Access to the Right to Education of Marginalised Children in Thai Society
About the Asia South Pacific Education Watch Initiative

At Midway Point: Failing Grade in EFA
The critical state and ailing condition of education in many countries in the Asia-South Pacific region compels serious and urgent attention from all education stakeholders. Decades of neglect, underinvestment in education, corruption, and inefficiency by successive governments in the countries of the region have left a grim toll in poor education performance marked by low school attendance and survival rates, high dropout and illiteracy rates, and substandard education quality.

Moreover, there are glaring disparities in access to education and learning opportunities: hundreds of millions of impoverished and disadvantaged groups which include out-of-school children and youth, child workers, children in conflict areas, women, ethnic minorities, persons with disabilities, Dalit caste and other socially discriminated sectors, remain largely unreached and excluded by the education system.

Hence they are denied their fundamental human right to education and hindered from availing themselves of the empowering and transformative tool of quality, life-long learning that could have equipped them to realize their full human potential, uplift their living conditions, and participate meaningfully in governance and in decisions that affect their lives.

In the year 2000, governments and the international community affirmed their commitment to quality Education for All (EFA) and Millennium Development Goals (MDGs). Midway to the target year 2015, government assessments of EFA progress revealed that education gaps and disparities persist, and education conditions may even be worsening as indicated by shortfalls and reversals in EFA achievement.

Civil society education campaign organisations and other EFA advocates need to therefore accelerate efforts in engaging governments to pay serious and sustained attention to meeting all the EFA goals and MDG education targets, especially for disadvantaged groups.

A Real World Strategies Approach to Advocacy and Capacity Development
Spurred by the challenge of pushing for accelerated progress towards EFA, the Asia South Pacific Association for Basic and Adult Education (ASPBAE) and the Global Campaign for Education (GCE) launched the Real World Strategies (RWS) programme to undertake realistic and practical education advocacy initiatives based on the actual conditions, experiences, and aspirations of people in communities.

They found the need to pursue a vigorous, evidence-based policy advocacy effort, build a shared understanding and rally civil society organizations (CSOs) around common goals, establish credibility with opinion-framers and decision-makers, marshal evidence as part of a systematic strategy to influence policy, and generate reliable data on excluded and unreached sectors. Campaign calls and messages needed to be supported by credible evidence, based on the real state of education in communities.
Thailand: Summary Report

Access to the Right to Education of Marginalised Children in Thai Society

Asia-South Pacific EdWatch

2007
The Asia South Pacific Association for Basic and Adult Education (ASPBAE) is a regional association of more than 200 organisations and individuals working towards promoting quality education for all and transformative and liberating, life-long adult education and learning. It strives to forge and sustain an Asia-Pacific movement dedicated to mobilizing and supporting community and people’s organizations, national education coalitions, teachers unions, campaign networks, and other civil society groups and institutions in holding governments and the international donor community accountable in meeting education targets and commitments, ensuring the right of all to education, and upholding education as an empowering tool for combating poverty and all forms of exclusion and discrimination, pursuing sustainable development, enabling active and meaningful participation in governance, and building a culture of peace and international understanding.

ASPBAE publications form an integral part of ASPBAE’s information, education, and advocacy activities and efforts, and seek to support sharing and learning among education stakeholders, advocates, practitioners, analysts, and policy-makers. The reader is therefore encouraged to use the material contained herein for reproduction, adaptation, and translation worldwide for use in nonprofit education and information activities and publications, with due acknowledgment to ASPBAE, and to provide feedback that could help in further improving these publications.

The Real World Strategies (RWS) Capacity building for Education for All (EFA) advocacy programme and the Education Watch (EdWatch) initiative are supported by the Global Campaign for Education (GCE) through a grant from the Dutch Government.

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Access to the Right to Education of Marginalised Children in Thai Society

Introduction

This summary report is the outcome of an effort to monitor the government’s implementation of the right to education for marginalised children. For education to be a meaningful right it must be available, accessible, acceptable and adaptable. The concept of these four (4) A’s was developed by the former United Nations Special Rapporteur on the Right to Education, Katarina Tomasevski. In this framework, the 4 As are to be respected, protected and fulfilled by the government, as the prime duty-bearer.

**Availability** – that education is free and government-funded and that there is adequate infrastructure and trained teachers able to support education delivery.

**Accessibility** – that the system is non-discriminatory and accessible to all, and that positive steps are taken to include the most marginalised.

**Acceptability** – that the content of education is relevant, non-discriminatory and culturally appropriate, and of quality, that the school itself is safe and teachers are professional.

**Adaptability** – that education can evolve with the changing needs of society and contribute to challenging inequalities, such as gender discrimination, and that it can be adapted locally to suit specific contexts.

The study used this framework of the 4 A’s of the right to education.

