Mid-Term

Evaluation Report

(2011 January – 2012 June)

Stateless Children Protection Project

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Content

<center>**Introduction**</center>

1. Background of Stateless People Problem

Problems of status and rights of stateless and nationality-less people (especially children) were national policy structure problems. These problems were viewed by Thai state as national security related. A state agency that administers, controls and sets directions for the issues/problems was National Security Council. Besides, the problems depending closely on several laws, for example, Nationality Act 2008, Civil Registration Act 2008, Immigration Act 1979, Working of Alien Act 1979, etc make them more complicated than any other rights problems. Knowledge and work experiences of people working directly on the issues for a period of time are needed to understand thoroughly. Working with partners at different levels, such as, state agencies, political partners, academics, educational institutions, etc, to brainstorm solutions collaboratively is the other key to success.

Stateless persons in Thailand exist due to the following three factors:[1]

1. Statelessness due to persons born before birth registrations were implemented, and were not surveyed during National Registration surveys during 1909-1956. This failure to register these persons was due to the remoteness of their residences and the inability of the government officers to access their communities. This failure later led to citizenship problems and complications for their children. Especially vulnerable persons in this category include 'sea gypsy' and ethnic Chinese migrants who did not possess any identification papers from their countries of origin.

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[1] Panthip Kanjanajitra, (2007), "Kwam Pen Pai Dai Tee Ja Jat Rai Rat Hai Kae Manut Nai Sangkom Thai: Kan Tawt Prasopkan Kawng Rat Thai", Document presented at Annual Academic workshop at Thammasat University, December, 17, 2007

2. Stateless due to failure to possess birth certificate. This could have resulted from 2 scenarios: (1) The child was born in Thailand, but there was no birth record issued; or (2) The child was born in another country and did not receive any birth registration in that country- later those persons migrated to Thailand and did not receive any identification papers from the Thai authorities.

3. Persons who have had their names removed from the Thai national list. This scenario usually is the result of having Thai registration officials discovering that the case in question had already received citizenship through illegal means (corruption), so the penalty should be to remove their names from the registration list and forbid them from having an opportunity to register as a Thai citizen again. This could also occur when illegal migrants have entered the citizenship process.

In Thailand there are a large number of persons without citizenship who are termed "Without Thai Citizenship" or "Unregistered Persons". These persons can be classified as follows:

1. Aliens or ethnic minorities residing in mountainous areas that have entered Thailand illegally.[2] Most of these persons were fleeing war and conflicts in neighboring countries, were part of the Communist movement, or were forced to leave their countries of birth. In these cases, the persons cannot return home, due to fear of persecution. Examples of this case are the Chinese Nationalists (Kuomintang Political Party), Vietnamese Nationalists, Thai Lue persons (from Yunnan Province, China), or Burmese ethnic groups.

2. Children born to parents who did not possess Thai Citizenship. These persons usually live in the mountainous regions or in border provinces (Children of Persons from Category 1).

3. Children who were born in Thailand, and can prove this through blood tests or local administrative documents, but did not have their birth registered by the responsible government officer due to negligence or corruption.

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[2] Under the regulations of the Immigration Act of 1983 A.D.

4. Children born in Thailand who had their nationality revoked under the Revolutionary Council Declaration 337[3].

5. Highland dwellers (also known as hill tribes or ethnic minorities) who have been surveyed, but have not had their names officially registered in the State Registration.[4]

Most of the persons in categories 3‑5 have had their status given or provided with a channel to receive citizenship (according to legislations passed until 2004), however, large obstacles still remain for those persons described in categories 1‑2. These persons are viewed as illegal migrants and threats to national security.

Human rights abuses against stateless persons[5]

Previous to November 2005, Thailand did not possess a clear policy or registration system in place to deal with stateless persons residing within its borders. This population was viewed by the government with suspicion and framed this issue as one of 'national security'. Therefore, the responsibility for dealing with this issue was handed to the National Security Council (NSC), who dealt with issue by using an approach of 'controlling' the people in question, rather than 'administering' them. Due to this approach persons without citizenship were seen as potential problems, and as a result, they faced numerous instances of human rights abuses and injustices‑ both directly and indirectly. The general public viewed these persons as 'uncivilized', destroyers of the forests, and more extremely, drug traffickers. These views were disseminated through mainstream media until the general public carried the perception as these stateless persons as the 'other' and the root causes of many of the social problems. No one viewed these persons as

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[3] Afterwards, citizenship status was awarded according to Nationality Act of 1965, and was extended under the 2nd Nationality Act of 1992, the Cabinet Decrees of June 12 and 21, 1984, and under the most current legislation (the 4th Nationality Act of 2008, Section 23) all children and family members are entitled to receive citizenship.

