**Information relating to the right of persons with disability to live independently and to be included in the community pursuant to Human Rights Council resolution 25/20**

***1. Is your country currently reviewing or has it reviewed laws (i) denying or restricting the exercise of legal capacity, (ii) allowing for forced institutionalization, (iii) establishing a presumption of danger to self or others on the basis of disability, or (iv) providing for social protection schemes or medical institutions that include segregated settings for a living?***

* Thailand does not have a law denying or restricting the exercise of legal capacity of persons with disabilities in general. However, its Civil and Commercial Code provides that the Court has the power to adjudge a person incompetent or quasi-incompetent on such basis as unsound mind and physical or mental infirmity that make him incapable of managing his own affairs. Such person must be placed under a guardian or curator whose power and duties shall be such as prescribed in the relevant sections of the Code.
* Thailand has a law providing for a presumption of danger on the basis of mental disability. The Metal Health Act (2008) stipulates that a person with mental disorder who is in dangerous state shall be treated. A person whose conducts or behaviors have led to believe that he or she has mental disorder in a dangerous state shall be brought to a public hospital for preliminary assessment of symptom and diagnosis by a physician. A treatment shall be given to such person as necessary and to the extent proportionate to the seriousness of the symptoms for the good health of that person.
* Currently, Thailand has no plan to review both the afore-mentioned laws.

***2. Does your country already have or is it currently developing a programme or plan to promote the implementation of services enabling independent living such as: personal assistants, home assistants or other community-based services regardless of any kind of impairment?***

* The Persons with Disabilities Empowerment Act (2007) recognizes the right of persons with disabilities to have access and benefit from public facilities, social welfare and other kind of assistance from the State. They can request for assistance from the Ministry of Social Development and Human Security (MSDHS) to adapt or modify their residence to make them suitable to live in in accordance with the types of their impairment. The assistance allowed for is limited to 20,000 Baht per person.[[1]](#footnote-1)
* Persons with disabilities who cannot help themselves or do not have anyone to look after may apply for a personal assistant to help them with their daily living. Personal assistants are entitled to receive training from the State to improve their skills necessary for taking care of persons with disabilities.
* Access to physical environment and transportation for persons with disabilities is crucial in promoting the right of persons with disabilities to be included in the community. The legal framework for such access is provided for in relevant ministerial regulations issued under the Building Control Act (1979) and the Persons with Disabilities Empowerment Act. In 2005, a regulation was issued under the Building Control Act which sets out certain features and equipment that newly constructed buildings must have to facilitate access of persons with disabilities and elderly persons. These include signage, ramps, elevators, guide strips, parking spaces and toilets specifically designed for persons with disabilities. This regulation applies to (1) government offices, health facilities, educational institutions and transportation stations with areas open to the general public larger than 300 square meters, and (2) offices, hotels, theatres, conference facilities, and department stores with areas open to the general public larger than 2,000 square meters. Another ministerial regulation issued under the Persons with Disabilities Empowerment Act in 2013 sets out requirements of accessibility features for public vehicles including buses, trains, ferries and airplanes.
* According to the ministerial regulation issued under the Persons with Disabilities Empowerment Act in 2012, an office employing persons with disabilities must provide as appropriate equipment, facilities or services that suit the needs of such persons in accordance with their type of impairment. It also tasks the National Office for the Empowerment of Persons with Disabilities (NEP) of the MSDHS to impart knowledge and provide training to staff in public and private organizations relating to services to meet the specific needs of persons with disabilities.
* The government has been implementing a national plan to improve the quality of lives of persons with disabilities since 1997, the current plan being the fourth one (2012-2016). The plan envisions a society in which persons with disabilities can live independently with other members of society and have access to their rights on an equal basis with others. Several strategies have been identified to turn that vision into reality, one of which is the creation of a physical environment and the development of technology and information that is accessible to persons with disabilities.
* To promote access of persons with disabilities to physical environment especially public offices, the Cabinet adopted a decision on 25 May 2012 by which it instructed the Budget Bureau to allocate additional funds to government agencies responsible for providing public services such as the Ministries of Interior, Education and Public Health and the Royal Thai Police, for modification of existing facilities to provide at least 5 accessible facilities to persons with disabilities, i.e. ramps, toilets, parking spaces, signage and information service, by the end of 2015.