The process of producing this report involved much participation and networking towards creating a group dynamic. The design of the study, information collection, information rechecking, revision and processing and analysis took a year, from September 2007 to October 2008. In preparing this report, civil society organisations in Thailand were not only able to study the seven target marginalised groups, but were also able to build capacity to monitor education together in a mutual undertaking to promote the right to education in Thai society. This initiative eventually led to the creation of the ‘Thai Education Watch Network.’

Thailand adopted the Convention on the Rights of the Child on 27 March 1992. It also signed the International Covenant on Economic, Social and Cultural Rights on 5 September 1999. Following its commitments to the International Human Rights Obligation on two issues, Thailand is obliged to propose an operational plan within two years of the effectivity of the International Human Rights Obligation, and then every five years after sending its first report or whenever requested by the referred Global Obligation Committee.

This report serves the purpose of a ‘shadow’ or ‘alternative’ report, as proposed by the Global Obligation Committee, focusing on the right to education of children. It purports to be an instrument to initiate local discussions on the right to education of marginalised children through various activities and to contribute to the work of monitoring the commitments of the Thai Government at the international level.

ActionAid played a major part in initiating and producing this report, and throughout the preparation of the case studies, helped gather facts from resource persons such as teachers, parents, students, civil society organisations and local non-governmental organisations (NGOs) concerned with reaching the target of Education for All (EFA), especially for marginalised children.
In order to achieve mass dissemination of its contents, the report was produced in Thai. This Summary Report is in English and is intended for advocacy platforms at the sub-regional and regional levels. The Thai Education Watch Network (TEWN) and the Asia South Pacific Association for Basic and Adult Education (ASPBAE) hope it will promote mutual watching and monitoring of the processes in protecting and promoting the right to education in Thailand and in the region, now and in the future.

A. Background

The World Education Forum, which brought together representatives from 164 countries in April 2000 in Dakar, Senegal developed the Dakar Framework for Action on Education for All: Meeting our Collective Commitments and set the deadline within 15 years, from 2000 to 2015. The Thai Government’s response to the agreements spelled out at the World Education Forum was to put in the Basic Educational Policy at Base-Level in the National Constitution and to amend relevant laws, especially the National Education Act of 2542 B.E. (1999) and Issue No.2 of 2545 B.E. (2002). The Ministry of Education was mandated to coordinate implementation and promote equity in education.¹

The Constitution and the National Education Act provide the direction for transforming the education system through widespread promotion of education, partnership with civil society in the management of education, free basic education provision, and emphasis on local traditions and knowledge.

The National Education Act 2542 B.E. (1999) and amended issue No.2 in 2545 B.E. (2002), Article 10 state that “School Management is obligated to provide everyone the right and opportunity to avail of quality free basic education for not less than 12 years.” This article provides equal rights and opportunity for all, adequate coverage, and acceptable quality of basic education. Furthermore, Article 17 mandates the “provision of compulsory education for 9 years.” Article 11 likewise provides that “the father, mother and parents have a duty to give the child or person under supervision compulsory education along Article 17.” Thus, obtaining education for each one in Thailand is very important. It is enshrined in the Constitution and relevant laws. It is also a commitment of the government as a member of the United Nations and as a signatory to Education for All (EFA).

According to the Educational Rights Report prepared by a number of civil society organisations in 2005, there are a large number of marginalised children, who have been denied the right and opportunity to obtain basic education. Of the more than 1.47 million marginalised children, 75% have been found to have no access to basic education. It was found that the main cause was poverty. There is a need therefore to 1) monitor how the State promotes the right to education for marginalised children, 2) create a parallel process of collaboration towards developing organisations and groups working with marginalised and excluded children into a dynamic network, and 3) produce a shadow or alternative report for presentation to the Global Obligation Committee on Human Rights, which will serve as an instrument in initiating local discussions on the right to education of marginalised children through various activities and in monitoring the commitments of the Thai Government at the international level.

¹ http://www.bic.moe.go.th 5 October 2008
With ActionAid Thailand as lead, 13 civil society organisations and community-based organisations came together on issues around the right to education of marginalised children and formed the Thai Education Watch Network (TEWN). The network undertook a research study to monitor and assess the Thai Government’s implementation of the right to education under existing education laws and international commitments. The network is composed of:

- ActionAid Thailand
- Field of Basic Education, Faculty of Education, Srinakharinwirot University
- Children’s Community Development Center and Network, Mae Hong Son Province
- Inter Mountain Peoples Education and Culture in Thailand (IMPECT) Association
- YMCA Bangkok
- Payao Province Branch, Community Network in Ubonratchatani
- PLAN, Thailand
- Asia Resources Foundation, Pattani Province
- The Mirror Foundation, Ranong Branch
- Issarachon Voluntary Activity Creation Association - Rak Thai Foundation
- Foundation for Children’s Development
- Friends of ATD Foundation, Thailand, and
- The National Human Rights Commission of Thailand (Subcommittee on Education and Development and Subcommittee on Ethnic Rights).

