

Executive Summary

Thailand has been transformed into aging society, in which the number of older population has been increasing, that of younger population declining, life expectancy increasing, family structure changing. This leads to the generation gap problems between the younger and older generations. While the older generation's needs tend towards more dependence due to the decline in physical and cognitive conditions, those of the younger tend towards more independence with opportunities in life abound. The difference in needs between generations can lead to discrimination against the older population. Thus, the main objectives of the research project are (1) to study the situations, policies, laws, and measures related to the older persons in Thailand whether they are in consistency with the international obligations that Thailand is a member and up to the international standards; (2) to analyze the causes of discrimination problems under the existing policies, laws, and measures compared with the international obligations and standards, as well as the gaps in protecting the human rights of older persons from discrimination; and (3) to provide policy suggestion to mitigate the problems and/or evidence-base measures in consistency with the international obligations and human rights standards for the relevant government agencies to protect and promote the human rights of older persons against discrimination as well as to provide data for the National Human Rights Commission and the base-line data to prepare for the ratification with the UN Convention on the Rights of Older Persons in the future.

The research frame of reference for the rights of older persons are based on the human right principle with equal treatment and non-discrimination, directly or indirectly, on age under the UN General Assembly's Principles for Older Persons. The study method is a mixture between the qualitative and quantitative ones. The qualitative method will explore (1) the relevant documents and content analysis, (2) in-depth interviews, and (3) focus group; while the quantitative method will analyze the evidence-base data collected from the field survey using questionnaire instrument in conducting face-to-face interviews with the sample group of the older persons.

Study Results

1) The United Nations' Universal Declaration of Human Rights (UDHR), 1948 is considered to be the basic principle for protecting the human rights of older persons. This

document provides the conceptual base for developing the countries' domestic laws including Thailand's.

Currently, there are 9 international treaties under UN concerning international measures on human rights, 7 of which Thailand has ratified as a member country [from (1) – (7)]: (1) International Covenant on Civil and Political Rights (ICCPR), (2) International Covenant on Economic, Social and Cultural Rights (ICESCR), (3) Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), (4) Convention on the Rights of the Child (CRC), (5) Convention on the Elimination of All Forms of Racial Discrimination (CERD), (6) Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), (7) Convention on the Rights of Persons with Disabilities (CRPD), (8) International Convention for the Protection of All Persons from Enforced Disappearance (CED), and (9) Convention on the Protection of the Rights of Migrants Workers and Member of their Families (CMW)

Besides, there are 188 treaties on the labor rights by International Labor Organization (ILO) under ILO Declaration on Fundamental Principles and Rights at Work. Thailand ratified 14 treaties as a member country.

In ASEAN, there are 2 agreements on the older persons: Kuala Lumpur Declaration on Ageing: Empowering Older Persons in ASEAN and (2) Brunei Darussalam Declaration on Strengthening Family Institution: Caring for Elderly.

UN and ILO international treaties specify the human rights protection in general from discrimination or specify that of women or children or labor. The treaties do not specify directly that of older persons. Thus in 2010, UN established the Open-ended Working Group (OWGA) to study the situations and gaps in the existing international measures concerning older persons in order to provide the measures for the up-coming Convention on the Rights of Older Persons. OWGA has organized 9 sessions of its annual meeting. The 10th Session will be held in 2019. The issues of non-discrimination and violence, neglect and abuse were the focal areas of discussion in the 8th Session Meeting in 2017.

