child Protection Act 2003)

The study revealed important differences and similarities regarding child protection before and after the Child Protection Act 2003. They were as follows:
**Before** the Act, child protection in Thailand was implemented under more general laws, which did not have sufficient specificity to protect children in many cases. The child protection workers in each province provided services to children with limited resources and bounded by their professional discipline. The coordination between sectors was so limited that interdisciplinary teams did not evolve. Existing national child policies were generally not implemented. Policies changed according to different government approaches in each period.

**After** the enforcement of the Child Protection Act 2003, beginning in March 2004, the new child protection system in Thailand has been implemented. Significant changes occurred for two key elements. First, child protection mechanisms and procedures changed according to the Act; and second, the child protection practices changed.

The 2003 Act established concrete child protection mechanisms and procedures connected to three major theoretical propositions.

First, children’s rights constitute an important new approach to working with children. Children rights are officially recognized in the UNCRC. The foundation principle of this approach is ‘the best interest of the child’.

Second, the interagency and multidisciplinary approach is the most effective method of working with children. The basic concept of this approach is the idea that no child protection system can be expected to work or prove effective when it is implemented by only a single agency and undertaken solely by unidisciplinary groups of workers.

Third, state intervention for child protection needs to balance family responsibilities, the privacy of family members and state paternalism or duty when
parents could not fulfill their duties and obligations to their children. Historically this approach has provided welfare to abused children without due theoretical regard to their rights. Recognition and application of children’s rights approach now demands more action from both the state and parents.

The 2003 Act began a child rights innovation in Thailand, setting up a child protection system with higher standard of child rights protection than in the past, commensurate with global standards established by the UN Convention on the Rights of the Child. The new child protection procedures and mechanisms are designed to protect every Thai child all over the country since 2003.

Formerly undertaken independently and individually by various agencies, child protection has now become the legal duty of every Thai person and all related agencies, both public and private. Co-operation in protecting children now has a systematic approach with the setting-up of networks and mechanisms in the form of child protection committees in every province nationwide. Child protection responsibility is entrusted to both national and provincial committees. Mandatory reporting of child abuse cases is now stipulated as an obligation for officials and citizens the first time in Thailand.

The above changes have profoundly altered child protection in Thailand. The law as promulgated was based on foreign concepts and has brought about a new work system with the creation of multiprofessional and interdisciplinary teams working for child protection together. But the study found that those involved in child protection work had difficulty understanding and complying with the legal system and the many related details, even if they passed the formal training. Problems after the Act occurred at each
step of the child protection procedure, especially working together without guidelines, without an official database of children at risk, and without confidence in the power of responsible officials.

The new system also needs to rely on the awareness, conscience and cooperation of the general public, guardians and those involved in child protection. Only then can the required results be obtained in accordance with the spirit of this law. Unfortunately most guardians remain unaware of post 2003 child rights and minimum standards for rearing children (Table 6.4- 6.5).

**Objective 2 findings (the state of the child protection system as outlined in the Child Protection Act 2003)**

The child protection system operates using mechanisms and procedures set up by the provision of the 2003 Act. The child protection operation can be separated into the macro level and the micro level.

*Child protection at the macro or policy level*

In the first year after the enforcement of the 2003 Act, the National Child Protection Committee was set up to take action for child protection policy formulation and implementation nationwide. Provincial Child Protection Committees have been created in all 76 provinces with each committee having the same structure and being composed of 24 members. The Governor chairs the Committee, and many of the other 23 members are *ex officio* representatives of involved government offices. The overall task of the
Committees is the implementation of child protection according to the 2003 Act across the province, both in policy and practice.

**Child protection at the micro or practice level**

The child protection procedure according to the 2003 Act requires many child related professionals to work together in multidisciplinary teams. The child protection procedure includes mandatory reporting, investigation, intervention, and service provision.

In practice, child protection workers are people who work in many kinds of child protective service agencies (CPS), such as social workers, psychologists, doctors in hospital or social service agency, teachers and police officers. Some child protection workers are classified as ‘competent officials’. Competent officials are people empowered by the 2003 Act to have special authorities and duties in providing social welfare and safety protection to children. Most of them are social workers who are expected to act as law enforcers.

**Objective 3 (related problems of the system in the Child Protection Act 2003)**

This thesis found most of the Provincial Child Protection Committees were not fully performing duties as expected under the Act. This was a result of the Committee function where the head and most of the committee members could not attend in person.

As well, the secretaries of the committees, who act as the head of the Provincial Office of the Ministry of Human Security and Social Development, also could not perform their role as required by the Act; this Ministry does not have the power or police representation that is required to operationalise the 2003 Act. The Human Security and
Social Development office also lacks professional child protection workers. This is a structural problem of that Ministry which is relatively new within the Thai government and has less autonomy than other more established Ministries.

This study found that child workers met some obstacles in following the child protection procedures dictated by the Act. The most important obstacle was that the 2003 Act was designed in such a way that child workers and ‘competent officials’ would have a role as law enforcers, but most of them had a poor understanding of the Act. This has led to them becoming involved with many frustrating and unsafe tasks, especially entering and separating abused children from their parents. On the one hand, most ‘competent officials’ who are social workers have no experience of or skills in law enforcement. On the other hand, they were responsible for many kinds of jobs at the same time. Administrative duties often took more of their time than solving child abuse cases. Laws are being enforced inefficiently by child protection workers who are social workers, doctors, or teachers, although many of them had passed the training courses. But despite their lack of formal legal skills they have to enforce child protection laws.

The results presented in this thesis confirm the recent reports that many forms of violent abuse of children and women continue. Fathers and mothers still cane their kids. Teachers hit their students’ heads with hard objects. A lot of children commit suicide after they have been scolded severely by their parents (Included in the ASEAN report and presentation by Dr. Saisuree Chutikul as Thai representative at the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children Bangkok Post, 15 April 2010, Spotlight focuses on abuse and violence). A recent study supported by the Ministry of Social Development and Human Security and conducted by the Social Administration faculty of Thammasat University (2010; pp.22-27) also found that: different understanding of the law by concerned authorities continues to
cause inefficient enforcement of the law; as well, child protection workers still lack of appreciation of the value and importance of law; dissemination of information and understanding to concerned persons in various agencies at each level remains inadequate; Secretaries of Provincial Child Protection Committees still trend to be passive; there is still no accurate database about the protection and welfare of children; and the Child Protection Fund is still difficult to manage and used.

Objective 4 (towards a model for child protection in Thailand)

This research has revealed the need to enforce the law consistently among different professions using the same standards despite their different professional backgrounds. There is a need for a simplified legal guide and procedures for interdisciplinary collaboration. Case studies from each province could be synthesized and lessons learnt translated into a manual for child protection procedures.

The research revealed many interesting ways to improve the child protection system from both a quantitative survey and qualitative interviews. At the macro level, they suggest stimulating the Provincial Child Protection Committee to play a more effective role by drawing up child policy and plan, setting up at risk child databases and evaluating child protection. At the micro level, the suggestions focus on providing support to child related workers, creating a manual for working together, providing legal supervisors, allocating an adequate budget for service provision and providing work insurance.
3. Implications of this research

The Child protection Act 2003 has been promulgated with the expectation of standardizing child protection in Thailand. It aims to adopt the global “child rights” concept to promote the best interests of the child. It is a specific law with much more detail than was typical of the past and which has the potential to more effectively protect children. This was the most strong and serious attempt at implementation of the national child protection policies in Thailand to date.

Child protection mechanisms at both national and provincial levels have clearly changed the child protection system at the macro level. The National Child Protection Committee played an essential role and laid down related rules and measures, but still did not have enough power to support the Provincial Child Protection Committees. With the limitations of the committee structure and insufficient knowledge of the Act, the Provincial Child Protection Committees were unable to properly formulate and evaluate child policies in each province as required. Also, the 2003 Act does not organize child protection committees or other mechanisms at the district level where linkage is required between child protection policy and practice.