[4] This group was supposed to have been registered according to the Cabinet Decrees of August 29, 2000 and August 28, 2001.

[5] Krittaya Achawanijkul. (2010), *Kan Jat Rabob Rai Rat Nai Boribot Prathet Thai*. Nakorn Pathom. Population and Social Research Institute, Mahidol University.

victims that needed the protection and assistance of the Thai government. Stateless persons, therefore, were deprived of the rights and services that the government provided its citizens, as shown in the following examples:

(1) **Forced displacement within Thailand**. Stateless persons have been forced to move their residences for a number of reasons, including national development projects, national security concerns, environmental conservation concerns, controlling illicit drug production and trafficking (as well as to protect the country against Communism during 1968-1971), and most recently, to develop eco-tourism destinations. During these relocations, communities were not given adequate time to prepare and the relocation sites were not suitable, due to poor soil quality, lack of infrastructure. These types of relocations and displacements are clearly in violation of human rights conventions.

(2) **Lack of land and food security.** Since the State views these persons as illegal migrants, they are not permitted any right to land and food cultivation. Furthermore, many of the communities which contain stateless persons are located in the forested mountainous regions, which have been declared as Protected Forest Zones where the State does not permit anyone to legally reside. This regulation has been adopted despite the fact that many of these communities were located in these forested zones before these were declared to be Protected Forests or National Parks. Any community within these zones, therefore, lives constantly under the threat of being forced to relocate, and the community members are always at risk of being arrested, fined, and/or jailed by Forestry Officials. In almost all cases, the villagers are found guilty, as they have no legal recourse to counter the Forestry Department's claims.

(3) **Refusal of State Officials to issue birth certificates.** Due to the State Official's view that Stateless persons have entered Thailand illegally, they have often refused to issue birth certificates and legitimized the birth of their child. In 2009, UNICEF published

a report stating that Thailand has over one million children without any birth documentation. Most of these children parent's are either ethnic minority persons, migrant workers, or refugees. This situation has led to academics, NGOs, and social welfare groups to advocate for new registration policies from the Thai government. (Currently, the Thai government has adopted a policy that all children born in Thailand must be issued birth certificates).

(4) **Difficulty accessing health services**. Before the implementation of the Universal Health Care scheme in 2002, stateless persons possessing temporary ID cards (6 or 7 digits) had the option of purchasing health cards (300-500 Baht/ family) under the "Public Health for low-income persons project". This card allowed the patient to be treated without having to pay any fees. However, this card was made obsolete with the introduction of the Universal Health Care's "30 Baht One Payment" scheme (also known as the "Gold Card"), which was only offered to Thai citizens. After campaigns were conducted by social welfare organizations in order to allow stateless persons access to Thai public healthcare services, the Cabinet Decree of March 23, 2010 was passed which order the Ministry of Public Health to provide health care coverage for 457,409 stateless persons through a fund provided by the Central government. However, since there was no legislation passed for this measure, this fund was always at risk of being revoked or discontinued. For example, during the flooding at the end of 2011, this fund was cut in half in order to give more funding to provide relief for flood victims. Another obstacle facing stateless persons that need health care is the fact that many of them need to request permission to travel to hospitals for treatments that cannot be provided in more local clinics and health stations. Finally, for stateless persons who cannot speak Thai (and where there are no translators available), there is a communication barrier, which prevents them from understanding the medical treatments prescribed to them.

(5)   Failure to obtain labor rights provided under Thai law.

