**Information submitted by the National Human Rights Commission of Thailand pursuant to Human Rights Council resolution 19/11 concerning the rights of persons with disabilities**

**1. The situation of persons with disabilities in the field of employment, including relevant data and statistics**

* According to the survey conducted by the National Statistical Office in 2007, there are a total of 1,815,630 persons with disabilities aged 15 years and over. About 35 percent of this number, or 638,994 persons with disabilities, are employed in different sectors, with the percentage of employed males about 15 percent higher than that of employed females. Approximately two-thirds of employed persons with disabilities work in the agriculture, forestry and fishing sector. Persons with disabilities who are unemployed are mostly elderly persons with the age of 60 years and over. They account for about 45.5 percent of the total population of this group of 1.81 million people. The number of persons with disabilities aged 15 years and over who are employed, categorized by sector and sex, appears in the table below.

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| **Employment by sectors** | **Total** | **Male** | **Female** |
| **Total** | **1,815,630** | **833,253** | **982,377** |
|  | **638,994** | **360,057** | **278,937** |
| Agriculture, hunting, forestry and fishing | 419,271 | 237,568 | 181,704 |
| Mining and quarrying | 918 | 776 | 142 |
| Manufacturing | 59,846 | 30,386 | 29,460 |
| Electricity, gas and water supply | 797 | 756 | 40 |
| Construction | 24,579 | 21,343 | 3,236 |
| Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods | 70,741 | 35,371 | 35,370 |
| Hotels and restaurants | 21,204 | 7,340 | 13,864 |
| Transport, storage and communication | 5,324 | 4,874 | 450 |
| Financial intermediation | 1,148 | 768 | 380 |
| Real estate, renting and business activities | 4,306 | 3,117 | 1,190 |
| Public administration and defence; compulsory social security | 7,899 | 6,298 | 1,601 |
| Education | 4,541 | 2,237 | 2,303 |
| Health and social work | 3,248 | 1,576 | 1,672 |
| Other community, social and personal service activities | 10,778 | 6,400 | 4,378 |
| Private households with employed persons | 4,238 | 1,136 | 3,102 |
| International organizations | - | - | - |
| Unknown sector | 156 | 111 | 45 |
| **Unemployed** | **1,176,636** | **473,196** | **703,440** |
| **Unknown** | **-** | **-** | **-** |

Source: National Statistical Office, available at [http://service.nso.go.th/nso/nso\_center/project/ table/file\_form.jsp?pro\_code=S-disable&year=2550](http://service.nso.go.th/nso/nso_center/project/%20table/file_form.jsp?pro_code=S-disable&year=2550)

**2. Conformity of legislative and policy framework with article 27 of the Convention on the Rights of Persons with Disabilities (CRPD) on work and employment**

* The Constitution of the Kingdom of Thailand B.E. 2550 (2007) guarantees in section 30 the equality of all persons and prohibits discrimination on various grounds including disabilities. Section 43 of the Constitution recognizes the right to liberty of a person to engage in an enterprise or occupation and section 44 the right to work safety and welfare as well as security of living whether or not the person is employed.
* The Promotion and Development of Quality of life of Persons with Disabilities Act B.E. 2550 (2007) is the major legislation that specifically guarantees the rights of persons with disabilities in many areas. Section 15 of the Act prohibits unfair discrimination against persons with disabilities both in policy and in practices in all areas, including in employment, and provides for a mechanism to receive complaints relating to unfair discrimination. Access to public services relating to rehabilitation for occupation, standard services, labor protection and employment security is guaranteed in section 20.
* The Act also provides for measures to promote employment opportunities for persons with disabilities in both the public and private sectors in line with in article 27 (g) and (h) of the Convention on the Rights of Persons with Disabilities (CRPD). Section 33 of the Act states that both private enterprises and public agencies must employ persons with disabilities to work in suitable positions in an appropriate proportion to the number of all workers employed in an organization as will be determined by the Ministry of Labor. Section 34 of the same Act provides that any private enterprise which does not employ persons with disabilities as stipulated in section 33 must make contribution to a fund established by the Act to support programs and activities to improve the quality of life of persons with disabilities. Any public agency or private enterprise which cannot comply with sections 33 and 34 can give persons with disabilities or their caregivers other forms of assistance and services.

