

Thailand CRC Coalition Alternative Care Working Group

2016 Online Survey to assess the extent of unregistered Children's Homes in Thailand

Report of Findings

Executive Summary

The findings of the survey can be summarized in two areas:

- 1. There are more than 200 unregistered children's homes in Thailand that have an online presence.**
- 2. The current registration requirements for private children's homes in Thailand seem to be inadequate if Thailand aims to work towards implementation of the United Nations Alternative Care Guidelines.**

In an attempt to address the issue of unregistered children's homes operating outside legal system in Thailand, an online survey was conducted to identify the number of children under their care, geographical locations, and religious affiliation. The list of children's homes was cross checked against the list of registered private homes found in the 2015 report "Review of Alternative Care in Thailand: Policy and Implementation with special focus on Children affected by HIV/AIDS (CABA)" by the School of Global Studies, Thammasat University, with funding support from UNICEF.

219 unregistered homes were found.

The size of the unregistered children's home is ranging from 2 to 700 children.

56% of the surveyed unregistered children's home are having 10-49 children in their care, while 20% of the institutions host more than a hundred. However, the average size of an unregistered home is 58 children.

Geographically, most of unregistered children's homes are located in Northern Thailand, particularly in Chiangmai and Chiangrai provinces.

At least 64% of the surveyed children's home operating outside the legal system in Thailand are affiliated with Christianity.

When employing ratio of unregistered children's homes of Sangkhlaburi for extrapolation of the data, it is estimated that the number of unregistered children's home could be as high as 650 while the number of children in their care could be around 37,700 across Thailand.

The repeated bad practices found in the survey are the issue of identification of children, the confidentiality of their information, the objectification of the children, voluntourism, as well as proselytisation particularly among Christian affiliated children's homes.

It is suggested that to address the issue effectively, registration of children's homes is unavoidable. However, to further improve the care system, child registration is the essential first step. Also, the adherence of the United Nations Guidelines on Alternative Care is of importance as well as the

engagement of faith communities in the discussion of raising the minimum standard of care for vulnerable children in Thailand.

An unprecedented survey for Thailand

The growth in unregistered children's homes operating outside of any legal system is a concern throughout Southeast Asia. ASEAN member countries are at different stages in their response to the problem, for example the Cambodian government conducted a national survey of unregistered homes several years ago and as a result is now making a wide reaching attempt to address the issue in line with United Nations Guidelines on Alternative Care:

105. Legislation should stipulate that all agencies and facilities must be registered and authorized to operate by social welfare services or another competent authority, and that failure to comply with such legislation constitutes an offence punishable by law. Authorization should be granted and be regularly reviewed by the competent authorities on the basis of standard criteria covering, at a minimum, the agency's or facility's objectives, functioning, staff recruitment and qualifications, conditions of care and financial resources and management.

UN Alternative Care Guidelines A/RES/64/142

Anecdotally Thailand is known to have a large number of unregistered children's homes. Any children living in such homes are living without any clear duty of care from the government. However to date there has been no endeavor to formally quantify this issue. This online survey project was initiated by the Thailand CRC coalition, Alternative Care working group as a very low cost attempt to provide solid evidence of the existence of large numbers of unregistered children's homes in Thailand.

We hope to initiate action in support of Thailand's adherence to the United Nations guidelines for alternative care:

23. While recognizing that residential care facilities and family-based care complement each other in meeting the needs of children, where large residential care facilities (institutions) remain, alternatives should be developed in the context of an overall deinstitutionalization strategy, with precise goals and objectives, which will allow for their progressive elimination. To this end, States should establish care standards to ensure the quality and conditions that are conducive to the child's development, such as individualized and small-group care, and should evaluate existing facilities against these standards. Decisions regarding the establishment of, or permission to establish, new residential care facilities, whether public or private, should take full account of this deinstitutionalization objective and strategy.

UN Alternative Care Guidelines A/RES/64/142

Why this Survey was needed

Despite the positive contributions some of these intuitions have towards the children, there is a strong concern that Thailand's determination to implement its own law and uphold international standards in caring for children in need will be undermined unless these institutions are brought to light.