2) As a member country of UN, Thailand has committed accordingly to the obligations under the ratified international treaties by establishing or amending the country's laws. In relating to the rights of the older persons, the government established (1) Declaration of the Thai Older Persons of 1999 to protect the rights of older persons towards good quality of life, (2) The Constitution of the Kingdom of Thailand B.E. 2017 to eliminate unfair discrimination against older persons in Section 27 and in Section 48 to

entitle the poor aged from 60 years old the rights to receive appropriate assistance from the government, and in Section 71 to specify the duty of the government to provide good quality of living for the people, and (3) the National Older Persons Act of 2003 to promote and support the older persons the rights as stated in Section 11. Accordingly under the Act, the relevant government agencies, state enterprises, local authorities will provide services for the older persons protected by their laws or regulations; the National Older Persons Committee was established to approve the services provided and proposed to the Cabinet the policies and master plans on the protection, promotion and support on the status, rolls, and activities related to older persons both in the public and private sectors, and family institution to take part in caring the older persons, etc.. The Section 15 of the National Older Persons Act were amended in 2017, and the 2% excise tax collected from alcohols and tobacco was added into the Older Persons Fund in order to increase the living allowances for the low income older persons. Thus, the movements by all agencies' activities and establishment of laws, orders, announcements, regulations have been voluntarily conducted under the National Older Persons Act of 2003.

3) The reviews on the best practices in protection of the rights of older persons from discrimination on age from the 6 country case studies, i.e., Singapore, Japan, United States of America, United Kingdom, France, and Germany, found that in every country the protection of the rights of older persons in 3 dimensions are available and common: (1) on employment dimension, the extension of retirement age to 65 or 67 years old or the abolishment of retirement age, (2) the establishment of a social security system, which composes of social insurance (the benefits to the contributors of the insurance premiums from their payrolls tax as pensions for their retirement or for disability), health insurance (the benefits for medical cares to the contributors), and (3) social welfare (the services provided by the government for free to the poor or low income older persons by concrete criteria, e.g. poverty thresholds or minimum income thresholds and other qualifications such as family size).

4) From the survey on the older person samples on their opinions about the protection of the rights of older persons, the main findings are as followed:

(1) Discrimination on age: Most of the older person respondents (more than 90% of them) have never experienced the discrimination against them, neither from people in the family, in the working place, in the community (e.g. neighbors, people in the community), and nor from those in the society (e.g. government officials/employees, people they contact

with) For the minority who experienced the discrimination (less than 10%) replied that most of discrimination were from people in the society, followed from those in the family, the community, and the working place, respectively. Thus, it indicates that the degree of awareness on the issue of discrimination against older persons in Thailand is low, and the discrimination is mostly from the people outside the family, whom they do not know in persons or these people may have no service minds; or from the people in the family, whom they have to depend on.

The types of discrimination they experienced, if from the people in the family, i.e., the spouse, were physical abuse, negligent, and verbal abuse; from the adult children, were negligent, verbal abuse, and theft by stealing the elderly living allowance; from the in-laws and relatives, were verbal abuse and negligent.

If the discrimination is from the people in the working place, verbal abuse and bias in job promotion were from the employer; verbal abuse was from the co-workers and workers under them. From the people in the community, their neighbors discriminate them by disrespect behaviors.

In the case of the people in the society, most of the respondents experienced the discrimination against them from the government officials in the health care services they contacted with by verbal abuse, unfair treatment, long waiting time in service delivery; from the people mostly in the public bus services, i.e., bus drivers or bus ticket collectors, with verbal abuse, refuse to stop the bus for boarding, cheating the older persons' money, and disrespect behavior.

(2) To utilize the services entitled to the older persons provided under the National Older Persons Act in 3 dimensions:

1. The economic and social benefits dimension: Most of the respondents have experiences in using the financial services provided by the government, followed by the transportation services, participating in the elderly clubs, and educational services, respectively. To be noted is the proportion of the respondents utilizing the employment services provided by the government is lower than that by the private sector. No respondents utilized the non-profit organizations (NPOs). Thus, the government is the main service provider in this dimension.

2. The health and quality of life dimension: Most of the respondents utilizing the services in public health (prevention, medical care, rehabilitation) and public welfare provided by the government. Much lower proportion of the respondents utilized the services

provided by the private sector. No respondents replied that they utilized the services provided by the NPOs.