For this provincial problem, the Governor or Deputy Governor who act as Chairperson of the Committee, should take more action in formulating child policies and plans based on particular challenges in each province. They should also stimulate evaluation of child protection activities at the provincial, district and local levels.

At the micro level, in the first 4 years after the 2003 Act, there were some important gaps in child protection practice. Some child related workers were still clinging to past practices because they didn’t know the Act or how to implement it. The child protection multidisciplinary teams and the competent officials were the principal group in each
province to implement child protective services, but most of them enforced their duties and powers with fear regarding risks to themselves. After the 2003 Act, even though there were no official at risk child databases there were more child workers aware of the state of individual children than before the Act came into force. The coordination between child related agencies did show better interdisciplinary team working than in the past, but most child related workers still work with limited resources and within the boundaries of their discipline with no guideline for working together.

**Suggestion for models of an improved child protection system in Thailand**

The improvement of child protection in Thailand should address both internal and external elements of the child protection system set up by the 2003 Act. The internal factors, the main elements of the child protection system, are policy reform and practice rethinking. The external factors, the main supporting elements of the child protection system, are public and parent recognition. All factors must be improved and play their role as an integrated system to achieve the best interest of the child.
Figure 2 Models of an improved child protection system

**Model 1: Policy reform**

This model focuses on child policy reforms as follows:

- Formulating a child protection policy, plan & database in each province;
- Setting up district child protection bodies;
- Setting up a Child Protection Monitoring System using a child survey;
- Allocating adequate budgets to child protective services;
- Providing legal assistance to child protection workers and officials; and

**Model 2: Practice rethink**

Focus on child protection procedures according to the 2003 Act:

- Produce a legal handbook and guidelines to facilitate working together for case management, referrals and other key activities;

- Enhance service systems for protecting children in each group;
- Create provincial child protection centers and child protection expertise;
Adjust training courses for child related workers to focus effectively and build their capacity.

**Model 3: Public and parent recognition**

Focus on external child protection factors as follows:

Inform the public concerning child rights and their duty of notifying child abuse cases of which they are aware;

Launch a public campaign to encourage the belief that child protection is a public issue, a kind of social violence that is everyone’s responsibility;

Promote a scheme for a system to partner with volunteers;

Arrange training programs for parents, especially new parents, concerning minimum standards of child rights.

**4. Recommendations**

1. The National Child Protection Committee should proclaim a child protection policy which will allow Provincial Child Protection Committees to perform their work effectively by supporting both provincial and local agencies to take action proactively, preventively and promotionally.

These policies should make available certain child protective services in local areas by persuading the public sector to support these activities. Preventive activities should be much more prominent, especially the development of parental skills in child rearing, children’s life skills, volunteer’s knowledge and skills in child protection.
2. The structure of Provincial Child Protection Committees should be reformed to be smaller and to include academics in social welfare.

To alleviate the shortage of child protection staff, the Committee should also change the working strategy by persuading all relevant sectors to join child protection alliances. Particularly important are the Provincial Children and Youth Councils who should have an opportunity to express ideas and encourage children’s participation, and the local/area child protection volunteers to take more part in child protection activities.

3. The Ministry of Human Security and Social Development should rethink and reform the assignment of its staff for work at each provincial office. Staff should be more professionally appointed and attempts should be made to minimize turn over.

5. Limitations of the study and some areas for future research

Child protection must be accomplished by the cooperation of many sectors: child protective services, the public, family/guardian and children themselves. Otherwise, the activities related to child protection have been enforced by many disconnected regulations and many independent lines both in and out of the criminal justice system. This research focuses only on the opinions and the experiences of child workers, and only the issues covered by the Child Protection Act 2003.

In the future, in order to improve child protection certain essential components would be as follows:
1. Families are also required by the 2003 Act to take an important role in providing minimum standard rearing. Therefore we need studies on how best to encourage families/guardians to understand and accept these responsibilities.

2. Children are given some basic rights by the Thai Constitution and the 2003 Act which correspond to the UN Convention on the Rights of the Child. It is important to study the strategies of child related workers, guardians, and the public concerning child rights, and how to empower children to access and enjoy their rights.

3. Corporate Social Responsibility, a management concept whereby companies integrate social and environmental concerns in their business operations and interactions with their stakeholders, could be a good channel for adding a child protection agenda. There are some cooperatives that have provided some child care in their company as a welfare measure for staff, but this is not yet a legally enforced practice. Further research could investigate the possibility to amend Thai labor regulation to make child protection activities a legal requirement for every company which will turn the issue to be an activity enforced by law.

4. Where possible, children’s and parents’ views and experiences of the child protection system need to be ascertained to improve the child protection system.

5. Since the current research has used only survey, interview and focus groups discussion, future research designs may explore the relevance of other research methods such as case study, observation to analyse the range of complex cases.

6. After implementation of the 2003 Act, the data of this study were collected in 2007. As new legislations often take longer duration to translate them in practice, perhaps it was relatively a short time to see its implementation. As it is approaching a decade of implementation, a national level comprehensive research may be undertaken to ascertain how the Act understood by different stakeholders and implemented.
7. Academic knowledge is still needed to support child protection workers both in policy and practice. There are a few studies of child protection issues in Thailand. Funding for such child protection research both in overview and in each province should be included in the budget plan.

6. Concluding remarks

This study suggests a need for the Child Protection Act of 2003 to be amended in some parts and an administrative reform to allow sufficient law enforcement.

The macro level reforms suggested are:

1) Clarify the duties and roles of the Provincial Child Protection Committee by formulating a guideline for their job descriptions and their evaluation;
2) Set up District Child Protection Committee and District Child Protection Centers to work as a first point of call for children;
3) Encourage mutiprofessional child related agencies to formulate action plans;
4) Build capacity of child protection workers as members of multidisciplinary teams in each province to increase professionalism in child protection;
5) Formulate security insurance for the competent officers;
6) Set up an at risk child database in each province for use by child workers;
7) Allocate a sufficient budget for child protection services and child protection research in each province in each year.

The micro or practice level reforms suggested in each province are:

1) Encourage the multiprofessional and multidisciplinary teams to formulate guidelines for working together, especially case management guidelines and measures for case monitoring and evaluation;
2) Create a child protection monitoring system as a model of child surveillance;
3) Build capacity in Child and Youth Councils and volunteers in each province;
4) Encourage and acknowledge minimum standards of child rearing to guardians, especially first time parents;

5) Inform the public of their duty to notify of child abuse cases and that child abuse is a public issue not only a family issue.

The Child Protection Act 2003 is a good law which has led to a better system than had existed in Thailand before. But it was found that some poor practices both in policy and practice persist. To reach the goal of ‘the best interest of the child’, the 2003 Act needs to be strengthened in practice. At the policy level, the provincial Child Protection Committees should be stimulated and financed to fulfill their role. At the practice level, capacity building is needed among child protection workers with support by legal advisors, simple legal manuals, collaborative work guidelines, child protective fund provision and good management administration and coordination among provincial, district and local child protection agencies. In the long run, Thailand should develop professional expertise in child protection both in research, policy and practice.
References


Buranakauon, B. (2003). The current situation of children, youth and family, and policy recommendations, Department of Social Work, Faculty of Social Administration, Thammasat University: Bangkok, pp.22-23, 37. (Thai)


Criminal Law Institute, Office of the Public Prosecutor. (1999). ‘The Orientation of the Thai justice administration process in child rights protection’, a paper for the seminar on Think Tank Forum Project to develop the Thai justice administration process, 21 July 1999 at the Emerald Hotel, Bangkok. (Thai)


Kitzinger, J. (1994). The methodology of focus groups: The importance of interaction between research participants. *Sociology of Health and Illness*, 16, pp.103-121.


