

**ALTERNATIVE REPORT ON THE SITUATION
OF ACCESS TO QUALITY AND RELEVANT EDUCATION
FOR INDIGENOUS CHILDREN AND YOUTH IN THAILAND¹**

Submitted to the United Nations Committee
on Economic, Social and Cultural Rights (ESCR)
by the Indigenous Education Network and Network of Indigenous Peoples in Thailand in
Cooperation with Asia Indigenous Peoples Pact

In response to the 55th Session of the UN Committee on ESCR,
with examination of the Country Report of Thailand, during 4th – 5th June 2015

¹ This Report is written under coalition of the Indigenous Education Network and Network of Indigenous Peoples in Thailand in cooperation with Asia Indigenous Peoples Pact, for any communications or inquiries, kindly proceed to Ms. Suraporn Suriyamonton, a focal person of the Coalition through her e-mail: ssuriyamonton@yahoo.com.

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“When we start to count human calf “kawduedoe”, we realize that we all are from the same human family; we all are siblings, when one is in trouble, it is our obligation to extend ourselves to do what we can to help”

“Kawduedoe” Proverb from Karen People, Thailand

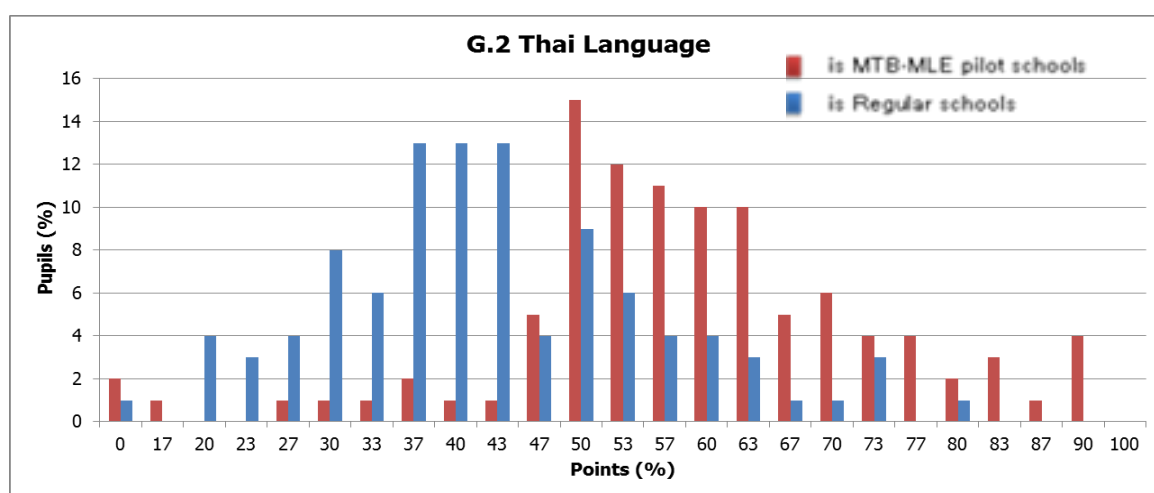
1. The Thai Karen people’s “kawduedoe” proverb illustrates that humans are siblings from the same human family and stresses that they must help each other. The International Covenant on Economic, Social, and Cultural Rights (ICESCR) also talks about human family with the aim to have everyone’s economic, social and cultural rights fulfilled. It is essential to create an enabling environment for which focuses on the recognition of all ethnic groups’ inherent dignity, equal and inalienable rights, especially their self-identification and determination.
2. It is beyond the scope of this paper to present all aspects of ethnic and indigenous self-identification and rights. Therefore, we will deal with education and cultures and their contributions to self-identification and self-determination. Education and culture are integral to each other and cannot be separated. It cannot discuss education without referring to culture and vice-versa.
3. Part I Article 1 (1), (2) and (3) stipulates that all peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development; all peoples may, for their own ends, freely manage their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a person be deprived of him or her own means of subsistence; and the States Parties shall promote the realization of the right of self-determination with its respect to that right.
4. We indigenous peoples in Thailand, by self-determination, we mean, our rights to participate in the democratic process of governance and to influence our future politically, socially and culturally in order to have improved access to self-determined development, to live with dignity and to contribute to the progress and development of Thailand-our home and country. For this purpose and to serve as our participation mechanism, groups of indigenous-responsive organizations nationwide who shared common interests and goals have been working together and formed a network, since 2007 known as the Network of Indigenous Peoples in Thailand (NIPT). This also reflects global solidarity with indigenous communities worldwide and to raise public awareness

re-affirming the indigenous peoples' existence, as guaranteed by the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007.

