

Rights to Education of Persons With Disabilities in Thailand

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Abstract

In Thailand, rights to education of persons with disabilities are guaranteed by laws and policies i.e. Constitution of Thailand, Empowerment of Persons with Disabilities Act, Education Provision for Persons with Disabilities Act (EPDA), National Education Plan, and Convention on the Rights of Persons with Disabilities (CRPD). According to EPDA, persons with disabilities have rights to (1) free education from birth, or when their disabilities occur, with support as needed by the individuals (2) choose services, settings and types of education based on their ability, interest and special needs (3) quality education with reasonable accommodation such as modification of curriculum, teaching media and assessment methods, having IEP for students with special needs. In term of education systems, inclusive and special education are the most widely practiced in Thailand. Inclusive education emphasizes full participation and inclusion of all groups. Students with diverse backgrounds learn together in an inclusive setting. In this way, children learn how to live with others and respect diversity. Children with disabilities can live with their families in communities. However, there are limitations such as inaccessible classrooms, no transportation and financial constraints of families. For special education, it is mostly provided in an isolate setting, which limits children's learning opportunities as they are taken away from families and communities. Children living in institution are likely to lack social skills. Even though there are more cons than pros, special education is still practiced and children with disabilities still have limited access to freedom of choice in education.

Keywords: Rights to Education, Person With Disabilities, Thailand

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Introduction

Situation of persons with disabilities in Thailand

There are 2,095,205 persons with disabilities who carry disability identification cards (3.17 percent of the country's population). There are 1,094,210 men (52.2 percent) and 1,000,995 women (47.7 percent). Regarding access to education, 44,474 persons with disabilities (2.12 percent of those with disability I.D. cards) were not educated. Among those without education, 2,832 of them are under school age (6.37 percent of persons with disabilities who do not receive education) while 27,127 persons with disabilities at school age are not currently in the education system (61.00 percent of persons with disabilities who do not receive education) and 14,515 of them never receive any form of education (32.64 percent of persons with disabilities who do not receive education). According to the official data, only 1,609,369 persons with disabilities receive education, representing 76.81 percent of persons with disabilities who have disability I.D. cards. The reason why the sum of educated and uneducated persons is not 100 percent is because there are some missing data which contributes to the gap in the percentages.

The top 5 levels of education that persons with disabilities receive are: 1) Primary school: 1,310,442 (81.43 percent), 2) Secondary school: 185,504 (11.53 percent), 3) Certificate in Education: 38,582 (2.40 percent), 4) Higher education: 25,255 (1.57 percent), and 5) Not identified: 16,855 (1.05 percent) [Ministry of Social Development and Human Security, 2021].

Thai legislations related to education of persons with disabilities

In Thailand, rights to education of persons with disabilities are guaranteed by laws and policies as follows:

1) Constitution of Thailand

Rights to education of Thai citizens with disabilities are guaranteed under the Constitution of the Kingdom of Thailand B.E. 2560 (2017) in the following Sections:

Section 27. All persons are equal before the law, and shall have rights and liberties and be protected equally under the law. Men and women shall enjoy equal rights. Unjust discrimination against a person on the grounds of differences in origin, race, language, sex, age, disability, physical or health condition, personal status, economic and social standing, religious belief, education, or political view which is not contrary to the provisions of the Constitution or on any other grounds, shall not be permitted.

Section 50. A person shall have the following duties: (4) to enroll in compulsory education.

Section 54. The State shall ensure that every child receives quality education for twelve years from pre-school to the completion of compulsory education free of charge. All education shall aim to develop learners to be good, disciplined, proud of the Nation, skillful in their own aptitudes and responsible for family, community, society and the country. In undertaking to provide young children to receive care and development or to provide persons the education, the State shall undertake to provide persons with insufficient means with financial support for educational expenses in accordance with their aptitudes.