B. Methodology of the report

The research was done using both qualitative methods and statistical analysis. The network collected information and studied the education situation in the local areas. It conducted area inspections and brainstorming with experts and resource persons from private sector, government, NGOs, and other groups. Discussions with target groups were held directly, such as with parents and the marginalised children themselves who came from the seven target groups. The members of the Thai Education Watch Network had earlier identified and approved the selection of these target groups, whose concerns were considered as priority. The entire process took one year to complete, from September 2007 to October 2008.

C. Who are the marginalised and excluded in Thai society?

The study categorised its subjects into seven groups, which became the focus of this study:

1. Indigenous peoples. As defined by the United Nations, these include Thai hill tribes, Morgan or people living at sea and Thai Muslims of Malaysian origins in South Thailand.

2. Slum communities. Most are Thais living in big cities, in congested communities in Bangkok and in Ubonratchatani Province.

3. Migrant workers. As the study found out upon inspection of Ranong Province, most migrant workers are Burmese, and some are from Cambodia and Laos.
(4) **Remote area communities.**
Most of them are Thais living in North and Isaan (Northeast), which are far from the big city, having little or no access to transportation. They also include migrant workers who are Burmese, Cambodians and Laotians.

(5) **Children without citizenship.**
These are Thais who had inhabited the border between Thailand and Myanmar, before the demarcation of the border line. After the border line had been fixed, they have been restricted entry to Thailand because they are considered to be living within the border area of Myanmar. They are pushing for the restoration of their Thai nationality.

(6) **Homeless children and street children.** They can be found in the metropolis where competition for space and livelihood opportunities is so severe that many groups are relegated to living along the margins as excluded groups, without access to education, housing and jobs.

(7) **Children affected by conflict.** They are mostly in the province at the border of South Thailand, fearing for their safety, living in poverty, and without access to education and basic services.

These target groups share a life full of difficulties, problems and hindrances. Unfortunately, the government has no comprehensive plan to elevate their status and uphold their human rights.

The marginalisation of these seven categories of people in Thai society are caused by economic, political, cultural, religious, and language factors. Ethnic minority groups belong to the marginalised groups. But although the Chinese are a minority group in Thailand, no one thinks that Chinese Thais are part of the marginalised groups. This is because marginalisation is determined not only by ethnicity, but also by exercise and access to rights, power (both political and economic) and opportunity. One social group may have less rights, power or social opportunity compared to other social groups. The fact that a group of people share the same situation of not enjoying their full rights compared to other groups, of being discriminated and denied access to public services -- is what makes them “Marginalised People.”

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**D. Problems and circumstances of marginalised people: The overall picture**

Marginalised people are always looked down on, let down and taken advantage of by the dominant group in society. The study found that the overall situation of the seven target groups may be described as follows:

(1) The indigenous peoples such as the Thai hill tribes in the North, Song and Kui
tribes in the East and the Morgan, Morglan, Uraq-Rawoi, and Sakai tribes in the South have been displaced from their communities as a result of government policy. In some cases the Forest Department officials claim that the fields the villagers farm for a livelihood are state land. In other cases, state security forces move whole villages of indigenous people down the hills from so-called ‘sensitive areas’ near the border with Myanmar. In still other cases, their homelands have become prime location for a hill resort, national park or eco-tourism project of government. When these people are displaced, they become stateless, with no hope for the future, unable to determine their own lives and deprived of social opportunities. Up to this day, the state has no clear policy on indigenous peoples.

(2) Migrant workers include family members of migrants who came along with them to Thailand as well as children born in Thailand of long-staying migrant workers. There remain a large number of unregistered migrant workers, those without legal papers to work and live in Thailand. These people live a life of constant fear of being caught so they move around all the time and they often fall prey to corrupt authorities who extort money from them. A critical issue for them is the education of their children. Though they wish to be able to educate their children, they could not afford it. Furthermore, their illegal status presents a huge stumbling block to accessing education for their children. Without access to education, the right to education of the children of migrant workers continues to be violated. The state has to have a clear policy on the right to education of these children. As things stand policy-wise, the state addresses the issues of child labour, child beggars, child trafficking, and child prostitution, but is silent on the plight of children of unregistered migrant workers.

(3) People without citizenship are those who had been affected by the setting up of the border line. Their communities have been declared a territory of another country. The state considers them of Thai race but of Burmese nationality. Many of them are not aware of this status and those who may be aware that they have been given this status could not care less about it. They maintain contact with their relatives in Thailand who often cross the border to visit them. Many of them live in the provinces of Prachubkirikhan, Ranong and Chumporn. As they have no Thai nationality, they are restricted from entering Thailand. They enter Thailand illegally in order to find jobs and access basic services. But these days, Thai authorities have been cracking down hard on illegal immigrants and implemented the policy of requiring Personal Identification Status in 2005. The children of these stateless persons and illegal immigrants have no access to education.

(4) The homeless children and street children are the strays that populate public places, neglected by society and without any rights.