128. Agencies, facilities and professionals involved in care provision should be accountable to a specific public authority, which should ensure, inter alia, frequent inspections comprising both scheduled and unannounced visits, involving discussion with and observation of the staff and the children.

UN Alternative Care Guidelines A/RES/64/142

To ensure the safety and protection of the child in these care institutions, more information on the private institutions operating outside the legal system in Thailand is needed. Since many of the care institutions conduct their fundraising appeals through online channels, their locations, practices, and even number of children under their care are accessible. Therefore, an online survey was conducted in order to make available the information which will serve as a foundation to inform the authorities in a policy level.

A collective effort

The data of this study on the private institutions that have online presence was collected over a 4 week period starting in March 2016. The team of 15 volunteers was recruited through the United Nations volunteer website and members were located in 11 countries worldwide. Together they spent 133 hours carrying out online searches to identify the institutions and whenever available, their geographical locations, any religious affiliation and number of children under their care.

More than 500 websites were visited. The data was then processed and analysed by another team of volunteers comprising of CRC coalition members. The list of children's homes in Thailand found through online searching was cross checked against the list of registered private homes from the 2015 report "Review of Alternative Care in Thailand: Policy and Implementation with special focus on Children affected by HIV/AIDS (CABA)" by the School of Global Studies, Thammasat University, with funding support from UNICEF. Homes that were found to be registered were removed from the list, leaving only unregistered homes.

A number of homes were found to be located inside refugee camps and these were also removed from the final list.

Key findings

Number of unregistered care institutions

- **303 care institutions located in Thailand were found in the 4 weeks of the online survey.**
- **219 are private institutions not listed on the Thai governments list of registered private children's homes* and are therefore identified as operating outside of the country's legal system.**

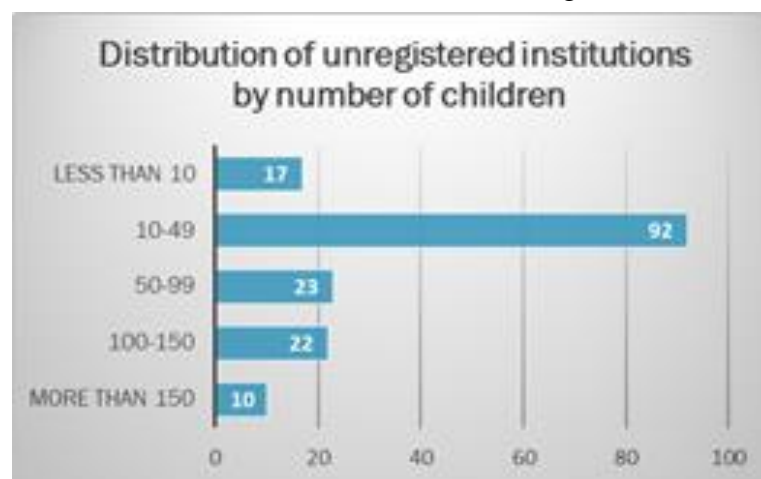
*taken from the 2015 report "Review of Alternative Care in Thailand: Policy and Implementation with special focus on Children affected by HIV/AIDS (CABA)" by the School of Global Studies, Thammasat University, with funding support from UNICEF.

How many children's homes in Thailand have an online presence?

- The number of unregistered children's homes in Sangkhlaburi was measured in December 2014 by one of the CRC coalition member organisations and is known to be 17.
- Only 5 of them were found online. If only 1 of every 3 care institutions have online presence; therefore, it is possible that there may be as high as 650 private institutions operating outside the legal system in Thailand.

Size of unregistered institutional care

- Information has been collected where possible of the number of children residing in each care institution. From 219 unregistered care institutions, there are 164 entries that provide some information on numbers of children.
- The size of the unregistered care institutions is ranging from 2 to 700 children.
- 56% of the surveyed unregistered institutions are having 10-49 children in their care.
- 20% of the institutions host more than a hundred children.
- The top ten biggest private institutions operating outside the legal system in Thailand have the combined number of 2,960 children in their care.
- However, since the average size of the surveyed private institutions operating outside legal system in Thailand is 58 children, there are possibility that with the extrapolated number of 650 private institutions operating outside the legal system in Thailand the number of children living in the unregistered institutions nationwide could be as high as 37,700.