3. The justice process dimension: Less than half of the respondents utilized the law services provided by the government. Almost all of the respondents never utilized the law services provided by the private sector, and none using the services provided by NGOs.

In sum, the proportion of the respondents who utilized the law services is the lowest among the 3 service dimensions.

4. When utilizing the services, people whom the respondents asked for company were mostly themselves, followed by their children and spouse, respectively.

5. The 3 most obstacles in utilizing the services provided by the government were first, complicated process/procedures; second, the fear from the respondents in utilizing the services; and third, the inconvenience to travel to the service sites. For the access to the services provided by the private sector, the first obstacle was the high service cost, the second was the fear from the respondents, and the third was the complicated process/procedures

(3) To acknowledge the 12 rights of the older persons specified in the National Older Persons Act: Most of the respondents and all aged groups acknowledged the rights on the health and quality of life (i.e., 1. The right to the fast and convenient medical and public health services and 2. The right to the funeral assistance), followed by the rights on economic and social services (i.e., 1. The right to monthly living allowance ; 2. The right to self-development and participation in social activities and net-working ; 3. The right to convenient infrastructure and safety inside the buildings, places, and vehicles; 4. The right to transportation fee assistance; 5. The rights to be exempted from entrance fees of the public museum or parks; 6. The rights to appropriate job and job training; 7. The right to education, religions, information useful for living; and 8. The right to provision of housing, food, clothes as necessary). However, the rights that most respondents did not acknowledge was the rights on justice process (i.e., 1. The right to assistance for the older persons who were abused or taken advantages, or neglected, and 2. The right to advise, suggestion, or solvent of family problems).

5) The protection of the rights of older persons under the law, policies, and measures in Thailand: Older persons are entitled to human rights and freedoms under the UN Universal Declaration of Human Rights and the Thailand Declaration of Older Persons as well as the Constitution of the Kingdom of Thailand and the National Older Person Act. The Thai

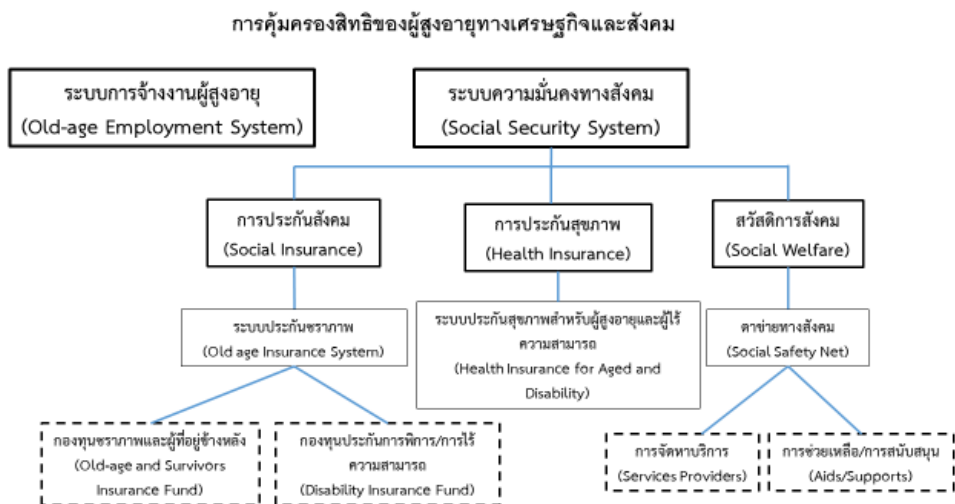
government protects the older persons' positive rights by providing welfares and social insurance according to the rights stated in the Constitution and the National Older Person Act. However, from the study, there exists discrimination on age in (1) employment by the mandatory retirement age at 60 or 55 years old, and (2) social insurance system, pension system and health insurance system by covering the working age group in the formal employment sector. The systems do not cover the group of people working in non-formal sector including those who are self-employed.