(5) Children in slums are a mix of displaced indigenous peoples, migrant workers and stateless persons, all of whom have left their communities or hometowns to seek opportunities in the city. They end up living in the city’s slums.

(6) Children in remote areas remain without much social opportunities. They live in rural communities that are so far away that transportation infrastructures are very deficient and the educational services almost non-existent, given the lack of qualified school personnel. The state also finds it difficult to deploy school personnel in these areas as many educators are not willing to serve in these remote areas.

(7) Children in conflict areas in the province at the border of South Thailand live in remote locations, without access to basic services. They are traditionally Muslims. As Muslims, they resist the mainstream educational system because they feel that the state is using the schools to undermine their culture. The educational system is not relevant to them because the language of teaching, framework and concepts -- even the books -- do not conform to the people’s culture, tradition and needs. This is the issue at the heart of the conflict between these communities and the state, which has already triggered many protests.
E. Context of right to education of marginalised people

According to our survey on the Access to the Right to Education of Marginalised People among seven marginalised groups in Thailand, 51% of children have access to primary school but only 33% of them are educated from base-level and reach high school level grades 7 to 9, and less than half of them are able to study in grades 10 to 12. The proportion of those who have not had any year of education at all is quite high at 15%.

Table 1. Education Level Reached by Members of the Families of the Target Group

<table>
<thead>
<tr>
<th>Education Level</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>no education at all</td>
<td>324</td>
<td>8%</td>
</tr>
<tr>
<td>nursery level</td>
<td>634</td>
<td>15%</td>
</tr>
<tr>
<td>Grades 1 to 6</td>
<td>2,109</td>
<td>51%</td>
</tr>
<tr>
<td>Grades 7 to 9</td>
<td>290</td>
<td>7%</td>
</tr>
<tr>
<td>Grades 10 to 12</td>
<td>84</td>
<td>2%</td>
</tr>
</tbody>
</table>

Color Legend:
- **Dark Blue** = no education at all
- **Red** = nursery level
- **Green** = Grades 1 to 6
- **Purple** = Grades 7 to 9
- **Light Blue** = Grades 10 to 12
- **Orange** = Bachelor’s Degree

Children in remote areas, including communities located in forests, have access to education at base-level only. The law specifies that it is ‘the duty of parents to support children to obtain compulsory education for at least 9 years.’ But parents find it impossible to comply with the law because they are poor. The costs of sending children to school beyond primary level increases because they will have to attend school outside of their villages. This means spending for transportation and housing, costs that are impossible to meet their incomes which are so little, they can hardly pay for their children’s school expenses even if a school is built nearby.

As to the issue of access to education in terms of gender, there have been some changes over the years. There has been gender parity improvement in the access of boys and girls. The study has found out that the groups which remain to have most gender disparities in access are the Morgan tribe and the homeless group.

Almost all adults belonging to the Morgan tribe are uneducated, especially those aged over 30 years. Being unregistered, they are also stateless people. These days, Morgan children have started attending school, but they are few. In Payam Island in Ranong Province, for example, only six in 20 children go to school. In Lao Nok Island, also in Ranong, 60 to 70 Morgan children go to school in Lao Nai Island but these children are unable to attend classes regularly as they have to commute by boat. Extreme weather conditions sometimes prevent them from travelling, and they also cannot go to school when boats run out of petrol. Lack of teachers is also a persistent problem. In general,
Morgan children start primary education at much later ages with nine-year-old children attending Grade 1, 10-year old children in Grade 2 and 13-year old children in Grade 3, etc.

Homeless people or street people include women staying in Sanamluang (the big grass field in Bangkok near the Grand Palace). These women left their hometowns to work in Bangkok but they were cheated on their wages by their employers who confiscated their identity cards to keep them from bailing out. Now they are embarrassed to return to their hometowns, having been a failure at their shot at a decent job in the city. They live as strays in Bangkok, sickly and addicted to alcohol. Some work as prostitutes, while some work sorting garbage for recyclable materials such as plastic bottles. Most of them have children who are left in the care of relatives in the provinces. They are unable to send their children to school.

F. The causes of inaccessibility of the Right to Education

The research findings point to reasons why marginalised children are not able to access education:

(1) **The lack of schools in areas where these children are living.** In some parts of North Thailand, the state is able to provide nursery and primary level education only. For secondary level, only half of the students in Grade 7 to 9 are served, and Grades 10 to 12 are not served at all. This means that after completing primary school, most of the students have to attend secondary school located outside of their communities in order to continue their studies. This means further that most of them will certainly be unable to continue their studies because their parents cannot afford the costs.

(2) **The nonformal costs of education borne by parents and families.** Although the government provides poor students enrolled in state schools with some support for tuition and food, many families are still unable to send their children to these schools because they still could not afford to pay for other costs such as sports uniform, scouting uniform, youth red cross uniform, textbooks, paper, computer class fee, insurance fee, transportation, dormitory fee, etc. These costs differ from school to school. They range from Baht 500 to Baht 2,500, according to the 100 families surveyed.