**3. Implementation of national legislation and policies, progress made and obstacles preventing persons with disabilities from enjoying the right to work on an equal basis with others**

* In accordance with section 33 of the Promotion and Development of Quality of life of Persons with Disabilities Act B.E. 2550 (2007) mentioned above, the Ministry of Labor has issued a ministerial rule setting out the proportion of the number of persons with disabilities that each public agency or private enterprise must employ to the total number of workers it is employing at 1:100. It is estimated that such proportion would create job opportunities in both public agencies and private enterprises for over 60,000 persons with disabilities. An organization representing persons with disabilities gave information that so far about 23,000 persons with disabilities have been employed in accordance with the provisions of this Act.
* The government has a policy to promote access of persons with disabilities to labor market by providing for vocational training and job placement services in accordance with article 27 (d) and (e) of the CRPD. Credits are also provided to persons with disabilities who wish to start their own businesses. The Ministry of Labor currently has 8 vocational training programs for persons with disabilities with the capacity to train 1,000 persons with disabilities per year. Persons with disabilities who have received rehabilitation and can help themselves can be trained with others in labor skills development centers situated in almost every province of the country. The Labor Ministry also organizes job fairs for persons with disabilities. According to the information contained in the initial report on the implementation of the Convention on the Rights of Persons with Disabilities prepared by the government, during 53 job fairs organized from October 2009 – March 2010, there are 93 persons with disabilities participating in the fairs with 49 males and 44 females. It is expected that 29 persons with disabilities, 15 males and 11 females, will be employed as a result of the job fairs.
* The available statistics show that the number of persons with disabilities having access to employment opportunities or engaging in employment in the formal sector is rather low. An organization representing persons with disabilities have identified a few obstacles to access to employment. Many employers have set a high educational requirement for the positions open to persons with disabilities. Other obstacles are inaccessibility to the physical environment of the workplace and transportation. Many employers are not ready to make modification to buildings or provide necessary facilities in the workplace for persons with disabilities while the mass transport system in cities is still largely inaccessible to persons with disabilities.
* As regards specific groups, persons with intellectual disability have special difficulty accessing employment. In most cases, employment is provided to their caregivers. They need special arrangements that allow their caregivers to work with them. Given increasing importance of job coaching, a proposal has been submitted to the National Commission on the Promotion and Development of Quality of life of Persons with Disabilities for job coaching programs for persons with intellectual disability to enhance their skills and enable them to work with other normal persons.

**4. Involvement of persons with disabilities and their representative organizations in the development, implementation and monitoring of legislation and policies to promote and protect the rights of persons with disabilities**

* Organizations of persons with all types of disability are represented in the national commission established pursuant to the Promotion and Development of Quality of life of Persons with Disabilities Act B.E. 2550 (2007). The national commission, which is chaired by the Prime Minister, is responsible for the development of policies and programs aimed at promoting the quality of life of persons with disabilities as set out in the Act and the supervision of such policies and programs by relevant government agencies and private entities.
* Organizations representing persons with disabilities have been involved in the formulation of the five-year national plan to promote the quality of life of persons with disabilities. They also participate in ministerial level committees that have been set up to carry out the activities in accordance with the national plan with the support from the National Office for the Empowerment of Persons with Disabilities under the Ministry of Social Development and Human Security.
* It is the government policy to strengthen representative organizations of persons with disabilities to enable them to participate actively in matters relating to persons with disabilities. These organizations are eligible to receive funding from the fund established by the provisions of the Promotion and Development of Quality of life of Persons with Disabilities Act B.E. 2550 (2007) in support of their work to empower persons with disabilities in all aspects in accordance with the national plan. The government has also pushed for the establishment of service units nation-wide that will be managed by persons with disabilities.

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