6) Problems or gaps in protecting the rights of older persons from discrimination on age in the economic and social dimension:

(1) Lack of laws to protect the rights of older persons from discrimination on age in employment by setting up the mandatory retirement age at 60 or 55 years old and the labor laws and public employment laws cover only the formal employment sector with employers, do not cover the informal sector or the self-employed.

(2) Lack of a comprehensive social security system: In order to protect the rights of older persons in terms of socio-economic security, the review from all case studies indicates an old-age employment system and a social security system composed of social insurance, health insurance, and social welfare as shown in Figure 1. The coverage of the social security system is comprehensive and universal. However, the social security system in Thailand focuses on the social welfare dimension, while social insurance and health insurance cover only workers in the formal employment sector.

Figure 1 : The Structure of Socio-economic Protection on the Rihgts of Olde Persons



(3) Lack of income criteria to qualify for the social welfare: No poverty threshold or minimum income threshold available as a criteria to select the qualified persons for social welfare programs. The criteria can reduce the discretion power of the government officials.

(4) Lack of front-line operation units to protect the rights of older persons: Most of policy makers and implementation are from the central administration and there are no front-line offices lower than the district levels. In order to operate the programs in the village level, the cooperation between the central administration and the local administrative organizations is the key.

(5) Lack of participation from all sectors: Lack of participation from both in the civil sector such as NPOs and private sector. There is no social enterprises to provide services to the older persons at home. The participation by the family members may lead to the abuse of the frail older persons since it is very stressful for the family members in balancing their work and care for the family. For the care givers, most of them work as volunteers or they receive a very low pay. They also need better economic incentive to work for living.

(6) Lack of policies and laws that are aging friendly: Existing laws or regulations concern mainly the indoor environment, not the outdoor, such as city planning appropriate for the safety living and transportation for the older persons.

(7) Bias attitude towards older persons: there exists the prejudice against aging both from the older persons themselves and their surrounding people. Older persons perceive or are perceived as “burden” than “assets”. The protection of the rights of older persons from discrimination is resulted in the form of social welfare since they are a vulnerable group of people due to poverty or neglect that need to be protected.

7) Suggestion to solve the problems of discrimination on age: the economic and social dimension

(1) By laws:

1. To reform or amend the laws and regulations to ensure the rights of the older persons to employment and to social security stated under the National Older Persons Act. The social security system should be reformed to cover those working in both the formal and informal employment systems as well as those who are self-employed. The Ministry of Labor should be the main active agent to provide the employment opportunity for the older persons. The Ministry of Finance should be another main active agent to reform the social security system by amending or reforming the existing various funds related to the older persons under different ministries, e.g. the Elderly Fund under the National Older Persons

Act, the Old-age Fund under the Social Insurance Act, the National Saving Fund, and the upcoming National Pension Fund, into a system for equal treatment to the older persons and for leveling up to the international standard.

2. To strengthen specific city planning laws and regulations for aging friendly environment at the city or town or local level. The main actor should be the Civil Engineering and City Planning Department and the Local Administrative Organizations under Ministry of Interior in collaboration with Ministry of Natural Resources and Environment, Ministry of Social Development and Human Security, and Ministry of Transportation.

3. To encourage the integration of laws and regulations concerning the older person employment programs and the social insurance system between central administrative agencies and local administrative organizations. The main active agents should be Ministry of Labor and Ministry of Finance in collaboration with Ministry of Interior and Ministry of Social Development and Human Security.

(2) By policies:

1. To formulate a concrete old-age employment policy, such as a re-employment of older persons and other complementary measures. Ministry of Labor, Ministry of Finance, Ministry of Social Development and Human Security, and Ministry of Interior should state this policy as one of their main policies.

2. To focus on a social security system policy for old age besides the short-term social welfare provisions. Ministry of Finance, Ministry of Labor, Ministry of Social Development and Human Security, Ministry of Public Health, and Ministry of Interior should put this policy as one of their main policies.