**Legislation**

The Act Concerning Measures for Prevention and Suppression of the Trafficking in Women and Children 1997 (Thailand)

The Amended Criminal Procedure Code 2001 (Thailand)

The Anti-Trafficking in Persons Act 2008(Thailand)

The Children Act 1989 (England)

The Child Adoption Act (No.3) of 2010(Thailand)

The Child Protection Act 2003 (Thailand)
The Child and Family Services Act 1984 (revised in 1990) (Ontario, Canada)

The Convention on the Rights of the Child 1989 (United Nation)

The Civil and Commercial Code (Thailand)

The Criminal Code (Thailand)

The Domestic Violence Victim Protection Act 2007 (Thailand)

The Juvenile Family Court and its Procedure Act 2010 (Thailand)

The Labour Protection Act 1998 (Thailand)

The National Child and Youth Development Promotion Act 2007 (Thailand)

The Prevention and Suppression of Money-Laundering Act 1999 (Thailand)

The Public Welfare Department Regulations on Family Child Welfare 1986 (Thailand)
APPENDICES
Appendix A

Consent Form & Information Statements for Research Participants

Name of Research Project:

“Child Protection in Thailand: Towards an Improved System”

Name, Address and Phone Number of Principal Investigators:

Ms. Rutchaneeekorn Chotchaisathit,
School of Human Ecology, Sukhothai Thammathirat Open University,
Pakkred, Nonthaburi 11120, Thailand.
Tel. 02-5033573, e-Mail: rutmimi_2004@yahoo.com

1. I, the undersigned, understand that I am free to withdraw my participation in the research at any time.

2. The purpose of the research has been explained to me, including the potential risks/discomforts associated with the research, and I have read and understood the information sheet given to me.

3. I understand that any information or personal details gathered in the course of this research are confidential and that I permit the investigator to publish my name only with my prior permission.

4. Charles Sturt University’s Ethics in Human Research Committee has approved this study. I understand that if I have any complaints or concerns about this research I can contact:

Executive Officer, Ethics in Human Research Committee, The Grange, Charles Sturt University, Bathurst, NSW 2795. Phone: (02) 6338 4628, Fax: (02) 6338 4194.

Signed by: ________________________________

Date_______________________________________
Information Statements for Research Participants

1. My name is Ms Rutchaneeekorn Chotchaisathit, School of Human Ecology, Sukhothai Thammathirat Open University, Pakkred, Nonthaburi 11120, Thailand. I am the researcher for this project.

2. The research is being carried out for Charles Sturt University, Australia.

3. The name of this project is “Child Protection in Thailand: Towards an Improved System”.

4. My research will look at child protection laws, and how children are actually protected in Thailand from abuse. I want to speak with people involved so that I can recommend some ways to improve the protection of children. In my research I will look at other research on child protection, in Thailand and other countries. I will also look at the records from different agencies to help me to understand how they are dealing with children who are in need of protection. I will collect information from agencies, both government and non-government, and interview people who have different understandings of problems facing families and children and how children can best be protected in the future in Thailand.

5. For some of you, I would like to ask you to take some time to answer some questions in a survey (written form) which should take about 30-45 minutes to complete. For others, I would like to ask you questions directly (an interview) or discuss in the focus group and this should take about 2-3 hours.

6. The information I am seeking will mean that some questions may be difficult for some people to answer as it may be sensitive and private and may be upsetting. In some cases, you may become very upset and you should feel free to stop at any time. If so, I will ask you whether you need to see someone else for discussing these issues.
7. Any information that I collect in this research will be used to write a report that will recommendations to improve how children may be better protected in Thailand.

8. I will not use any names in my report or identify you in any way. If I use your names, I will ask you for your permission in writing.

9. As I said above, you are free to withdraw from the project at any time. If you do, there will not be any difficulties for you and you will never be identified with the research report.

10. NOTE: This project has been approved by Charles Sturt University’s Ethics in Human Research Committee. If you have any complaints or reservations about the ethical conduct of this project, you may conduct the committee through the Executive Office:

   The Executive Office
   Ethics in Human Research Committee
   The Grange
   Charles Sturt University Bathurst NSW 2795;
   Tel: (02) 6338 4187 Fax:(02) 6338 4833

   Any issues you raise will be treated in confidence and investigated fully and you will be informed of the outcome.

11. After reading this information sheet, do you agree to participate in this project?

   O YES       O NO
Appendix B

Questionnaire for
the Provincial Child Protection Committees

& Supplement:

Summary of the Important Issues of the Child Protection Act of 2003

Directions: This questionnaire consists of 3 parts as follows:


Part 2: Viewpoints on the state of providing child protection prior to and after the enforcement of the Child Protection Act of 2003.


--------------------------------

Part 1 Personal Information:

Directions: Please mark ✓ in □ or fill in the space provided.

1. Sex □ female
   □ male

2. Age…………….. years.

3. Your present position is………………………………………………………………………...
4. What kind of organization are you working in?
   - [ ] a government organization
   - [ ] a non-government organization

5. You have had experience in child protection for.........years.........months.

6. What is the state of your involvement in child protection work?
   - [ ] directly involved.
   - [ ] not directly involved.

7. How much do you know about child protection according to the Child Protection Act of 2003?
   - [ ] considerably.
   - [ ] moderately.
   - [ ] little
Part 2: Questions about the state of providing child protection prior to and after the enforcement of the Child Protection Act of 2003.

Directions: Please answer the following questions by marking the box(es) chosen with ✓ (more than one answer can be chosen) and fill in the space provided.