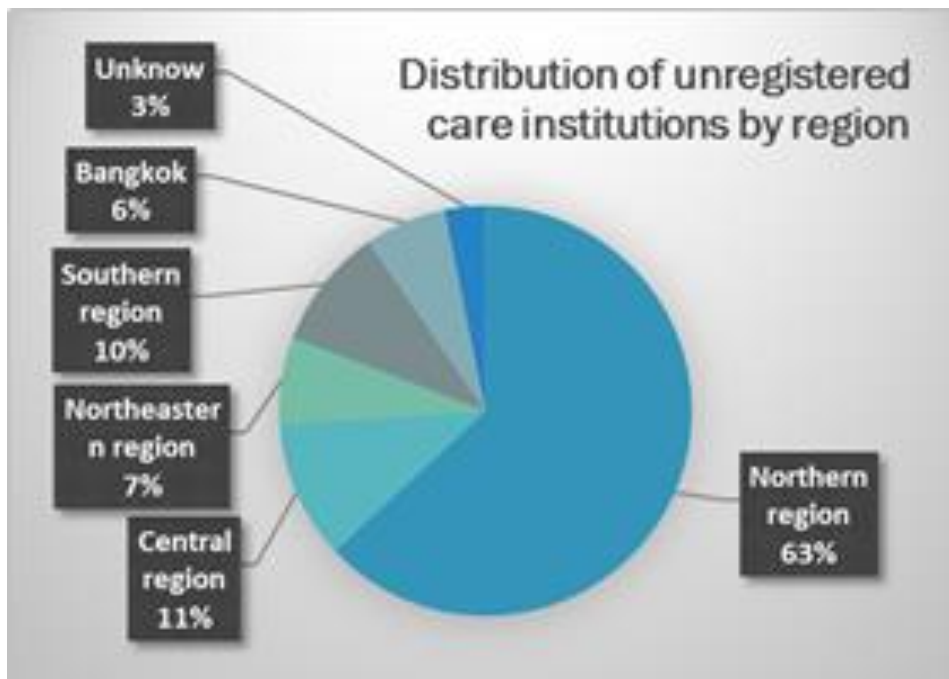


Geographical hotspot

While public care institutions are strategically dispersed nationwide, 63% or 138 surveyed private institutions operating outside the legal system in Thailand are found in the Northern region particularly in Chiangmai, Chiangrai, and Tak Provinces.

From the survey, there are at least 64 unregistered care institutions in Chiangmai area alone. Moreover, Bangkok is also another hotspot for private institutions operating outside the legal system with 14 of such institutions in the area found online.

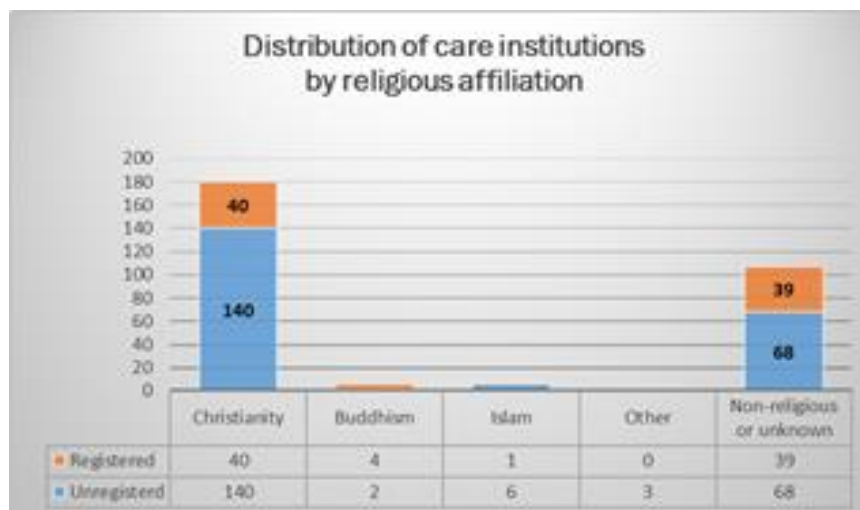
The survey also found 7 unregistered care institutions with online presence but cannot identify their physical locations.