3. To encourage for an aging-friendly environmental policy by empowering local authorities to be responsible units. Ministry of Interior (by Department of Civil Engineering and City Planning and Local Administrative Organizations), Ministry of Social Development and Human Security (by the National Housing Authority), and Ministry of Natural Resource and Environment should establish this policy as an important one.

4. Decentralization policy to promote old-age employment, social security, and aging-friendly environmental management at the local level should be encouraged. Under this policy the central agencies should act as regulators and budget supporters. This policy should be formulated as a main policy of Ministry of Interior, Ministry of Labor, Ministry of Social Development and Human Security, Ministry of Public Health, and Ministry of Finance.

5. Policy for public information disclosure on the rights of older persons and non-discrimination on age in employment, and employment opportunities provided by the government agencies in local language and easy to understand should be promoted. The policy should be one of the main policies of the following agencies: the National Human Rights Commission, Office of the Prime Minister, Ministry of Labor, Ministry of Social Development and Human Security, Ministry of Public Health, Ministry of Finance, and Ministry of Interior.

6. Policy for monitoring and annual performance evaluation report on employment situation, social insurance, health insurance, social welfare, aging-friendly environmental development in terms of protection of older persons' rights with evidence-base data, projection and presentation of the future trends of policies and measures should be initiated as a "White Paper" of the relevant agencies. This should be one of the main policies of Ministry of Labor, Ministry of Social Development and Human Security, Ministry of Public Health, Ministry of Interior, and Ministry of Finance.

(3) By operation:

1. Monitoring and evaluation of employment, social security, and aging-friendly environment situations with evidence-base data, future projection and trends from the relevant government agencies in order to improve their performance should be initiated in a form of a white paper report.

2. Collaboration among government agencies with the same target, i.e., protection of older persons' rights, especially between the central agencies and local level organizations should be encouraged. Currently, there exists an Memorandum of Understanding (MOU) among Ministry of Public Health, Ministry of Social Development and Human Security, and Ministry of Interior (for the Local Administrative Organizations).

3. The "poverty threshold" or "minimum income threshold" should be developed using the poverty line estimated by Social Development Board (NESDB). Ministry of Finance should collaborate with the NESDB this poverty criteria for selecting the poor or the low-income to participate in the social welfare programs related to older persons.

4. Revitalization of community or town or city project to provide employment in the community for older persons, to facilitate older persons' travel, housing should be operated by the local authorities and regulated by the central agencies.

8) Problems in discrimination on age: health and quality of life dimension

(1) Health support:

1. The laws concerning the rights of older persons to health support are not specifically addressed to the older persons. The National Public Health Act of 2017, Section 6, Paragraph 2 states the rights to public health support in general. It needs a subsidiary laws to specify specific criteria for public health support for the older persons, as well as concrete measures to promote and protect the health of older persons. Besides, the enforcement of the existing laws and policies are not effective in terms of medical price control or equipment support for the older persons.

2. The unequal and limited access to the health services by the older persons: Despite the better acknowledgement of the rights to health care by the older persons, the problems of health service coverage still exist, especially the acknowledgement and understanding of their rights by the older persons themselves and the equal access and provision of health care between the older persons in rural and urban areas. In addition, the processes/procedures to access to health services are complicated, high cost, and unequal treatment, as well as the problem of travelling to the hospital.

3. Health insurance system : There are 3 health welfare systems, i.e., the health insurance system, the health welfare system for government officials, and universal health care system. Under these systems, health care including long-term care is not equally provided, hospital choices are limited, and service qualities of hospitals and emergency transfer are not trusted.

4. The problems of health care data base connection : The health care data base system of the patients, especially of the older persons, are not connected among the health care units/hospitals. It is a social customary practice of the older persons to get treatment with specialize medical physicians or hospitals. Their treatment data in each case are not connected. In consequence, the patients often receive a polypharmacy that might affect or have side effect on their health.