<table>
<thead>
<tr>
<th>Questions</th>
<th>Prior to the Enforcement of the Act</th>
<th>After the Enforcement of the Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Do you know what state all the children in the areas under your responsibility are in?</td>
<td>☑ Yes.</td>
<td>☑ Yes.</td>
</tr>
<tr>
<td></td>
<td>☑ No.</td>
<td>☑ No.</td>
</tr>
<tr>
<td></td>
<td>☑ Other………………………</td>
<td>☑ Other………………………</td>
</tr>
<tr>
<td>2. How do you know where the abused/ neglected children are?</td>
<td>☑ State officials saw them.</td>
<td>☑ State officials saw them.</td>
</tr>
<tr>
<td></td>
<td>☑ People notified their whereabouts.</td>
<td>☑ People notified their whereabouts.</td>
</tr>
<tr>
<td></td>
<td>☑ Information on their whereabouts was given by various media.</td>
<td>☑ Information on their whereabouts was given by various media.</td>
</tr>
<tr>
<td></td>
<td>☑ Other………………………</td>
<td>☑ Other………………………</td>
</tr>
<tr>
<td></td>
<td>☑ By observation.</td>
<td>☑ By observation.</td>
</tr>
<tr>
<td></td>
<td>☑ By judging from the state of the problem in each case.</td>
<td>☑ By judging from the state of the problem in each case.</td>
</tr>
<tr>
<td></td>
<td>☑ Other………………………</td>
<td>☑ Other………………………</td>
</tr>
<tr>
<td>Questions</td>
<td>Prior to the Enforcement of the Act</td>
<td>After the Enforcement of the Act</td>
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<td>--------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>4. What criteria do you use as a tool to analyse and assess the needs of children and their families?</td>
<td>✧ Individual discretion. ✧ Criteria set up by agencies. ✧ Using a combination of several criteria. ✧ Other……………………</td>
<td>✧ Individual discretion. ✧ Criteria set up by agencies. ✧ Using a combination of several criteria. ✧ Other……………………</td>
</tr>
<tr>
<td>7. Who are responsible for following up on the provision of services?</td>
<td>✧ Superiors. ✧ Related state agencies. ✧ No follow-up system. ✧ Other……………………</td>
<td>✧ Superiors. ✧ Related state agencies. ✧ No follow-up system. ✧ Other……………………</td>
</tr>
<tr>
<td>Questions</td>
<td>Prior to the Enforcement of the Act</td>
<td>After the Enforcement of the Act</td>
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<tr>
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<td>----------------------------------</td>
</tr>
<tr>
<td>8. Who are those responsible for checking the quality of service provision or intervening in case of some problem of service provision?</td>
<td>☐ Superiors. ☐ Related state agencies. ☐ No follow-up system. ☐ Other……………………</td>
<td>☐ Superiors. ☐ Related state agencies. ☐ No follow-up system. ☐ Other……………………</td>
</tr>
<tr>
<td>10. Does the allocation of personnel and resources in your organization cover the provision of services for the target groups in the areas under your charge?</td>
<td>☐ It covers. ☐ It does not cover. ☐ Other…………..</td>
<td>☐ It covers. ☐ It does not cover. ☐ Other…………..</td>
</tr>
<tr>
<td>Questions</td>
<td>Prior to the Enforcement of the Act</td>
<td>After the Enforcement of the Act</td>
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<td>---------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>11. How do you know what the number of children and their families who come to receive services should be?</td>
<td>☐ By estimating from previous service provision statistics.</td>
<td>☐ By estimating from previous service provision statistics.</td>
</tr>
<tr>
<td></td>
<td>☐ By judging from child abuse statistics.</td>
<td>☐ By judging from child abuse statistics.</td>
</tr>
<tr>
<td></td>
<td>☐ No related data in this regard.</td>
<td>☐ No related data in this regard.</td>
</tr>
<tr>
<td></td>
<td>☐ Other.............................................</td>
<td>☐ Other.............................................</td>
</tr>
<tr>
<td>12. Does your organization have a child abused/neglect database?</td>
<td>☐ It does.</td>
<td>☐ It does.</td>
</tr>
<tr>
<td></td>
<td>☐ It does not.</td>
<td>☐ It does not.</td>
</tr>
<tr>
<td></td>
<td>☐ Inefficient/ inadequate personnel.</td>
<td>☐ Inefficient/ inadequate personnel.</td>
</tr>
<tr>
<td></td>
<td>☐ Insufficient skills in dealing with abused children.</td>
<td>☐ Insufficient skills in dealing with abused children.</td>
</tr>
<tr>
<td></td>
<td>☐ Lack of cooperation from the abused children’s families and other agencies.</td>
<td>☐ Lack of cooperation from the abused children’s families and other agencies.</td>
</tr>
<tr>
<td></td>
<td>☐ Other.............................................</td>
<td>☐ Other.............................................</td>
</tr>
<tr>
<td>Questions</td>
<td>Prior to the Enforcement of the Act</td>
<td>After the Enforcement of the Act</td>
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<td>---------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>14. What kind of cooperation do you give to other agencies when providing child protection?</td>
<td>□ Providing data on abused/ neglected children as are available.</td>
<td>□ Providing data on abused/ neglected children as are available.</td>
</tr>
<tr>
<td></td>
<td>□ Assisting in the follow-up to the provision of assistance.</td>
<td>□ Assisting in the follow-up to the provision of assistance.</td>
</tr>
<tr>
<td></td>
<td>□ Assisting in coordinating with the families of abused/ neglected children.</td>
<td>□ Assisting in coordinating with the families of abused/ neglected children.</td>
</tr>
<tr>
<td></td>
<td>□ Other.......................................................................................................................................</td>
<td>□ Other.......................................................................................................................................</td>
</tr>
<tr>
<td>15. In your provision of child protection, what kind of work do you mostly do?</td>
<td>□ Giving comprehensive services without having to involve any child referral.</td>
<td>□ Giving comprehensive services without having to involve any child referral.</td>
</tr>
<tr>
<td></td>
<td>□ Referring abused/ neglected children to the care of other state agencies.</td>
<td>□ Referring abused/ neglected children to the care of other state agencies.</td>
</tr>
<tr>
<td></td>
<td>□ Referring abused/ neglected children to the care of NGOs.</td>
<td>□ Referring abused/ neglected children to the care of NGOs.</td>
</tr>
</tbody>
</table>
Part 3 : Viewpoints on the state of child protection, problems of implementation and ways to improve the child protection system as stated in the Child Protection Act of 2003.

Directions : 1) In column A on the left-hand side below, please express your views on the following issues regarding the enforcement of the child protection system according to this Act (Summary of the important issues of the Act being given in Supplement II), what the state of child protection is and whether there are problems of implementation in practice by marking the box(es) chosen with ✓ (more than one answer can be chosen) and/or fill in the space provided.

2) In column B on the right hand side below, please offer your recommendations for ways to improve the existing child protection system regarding each corresponding issue on the left-hand side by marking the box(es) chosen with ✓ (more than one item can be chosen) and/or fill in the space provided.