Non-Thais are restricted to work only in the 27 occupations (in summary jobs as Agricultural and Orchard workers, Mechanics, Merchandise Sellers, etc.) specified under the Alien Worker's Act of 2008 Section 13. All applications for work must be approved at the Provincial Labor Offices, who will determine whether the applicant has the necessary education and experience to qualify for that position. Sometimes, even applicants with degrees in architecture, medicine, engineering, or teaching are denied work permits or fined. Often, migrant workers are not paid minimum wages that Thai Labor Law decrees or forced to work longer hours than allowed under Thai Labor Laws. Furthermore, there are dangerous jobs which are only done by non-Thai workers and migrant workers are not allowed to form their own labor unions.

(6) Travel restrictions.

Stateless persons often are not allowed to travel freely outside of their district, province, working area, or school. If they want to travel outside these areas, they must petition either the District Chief (if they are restricted to stay in one district) or the Provincial Governor (if they are restricted to stay in one province). The process of requesting this permission often takes a long time, and, in some cases, is not approved. These travel restrictions are especially damaging to stateless persons, as they live in under-developed border areas, with low employment opportunities.

(7)   Difficulties accessing educational services.

The Thai government's support for education for stateless persons is clearly outlined in the Cabinet Decree of July 5, 2005, which allows any child to study at Thai public schools regardless of their citizenship status. However, in reality, many children are still denied access to Thai schools depending on the whims of the school's leadership.

Furthermore, tuition costs are often greater for non‑Thais and scholarship assistance is often only available for Thai citizens.

Chapter 1

Stateless Children Protection Project Overview

Stateless Children Protection Project Overview (SCPP) is created from 7 different NGOs in 5 provinces in northern Thailand who have long experience working on people's rights and status directly and indirectly. Even though each organization works in different issue such as the issue of women and children rights or human trafficking but they found that the target groups and communities they work with are facing the status problem which lead to others problem.

SCPP partners are;

1. Child Trafficking Watch Thailand (CTWT), Chiang Mai
2. Development Center for Children and Community Network, Mae Hong Son and Tak
3. GABFAI Community Theatre Group, Chiang Mai
4. Hill Area and Community Development Foundation Chiang Rai
5. Mirror Foundation, Chiang Rai
6. Baan Sang Mai Project, Chiang Rai
7. Community Rights Organization, Phayao

SCPP's Vision:

Protection of stateless children and their families included disable people in target communities and to ensure that they are surveyed into registration process in order to obtain the status with legal mechanism.

Project Objective

5,000 children attain citizenship and 20,000 others children are entered into the registration process and be protected their rights. Besides these interventions, the project will assist at least 84,100 stateless children from 240 communities, community members and 300 disable people

Target areas

Province	No. of District	District name
Chiang Mai	5	Muang, Wienghang, Mae Ai, Mae Taeng, Fang
Chiang Rai	9	Muang, Mae Chan, Mae Faluang, Chiang Khong, Chiang Saen, Mae Suay, Mae Sai, , Wieng Pa Pao, Wieng kaen
Phayao	3	Chiang Kham, Pong, Phusang
Mae Hong Son Tak	3	Mae Sarieng, Sob Moei, Tha Song Yang
5 Provinces	**20**	**20 Districts**

Project Activities

3.2.1. Developing the Database and Information System; To develop the program and database as the tool to promote and support stateless people together to analyze, gathering and manage rights and status problems. Pilot communities have follow up and management's plan with participation based.

The activities includes; 1) SCPP publicized website 2) Develop the survey form to collect the data from the target areas 3) Established the database program 4) Conduct the data base program training 5) Survey and gathering the information 6) Establish the pilot database in the target area

3.2.2. Policy Advocacy; To follow up the laws that abused the children's rights (Nationality laws, article 7/2), lessen Corruption level, advocate for policy change and enforcement to protect rights of stateless persons

The activities include; 1) Conduct meeting to gathering the situation of the target area   2) Gathering and analyze the case study 3) Public forum at the provincial level to follow up the law enforcement

3) Conduct regional meetings

3.2.3. Legal Assistance and Protection; To promote stateless children participation to protect their own rights and manage their problems, to communicate about their problem with the society, to establish the social mechanism on stateless children protection in Thailand.

Activities included; 1) establish and implement the legal clinics 2) conduct the mobile classroom on stateless people's rights such as health and education 3) Conduct the community volunteer training 2 times. 4) Conduct workshop once a year

3.2.4. Media Campaign; To disseminate the knowledge through community theatre, working manual and booklet

Activities included; 1) Produce the working manual 2) Produce the Booklet 3) Produce the DVD 5) Train and conduct the community theatre groups.