The parents of children in slums said they are also burdened by other expenses such as those for special annual activities, camping activities, outside study sessions, anniversary celebrations, and special events where their children have to perform on stage wearing costumes. These kinds of expenses are common for children studying in the city; those studying in rural areas have less of these kinds of expenses.

(3) **Child labour.** There are also children who are unable to go to school because they have to help their parents earn a living. This is common among families of migrant workers. Child labourers work six to seven days a week to augment the income of the family.

(4) **Early marriage, especially for girls.** The study found that early marriage is another cause of the lack of access to education. In the south border area, boys usually get married at aged 12 to 14 years. Their brides are girls who have reached only sixth grade. Because of the lack of secondary schools in their area, these children have stopped schooling and the only option left for them and their poor parents is for these children to be married off. This is better than sending them out of town to
continue their studies, an expense their families cannot afford. Some parents also prefer their children to marry foreigners, such as Malaysians.

G. The Situation at School Level

On the first indicator: Rights and Equal Opportunity

The right to Education or to access and gain knowledge is upheld by international laws and clearly stated in Section 28 of the Convention on the Rights of the Child, Section 13 of the International Covenant on Economic, Social and Cultural Rights and Section 5 of the Convention on Elimination of All Forms of Racial Discrimination. Thailand’s National Education Act 2542 B.E. with additional issue No. 2, 2545 B.E., states that all children must obtain appropriate education and be able to reach their potential without restrictions.

However, 2492 B.E. Article 53 states that “a person has the duty to obtain basic education in the terms and conditions and methods settled by law in accordance with the Education Act.” Apparently, the state considers that gaining education is the duty of the individual, not of the state, thereby watering down the mandated role of the state to “provide availability, build accessibility and ensure acceptable quality and adaptability of education.” This implies that the concepts of “rights of the people” and “duty of the state” with regard to education are being circumvented. Although Thailand is a democratic country, it can be said that the people have yet to have full enjoyment of human rights. This can be seen in the continuing lack of access of the poor to education, despite the fact that the state supposedly recognises the right to education as enshrined in the Universal Declaration of Human Rights through the Act on National Education 2542 B.E. (1999) Article 10, which states that “the school management is obliged to provide everyone the right and opportunity to gain quality and free basic education for not less than 12 years.”

On the second indicator: Coverage for All

According to the United Nations Educational, Scientific and Cultural Organisation (UNESCO) Education for All Global Monitoring Report presented at the World Summit on Education for All on 18 February 2007, in Pattaya, Chonburi Province, Thailand, the number of non-educated children in the ASEAN² countries add up to three million. In Thailand, the total is pegged at 419,000.³ Reports from civil society organisations in 2005, however, found that marginalised and excluded children numbered more than 1.47 million. Of these, 75% do not have access to education at all.

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² Association of South East Asian Nations consisting of 10 countries: Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Viet Nam
³ Manager Newspaper, 15 February, 2008
The Global Monitoring Report also finds that there are almost the same number of girls as boys in primary and secondary schools in Indonesia, Myanmar and Singapore. In Cambodia and Laos, there are less females that have access to education as males. In Malaysia, Philippines and Thailand, however, male children are the more disadvantaged and outperformed.\footnote{UNESCO, 2008 Education for All Global Monitoring Report “Education for All by 2015: Will We Make It? a mid-term assessment of where the world stands on its commitment to provide basic education available for all children, youth and adults by 2015, 29 November 2007<www.unesco.org> (retrieved on 25 October 2008)}

**On the third indicator: Acceptable Quality Basic Education**

According to the teachers, students, parents and others from the Educational Center of Ratchphat Suan Dusit University, the problems and barriers to basic education include the following:

**Nursery Level:** The first problem that must be solved urgently is the lack of instructional media and educational aids. Up to 25.55% of nurseries have this problem. The second problem is capacity to deal with very young children who can’t take care of themselves (23.36%). Other problems include shortage of human resources in school management (18.25%), lack of capability and readiness of teachers (17.52%) and the different levels of development of the children (15.32%).

**Primary School Level:** The first problem is the different levels of quality of each academy, the shortage of educational aids and teaching technology (24.67%). The second problem is inattention of students (21.33%). Other problems include: children without skills who cannot think and learn by themselves (19.33%), overburdened teachers (18.67%) and the lack of teachers so that many teachers are teaching subjects they did not major in (16%).

**Secondary School Level:** The first problem is inattention, disinterest, and lack of concentration of students (24.85%). Other problems include curriculum not suitable to the age of children (21.30%), the shortage of instructional media and educational aids (18.93%), problem of preoccupation with gaining social status and exposure to materialistic values in media (18.35%), and students being more interested in other activities than in studying their lessons (16.57%).