<table>
<thead>
<tr>
<th>A. Issues</th>
<th>B. Ways to Improve</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The provision of rights for every child to receive protection.</td>
<td>1. The provision of rights for every child to receive protection.</td>
</tr>
<tr>
<td>□ There is an insufficient number of personnel.</td>
<td>□ Increasing the number of personnel.</td>
</tr>
<tr>
<td>□ The budget allocated to child protection is not enough.</td>
<td>□ Increasing the budget.</td>
</tr>
<tr>
<td></td>
<td>□ Publicizing to make children aware of their rights.</td>
</tr>
<tr>
<td>A. Issues</td>
<td>B. Ways to Improve</td>
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<tr>
<td>-----------</td>
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</tr>
<tr>
<td>Most children are ignorant of their rights.</td>
<td>Publicizing to make the public/guardians aware of children’s rights according to the Act.</td>
</tr>
<tr>
<td>Most members of public/ guardians/ those concerned with children do not know that every child has the right to receive protection.</td>
<td>Confining the groups of children entitled to receiving protection to a smaller number of groups so as to be able to look after them properly and equally.</td>
</tr>
<tr>
<td>Other………………………………</td>
<td>Other………………………………</td>
</tr>
<tr>
<td>2. The requirement imposed on guardians to have the duty to rear children in a manner not lower than the prescribed standards.</td>
<td>2. The requirement imposed on guardians to have the duty to rear children in a manner not lower than the prescribed standards.</td>
</tr>
<tr>
<td>Most guardians still cling to the old ways of rearing children.</td>
<td>Educating guardians so as to raise their rearing standards.</td>
</tr>
<tr>
<td>There is no punishment imposed on guardians who do not rear children in accordance with the prescribed standards.</td>
<td>Finding measures capable of making guardians provide standard rearing.</td>
</tr>
<tr>
<td>Most guardians do not know what minimum standards of rearing are.</td>
<td>Publicizing and campaigning to make the public aware of the need to provide standard rearing.</td>
</tr>
<tr>
<td>State officials cannot supervise the rearing practice at large.</td>
<td>Encouraging state officials to enlist the help of communities in playing a more active role in rearing supervision on their behalf.</td>
</tr>
<tr>
<td>Other………………………………</td>
<td>Other………………………………</td>
</tr>
<tr>
<td>A. Issues</td>
<td>B. Ways to Improve</td>
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<tr>
<td>-------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>3. The provision of important rights for guardians, for instance, in case of their refusal to give consent to, or their disagreement on, the authorities’ sending their children to receive welfare, they have the right to bring the case to court as well as to take their children to receive welfare from various welfare centers by themselves.</td>
<td>3. The provision of important rights for guardians, for instance, in case of their refusal to give consent to, or their disagreement on, the authorities’ sending their children to receive welfare, they have the right to bring the case to court as well as to take their children to receive welfare from various welfare centers by themselves.</td>
</tr>
<tr>
<td>- Most guardians are ignorant of their own rights.</td>
<td>- Publicizing to make guardians aware of their own rights.</td>
</tr>
<tr>
<td>- Most guardians are not interested in exercising those rights.</td>
<td>- Entrusting competent officials with the task of informing guardians about their rights.</td>
</tr>
<tr>
<td>- Competent officials have not advised guardians to exercise their rights.</td>
<td>- Urging parents/guardians to realize the importance of exercising their rights for the interests of their children.</td>
</tr>
<tr>
<td>- Other………………………………</td>
<td>- Other………………………………</td>
</tr>
<tr>
<td>4. Every member of the public is required to notify authorities of all child abuse/neglect cases.</td>
<td>4. Every member of the public is required to notify authorities of all child abuse/neglect cases.</td>
</tr>
<tr>
<td>- Most people are ignorant of their duties according to the Act.</td>
<td>- Publicizing to make the public aware of the Act.</td>
</tr>
<tr>
<td>- Most people do not know where to notify authorities of the abuse cases witnessed.</td>
<td>- Publicizing to acquaint the public with the agencies in charge of accepting notifications.</td>
</tr>
<tr>
<td>A. Issues</td>
<td>B. Ways to Improve</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>❑ Most people think that child abuse is an internal domestic affair and hence abstain from notifying authorities.</td>
<td>❑ Campaigning to make the public aware of the importance of notification of abuse/neglect cases.</td>
</tr>
<tr>
<td>❑ Other…………………………………………………………………………………………...</td>
<td>❑ Imposing punishment on those who fail to notify the abuse cases witnessed.</td>
</tr>
<tr>
<td>5. Certain groups of professionals are required to report child abuse/neglect cases they have witnessed without imposing any punishment in case of failure to report.</td>
<td>❑ Other…………………………………………………………………………………………...</td>
</tr>
<tr>
<td>❑ Some professionals do not report because they are overloaded with work.</td>
<td>❑ Amending relevant laws to impose punishment on the professionals who fail to report.</td>
</tr>
<tr>
<td>❑ Some professionals fail to report because they are unaware of their legal obligation to do so.</td>
<td>❑ Providing knowledge and training for professionals to familiarize themselves with the Child Protection Act and their obligation to report.</td>
</tr>
<tr>
<td>❑ Some professionals do not report because there is no imposition of punishment in case of failure to report.</td>
<td>❑ Setting up a system to inspect and monitor the work of concerned competent officials.</td>
</tr>
<tr>
<td>❑ Some professionals do not devote themselves to protecting abused/neglected children, resulting in their being deprived of protection and a lack of action taken against their abusers guardians who may abuse/neglect them again.</td>
<td>❑ Soliciting cooperation from the state agencies of attachment in ordering their personnel to perform their duties conscientiously.</td>
</tr>
<tr>
<td>❑ Other…………………………………………………………………………………………...</td>
<td>❑ Other…………………………………………………………………………………………...</td>
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<td>--------------------------------------------------------------------------</td>
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<tr>
<td>6. The empowerment of competent officials to search for facts for child protection purposes can be undertaken in many ways such as entering premises to search, questioning children, summoning guardians or anybody in writing to come to answer charges, ordering in writing those concerned people to send documents or evidence pertaining to the children.</td>
<td>6. The empowerment of competent officials to search for facts for child protection purposes can be undertaken in many ways such as entering premises to search, questioning children, summoning guardians or anybody in writing to come to answer charges, ordering in writing those concerned people to send documents or evidence pertaining to the children.</td>
</tr>
<tr>
<td>❑ Collection of data usually relies, in practice, on such easy methods as simple questioning, resulting in inadequate and sketchy data.</td>
<td>❑ Training competent officials to have knowledge of and skills in searching for facts.</td>
</tr>
<tr>
<td>❑ Competent officials lack knowledge of and skills in searching for facts.</td>
<td>❑ Designing guidelines and work manuals that place emphasis on multi-professional team work in searching for facts.</td>
</tr>
<tr>
<td>❑ Having to shoulder such an increased and time-consuming workload, competent officials are thus unable to find the time to do what is required of them.</td>
<td>❑ Designing mechanisms to control the quality of data search and collection.</td>
</tr>
<tr>
<td>❑ There is a lack of fact searching system and an effective data collection system to be used as guidelines in the operations of those concerned.</td>
<td>❑ Setting up a work system for competent officials to enable them to search for facts effectively without affecting personal freedom.</td>
</tr>
<tr>
<td>❑ The Act has given much power to collect data but lacks measures to control the operations of competent</td>
<td>❑ Other............................................................................</td>
</tr>
<tr>
<td>A. Issues</td>
<td>B. Ways to Improve</td>
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</tr>
<tr>
<td>officials, which may affect personal freedom.</td>
<td>7. The provision of rights for members of the public to intervene to help children in need of assistance or protection before notifying competent officials.</td>
</tr>
<tr>
<td>☐ Other…………………………</td>
<td>☐ Setting up a community volunteer mechanism for child protection purposes.</td>
</tr>
<tr>
<td>7. The provision of rights for members of the public to intervene to help children in need of assistance or protection before notifying competent officials.</td>
<td>☐ Setting up a people’s network to help watch out for abuse incidents.</td>
</tr>
<tr>
<td>☐ The public are unaware of their legal right to intervene.</td>
<td>☐ Educating and training the public to become aware of their rights and duties according to this Act.</td>
</tr>
<tr>
<td>☐ The public think that child abuse is an internal domestic affair and hence abstain from intervening to help.</td>
<td>☐ Other…………………………………</td>
</tr>
<tr>
<td>☐ The public are unaware of having the power of intervention.</td>
<td>8. The empowerment of state officials to enter and search premises and to separate abused children from their families so as to provide them with protection as quickly as possible.</td>
</tr>
<tr>
<td>☐ Other…………………………………</td>
<td>☐ Campaigning to make the public aware of the importance of notifications of abuse/neglect cases.</td>
</tr>
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<td>B. Ways to Improve</td>
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</tr>
<tr>
<td>State officials have to face guardians’ opposition.</td>
<td>Setting up a multi-professional team with the roles and duties of its members clearly set out and defined to perform this task.</td>
</tr>
<tr>
<td>Despite the empowerment, state officials cannot do much because of their heavy workload.</td>
<td>Increasing the workforce of state officials working in this capacity.</td>
</tr>
<tr>
<td>State officials are unaware of their empowerment.</td>
<td>Educating and training state officials to familiarize themselves with the power they are given and the appropriate and proper practice to follow.</td>
</tr>
<tr>
<td>Other……………………………………</td>
<td>Other……………………………………………</td>
</tr>
<tr>
<td>9. The child protection system as stated in the Act comprises, for instance, the entrusting of children to their guardians’ care, the imposition of stipulations on parents, the appointment of Child’s Safety Protector, requesting law courts to order children to stay in safety protection centers and returning children to their guardians.</td>
<td>Determining clear guidelines to enable child protection workers to carry out their work.</td>
</tr>
<tr>
<td>Being complicated, the system cannot be fully applied.</td>
<td>A system to collect data on children should be set up for competent officials to use in making their decisions correctly and properly.</td>
</tr>
<tr>
<td>Being a system that requires a high degree of discretion, those who have to implement it lack the necessary data on which they base their decisions.</td>
<td>Requiring child protection workers to</td>
</tr>
</tbody>
</table>
A. Issues

- It is a system that requires a large number of competent officials to work together but there are not enough of them.
- Other

10. The welfare provided for abused children and their families such as sending abused children to have medical and psychological examinations or finding accommodation for them.
- The welfare services cannot be provided to meet the real needs of every child and guardian because of existing constraints.
- There is a difference in the availability of resources for providing services in each area.
- The services provided for children mostly consist of those for short-term living only.
- Other

B. Ways to Improve

- Work as a team in order to make joint decisions.
- Other

10. The welfare provided for abused children and their families such as sending abused children to have medical and psychological examinations or finding accommodation for them.
- Formulating a policy to make competent officials place emphasis on providing the kind of services that meet the needs of children and their families.
- Extending the provision of services and increasing resources needed for providing services.
- Promoting the kind of service provision to enable children and their families to live a good life in the long run.
- Other
### A. Issues

11. The establishment of five kinds of child assistance centers, namely nursery, remand home, welfare center, safety protection center, and development and rehabilitation center.

- Various provinces do not as yet have all the five kinds of child assistance centers.
- There is still a shortage of centers to provide therapy and rehabilitation for abused children.
- Those centers have not as yet set up a system of providing services with the kind of standard as required by the Act.
- Other

12. The existence of child protection committees at various levels, namely at the national level and at the provincial level.

- Several committee members have been appointed *ex officio* and hence are not knowledgeable about this Act.
- Committee members have no understanding of their roles.
- The resolutions of these committees have not been implemented concretely.

### B. Ways to Improve

11. The establishment of five kinds of child assistance centers, namely nursery, remand home, welfare center, safety protection center, and development and rehabilitation center.