3.2.5. Institutional Development; To strengthening the capacity of the project staffs, to share experiences and lesson learned and find the solution together in both network and field work level, adapt and use what they learn in their working areas

Activities includes; 1) SCPP staff meeting (4 times a year) 2) Capacity building workshop (twice a year) 3) Study trip 4) Participatory Evaluation to have the lesson learn about networking, participation, responsibility, worthiness and management with rule of law, morality and transparency.

Chapter 2

Evaluation methodology

The evaluation team has applied an evaluation approach called "empowering evaluation" using the 10 following principles:

1) aiming to develop and raise the working standards

2) give stakeholders a sense of ownership towards the evaluation process

3) ensure participation of stakeholders on every level

4) creating a democratic and participatory evaluation process

5) develop equity and fairness

6) value knowledge of staff and qualitative knowledge

7) base the strategy on evidence based information

8) acknowledge the importance of capacity building for project stakeholders

9) develop the organization to focus on education and learning

10) ensure all parties responsibility towards the process and the operation outcome

In summary the evaluation hopes to provide members of organizations and networks with applicable knowledge that will increase the potency of their work and lead to the accomplishment of goals. It will bring about beneficial change for the organizations and networks as well as for the society.

1. Evaluation objectives

1.1 to evaluate the work of the past 1 year and 6 month in order to adapt future work

1.2 to analyze and review the overall project

1.3 to identify lessons learned using an empowering approach, in order to create a mutual learning process for the evaluators and the working team

1.4 to analyze and define the future direction of the work

2. Evaluation framework

  2.1 field-based

  2.2 based on issues and contents of project activities

3. Evaluation characteristics

The evaluation of project results of the project on rights protection for stateless children and children without nationality was done in a participatory way, using SWOT analysis and empowerment. It consists of 3 stages as follows:

3.1 Selection of input factors

The proposal includes looking at the process of project initiation. Here the evaluation will examine the underlying concepts of defining goals, target groups, timeline, budget, media and different documents and handbooks.

3.2 Project output in two categories

1) Project activities

2) Project beneficiaries

3.3 Outcome/impact

1) According to indicators

2) According to the SWOT analysis

3) Collection of qualitative data from various groups, such as those suffering from the problem and the leaders in 7 areas, staff members and practitioners, board members

Methods

  1.1. Survey and review of project related documents addressing rights protection for stateless children and children without nationality in order to plan the evaluation process. This includes project progress reports and other relevant documents that provide insight about the working progress, visions, goals and indicators, the development of the movement on field level, impact of changes, etc.

1.2. Interview key persons, staff working on field level and representatives of the target communities of the project in order to gain an impression of the past work.

1.3. Organize a group discussion platform for representatives of the partner group networks by using the empowering evaluation process

1.4. Drafting evaluation report and submit it to project coordinators for correction of first draft

1.5. Presentation of draft report

1.6. Submission of final evaluation report

4. Expected evaluation outcome

4.1 Know the project outcomes of the past 1 year and 6 months

4.2 Evaluation results can be used to adjust work in the future

4.3 take lessons learned and use them for capacity building of the target group and the project working team

Chapter 3

Evaluation findings

1. The Project in general

1.1 Overall picture of the project

As mentioned in the introduction chapter that problems of status and rights of stateless and nationality-less people (especially children) were national policy structure problems, also were viewed by Thai state as national security related. From their work experience, almost every partner organization realized that solving problems of status and rights of stateless and nationality-less people could not be successful with only strategy of carrying out field work. The other important element was policy advocacy strategy which was heavily related, hard to separate and had strong effects to field work. Whenever there were changes in policies, those changes affected field work immediately.