The Educational Committee of the Senate has acknowledged that throughout the nine years of education reforms, achieving acceptable quality education remains a goal. The reforms have focused on reforming the structures of school management but failed to develop the curriculum and core method of education. In order to have quality, the curriculum should enable students to learn through scaling by alternative choices (i.e., choose the best answer from choices A, B, C,...) as the core method complemented by activities that will allow children to analyse problems. The weakness of the current curriculum is to be blamed for the inattention and weak performance of children in school.

Moreover, it was found that many teachers are not keen on working to improve their teaching methods. This is because they are overburdened enough as it is. The lack of teaching personnel means available teachers handle more classes and teach more subjects, even those they did not major in, which means they also have to study in order to keep up. But with the high cost of living and low wages, many teachers are also saddled with debt problems. Some of them are more concerned with doing individual research for career advancement than in improving their teaching. Other factors that affect the quality of education of children include the popularity of television, mobile phones and the internet, all of which promote a culture of consumerism and materialism among the children.
H. Facts, Problems and Hindrances in Access to Education

Academies and schools that provide education services for base-level cover many areas, but beginning secondary level (Grades 7-10), education services thin out. The numbers of secondary schools are less by 50% as compared to primary schools. At the end of secondary level (Grades 11-12), there are hardly any education services at all in disadvantaged areas. It implies that students must leave their hometowns for further study in other places.

The budget allocations of government for the different educational levels are dramatically different. The average budget per school increases with higher levels of education. This difference is more evident in the budget support for such things as allowances of officers and sanitary facility expenses, than in the budget support on the basis of size of enrolment. Other expenses which also need budget allocations are Subject Development Plan, General Management Plan, Human Resources Management Plan, Budget Management Plan, Facilitation Cost, Education Aid Cost, Additional Tuition Fee, Student Activities Cost, and Sponsoring Cost for Utilities of Students.

The Local Administration Organization has responsibility to contribute to the local education in the area it covers and many Tambon Administration Organisations and municipalities contribute to school budgets. However, the financial contributions to schools are on a case to case basis rather than regular budget support as part of a continuing plan.

Given the problem of shortage of budget, there are times when schools need to raise funds through other methods, such as raising donations from parents, holding school fairs and implementing special projects, all of which add more expenses for parents.

Schools encounter many difficulties: the quantity and size of classrooms are deficient, there is lack of qualified teachers, the computers are substandard, there are hardly any first aid rooms, and there is lack of teachers for special children. There are other problems, such as shortage of sanitary facility (40%), shortage of instructional media (20%) and shortage of budget for workout place (15%). Two schools mentioned that it is difficult to hold activities because of lack of funds and lack of school building.

The conflict in South Thailand in the provinces of Pattani and Ranong has been causing divisiveness among students and fights in school. Some Muslim parents think that old teachers make better teachers because they get along with the community than the new ones. Other community members believe that non-Muslim teachers will not appreciate their culture and way of life the way Muslim teachers would.

Meanwhile, schools that use two languages or have two separate curricula for religion and for academics have been found to devote more time for religion classes, such that each day is divided into eight periods of which six periods are devoted to religion and only two inadequate periods are reserved for subjects such as Math, English and Thai. It was also found that most of the teachers in these schools are more capable of teaching religion than academic subjects. These are the reasons why students from the south border provinces lack knowledge and skills in academic subjects.
I. Conclusions

Analysis of the situation of marginalised and excluded people of Thai society leads to better understanding of the policy context of access to the right to education in Thailand.

Random sampling of 25 communities found that half of the surveyed children must move out of the village for further study in other places after nine years of compulsory basic education. But 82% of parents of these children are workers in agriculture, fishery and rank-and-file employees. Some 61% of these families earn not more than Baht 50,000 a year. Poor parents in rural areas must also spend more for the education of their children than parents living in the city. Those living in the city pay less for transportation and accommodation of their children.

Half of the population from the sampled families have access to primary school education while 15% do not have access. Only one-third of those who finish primary education are able to transition to secondary school. Less than 50% of those who enter secondary school are able to graduate. Of those sampled, only 84 were educated at the college level. The overall picture of access to education of excluded people is that of a triangle or a pyramid. This picture, unfortunately, has not changed for many years. Indigenous peoples, migrant workers and the homeless people are as uneducated as their ancestors were. As in the years past, these people are not able to attend school because they have to work. They remain poor and uneducated thus gearing towards raising uneducated children as well.

Most parents indicated that they must spend for the expenses of their children for transport and dormitory when their children study outside the community. They also have to spend for their children’s tutorial. The cost and expenses for educating children have also been increasing year by year. And the marginalised groups do not have money to finance their children’s education, although they all dream of having their children complete a college education.

This study also found that most orphaned children have access to education. But there is not enough data to study the access of special children to education.