- Urgently setting up all the five kinds of child assistance centers need to be in every province.
- Modifying and improving on the existing patterns of service provision in accordance with the Act.
- Setting up a system of referral and coordination to provide assistance for children effectively.
- Other

12. The existence of child protection committees at various levels, namely at the national level and at the provincial level.

- Amending the committee structure and composition to comprise those with direct child protection experience.
- Educating and training committee members at all levels on the Act.
<table>
<thead>
<tr>
<th>A. Issues</th>
<th>B. Ways to Improve</th>
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</thead>
<tbody>
<tr>
<td>☐ Other……………………………………………………………</td>
<td>☐ Holding child protection meetings in a sustainable manner.</td>
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<td></td>
<td>☐ Requiring every province to formulate child protection action plans.</td>
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<td></td>
<td>☐ Other……………………………………………………………</td>
</tr>
<tr>
<td>☐ Child protection workers have as yet no knowledge and understanding of</td>
<td>☐ setting up an agency in charge of raising fund specifically.</td>
</tr>
<tr>
<td>this fund.</td>
<td>☐ Determining criteria for every province to have an opportunity to make use of</td>
</tr>
<tr>
<td></td>
<td>the fund as seems appropriate.</td>
</tr>
<tr>
<td>☐ There are as yet no clear guidelines and criteria for using the fund.</td>
<td>☐ Enabling every province to have a reserve fund for child protection in the area</td>
</tr>
<tr>
<td></td>
<td>within its jurisdiction.</td>
</tr>
<tr>
<td>☐ Other……………………………………………………………</td>
<td>☐ Other……………………………………………………………</td>
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<tr>
<td>14. The existence of tools to check/ follow-up on the state of children</td>
<td>14. The existence of tools to check/ follow-up on the state of children and their</td>
</tr>
<tr>
<td>and their families, namely 1) minimum standards of rearing, 2) indicators</td>
<td>families, namely 1) minimum standards of rearing, 2) indicators of risk factors</td>
</tr>
<tr>
<td>of risk factors showing the degree of danger the child is in, 3) indication</td>
<td>showing the degree of danger the child is in, 3) indication of child abuse and</td>
</tr>
<tr>
<td>of child abuse and 4) criteria to evaluate material circumstances and</td>
<td>4) criteria to evaluate material circumstances and evidence regarding premises,</td>
</tr>
<tr>
<td>evidence regarding premises, people or the children themselves that are</td>
<td>people or the children themselves that are conducive to wrongdoing.</td>
</tr>
<tr>
<td>conducive to wrongdoing.</td>
<td></td>
</tr>
</tbody>
</table>
### A. Issues

- The minimum standards of rearing children cannot be applied to every family because some families may not be in a position to comply while others still cling to the old rearing methods.

- The indicators of risk factors showing the degree of danger the child is in and the evidence of child abuse cannot always indicate the actual happening of every case of child abuse.

- The criteria to evaluate material circumstances or the children themselves being conducive to wrongdoing do not have the serious attention of concerned state officials to use them to make a judgement of the children’s situation seriously.

- Other

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### B. Ways to Improve

- Making parents have an understanding of child rearing standards and follow them in practice.

- Providing training for state officials to enable them to make use of risk factor index and indicators in their analysis of children’s problems.

- Designing measures to have those criteria complied with seriously.

- Providing concerned state officials with the knowledge and proper understanding of child welfare and safety protection work.

- Campaigning to have the multi-professional team use such tools to analyse the problems of children.

- Other

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15. The concepts underlying this Act, namely those pertaining to the child’s rights, responsibility of parents for rearing their children, family support, family intervention, multi-professional teamwork and coordination among professions.
<table>
<thead>
<tr>
<th>A. Issues</th>
<th>B. Ways to Improve</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ They are good concepts, but in practice have not yet been fully understood by child protection workers.</td>
<td>☐ Providing knowledge and training for child protection workers, network of agencies and the public to make them understand the concepts and the spirit underlying this Act.</td>
</tr>
<tr>
<td>☐ They are intended to provide therapy and rehabilitation for children and hence impose only light punishment, which causes society to think that the solution of children’s problems is ineffective.</td>
<td>☐ Determining concretely the patterns of coordination between governmental and non-governmental organizations involved in child protection work so as to render those concepts to come to fruition.</td>
</tr>
<tr>
<td>☐ They are too difficult to be put in practice.</td>
<td>☐ Designing an operation handbook indicating the objectives and the good points of each concept.</td>
</tr>
<tr>
<td>☐ They are too western-based in nature.</td>
<td>☐ Other.......................................................</td>
</tr>
<tr>
<td>☐ Other………………………………….</td>
<td>16. The state of the implementation of this Act by state officials especially by the police regarding child protection.</td>
</tr>
</tbody>
</table>

16. The state of the implementation of this Act by state officials especially by the police regarding child protection.

☐ Police officers do not have a sufficient knowledge and understanding of this Act.

☐ There are no clear and specific guidelines that the police force at large must comply with in dealing with children.

☐ Police officers are more interested in

16. The state of the implementation of this Act by state officials especially by the police regarding child protection.

☐ Providing training for police officers to have knowledge and understanding of this Act seriously.

☐ Determining guidelines for the police force at large to comply with in performing their duties specifically and directly for the benefits of children.
<table>
<thead>
<tr>
<th>A. Issues</th>
<th>B. Ways to Improve</th>
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<tbody>
<tr>
<td>and attach greater importance to other aspects of crime reduction and</td>
<td>- Campaigning to make the police force at large realize the importance of child</td>
</tr>
<tr>
<td>suppression than child protection.</td>
<td>protection in the same manner as in the case of other criminal problems.</td>
</tr>
<tr>
<td>- The appointments and transfers of police officers take place so</td>
<td>- Promoting the inculcating of conscience into the police force to be interested</td>
</tr>
<tr>
<td>frequently that there is no continuity in their performing child</td>
<td>in child protection work regardless of being appointed, transferred or moved to</td>
</tr>
<tr>
<td>protection duties.</td>
<td>any positions.</td>
</tr>
<tr>
<td>- Police officers do not receive the kind of incentives and stimulus</td>
<td>- Requiring superiors at all levels to promote and urge the police officers who</td>
</tr>
<tr>
<td>from their superiors likely to encourage them to be interested in the</td>
<td>are their subordinates to be interested in the problems of children and child</td>
</tr>
<tr>
<td>problems of children seriously.</td>
<td>protection by increasing the number of incentives in various forms.</td>
</tr>
<tr>
<td>- Other............................................</td>
<td>- Other............................................</td>
</tr>
</tbody>
</table>

17. Other problems pertaining to the enforcement of the Child Protection Act of 2003 are:

- ❑
- ❑
- ❑

17. Possible solutions to those problems are:

- ❑
- ❑
- ❑
- ❑

Thank you for your cooperation in answering this questionnaire.
Supplement

Summary of the important issues of the Child Protection Act of 2003

The Child Protection Act of 2003 started being enforced on March 30, 2004. It is a legislation that sets forth steps of treatment given to children that aim at allowing children to receive standard rearing, proper disciplining and appropriate development. Besides preventing children from being abused, there are also mechanisms set up to enable those involved in child-related work both governmental and non-governmental to intervene to provide assistance, medical care, therapy, welfare and rehabilitation for abused children or those in need of assistance as much as possible.

The important issues of the Act relating to this research are as follows:

1. The groups of children entitled to receive welfare and safety protection according to this Act are all the children under 18 and comprise:
   - disabled children, vagrant children, neglected children;
   - children in difficult circumstances according to the Act;
   - children at risk of being abused and at risk of wrongdoing;
   - abused children;
   - misbehaved children;
   - children in need of being provided with safety protection according to ministerial regulations.

2. Child safety protection involves:
   - protecting children from danger in case of the likelihood of their guardians’ causing harm to them or being incapable of protecting them from danger by re-arranging the legal relationship between the children and their guardians;
so as to keep the children safe without having to take their guardians’ consent into consideration.

