

# Mobilizing Community and Law Enforcers

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THE NATIONAL Declaration of Children was proposed and adopted by the First National Assembly on Child Development held at the Government House, Bangkok, Thailand on 30-31 August 1990. The government approved on 13 August 1991 a national policy on child development to be implemented by all related governmental and non-governmental organisations with the basic minimum needs and services for children as operational guidelines. The goal of the Declaration was to prepare Thailand to become a member of the Convention on the Rights of the Child, which it did on 22 April 1992.

The juvenile justice system of Thailand is in accordance with article 37 of the Convention. It states:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily.
- (c) Every child deprived of liberty shall be treated with humanity and respect and shall be separated from adults.
- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance.

Thailand established a Central Juvenile

Court on January 28, 1952. The purpose of the Juvenile Court was to give special treatment to children or young persons under the age of 18 who had committed criminal offences. The court also has jurisdiction over some family matters involving the welfare or interests of children and young persons under the age of 20.

Forty years of experience in trying to solve children's problems showed us that most juvenile delinquency resulted from broken families. It was realised that it would be more efficient if the Juvenile Court had power over all divorce and family cases. Therefore, the new law, which was effective from January 22, 1992, was passed to transfer all divorce and family cases from the Civil Court to the Juvenile Court, the name of which was changed to the Juvenile and Family Court.

In criminal cases a child under the age of 7 years is excused of any punishment for committing what is defined by law to be an offence (article 73 of the Penal Code).

A child over 7 up to 14 may not be sentenced to imprisonment but the court will grant special order of treatment such as sending the child to a training institute, or handing over the child to a person or an organisation which the court deems appropriate for taking care of that child. (article 74 of the Penal Code).

A young person between 14 and 17 can be punished or granted special treatment. The

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reports of social workers on the background and environment of the offenders are taken into consideration before the sentence is pronounced (article 75 of the Penal Code).

An arrested juvenile has to be taken to the reception home within 24 hours (article 50 of the Juvenile and Family Court Act 1991). The Public Prosecutor has to bring an action to the Juvenile Court within 30 days (article 51 of the Juvenile and Family Court Act, 1991). This limited period is intended to protect the rights of the child.

During detention in the reception home, children receive free physical and psychological checkups. Their family and environmental problems are investigated during this time.

It is stipulated that the trial of juvenile cases must be held within closed doors; only the following persons are entitled to be present in the court room:

- (1) The accused, his legal advisor and guard,
- (2) Parents or guardian,
- (3) The court's officers,
- (4) The prosecutor and the counsel,
- (5) The witness and an interpreter,
- (6) A probation officer or a social worker,
- (7) Other persons with the court's permission.

A quorum consists of two professional judges and two associate judges with the requirement that at least one of the associate judges must be female. Subject to certain conditions, appeals from the Juvenile Court are addressed to the juvenile section of the Court of Appeal and further appeals are addressed to the juvenile section of the Supreme Court.

In practice the decisions of the Juvenile Courts are flexible. If the child has a favourable report with respect to improvement in behaviour during detention in the

institution, he might be released earlier than the period that had been ordered. To put the child in an institution is usually considered to be the last resort. It is generally agreed that the best place for the child is to stay with his family unless he is the victim of a hostile family environment or abuse by the parents or other adults. If his family is agreeable to accept him back the court will release the child on probation. In this way the child has an opportunity to reintegrate in his society. In order to prevent him from committing further offences a probation officer is assigned to him to give advice. The success of the probation service depends very much on whether persons in the child's community volunteer as probation officers. They can be the child's neighbours and can keep a close watch on the child.

Volunteer probation officers are appointed by the Minister of Justice from among local people who are community leaders, are well respected and have a good reputation, are willing to work and have completed a training course on policy, objectives, rules and regulation concerning probation service. All volunteers are appointed for a two year term and may continue as long as they can contribute their time.

The ministry of Justice holds meetings of volunteers three times a year in order to give them an opportunity to share their experiences, and seek better ways to perform their duties.

Government and non-government organisations also offer training courses for law enforcement officers as well as teachers, laymen and children themselves. Panel discussions or seminars concerning children's rights are often arranged in order to keep the probation officers and public well informed on how to treat children and to work in the spirit of the Convention with respect to children's rights to survival, protection, development and participation.