***3. Does your country have effective mechanisms that persons with disabilities could successfully employ in case of denial of access to services enabling independent living and inclusion in the community including access to facilities for general population on an equal basis with others? If so, do these mechanisms guarantee reasonable accommodation when necessary services of support are not in place?***

* According to the Persons with Disabilities Empowerment Act, persons with disabilities can submit a complaint on discriminatory practices to the National Committee for the Empowerment of Persons with Disabilities chaired by the Prime Minister. They can also make recommendations to the National Committee or the NEP to undertake appropriate measures to ensure that persons with disabilities can enjoy the rights recognized in the Act. The 2013 amendment of the Act provides for additional mechanisms that persons with disabilities can use in case of denial of any right stipulated therein including access to services enabling independent living and access to facilities for the general public. Such mechanisms are organizations of persons with disabilities or those providing services to persons with disabilities that are registered with the MSDHS and service centers for persons with disabilities that are established in accordance with the Act.
* Persons with disabilities can also submit complaints on denial to access or enjoyment of their rights to the National Human Rights Commission of Thailand (NHRCT). From 2003 to present, the NHRCT has received only 8 complaints from persons with disabilities, or an average of less than one complaint per year compared to some 700 complaints the NHRCT receives each year. Most of the complaints relate to discriminatory practices such as those on access to health care services and ownership of property.

 ***4. Is your country involved in international cooperation programs related to ensuring the right to live independently and to be included in the community? If so, is your organization involved in any such program?***

* Thailand signed the “Proclamation on the Full Participation and Equality of Disabled People in the Asian and Pacific Region” adopted by ESCAP at its 49th session in April 1993. That ESCAP meeting also adopted the Agenda for Action for the Asian and Pacific Decade of Disabled Persons (1993-2002).
* As part of a series of regional initiatives to translate into action the goals and objectives of the Asian and Pacific Decade of Disabled Persons, ESCAP in 1993 embarked on a project to promote non-handicapping environments for persons with disabilities and elderly persons in the Asian and Pacific region. Thailand was one of the three countries selected to participate in the project. The NHRCT had not yet been established at the time.

***5. Does your country collect statistics and disaggregated data on services provided to ensure independent living and inclusion in the community?***

* Two government agencies that are directly responsible for collecting statistics and disaggregated data on persons with disabilities are the National Office for the Empowerment of Persons with Disabilities (NEP) and the National Statistical Office (NSO). The NEP collects data on the number of persons with disabilities that are officially registered in accordance with the Persons with Disabilities Empowerment Act for the benefit of implementing the government policy and national action plan to promote the quality of lives of persons with disabilities. The data collected by the NEP is disaggregated by types of impairment, sex and places of residence.
* The NEP also monitors progress of implementation of relevant ministerial regulations on accessibility requirements in facilities that are open to the public. From a survey conducted among 43,024 government agencies during 2009-2011, it was found that only 12,218 agencies had 5 basic accessibility features, i.e. ramps, toilets, signage, parking space and information service. This accounted for 28.4 percent of the total government offices surveyed.
* The NSO has conducted a five year disability survey since 2002. It collects statistics on the number of persons with disability based on WHO International Classification of Functioning, Disability and Health (ICF) to make the data comparable to those of other countries. The survey provides statistics on the number of persons with disabilities using assistive devices disaggregated by sex and places of residence, those who have carers and those who do not and need ones, as well as data on carers disaggregated by sex, places of residence, their relationship to the persons with disabilities and the types of assistance they need from the State.

----------------------------

National Human Rights Commission of Thailand

August 2014

1. The current exchange rate is approximately 32 Baht to 1 US dollar. [↑](#footnote-ref-1)