5. And so far in Thailand, there is no fixed definition of indigenous peoples that applies to all ethnic groups equally, there are several criteria that can serve to define who we are, but with specific state-recognized identities in different terms as: languages, cultures, traditional territories as defined by customary law, systems of self-governance and/or management, historical continuity, limited ability to participate in the national society economy and political systems, discrimination, and human rights abuses. Therefore officially speaking, Thai State firmly undertakes the blanket concept and avows that there is none of indigenous peoples in Thailand.
6. Therefore for the sake of reaffirm the existing of indigenous peoples in Thailand, the NIPT, since 2007 has organized the annual indigenous peoples' festivals in conjunction with the celebration of International Day of the World's Indigenous Peoples as proclaimed by the United Nations. The festival has become important platform for public awareness with resonance of existing indigenous peoples' diverse cultural identifies and more self-identified indigenous groups joined the network and to date, there are thirty five indigenous groups joining the Network nationwide. Alliances have been strengthened with academic institutions, Non-Governmental Organizations (NGOs), and relevant government authorities such as the Ministry of Social Development and Human Security which supported the festival in 2007 to 2012. The Indigenous Education Network (IEN) was then established in December 2013 as the thematic-responsive platform with efforts made for promotion and protection on right to education, particularly for the indigenous youth and children.
7. Education and culture comprise the fundamental basis for the development and maintenance of the principle human rights and a means to acquire the full exercise of other rights. Thailand has ratified 7 Human Rights treaties which provide great opportunities for learning and practice to outshine for an inclusive and rights-based sustainable development.
8. Admirably, Thailand has spent its national budget on education with gradually increasing-amount on annual basis and higher than most countries both in the West and the East (the most recent World Bank's data). However, the formal Thai education system has not responded well to the diverse cultural groups with different social, economic and cultural contexts, particularly the marginalized indigenous and other groups in remote and border areas. The current education system is centralized in terms of management; this makes it not adequately available, accessible, adaptable, acceptable and attainable in response to the needs and diverse contexts.
9. From the experiences of Foundation for Applied Linguistics (FAL), Mahidol University in cooperation with Office of Basic Education Commission (OBEC) and the affiliated indigenous communities in Thailand, Mother Tongue Based Multilingual/Bilingual Education (MTB-MLE)² approach has proven to be one of the successful models for appropriate education for indigenous children in formal schools and in other settings.

² MTB-MLE means Mother Tongue Based Bi/Multi-Lingual Education which is an education system that utilizes mother tongue as a language of instruction in early years and National language as their second language, and another third or fourth language such as English, Chinese, etc.

10. Access to MTB-MLE for indigenous and ethno-linguistic minority children is considered as a right, closely linked both to the universal right to quality education and to peoples' collective cultural rights. The 1990 Convention on the Rights of the Child, Article (29) agrees that the education of the child shall be directed to the development of respect for the child's parents and his or her own cultural identity and language.³ The other Treaties relating to educational linguistic rights are Article 28 of the 1989 ILO Convention 169 concerning the collective rights of indigenous people to an Intercultural Bilingual Education⁴ and Article 13 of the 2007 UNDRIP.⁵
11. MTB-MLE helps children to start with having positive learning experiences at school which ensures their cultural security in the classrooms. This not only helps the children better develop cognitive skills, but also strengthens intergenerational transmission of traditional knowledge to regenerate valuable traditional knowledge and cultures which has great potential to make significant contribution to education for sustainable development.
12. The results of the pilot projects, conducted by FAL, Mahidol University, OBEC and indigenous and ethno-linguistic minority communities show that children are happy to come to school and have improved learning outcomes of Thai language as well as other subjects. Below are the examples of Grade 2 students in MLE schools in comparison with non-MLE school.