One finding that stands out is that the education budget is not enough to develop acceptable quality education. The Thai education system remains plagued by congested classrooms and lack of qualified teachers. Many schools are broke and have to raise funds constantly. There is not much participation of parents and community in school management and in developing the curriculum. Fighting among student groups in schools in the conflict areas in South Thailand reflect the ethnic and religious tensions.

J. Human Rights-based Proposals to Determine the Direction of Education

When King Rama V developed the National Administration System during the era of democratic reforms in 1932 up to the first National Development Plan of Thailand in 1961, the state aimed to develop the country into an industrial society with growth rates comparable to Western countries. This has been the direction of national development.

In the beginning, the Ministry of Education came up with a national scheme combining a ‘core curriculum’ (70%), packaged with an ‘institute curriculum’ (30%). However, this scheme is not based on the principles of the Right to Self-Determination of local communities and disregards international agreements to promote the development of indigenous communities and religious groups. Education should have a fine balance of keeping what is valuable and desirable in the local culture and traditions on one hand and the striving for advancement and modernity on the other hand.
Thai education proceeded to give all-out attention to the needs of the business-industrial sector while neglecting the agriculture part. As a result, the education system proceeded to produce human resources for business and industry in the cities and failed to develop skilled human resources for agriculture that preserved the traditional way of life and culture. Local curriculum development has stagnated and there is no participation or push from parents and community members for this. Many schools do not include the study of the local language in the curriculum.

**First Proposal: Free Basic Education**

Free basic education is a human right. It is a practice of good governance to provide education for all, in accordance with the state’s social welfare programs. The right to free education, at least in base-level, is being provided in Thailand -- the country being a signatory in the Convention on the Rights of the Child and in the International Covenant on Economic, Social and Cultural Rights. However, past governments have failed to operationalise the goals of the Convention and the ECOSOC rights until the National Constitution 2540 B.E. (1997) defined free basic education.

The government allows even public schools to impose school fees and policy makers are not eager to solve this issue to the detriment of parents, saying schools are short on budgets. The government has to act to increase the budget of schools and eliminate the burden of too many expenses for parents. This is not impossible, considering that government is able to allocate billions of Baht for mega projects such as Nam Ngum Dam (Laos) to Mae Khong River, the Expressway System, the Natural Gas Vehicle Bus Rental, expansion of Suvarnabhumi International Airport, and the construction of the new Parliament Building.

The reality is that the state does not comply with what is provided for in the law. The schools are not provided with enough budget and financial support. Many of the schools are pressed to survive on their own that they are forced to raise funds through questionable means, such as squeezing parents for donations and requiring them to pay for overpriced supplies such as uniforms or for extra tutoring classes. These schools have lost the respect of parents. The ban imposed by the Ministry of Education on collection of fees is not enough to address this problem. The budget has to be increased.

About 82% of surveyed parents and children come from common people -- farmers (41%), employees (27%) and fishermen (14%). Of the surveyed population, nearly half (48%) have incomes not exceeding Baht 50,000 a year. This means that these parents would find it very hard to pay for expenses being required by the public schools. And, as has been mentioned earlier, the marginalised children in the countryside pay more in fact for their education than their urban counterparts. The state has to address this problem.
Second Proposal: Accessibility to Education: “Equity, Availability for All and Acceptable Quality “

Article 10 in The Act of National Education 2542 B.E. (1999) states that “school management is obligated to provide everyone the right and opportunity to gain quality and free basic education for not less than 12 years.” Information from the survey indicates that 15% of the sample group remains uneducated. It is also a finding that after primary school, they have less access to education. Indigenous people and those from remote areas are only able to access primary level, and even these have insufficient classrooms. After primary school, parents must send their children outside their community for further study. It means that those from the rural areas must spend more for accommodation, food, transportation, among others, for their children’s education.

To date, there is not enough effort from the Ministry of Education to expand coverage of compulsory education so that it can be availed of by everyone. Compulsory education is discussed only in reference to the duty of parents to provide education for their children. But compulsory education should extend to state provision of education in a way that will not be a burden for parents of children from grassroots and remote areas. The government chooses to build large schools or main schools in big communities, but in the study it was found that up in the north of Thailand and in some areas in the south, such as Koh Lao Island, the schools are so far away from home. In the rainy season, children get soaking wet, having to commute for an hour to school and back to their homes. Further, there remain many homeless and street children in Thailand that are not served by the State education system. These children receive support only from NGOs.

The Universal Declaration of Education for All, Section 3, Item 4, mandates the elimination of inequity in education, especially for groups with no access, such as the poor, street children, child laborers, pastoralists, and those in remote areas, and indigenous peoples. Government has yet to take action to comply with this declaration.

Third Proposal: Participation in School Management

The research findings showed that the overall participation of parents in school management is very low, especially in the development of curriculum, methods of teaching and learning, extra-curricular activities, and education evaluation.