1.2 Project intensity

(1) concepts

Humanists working on protection of stateless and nationality-less people's rights have similar basic concepts. They all realized the injustice problem situations these people received in exercising their human rights. These people were stigmatized by general Thai as illegal immigrants, minority people, hilltribes or other vocabulary implying "others, not Thai". However, from these humanist groups' point of view, these people have "human dignity" and should be protected as indicated in human rights principles and the Constitution of the Kingdom of Thailand, B.E. 2550 (2007), as every Thai citizen. *Concepts of this humanist group were reflected in this project design which aimed at development of systems supporting and assisting stateless and national-less people to get their aspects of human rights protections with dignity.*

Basic concepts of the project were derived from partner organizations' (the ones joining alliances under the project) work experiences. They work intensively on rights of stateless and

nationality-less people continuously for quite a long period of time. They also work on almost every problem issues. After many meetings to discuss, analyze problem situations and synthesize work lessons-learned, they agreed to form a network *aiming at sharing skills and expertise to strengthen each other's weaknesses and empower strengths with hope that work effectiveness would be increased and led to project's goals.*

Working people agreed that there might be a bright future for the problem solutions since the Constitution of the Kingdom of Thailand, B.E. 2550 (2007) guaranteed "human dignity, rights, liberty and equality of the people should be protected" and Thailand was also the member state of Universal Declaration of Human Rights, a signatory to the Covenant on Civil and Political rights, Convention on the Rights of the Child, Convention on the Elimination of all Forms of Racial Discrimination and several other conventions. These mentioned above could be mechanisms used in work for solutions for status and rights of stateless and nationality-less people, even though preceding work on solutions faced a lot of obstacles, especially at field work level.

(2) project design

This project was developed after several meetings of organizations working on rights protection for stateless and nationality-less people. It was result of the analysis and synthesis of lessons-learned of these organizations. Therefore, the project was designed for 3 major work areas which were (1) field work (2) policy advocacy and (3) media and campaign. Priority was set for the first two areas – field work and policy advocacy. The project included a. Database system development used as tools to collect and compile data of stateless and nationality-less people systematically and the data itself could be used as references when dealing with government agencies, b. Legal assistance. The project organized mobile legal classes in communities to build up comprehension and realization of own rights among problem owners. There were also legal clinics at district level with lawyers and staff providing advices. C. capability building for staff including volunteers recruited from target groups. The second priority but also important was

policy advocacy because all designed activities were public platforms and academic seminars. These platforms were necessary because they were used as open channel and spaces for stateless and nationality-less people to publicize own problems and used as platforms for brainstorming solutions. The lowest priority was media and campaign but designed activities, especially community theatres, could be used as tools to build up understanding on stateless and nationality-less people issues, especially children, among public and target groups.

(3) Supportive factors/obstacles

The project was developed while the government was implementing "solutions for individuals with problems of status and rights strategy" as indicated in cabinet's resolution dated 18 January 2005. The major concept under this strategy aiming to solve stateless and nationality-less problem was "applying the new concept of national security problems – consider balances between basic human rights and national security". From interviews with project committee, it was found that major activities of this strategy were survey, set and development of individuals' status. The first step was survey of stateless people which their data history would be registered. Then they would be given 13 digits ID numbers indicating their status as "people without civil registration status" (people holding ID cards starting with 0). The significant legal implication of these individuals' records in civil registration of Department of Local Administration was these people were no longer "stateless" but they still maintained "alien" status in Thailand. According to field work experiences of the organizations, survey and individuals' history registrations process were slow. Besides, children in educational institutions were not included in the surveys so their personal data was not recorded for history registration and ID cards. These 3 surveys within 2 years caused a lot of confusion among target groups. In many areas, there were still numbers of people without documents proving their statuses due to geographical obstacles and remote areas.

While exercising strategy of solving individuals' status and rights problems, a strategy to assure basic rights for people with status and rights problems were applied as followed.

1) People who registered with state registration agencies but not yet acquired appropriate legal status or those whose applications for status were in the investigation process or state was in the process of setting policies concerning the issue - all relevant state agencies assure these people receive basic rights for survival. 2) People whose names were not registered in the state survey system . Initially, these people deserved to get basic rights in accordance with human rights principles. They would be sent to home country when there was clear evidence of native habitat. Cases that could not return to their home country or were during the process of identifying status or coordinating with home country for investigation of status and native habitat would receive basic rights as cases in #1.