5. The problem of discrimination on age when access to the health service : The old person surveyed recalled the discrimination against them when utilizing the health services by the hospital personnels. They were treated unfairly, verbally abused. However, there is another side of the opinion about the service providers that the service providers should also have the rights to be protected. This clearly reflects that the administration in the health service sector should be reformed.

(2) Long-term and palliative care :

1. The lack of legal criteria for the long-term care system : Some older persons need long-term health care, but this type of care is not stated in the National Older Persons Act of 2003. Thus, problems occur in the implementation stage, for example, there is no regulation concerning the compensation to the care givers.

2. Lack of criteria and mechanisms to regulate the practice standards of the long-term care institutions : Currently, there is no laws to regulate the practice standards and the quality of the care institutions, and no responsible agencies for registration and regulation of the health care institutions for the older persons or the disabilities

3. Lack of measures to promote families to taking care of the older persons in long-term : People still depend heavily on the public health care services, while there are inadequate personnels and equipments in providing the services. It is necessary to create a self-care system for the people with the local authorities' supports. Currently, there are no laws and measures to promote family to be a care giver unit for the older persons and other generation in the family.

9) Suggestions to solve the problems of discrimination on age : health and quality dimension

(1) By laws :

1. Regulations under the National Older Persons Act to ensure the rights of older persons to access to the health and medical services should be reformed. The National Human Rights Commission, Ministry of Public Health, and Ministry of Social Development and Human Security should be the main actor to collaborate with the Ministry of Finance.

2. A long-term care law, such as the criteria for the compensation of the care givers, should be formulated. The main actor should be the Ministry of Public Health (by the National Health Insurance Office) in collaboration with Ministry of Social Development and Human Security, Ministry of Finance, and Ministry of Interior.

3. Regulations on standards and mechanism for long-term care should be formulated using the best practices from England. Ministry of Public Health (by the National Health Insurance Office) and Ministry of Social Development and Human Security should be the main actors in collaboration with Ministry of Commerce and Ministry of Industry.

4. Laws to promote family care for older persons should be established, including the participation from communities and local administrative organizations. The best practice can be drawn from Japan that the local administrative organizations are empowered

to establish a long-term health care fund in the community and support home health care. Ministry of Interior and Ministry of Social Development and Human Security should be the main actors and to collaborate with the Ministry of Public Health.

(2) By policies :

1. In order to access the rights of older persons on health care, the universal health care system should be reformed to mitigate the inequality of the 3 health welfare system including the structural inequality in the health services between rural and urban areas. Ministry of Finance, Ministry of Public Health, Ministry of Social Development and Human Security, and Ministry of Interior (by Local Administrative Organizations) should set this policy as one of their main policies.

2. To establish the data connection on the personal health record of older persons in order to mitigate the polypharmacy should be encouraged. Ministry of Public Health should put the policy on personal health record connection into a data base as one of its main policy.

3. The participation by the private sector and local authorities in long-term health care services should be urgently promoted by the government. Government agencies should act only regulators. The National Older Persons Commission should strengthen this policy to protect the rights of the older persons.

4. To strengthen the movement for self-care by the older persons with the support from the local authorities. This policy should be set as one of the main policies by Ministry of Public Health, Ministry of Social Development and Human Security, and Ministry of Interior (by Local Administrative Organizations).

(3) by operations :

1. More active and coverage of the health services by the service providers including health prevention, rehabilitation, and information on the legal rights of the older persons should be enforced by Ministry of Public Health and Ministry of Interior to stimulate their relevant agencies' operations.

2. To improve the health personnels' behaviors towards customer-oriented and service minded, especially for the older persons whose abilities in cognition, communication, and decision making are declining. Ministry of Public Health, Ministry of Social Development and Human Security, and Ministry of Interior (by Local Administrative Organizations) should create curriculum or training programs on older person care for the public health personnels.

3. To promote a family self-care program as a primary health care prevention from the long-term sickness and promote the healthy life of the older persons should be introduced. The self-care program at the family level can reduce the medical costs both from the family's and the government's budgets. Ministry of Public Health, Ministry of Social Development, and Ministry of Interior (by Local Administrative Organizations) can set up information and curriculum or training courses to the family members.