2) Empowerment of Persons with Disabilities Act

Section 20. Persons with disabilities have the rights to access and utilize public facilities including welfare services and other supports from the government as follows: (2) Education in accordance with the National Act on Education or National Plan on Education, which is provided appropriately in specific educational institutes or general educational institutes or alternative education or non-formal education, and where the agencies involved shall be responsible for providing facilities, media, services and any other assistance for persons with disabilities.

3) National Education Act

Section 10. (Second Paragraph) Persons with physical, mental, intellectual, emotional, social, communication and learning deficiencies; those with physical or mobility disabilities; those with special needs; shall have the rights and opportunities to receive basic education specially provided.

Education for persons with disabilities in the second paragraph shall be provided free of charge at birth or at first diagnosis. They shall have the rights to access the facilities, media, services and other forms of educational aid in conformity with the criteria and procedures stipulated in the ministerial regulations.

4) Education Provision for Persons with Disabilities Act (EPDA)

Section 5. A person with disability shall have the following educational rights: (1) to receive education without cost at birth, or upon discovery of the disability until the end of life, as well as to receive technology, facilities, media, services, and other educational assistances; (2) to choose educational service, establishment of education, system, and style of education, by taking into consideration, skills, interest, aptitude, and special requirements of such person; (3) to receive up-to-standard and quality-assured education, including educational course, educational examination which are appropriate and harmonious with special requirements of each individual person with each type of disability.

Section 7. A public or private establishment of education offering inclusive education, private charity establishment of education offering education specifically for persons with disabilities, and qualified specific learning centre for disability shall receive subsidies and special assistances from the State. Rules, and procedures on the receipt of subsidies and special assistances shall be as prescribed by the committee.

Section 8. Establishments of education of any affiliation shall create individual education plan in harmonious with special needs of persons with disabilities, and shall improve individual education plan at least yearly, as per the rules and procedures prescribed in the Ministerial Notification. Establishments of education affiliated to all, and specific learning centres for disabilities may offer education for persons with disabilities, whether formal, non-formal, and informal, in various styles, such as inclusive education, specific education provision for disabilities, including provide rehabilitation service, improvement in potential of independent living, development in necessary basic skills, vocational training, or other services. Establishments of educations of any affiliations shall provide proper environment, support the teaching, as well as technology services, facilities, media, services, and other educational assistances which persons with disabilities can access, and utilise. Establishments

of higher education of any affiliation shall have the duty to offer places to persons with disabilities in an appropriate proportion or number, as per the rules and procedures prescribed by the committee. An establishment of education refusing a place for a person with disability shall be deemed an act of unfair discrimination under the law. An establishment of education or relevant agencies shall support caretakers of persons with disabilities, and coordinate with the society, or professionals to have persons with disability educated in all level, or serviced, in the area of education, in harmony with special requirements of persons with disabilities.

5) National Education Plan

5 Aspirations of the provision of education are described (Office of the Education Council, Ministry of Education, 2017) as follows: 1) Access: All persons have access to a high quality and standardized education. The main key indicators are that the population aged 6-14 is provided with free education in the elementary and the lower secondary levels or equivalent by the government, learners with special needs are provided with appropriate educational services and capability development; and the average number of educated working age population increases. 2) Equality: Every learner in all target groups is equally provided with quality standardized education. The main key indicator is learners in basic educational levels are educationally funded for 15 years. 3) Quality: A quality educational system enables learners to reach their full potential. The main key indicators are that students have an O-Net score in each subject of at least 50% while 15-year-old students in the Programme for International Student Assessment (PISA) should have higher scores, etc. 4) Efficiency: An efficient educational administration leads to worthy investment and educational achievement. The main key indicators are the percentage of small-sized schools not passing the quality assessment, efficient and standardized administration of teachers and educational personnel, and the mechanism that encourages all sectors to fund educational resources, etc., and 5) Relevancy: The educational system responds and meets the dynamics of contextual and global change. The main key indicators are that the country reaches a higher rank in educational competitiveness; the proportion of vocational students to their four-year university counterpart is higher; and the number of higher education institutions in the top 200 rankings increases, etc. To achieve the vision, objectives, and goals, the operational process of the National Scheme of Education is divided into five phases based on objectives and key indicators: the initial phase (urgent), the first five years, the second five years, the third five years, and the final five years.