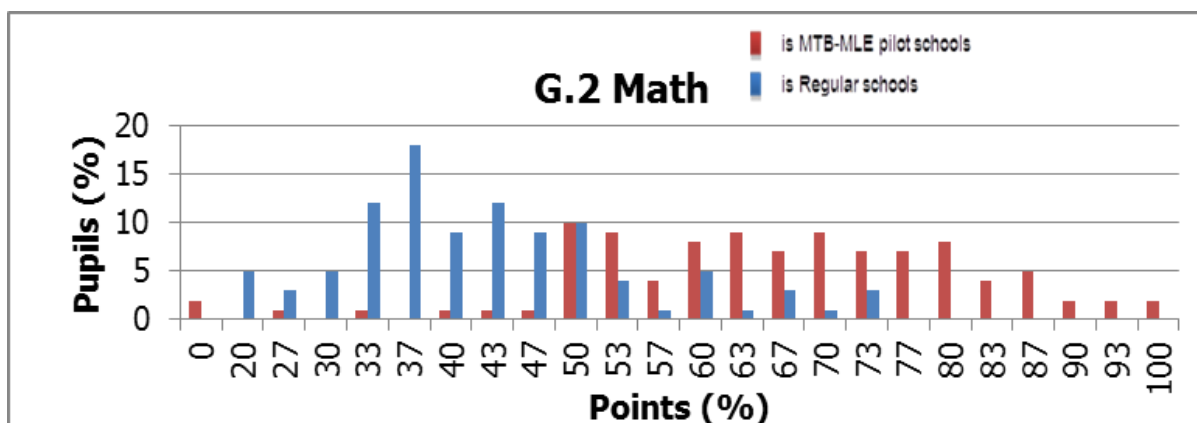


This graph shows the test scores in Thai Language for Grade 2 ethnic Hmong students in the MTB-MLE pilot project schools, in comparison with students in the regular (control) schools in 2012.

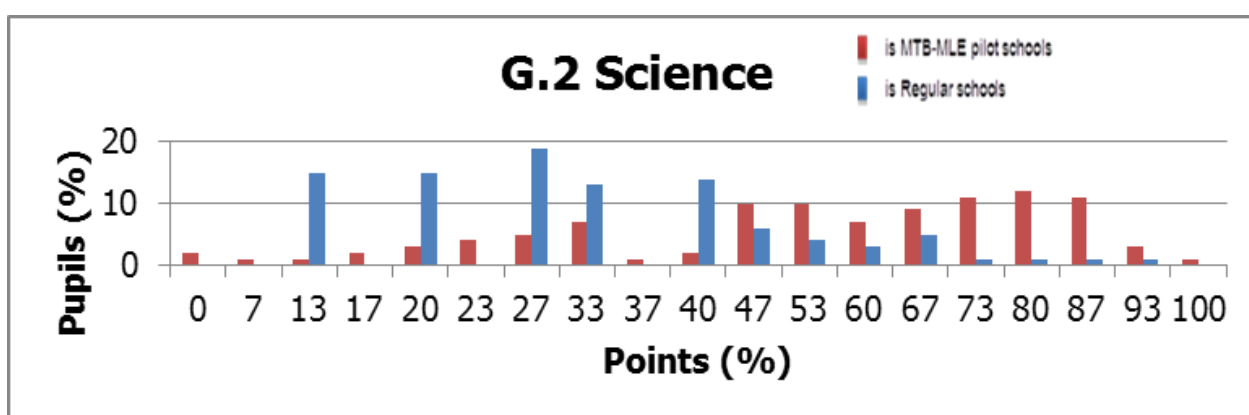
³ See details in www.ohchr.org/en/professionalinterest/pages/crc.aspx

⁴ See details in www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169

⁵ See details in www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf



This graph shows the test scores in Math for Grade 2 ethnic Hmong students in the MTB-MLE pilot project schools, in comparison with students in the regular (control) schools in 2012.



This graph shows the test scores in Science for Grade 2 ethnic Hmong students in the MTB-MLE pilot project schools, in comparison with students in the regular (control) schools in 2012.