10) Problems in discrimination on age: Justice procedure dimension

(1) Violence and abuse:

1. Legal punishment in violence and negligence against the older persons: The purposes of the Criminal Codes and the Act of Protection from Family Violence (2007) are different. Mostly, the negligence and abuse of the older persons are the family matters. It is inappropriate to apply the Criminal Codes which focus on punishment of the wrong doers not on compensation and rehabilitation of the victims, who in this case is an older person, and the wrong doer is a family member. Family matters are complicated.

The rights of older persons stated shortly and broadly in the National Older Person Act, no details to guide the implementation of the relevant agencies. The public disclosure of the rights is also limited. These lead to the limitation in protecting the rights of older persons.

2. To protect the victims of family violence: Even though the law to protect the victims of family violence is very helpful, there is a gap in legal procedures to give more weight on conciliation and conflict ending procedure. In addition the purpose of the law to protect mainly the family institution without considering the impact on the human rights of the older persons. This may cause the recurring violence to the older persons.

Besides the law states the protection of the victims in general, not specifically to the older persons. This may make the officials on duty neglect the vulnerability of older persons. The Thai older person victims themselves may be afraid of reporting the abuse or violence by their family members whom they have to depend on.

3. Official implementation to protect the rights of older persons: The study indicates that the implementation to protect the rights of older persons stated in the Declaration of Older Persons does not being enforced effectively. There are many government agencies from many ministries helping and solving the violence and abuse problems of older persons, but they lack coordination and collaboration. From the survey, the violence and abuse of the older persons are perceived as private or family problems by

the government officials in charge. This may obstruct the development of innovative way to solve the problems effectively.

(2) Legal capacity of older persons :

Currently the Thai laws do not specifically identify the legal capacity of older persons from ordinary individual. This cause complication and inefficiency in law enforcement on legal capacity of older persons, especially in the case of the incompetence, and may lead to the cases of older persons being taken advantages of or cheated on their properties.

(3) Access to justice:

At present, there is no specific laws to protect the rights of older persons, who are vulnerable and should be protected as the same as children. Legal measures to protect and help the older persons in justice procedures are not focused on the alternative justice procedures, such as mediation or conciliation; and if the older persons decide to take the justice procedures, it will be complicate and costly. This causes the inconvenience to the poor and ignorant older persons and makes them draw back from the justice procedures. Another critical problem to protect the rights of older persons is the compartmentalization of the various relevant government agencies.

11) Suggestions to solve the problems of justice procedures :

(1) By laws:

1. The amendment and revision of the laws concerning the protection from family violencce to focus or target on the rights of older persons and to establish measures to ensure fair entering concrete alternative justice procedures. The main actor should be Ministry of Justice, the National Police Bureau, Ministry of Interior, and Ministry of Social Development and Human Security.

2. To set up stages in the court case procedure in consideration with the vulnerable and psychological conditions of the abused older persons. The similar investigative and prosecute methods for juveniles may be used. Ministry of Justice and the National Police Bureau should be the main actors in collaboration with Ministry of Social Development and Human Security.

3. A law to regualte and inspect the guardian of properties of the disability older persons should be enacted. The main agencies should be Ministry of Justice, the National Police Bureau, and Ministry of Social Development and Human Security in collaboration with

the relevant agencies in charge of registration or changing ownership of properties, such as Department of Land, banks or financial institutions.

(2) By policies :

1. Government should promote Local Administrative Organizations to provide assistance and protection of the rights of older persons from family violence and abuse. Since Local Administrative Organizations are the closest public units to older persons in their area, they can set up and operate a center to eliminate family violence and abuse. Ministry of Interior should set up this policy as one of main policies.