- protecting children from being at risk of wrongdoing by re-arranging the legal relationship between the children and their guardians so as to keep the children from being at risk of wrongdoing without having to take their guardians’ consent into consideration.

3. Children who are entitled to receive safety protection are:

- children physically, mentally and sexually abused;
- children at risk of wrongdoing; and
- children in circumstances that need to be provided with safety protection in accordance with ministerial regulations.

4. Parents and guardians have the following rights and duties:

4.1 They are required neither to neglect their children, nor to give them living necessities likely to harm them physically or mentally, nor to hinder their children’s growth and development, nor to rear them illicitly.

4.2 They have the duty to rear, discipline and develop children in their care in line with customs, traditions and local culture but in a manner not lower than the prescribed minimum standards.

4.3 They have the duty to protect the safety of the children in their care and prevent them from being in circumstances likely to harm them physically or mentally and must not do anything to hinder their growth or development.

4.4 They have the right to receive assistance, welfare or counseling from the state and state officials to enable them to rear their children properly.

4.5 They have the right not to give their consent to letting competent officials send their children to assistance centers to be looked after.
4.6 They have the rights to take their children to receive welfare from the
Department of Social Development and Welfare or the Provincial Social
Development and Welfare Office or any child assistance center etc.

5. State officials have the following rights and duties:

5.1 They have the duties to act in accordance with this Act in providing welfare,
safety protection and promoting the good behavior of children.

5.2 They have to provide education, training, disciplining, therapy, counseling
and rehabilitation both physical and mental in a manner suitable for children.

6. The treatment provided for children according to this Act has the following
important characteristics:

6.1 It is stipulated that the treatment provided for children in whatever case take
into account the best interests of children as a prime matter of importance
and without unjust discrimination.

6.2 Guardians are required to rear, discipline and develop children in their care
in line with customs, traditions and local culture but in a manner not lower
than the prescribed minimum standards and must protect their safety,
keeping them from danger physically or mentally.

6.3 Chiefs of state agencies, both central, regional and local, have the duties to
look after and protect the safety of children in the areas under their charge as
well as the authority to enter and check nurseries, remand homes, welfare
centers, safety protection centers and development and rehabilitation centers
within their jurisdiction.

6.4 It is stipulated that the interests of children be maintained and that children
be protected from various media advertisements likely to endanger their
future or damage their reputation and honor.
7. The child safety protection system in case of witnessing child abuse incidents having been witnessed consists of the following important issues:

7.1 Notification/reporting comprises 2 cases, namely

7.1.1 in case of the general public witnessing children being in circumstances that need to receive assistance or safety protection, the Act requires those who have witnessed such incidents to give preliminary assistance and notify competent officials, local administration officials or the police without delay; and

7.1.2 in case of doctors, social workers, psychologists, public health officers having admitted children for treatment or in case of teachers and employers looking after the children who clearly appear or are suspected to have been abused or become sick because of improper rearing, they must report to competent officials, local administration officials or the police without delay.

7.2 The child safety protection measures are as follows:

7.2.1 family intervention which is a measure taken when competent officials, local administrative officials, the police or those involved in child safety protection have been notified of children abuse incidents or have received reports of child abuse having taken place anywhere, the Act empowers those persons to enter and check premises and separate the abused children from their families in order to protect their safety as quickly as possible;

7.2.2 after the abused children having been separated from their families by competent officials, the Act stipulates that the abused children be given physical and mental examinations immediately and that, if deemed appropriate, there be an inquiry about and probing into the
abused children and their families by sending the children to remand homes or to development and rehabilitation centers in case of the children needing psychological rehabilitation;

7.2.3 the empowerment of competent officials to inquire about and search for facts to protect children can be undertaken in many ways, namely authorizing them to enter various premises to check, to question children, to summon in writing their guardians or any person to answer charges, to order in writing those concerned to submit documents or evidence pertaining to the children, to enter the premises of guardians and employers to question those who are there and collect data or evidence on the children as well as questioning teachers about their students; and

7.2.4 the child protection system as stated in the Act encompasses the entrusting of children to their parents’ care, the laying down of stipulations for guardians, the appointment of safety protectors, the request for court orders to have children sent to safety protection centers and the returning of children to their guardians.

7.3 The kinds of welfare and services provided for children receiving safety protection which are of importance consist of:

7.3.1 the provision of physical and mental examinations and medical treatment for children;

7.3.2 the provision of appropriate accommodation, sleeping places and clothing;

7.3.3 the provision of education, sports activities and recreation;

7.3.4 the referral to welfare centers, rehabilitation centers and appropriate schools;
7.3.5 the entrusting of children to the care of guardians or any suitable persons who are prepared to keep and rear them; and

7.3.6 the provision of counseling, advice and assistance for guardians in case of the need to provide welfare or safety protection for children.

7.4 The school protection mechanisms as set up according to this Act comprise:

7.4.1 the establishment of five kinds of child assistance and child behavioral changes centers that must be set up in every province, namely 1) nursery, 2) remand home, 3) welfare center, 4) development and rehabilitation center and 5) safety protection center;

7.4.2 the setting up of the National Child Protection Committee/ Provincial Child Protection Committees;

7.4.3 the setting up of a child protection fund to fund expenses incurred in the provision of welfare, safety protection and behavioral promotion for children;

7.4.4 the existence of tools to check/ follow-up the state of children and their families, namely

- minimum standards of rearing;

- indicators of risk factors showing the degree of danger the child is in;

- indication of child abuse;

- criteria to evaluate material circumstances and evidence regarding premises, people or the behavior of the children themselves that are conducive to wrongdoing.
7.5 The concepts underlying this Act that are of importance consist of those pertaining to:

7.5.1 the child’s rights;

7.5.2 responsibility of parents for rearing their children;

7.5.3 family support;

7.5.4 family intervention; and

7.5.5 multi-professional teamwork and coordination among professions.
Appendix C

Research Interview Questions on
Child Protection in Thailand: Towards an Improved System

Objectives: To inquire about the respondents’ opinions on child protection problems before and after the enforcement of the Child Protection Act 2003 and their suggestions for ways to develop the child protection system as stated in the Act.

Part 1: General data

1. Name and family name of interviewee

2. Position

3. Place of work

4. Date of interview

Part 2: What, in brief were the important issues of the state of child protection problems prior to the enforcement of the Child Protection Act 2003? Have there been any attempts at solving them?

Part 3: The state of child protection problems after the enforcement of the Child Protection Act of 2003 and suggestions for ways to develop the child protection system as stated in the Child Protection Act 2003.

The 15 questions in this Part cover the following 7 main issues:

1. Rights of children, rights and duties of parents.

2. Reporting in case of witnessing incidents of child abuse.
3. Investigating and gathering information by competent officials.


6. Functioning of mechanisms set up in accordance with the Act.


1. According to the Act, all the children – both those who have been abused, those who are at risk of wrongdoing and those in situations that need to be protected in accordance with the ministerial regulations – have the rights to protection.

In view of the above-mentioned statement, do you think that, in practice, it can really take effect? What problems have arisen? And for what reasons? How will those problems be solved?

Do you also agree or disagree with the proposal of some countries to reduce the size of the target children entitled to protection so as to be able to look after all children without exception.

2. According to the Act, parents have the duty to rear and bring up their children in accordance with the prescribed minimum standards of rearing.

Do you think that, in practice, it will be possible to do so? Will there be any problems? If yes, for what reasons? And what will be the ways to solve them?

3. According to the Act, certain groups of professionals – doctors, nurses, psychologists, social workers, public health officials, teachers, employers – have the
duty to submit reports without delay to competent officials or those responsible for child safety protection, on child abuse cases, both obvious and suspected or on sickness cases resulting from improper rearing (Article 29 paragraph 2).

Do you think that, in practice, this requirement will be complied with? What problems have arisen? For what reasons? And what will be the ways to solve them?

4. As the Act has not imposed any punishment on the concerned state officials who have witnessed child abuse cases but have failed to report them, do you think that the lack of punishment will cause the concerned state officials to be uninterested in reporting or not? And how will this lack of interest be overcome?