13. Thus, mother-tongue language is a key for all indigenous children in improving communication and understanding in the classrooms. The MTB-MLE approach has proven to help children learn better in all subjects including Thai language. There are about 70 language groups⁶ in Thailand within the 4 main language families. At present only 10 language groups in 35⁷ pilot schools nationwide apply MTB-MLE: 15 schools in the South, 1 school in the East, 1 school in the West, and 18 schools in the North.
14. Drawing from the experiences and reiterating the comments made at the General Assembly Sixty-seventh session on Promotion and Protection of the Rights of Children; Status of the Convention on the Rights of the Child, Report of the Secretary-General and pursuant to resolution 66/141, safeguarding the rights of indigenous children is the focus of section IV of the Report as of 1 July 2012. Special measures are needed for indigenous children to fully exercise their rights to enjoy their cultures, languages and

⁶ *Ethnolinguistic Map of Thailand* – Sept 2547 (2004) Research Institute for language and cultures of Asia, Mahidol University (RILCA).

⁷ The 35 schools are composed of children speaking the following languages: 1) Patani Malayu 2) Northern Khmer 3) Mon 4) Lawue 5) White Hmong 6) Sgaw Karen 7) Pwo Karen 8) Red Lahu 9) Black Lahu and 10) Yellow Lahu.

religions, and to have access to multicultural rights-based educations as well as mass media.

15. The IEN and NIPT humbly request the UN Committee on ESCR to raise concerns and give recommendations to the Thai Government as follows:

- 1) Adopt and implement a rights-based approach to education as guided in UNESCO document of A Human Right Based Approach to Education for All⁸; and take steps in effecting the ratification of UNESCO Convention against Discrimination in Education as recommended by the UN Committee on the Rights of the Child -the 59th session in 2012 (CRC/C/THA/CO/3-4) with full and effective participation of NIPT, IEN, Alternative Education Council, other relevant networks and civil society organizations in Thailand.
- 2) For formal education in Thailand, there must be an Educational Structure Specifically Designed for Ethnic and Indigenous Communities with decentralization of management and decision making with regard to the recruitment of personnel for the Office of Primary Education Service Area. Special consideration should be given to selecting and recruiting teachers and educational personnel who are indigenous and volunteer-minded, with cultural sensitivity.
- 3) Indigenous and ethno-linguistic minority children nationwide must have access to MTB-MLE. And in order to ensure and reaffirm the accessibility for all with progressive realization and achievement of right to education with mainstreaming of the MTB-MLE, the Government shall regulate the National Action Plan on MTB-MLE with participation of IEN, NIPT and all relevant key stakeholders. The number and quality of MTB-MLE schools shall be increased within this Plan.
- 4) In order to ensure the full implementation of MTB-MLE with effectiveness and efficiency, a Department responsible for MTB-MLE shall be established. The Ministry of Education (MoE) shall adopt an affirmative recruitment policy for local teachers who are able to fluently communicate languages of ethnic and indigenous communities with basic understanding on their cultures, and initiate a scholarship program for the development of qualified indigenous teachers and/or teaching assistants.
- 5) For reaffirming the recommendation of the Committee on the Rights of the Child to the Thai Government, MoE shall formulate Operational Guidelines and implement the National Language Policy 2010 to ensure an effective MTB-MLE program in accordance with Article 30 of the Convention on the Rights of the Child.
- 6) In addition to formal education, indigenous children and communities shall be encourage with more accessibility to alternative forms of education with sufficient financial and other needed support, which better correspond to their local needs and life styles. This is consistent with the National Education Act

⁸ See details in <http://unesdoc.unesco.org/images/0015/001548/154861E.pdf>

B.E. 2542 (1999) and its Amendment, B.E. 2545 (2002), Section 12 which allows communities and civil society organizations to participate in education management. This shall be included with the Practical Operational Guidelines.⁹