6) Convention on the Rights of Persons with Disabilities (CRPD)

Convention on the Rights of Persons with Disabilities is an international human rights treaty of the United Nations to protect the rights and dignity of persons with disabilities and to change disability development model from charity and medical model to social model under which persons with disabilities are full and equal members of society. States Parties to the Convention are required to promote, protect, and ensure the full enjoyment of human rights by persons with disabilities. Thailand ratified the Convention and its optional protocol on July 29, 2008 and September 2, 2016 respectively. The rights of children with disabilities are mentioned in Article 7 as follows: 1) States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children, 2) In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration, and 3) States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age

and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.

According to Thai legislation, Thailand has sufficient laws and regulations regarding the rights to education of persons with disabilities. However, these laws and policies should be effectively implemented. Participation of all stakeholders is also important. Another suggestion is that public awareness should be prioritized so that persons with disabilities and the general public are well informed about their rights to education.

Rights to education of persons with disabilities

According to EPDA, persons with disabilities have rights to (1) free education from birth, or when their disabilities occur, with support as needed by the individuals (2) choose services, settings and types of education based on their ability, interest and special needs (3) quality education with reasonable accommodation such as modification of curriculum, teaching media and assessment methods, having IEP for students with special needs. For tertiary education, financial aids are provided for students with disabilities who study at universities or colleges, ranging from 60,000 THB (approximately USD 1,800) to 150,000 THB (approximately USD 4,500) per year based on their fields of study.

In term of education systems, inclusive and special education are the most widely practiced in Thailand. Inclusive education emphasizes full participation and inclusion of all groups. Students with diverse backgrounds learn together in an inclusive setting. In this way, children learn how to live with others and respect diversity. Children with disabilities can live with their families in communities (Sanrattana, 2010; UNESCO Office Bangkok and Regional Bureau for Education in Asia and the Pacific, 2009).

However, there are limitations such as inaccessible classrooms, no transportation and financial constraints of families. For special education, it is mostly provided in an isolate setting, which limits children's learning opportunities as they are taken away from families and communities. Children living in institution are likely to lack social skills. Even though there are more cons than pros, special education is still practiced and children with disabilities still have limited access to freedom of choice in education (Hayes & Bulat, 2017).

Special education and inclusive education

The concept of special education was first introduced in Thailand in 1939 (Hill & Sukbunpant, 2013). At that time, special education was mainly provided for gifted children, children with disabilities and children from underprivileged groups. Special education for children with disabilities is provided in an isolate setting, mostly in special education centers. Children are taken from families and stay at school dormitories. The decision is made by parents or educators, not the children. Therefore, the children do not have choices. This practice is against the concept of equal rights of all people including equal access and opportunities regardless of their ages, races, genders, religious beliefs, sexual identity, disabilities as guaranteed under the Constitution of the Kingdom of Thailand and the Empowerment of Persons with Disabilities Act. Moreover, growing up in an institution, children with disabilities lack social skills as well as social norms and values passed on from generations to generations within families. Ideally, children should be living with families, not in children's homes, orphanages or rescue shelters. Children need personal, responsive

and consistent interactions to shape their brain development and behaviour. This is hard to achieve in institutions because there are often many children per caregiver (Zaman, 2019).

On the contrary, inclusive education emphasizes on full and equal access and opportunities of all groups including children with disabilities as they have the rights to be among their families and peers with and without disabilities. An inclusive education benefits not only children with disabilities but also those without disabilities as they can learn to respect diversity and to live with others. Being educated together is positive for all students and not only for those students identified as disabled (Almendros, 2018).

This is in accordance with the United Nations Children’s Fund (UNICEF) which states that an inclusive education is the most effective way to give all children a fair chance to go to school, learn and develop the skills they need to thrive. Inclusive education means all children in the same classrooms, in the same schools. It means real learning opportunities for groups who have traditionally been excluded (UNICEF, 2017). Table 1 illustrates differences between special education and inclusive education.