Religious affiliation

- At least 64% or 140 of the surveyed private institutions operating outside the legal system in Thailand are affiliated with Christianity.
- Many of them are founded and operated by foreign missionaries who often have proselytization as one of the main purposes of child care (based on website content).
- 31% or 68 of the surveyed unregistered care institutions have not explicitly stated any faith affiliation.
- Islamic affiliated institutions have very minimal online presence. Most of them are identified by electronic traces rather than their own websites.

- All of 7 surveyed institutions associated with Islam are located in the three Southernmost provinces of Thailand; namely Pattani, Yala, and Narathiwat. Only one of them is registered.



Repeated bad practices

One of the malpractices which can be seen often not only among private institutions operating outside the legal system in Thailand but also in many of the registered ones is the obvious disregard of privacy of the children. Personal information of children and their families are exposed, including their personal stories, health information, and their locations. Also, photos of the children are attached with the information in most cases. (See appendix for list of example websites)

95. States, agencies and facilities, schools and other community services should take appropriate measures to ensure that children in alternative care are not stigmatized during or after their placement. This should include efforts to minimize the identification of children as being looked after in an alternative care setting.

UN Alternative Care Guidelines A/RES/64/142

Many children's homes (both registered and unregistered) offer sponsorship schemes that display a menu or catalogue of children and their personal stories for potential donors to choose from. This is contrary to the child protection act 2003:

Article 27 It is forbidden for anyone to advertise or disseminate by means of the media or any other kind of information technology any information on a child or the child's guardian, with the intention of causing damage to the mind, reputation, prestige or any other interests of the child or seeking benefit for oneself or others in an unlawful manner.

Article 50 The guardian of a child's safety or a child's safety protector are forbidden to disclose the name, surname, picture or any information regarding the child and the child's guardian in a manner which is likely to be detrimental to the reputation, esteem or entitlements of the child.

The provisions under paragraph one, shall apply mutatis mutandis to a competent official, social worker, psychologist or person having the duty to protect a child's safety according to Article 24, who has come into the possession of such information as a result of the performance of his or her duties.
It is forbidden for any person to advertise or disseminate by means of the mass media or any other form of information technology the disclosed information in violation of the provisions under paragraphs one or two

Thailand Child Protection Act 2003

Likewise, children in many care institutions operating outside the legal system in Thailand are being objectified further through voluntourism. During the data collection tour companies were found offering tour programs to visit orphanages and “play with the children”. (case number /quotation needed) Tourists can choose to visit for a day or stay longer. In such cases, accommodations are provided within the premises of the care institutions. There was no background check or any qualification required prior to join many of these programs. It appears that even registered children’s homes are free to offer such tourist experiences in Thailand.

11 2. All alternative care services should have a clear policy on maintaining the confidentiality of information pertaining to each child, which all carers are aware of and adhere to.

UN Alternative Care Guidelines A/RES/64/142

Most of the misconducts found in the practices of the private institutions operating outside the legal system in Thailand are associated with the main purpose of fundraising. Children are constantly being portrayed both through stories and photos as unfortunate and poor to attract donors. In fact, in many cases poverty is used as the main reason to separate the children from the family. Similarly, the communities or the country are sometimes being incorrectly represented in a negative light to plea for sympathy also. False information and misrepresentation of facts are found repeatedly in care institutions that are operated by foreigners and aim to attract foreign donors. (case number /quotation needed)

108. The forms of financing care provision should never be such as to encourage a child's unnecessary placement or prolonged stay in care arrangements organized or provided by an agency or facility