- 7) For the response to proposals of Alternative Education Council with concretizing of Section 12, the National Education Act B.E. 2542 (1999) and its Amendment, B.E. 2545 (2002), an Independent Organization with regular financial subsidies marked in the Government's fiscal budgetary plan shall be established for monitoring, mobilizing with filling-up the gaps of implementations given in this regard. This shall be included the periodical social audit of schools and their personnel by communities.
- 8) Office of the Prime Minister shall seriously take actions upon the Cabinet's Resolutions, dated 3rd August and 2nd June 2010 which call for the restoration of the traditional practices and livelihoods of the Karen and Chao-le (Sea Gypsies) indigenous peoples. Coordination with relevant ministries, in particular MoE and Ministry of Culture (MoC) shall be ensured by the PM Office to promote and protect indigenous languages and cultures, traditional knowledge and practices which contribute to the richness of national cultural heritage.
- 9) For the development of a National Curricula, human rights education is an integral part of the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace, thus the learning about human rights is the first step towards respecting, promoting and defending the rights of all individuals and peoples (A/HRC/12/33 Advice No.22). Part III, Article 13 (1) requires that *education shall be directed to the full development of the human personality and the sense of its dignity and shall strengthen the respect for human rights, and fundamental freedom*. In light of this, the National Curricula shall be included with following structures:
 - 9.1) Education for Democratic Citizenship and Human Rights is critical elements of education within the Thai democracy, therefore, the topics of rights and responsibilities must be included in formal and in alternative curricula from community to national levels;
 - 9.2) Human Rights Education, including all Human Rights Treaties that the Government has ratified as well as the UNDRIP which the Government also supported in its adoption in 2007; Education should be both a preparatory and on-going process for promoting and respecting human rights;
 - 9.3) Intercultural education as in UNESCO Guidelines on Intercultural Education, to promote peaceful coexistence, as

⁹ See details in http://planipolis.iiep.unesco.org/upload/Thailand/Thailand_Education_Act_1999.pdf

well as an intergenerational cultural transmission of knowledge of all existing indigenous/ethnic groups in Thailand;

9.4) Life skills based education which responds to community, urban and national needs;

9.5) Education for sustainable and ethical development, with genuine participation in the decision making processes by all stakeholders.

10) For the Education Assessment, the National Curricula allow to be localized but national education assessment system does not respond to and reflect on the diverse values of local curricula and contexts. Therefore, many forms of alternative education shall be allowed to develop their own education assessment systems, with advices gained from the regional education service areas, as requested.

11) Education management shall be based on genuine local participation and community decision making. Thus the capacity building for existing education personnel and school management committees on “know how” and operationalization shall be provided with the aims to fulfill their roles and responsibilities with community participation.

12) The teachers who are including those from government recruitment scheme, skilled and knowledgeable community members, and local experts with special cultural and technical knowledge and skills selected by communities shall be regularly encouraged with development of their professional teaching skills, particularly those in line with the process on developing instructional quality responding to cultural diversity; way for encouraging the student’s academic achievement and desirable characteristics especially on his or her cultural literacy and ability to live peacefully in culturally diverse society.

16. The IEN and NIPT hope the presentation of this Report will create an opportunity to open the constructive discussion with more engagement of Thai indigenous communities, especially with the suggestions on how better the Thai Government shall progressively improve the ESCR, in particular for those relating to the right to education with a rights-based approach and implementation of MTB-MLE. It would be highly appreciated for any kind assistance with interface presentation and dialogue between the IEN and NIPT’s representatives and the UN Committee on ESCR during the visit to Geneva, Switzerland in anytime within a pre-briefing session from Thai Civil Society Organizations (CSOs) and the 55th Session of ESCR from 4th– 5th June 2015.

Signed:

1. Network of Indigenous Peoples in Thailand (NIPT)
2. Indigenous Education Network (IEN)
3. Inter-Mountain Peoples’ Education and Cultures in Thailand Association (IMPECT)

4. Indigenous Peoples Foundation for Education and Environment (IPF)
5. Pgakenyaw Association for Sustainable Development (PASD)
6. Karen Network for Culture and Environment (KNCE)
7. Foundation for Applied Linguistics (FAL)
8. The Life Skills Development Foundation (TLSDF)
9. Roong-Arun School Foundation - Jo-Malo-luela (RASJ-JMLL)
10. Training Institute for Self-Management-Northern Farmers Network (TISM-NFN)
11. Seven Fountain (SF)
12. Mowakhi Community School
13. Sangsan Anakod yaowachon Development Project
14. Cross Cultural Foundation (Thailand)
15. Foundation for Culture and Environment Southeast Asia
16. Bhodhivijalaya College Srinakarinwirot University
17. Pestalozzi Children's Foundation
18. Asia Indigenous Peoples Pact (AIPP)