5. According to the Act, competent officials have the authority and duty to collect information on children in many ways, namely, questioning them, taking them to the office of competent official, summoning the children’s parents in writing, ordering the children’s employers, both current and former, with whom the children used to stay, to submit documents/evidence pertaining to the children or entering the homes of parents, the premises of the children’s employers, the children’s educational institutions during the period between sunrise and sunset in order to question those who are in those places and collect data or evidence pertaining to the children (Article 30).

Do you think that, in practice, there have been obstacles to the exercise of such authority or not? Will the exercise of such authority and the execution of such duty actually take place? Will there be an increase in workload in such a way as to become impossible to undertake this task or unable to accomplish it properly or not? For what reasons? And will there be ways to remedy this?
6. According to the Act, competent officials before taking children to a nursery, remand home, welfare center, safety protection center and development and rehabilitation center are required to consult social welfare specialists and medical experts first if possible (Article 30).

Do you think that, in practice, competent officials will be able to consult specialists on every case or not? For what reasons? What will be the ways to overcome the difficulty of doing so?

7. The Act has empowered the general public to have the right to give initial assistance to children in situations requiring assistance or protection first and then to proceed to notify state officials without delay (Article 29).

What kind of problems, do you think, will arise in practice? For instance, the problems that the general public do not know that they have the power to do so or do not dare to use it for fear of being troubled, for fear of having to go to court or for fear of some other consequences that may come about. What will be the ways to solve those problems?

8. According to the Act, competent officials, administration officials or those responsible for child welfare protection having been notified of the occurrence of child abuse or those who have witnessed it themselves, are empowered to enter and search premises and to separate abused children from their families so as to provide them with protection as quickly as possible (Article 41).
Do you think that there will be an exercise of such power? If not, what will be the ways to modify or improve on the empowerment?

9. According to the Act, each province can set up a nursery, remand home, welfare center, safety protection center and development and rehabilitation center to provide shelter, assistance, protection and diverse services to remedy and rehabilitate children in various patterns appropriate to each child. NGOs also have the right to set up such establishments as well (Articles 51-60).

Do you think that such a welfare provision system is suitable or not? For what reasons? What kind of welfare provision system should be set up instead or additionally?

10. According to the Act, the child protection mechanisms comprise the setting up of three levels of committees, namely, at the national, provincial and Bangkok Metropolitan levels with each committee consisting of members ranging from the provincial governor, heads of concerned state agencies and resource persons drawn from related professions to women resource persons. At least one-third of the members of each committee must be female resource persons. Each committee has 24-27 members in total and has the duty to offer opinions and counselling on matters pertaining to the provision of assistance and welfare protection for children, the budget and policy follow-up and evaluation. (Articles 7-21).

What is your opinion, especially about the problems most frequently encountered, namely, the problem of committee members having no knowledge of the Act, the problem of provincial administrators not according due importance to this matter and the problem of state officials with direct responsibility, namely, the social workers
attached to the provincial Office of Social Development and Human Security, being so tied up with many kinds of work that they have not much time to devote to coordinating this type of work. Although working groups have been formed to help out, in practice they rarely hold meetings because of budget constraints. Some provinces are even uncertain about when committee meetings at the provincial level should be convened or whether it would be better to have sub-committee meetings convened first, etc.

In view of the above-mentioned statement, what do you think should be the ways to solve these problems? Should the mechanism in the form of committees need to have its structure modified or not? How should this be done? Or should there be other kinds of mechanisms to replace the existing ones?

11. The Act requires that a child protection fund be set up (Article 68). At present such a fund has still not been endowed with sufficient money to be allocated to various provinces, making it impossible for each province to work proactively.

Do you think that the existence of such a fund is appropriate or not? For what reasons? In what form should the fund system be set up to become effective?

12. In child protection work according to the Act, the tools that are required to be used to check/follow up the state of children and their families comprise:

1. minimum standards of rearing.

2. indicators of risk factors showing the degree of danger the child is in.

3. indication of child abuse/neglect.

4. criteria to evaluate material circumstances and evidence regarding premises, people or the children themselves that are conducive to wrongdoing.
Do you think that the above-mentioned tools are capable of helping children to obtain greater protection or not? What problems are brought about by the use of such tools? What improvement should be made on which aspect of the tools? Or what new additional tools should be developed?

13. This Act has principles that are in conformity with certain concepts. The important ones are those pertaining to

- the child’s rights (the recognition that every child has the right to protection and development);

- the responsibility of parents for rearing their children (there is a requirement that parents rear their children in accordance with the minimum prescribed standards of rearing and the return of children to their families immediately as soon as they are ready to rear their children by themselves);

- family support (the provision of counselling, guidance, advice and assistance services to parents in case the children being in need of assistance or welfare protection according to Articles 56, 58);

- family intervention (the empowerment of competent officials, administration officials, police and welfare protectors to have the power to enter and search premises and to separate abused children from their families so as to protect their welfare (Article 41).

In your opinion, is the application of those concepts appropriate to the state of society and the state of the problems confronting the children in the country or not? Which concepts are inappropriate or should not be applied or constitute obstacles and whether should other concepts be applied additionally or not?
14. In your opinion, the child protection system as stated in this Act is on the whole good enough or is there any part that urgently needs to be amended or are there any factors or anything that should looked into in the long run in order to make it a better and more effective system?

15. What aspects of the future child protection policy of the state should be accorded special importance? Which direction should it be headed and emphasized?
### Appendix D

**Biographical Data of the Interviewees**

*(20 persons)*

<table>
<thead>
<tr>
<th>Code</th>
<th>Sex</th>
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<td>Director-General</td>
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<td>Lawyer</td>
<td>Ministry of Social Development and Human Security (MSDHS)</td>
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<tr>
<td>IV 07</td>
<td>Male</td>
<td>50</td>
<td>Pediatrician / Child and Adolescent Psychiatrist</td>
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<td>IV 08</td>
<td>Male</td>
<td>52</td>
<td>Doctor</td>
<td>Faculty of Medicine Chiang Mai University</td>
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<td>Dean, National Child Protection Committee</td>
<td>Faculty of Social Administration, Thammasat University</td>
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Appendix E

Questions for the Interdisciplinary Focus Group

1. What are the ways to improve on Thailand’s child protection procedure according to the Child Protection Act 2003 in five key issues, namely,
   1.1 the mandatory reporting/public notifying;
   1.2 the investigation;
   1.3 the child and family intervention;
   1.4 the law enforcers and enforcement;
   1.5 the development of child protection mechanisms.

2. What are the ways to improve child protection system in both policy and practice level.
# Appendix F

## Biographical Data of the Interdisciplinary Focus Group

(13 participants)

<table>
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<tr>
<th>Sex</th>
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<th>Work place</th>
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<tr>
<td>Male</td>
<td>56</td>
<td>Executive Director</td>
<td>The Protection of Children’s Rights Foundation, Thailand,</td>
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<td></td>
<td></td>
<td>The UN Child Rights Committee</td>
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<tr>
<td>Male</td>
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<td>Pediatricians</td>
<td>Ramathibodi Hospital</td>
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<tr>
<td>Female</td>
<td>48</td>
<td>psychiatrist</td>
<td>Child Psychiatry Unit, King Chulalongkorn Memorial Hospital</td>
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<tr>
<td>Male</td>
<td>56</td>
<td>Judge</td>
<td>Justice of the Court of Appeal</td>
</tr>
<tr>
<td>Male</td>
<td>52</td>
<td>Provincial Public Prosecutor</td>
<td>Ranong Provincial Public Prosecutors office</td>
</tr>
<tr>
<td>Male</td>
<td>50</td>
<td>Deputy Superintendent</td>
<td>Section 1 Crime Against Child Woman Suppression Division, Royal Thai Police Department</td>
</tr>
<tr>
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<td>Director</td>
<td>Kredtrakarn Protection and Occupational Development Center</td>
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<td>Clinical Psychologist</td>
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