Comparisons between Special and Inclusive Education	
Special Education	Inclusive Education
- Students with disabilities study at special schools for each types of disabilities.	- Students with disabilities can choose to study at any school according to their preference.
- Study plans are based on their disabilities, not their interests.	- Students have more opportunities and choices in their study.
- Too costly, needs separate buildings/infrastructures/facilities	- Utilize existing buildings/infrastructures /facilities of regular schools
- Children are isolated, cannot stay with families/communities	- Children can stay with families.
- Needs special trainings for teachers and administrators	- Teachers are provided additional training on how to work with students with special needs.
- Use special curriculum	- Use same curriculum, with some accommodations to suit the individuals.

Table 1: Comparisons between Special and Inclusive Education

Conclusion

The rights to education of persons with disabilities in Thailand are guaranteed by international and domestic laws. Rights to access quality and standard education are promoted to all Thai citizens to ensure that all persons with disabilities can complete 9 years of compulsory education. In order to guarantee full and equal access to education, several measures are provided to support persons with disabilities such as the Individual Education Plan (IEP), provision of learning materials as prescribed in the ministerial regulations issued under the Education Provision for Persons with Disabilities Act, and the provision of hearing aids, white canes, wheelchairs, prosthetics & orthotics, etc. as prescribed in the ministerial regulations issued under the Empowerment of Persons with Disabilities Act.

Concerning the education schemes for students with disabilities in Thailand, there are 2 main schemes: special education and inclusive education. While special education emphasizes on separate curriculum, classrooms and schools, inclusive education promotes full participation of persons with disabilities. There are pros and cons for each of them but the most important thing is that students with disabilities should have freedom of choice and should have equal access to quality education. All support and services should be for the best interest of the children.

References

- Annual Report of Persons with Disabilities in Thailand*. Ministry of Social Development and Human Security: https://opendata.nesdc.go.th/dataset/73eb9ffa-798b-493c-af4b-2bc19955876f/resource/974fb570-91ff-43b8-b059-cd7e9118d5c0/download/_1-65.pdf
- Constitution of the Kingdom of Thailand B.E. 2560*. (2017, April). *Government Gazette*. Volume 134, Part 40 a.
- Education Provision for Persons with Disability Act, B.E. 2551*. (2008, February). *Government Gazette*. Volume 125, Part 28 a.
- Empowerment of Persons with Disability Act, B.E. 2550*. (2007, September). *Government Gazette*. Volume 124, Part 61 a.
- Hayes, A. M., & Bulat, J. (2017). *Disabilities inclusive education systems and policies guide for low- and middle-income countries*. Research Triangle Park, NC: RTI Press.
- Hill, D. A., & Sukbunpant, S. (2013). The comparison of special education between Thailand and the United States: Inclusion and support for children with autism spectrum disorder. *International Journal of Special Education*, 28(1), 120-134.
- Inclusive Education: Including Children with Disabilities in Quality Learning*. UNICEF: https://www.unicef.org/eca/sites/unicef.org.eca/files/IE_summary_accessible_220917_brief.pdf
- National Education Act, B.E. 2542*. (1999, August). *Government Gazette*. Volume 116, Part 74 a.
- Office of the Education Council, Ministry of Education*. (2017). *The National Education Plan B. E. 2560-2579*. Office of the Educational Council.
- Sanrattana, U. (2010). An implementation of inclusive education. *International Journal of Education*, 33(2), 80-85.
- Segregating Children for Their Disabilities is a Violation of Human Rights*. Ignacio Calderón Almendros: <https://www.agenciasinc.es/en/Opinion/Segregating-children-for-their-disabilities-is-a-violation-of-human-rights>
- UNESCO Office Bangkok and Regional Bureau for Education in Asia and the Pacific*. (2009). *Towards inclusive education for children with disabilities: A guideline*. UNESCO Bangkok.
- Zaman, M. Why Children Should Be Living with Family. UNICEF Representative in Kenya: <https://www.unicef.org/kenya/stories/why-children-should-be-living-with-families>

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