The Act of National Education 2542 B.E. (1999) provides for participation of all sectors of society in the management of basic education. In the past, the Ministry has released policies promoting multi-stakeholder participation, but it has yet to maximise the participation of such groups as NGOs and community-based organisations that provide education services to the marginalised, especially the homeless and street children and children of migrant workers and slum dwellers.

The law determines the composition of School Management Committees, which are in charge of directing and supporting the activities in schools, as representatives from the community and representatives from school management. It seems strange that directors and officers of a school are appointed as chairs in the Board of Management, where they then basically direct and oversee their own jobs. In Western societies, the creation of School Management Committees seeks to promote the community’s greater role and control in education management. This ensures that the agenda of school meetings directly respond to the needs of the community. Community control means setting up the community-based committees of the school, which shall approve and consider human resources policy, local curriculum development and budgets.
Currently, it is the District Education Office that exercises full authority. When education budgets are transferred through local administration organisations, this might lead to the duplication of functions. The expansion of the authority and power of the District Education Area will result in the same mistake that happened in the United States of America where from 1960 to the present, the existing practice of many School Control Areas has reduced the opportunity of participation of people and has increasingly restricted decision making about the curriculum to only a select group of educationists. This has excluded participation of community members that would have assisted teachers and curriculum planners in being more sensitive to the realities of life in school and in the community.

**Fourth Proposal: Development of Local Curriculum by Local Experts**

The duty of the primary school to develop a comprehensive curriculum is not clear in the law. That is why there is no clear authority to push for local curriculum development. Curricula are developed at the national level and do not promote the learning of the local language and the dialects of the tribes; thereby the teaching of local culture and knowledge is ignored.

Generally, teachers are responsible for developing the local curriculum. But there are problems with this practice. First, most teachers in rural areas are overloaded with other duties and have to handle many classes. Second, many teachers are assigned in areas where they are not familiar with the language, tradition and culture. The local curriculum must be developed mainly by a local expert. Nowadays, there is no clear mechanism by which local experts can participate in local curriculum development. Moreover, the process of curriculum development includes research on the steps of education, situation analysis, data gathering, structure management, and analysing data, to set the objective of education, the contents, means, media, duration and knowledge evaluation. This is a continuous process of review and improvement. Therefore we cannot expect teachers to undertake curriculum development by themselves.

**Fifth Proposal: Teaching the Mother Language**

In 1960, UNESCO announced the “Convention against Discrimination in Education,” which paid attention to the right to education of minorities using their mother languages. In 1999, UNESCO proclaimed that February 21 of each year will be celebrated as the “International Day of the Mother Language,” noting that half of the 6,000 to 7,000 languages around the world are fast becoming extinct. The United Nations Committee proclaimed 2008 is the International Year of Languages, to support unity in variety and mutual understanding of nations.

UNESCO has been promoting the importance of the use of mother language in education. Research shows that children learn better if they start to learn with their mother language. The campaign to teach in the mother language in the first years of education is being promoted together with the concept of multilingual education. However, the basic education system in Thailand does not seriously endeavor to incorporate the mother language in the teaching-learning processes. It is recommended that from nursery to the primary level, children should learn through the mother language, not only children of minority groups or indigenous peoples, but also children in local areas with local dialects.
Asia-South Pacific Education Watch Initiative and Publications

These publications are the result of an Asia Pacific-wide Education Watch process initiated and pursued since 2006 by the RWS programme of ASPBAE and GCE, in partnership with national education coalitions from India, Pakistan, Bangladesh, Nepal, Sri Lanka, Philippines, Indonesia, Cambodia, Thailand, Solomon Islands, and Papua New Guinea.

Building on the successful Education Watch model implemented by the Campaign for Popular Education (CAMPE) in Bangladesh, the Asia-South Pacific Education Watch (EdWatch) was designed and coordinated by the RWS Steering Committee composed of ASPBAE, Education International, GlobalMarch Against Child Labor, GCE and the RWS Asia Pacific staff.

EdWatch has emerged as an independent, citizen-based monitoring mechanism for assessing the status of education at the regional, national, and local levels, providing well-founded bases for advocacy and education campaign work and strengthening CSO capacities for policy engagement in education. It is designed to track governments’ progress in achieving quality education for all, with a focus on addressing the education deficit for disadvantaged sectors.

Challenge to Civil Society

The daunting education crisis in the region challenges CSOs to sound a clear wake-up call to governments to shake off their complacency, go beyond rhetoric, summon the political will, and redouble efforts. There is a pressing need to assess existing education programmes, allocate more funds and resources for education, and institute targeted measures to address education disadvantage.

Since Dakar 2000, the progressive growth in strength and maturity of national education coalitions, and their enhanced capacity to conduct research and policy analysis and advocacy has been apparent. Equipped with their EdWatch findings, CSOs and education stakeholders have defined more coherent education policy agenda for lobbying, disseminated information to enhance public awareness of education issues, effectively engaged governments in education planning and policy-making, and strongly asserted substantive CSO and stakeholders’ participation in education governance at all levels.

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