UN Alternative Care Guidelines A/RES/64/142

In addition to fundraising purposes, proselytization is another questionable practice found during the survey particularly among Christian affiliated institutions operating outside the legal system in Thailand. The practice is found both explicitly and implicitly. For example, an unregistered institution in Chiangrai province stated that apart from evangelisation, the poor children from the local communities are provided with education, food, and accommodation. (Case number 167) However, many others Christian associated care institutions are more reserved in this regard. For instance, an unregistered institution working mainly with an ethnic group in Northern Thailand who employs the main teaching of Christianity which is to love God and others in their provision of care. (Case number 168)

88. Children should be allowed to satisfy the needs of their religious and spiritual life, including by receiving visits from a qualified representative of their religion, and to freely decide whether or not to participate in religious services, religious education or counselling. The child's own religious background should be respected, and no child should be encouraged or persuaded to change his/her religion or belief

Policy implications and recommendations

Not all institutions operating outside the legal system in Thailand are putting children at risk; however, for private institutions to be allowed to care for the vulnerable children through any arrangement at their own will is unsafe.

It is also clear from the websites of those homes that are registered that the requirements of the registration process do not bring the practice of those children's homes any closer to the UN Alternative Care Guidelines and as such the value of the current registration system must be questioned.

We eagerly await the launch of the new child protection act for Thailand which includes amendments in line with the alternative care guidelines. This opportunity must be seized to review the requirements of registration for private children's homes and to enforce the registration of all homes.

United Nations Guidelines for Alternative Care:

67. States should ensure the right of any child who has been placed in temporary care to regular and thorough review – preferably at least every three months – of the appropriateness of his/her care and treatment, taking into account, notably, his/her personal development and any changing needs, developments in his/her family environment, and the adequacy and necessity of the current placement in these circumstances. The review should be carried out by duly qualified and authorized persons, and should fully involve the child and all relevant persons in the child's life.

UN Alternative Care Guidelines A/RES/64/142

Conclusions

A large number of vulnerable children in Thailand are growing up with the absence of any duty of care from the government. The system they find themselves living under is without any regulation allowing any person so minded to start their own private children's home and to provide care for the children living there in any way they choose.

We recommend that Children, rather than only the homes should be registered as a first step of any response to this situation. Experience in Cambodia shows us that some homes will move children or children will disappear suddenly once government action starts. The safety of children needs to be foremost in any strategy and registering individual children is essential to guarantee their wellbeing during any change process.

The issue of uncontrolled private children's homes is slowly being addressed elsewhere in SE Asia and Thailand must also face up to this issue to avoid being the destination of choice for those wanting to surround themselves with vulnerable children for selfish purposes. As it becomes harder to open such children's homes in neighbouring countries, Thailand will be the only remaining option for those with bad intention.

Given that at least 64% of the surveyed private institutions operating outside the legal system in Thailand are religious affiliated, engaging faith communities in an endeavor to raise minimum standard of alternative care has to be seriously considered. Interestingly, there are patterns of fundraising practice employed by religious affiliated institutions of each faith. Thus, there is a possibility that involving faith actors will not only ensure the minimum standard of care being observed in religious affiliated institutions, but also give more

insights on how to discourage institutional care with the strong collaboration of faith based actors in a community level.

The requirements of the registration process for Children's Homes in Thailand should be reviewed. Currently there is a focus on the physical aspects of children's home such as the size of the rooms and little emphasis on the systems such as gatekeeping that are necessary to uphold the United Nations guidelines on alternative care.

Where the child's own family is unable, even with appropriate support, to provide adequate care for the child, or abandons or relinquishes the child, the State is responsible for protecting the rights of the child and ensuring appropriate alternative care, with or through competent local authorities and duly authorized civil society organizations. It is the role of the State, through its competent authorities, to ensure the supervision of the safety, well-being and development of any child placed in alternative care and the regular review of the appropriateness of the care arrangement provided.

UN Alternative Care Guidelines A/RES/64/142

It is clear that a considered and extensive action plan is needed to reach this standard of care for vulnerable children in Thailand.

Thailand CRC Coalition
Alternative Care Working Group
May 2016

Co authors
Gift Kanthanamee
Andy Lillicrap