2. To connect and collaborate the operational system among government agencies in order to protect the rights of older persons more effectively, such as a one-stop service center for justice procedures. This policy should be one of the main policies of the Ministry of Justice, the National Police Bureau, Ministry of Social Development and Human Security, and Ministry of Interterio.

3. To develop alternative justice procedures appropriate and accessible by the older persons. This should be a main policy of the Ministry of Justice

(3) By operation:

1. To disseminate information or communication with older persons about the rights of older persons and increase the consultation channels especially about the legal issues to older persons. This should be main missions of Ministry of Justice, the National Police Bureau, and Ministry of Social Development and Human Security.

2. To improve and promote government agencies and their personnels the positive perception and behaviors in assisting and protecting the rights of older persons by Ministry of Justice, the National Police Bureau, and Ministry of Social Development and Human Security.

3. To promote self-confidence and eliminate bias of older persons in utilizing the public services by the relevant government agencies being more active towards and building trust from the older persons. The main actors should be Ministry of Social Development and Human Security, Ministry of Interior, Ministry of Public Health, and Ministry of Justice.

12) Suggestion for preparing to ratify with the upcoming Convention on the Rights of Older Persons for Thailand :

The Convention on the Rights of Older Persons is still in the stage of discussion among member countries of UN in order to understand the situations of protecting the rights of older persons under the existing international agreements on the human rights of older

persons. An Open-end Working Group on Aging (OWGA) was established in 2010 to collect information on the situations and find the gaps in protecting the human rights of older persons under the existing international treaties and suggest measures or instruments in protecting the rights of older persons. At present, there has not been any conclusion to present to UN General Assembly. However, the 7th Session of OWGA meetings in 2016 agreed to have “focal areas” with 14 issues for discussion by the participants in the future sessions. In each session, two issues will be selected as the focal area for discussion. However, when considering the 5 principles and 18 rights of older persons from the UN Principles for Older Persons, the focal areas are consistent with the UN Principles.

For Thailand, the protection of the rights of older persons under the UN Principles has been well followed before 2003 by stating the protection of the rights of older persons in the Constitution (1997), establishing the Declaration of Older Persons (1999) and the National Older Person Commission (2003) as well as the Older Persons Fund and Department of Older Persons Activities under the Ministry of Social Development and Human Security. However, the policy instruments to protect the rights of older persons are mainly related to social welfare. Under the social welfare policy, the government is the major welfare provider and the older persons are only welfare receivers due to the public perception that the older persons are vulnerable and independent. This is not conformed with the UN Principles on Older Persons, i.e., Principles (1) Autonomy, (2) Participation, (4) Self-fulfillment, and (5) Dignity.

Suggestion in preparation to ratify the upcoming Convention on the Rights of Older Persons to the National Human Rights Commission in order to convey to the National Older Person Commission are as followed:

(1) To amend the laws from the Constitution and the Older Person Act by including the rights to be independent, to participate, to be taken care of, to be self-fulfilled, and to have dignity.

(2) To expand the roles of the National Older Person Commission and the scope of the Older Person Fund to cover the rights of older persons according to the UN Principles.

(3) To establish a social security system up to the international standard.

(4) To provide social welfare system by the relevant government agencies to provide the programs both for free and for co-payment and to set up concrete criteria for selecting qualified receivers in order to imitagate the discretionary power of the officials

(5) To provide long-term and palliative care for older persons according to UN Principle (5)

(6) To provide front-line units and/or various channels for access the social insurance and health insurance for the convenience of older persons, such as the employment center, the health care center, social insurance center, the center for prevention on violence and abuse

(7) To promote participation from private sector in the form of social enterprise to provide services in communities or local areas.

(8) To disclose information and disseminate knowledge about aging society, old age to people at all age to promote the protection fo the rights of older persons.

13) Suggestion specifically for the National Human Rights Commission:

(1) To make an annual report on the situations of the rights of older persons in Thailand in the form of “White Paper”.

(2) To establish a data base center on the rights of older persons.

(3) To disseminate documents about the protection of the rights of older persons to the public and social media.