There were some observations concerning implementations under strategy of basic rights provision for people with status problems. Only some rights were applied into practice, such as, rights to education (cabinet resolution on 5 July 2005 and regulation of Ministry of Education of 2005 on evidences, birthdates for enrollment of children in educational institutes: education has to be provided for people without civil registration or Thai nationality). However, the problems stills occurred due to negligence of people with status problems and relevant agencies, as well as, negative attitudes of law enforcers in relevant agencies. Later on, Ministry of Interior appointed habitat status for people with status problems and permitted them to travel out of the designated areas as requested. However, other basic rights, for example, rights to heath security and work, were not yet granted.

The mentioned strategy supported solutions for stateless problems but bringing it into practices was ineffective, slow and there were corruptions at field level. However, implementations under the strategy brought a clear direction to solutions. It at least could solve "stateless people" problems even though solutions for "nationality-less people" were still in doubt.

Unfortunately, before the project starting date (1 January 2011), the cabinet under the government led by Mr. Abhisit Vejjajiva considered proposal from National Security Council

dated 7 December 2010 urging the cancellation of former solution guidelines for 14 groups of people with status problems. The purpose of the cancellation was to set new common set of standard guidelines and criteria. The cabinet agreed with the proposal which resulted in cancellation of all previous guidelines and criteria. All government officials at field level could not continue the registration process, investigation of applications for status or other implementations to solve problems, especially submission of application to prove nationality and application for nationality in accordance with Nationality Act 1965 (4th revision in 1968) article 7 bis. New criteria and guidelines were needed for further implementation at field level which caused delays in the process.

If we examined project concepts and set expected outcome, it could be summarized that the project was designed with moderate **intensity.**

1.3 Compatibility

The project design was based on lesson-learned of the project staffs. They knew and analyzed causes of the problems - factors, conditions, such as, data to prove target groups' status, state policies, lack of understanding or social bias towards target groups, etc. Therefore, project activities were designed to support the implementation of the project in every level – training for knowledge provision on basic rights, rights to status and other rights through mobile legal classes/outreach program. There were also legal clinics providing advices which evaluator valued them an important activity in the long-term. The reason behind it was that supporting problem owners themselves to develop their skills, capabilities and participate in project activities provided them opportunities to solve their own problems. The other activity was policy advocacy which was done through public platforms and meetings with other agencies aiming at raising discussions, exchanges and seeking solutions for policy changes proposing to state agencies. Even though we could not expect immediate or easy changes from this activity, it was still indispensable in reaching project purposes. Media and public campaign was similar to policy advocacy. It was compatible, relevant and necessary for working to reach solutions because

positive public attitudes towards the issue was needed in movement for long term solutions and public opinions were significant factor acting as supportive drive in pressing for policy changes.

1.4 Feasibility

When we examined project purposes, vision, objectives and implementation, it was obvious that they were clearly stated, heading to the same direction as the ones of project partners. So it could be stated that the project had possibility. Besides the reason mentioned above, the project itself was the expansion of work on people with status problems that network partners had intensive experiences. This was the important and firm base that created feasibility of the project. Administration structure of the project also strongly supported participation, sharing and assistances among network members to reach the project goals and objectives. There were sometimes changes in staff/personnel but they were only temporary. Problems were solved by adjustment of roles and responsibilities among project committee members to continue running project implementation according to plans.

Evaluator felt that the project in general had high level of feasibility in terms of project design. However, implementation to reach goals still needed working people's potentials/capabilities - adequate knowledge and work skills/experiences. Recruiting suitable personnel or empowering existing staff to increase their levels of work potentials was needed. The project was designed to handle this issue by organizing capacity building for staff through training and meetings. The activities allowed personnel to review and evaluate their work, exchange, share and learn from each other. All these mentioned above revealed prudence in project design that ensured the implementation and movement of the project.

In conclusion, evaluator felt that there was high level of feasibility of the project considered from analysis of project design.

1.5 Program Outcomes/Goal

Goals the project wanted to achieve stated in the project vision were ***"Stateless, nationality-less people and people with disabilities, are included in the registration survey, registered in civil registration, receive rights protections in accordance with status they are assigned. This will lead to further procedure for legitimate status."*** **The project identified target groups they would be working with as followed** ***"Children and youths from ethnic groups who are stateless and nationality-less (55% are females) with total number of 25,000. 5,000 will acquire nationality and 20,000 will be registered and in the investigation process to acquire nationality. Due to integrative nature of the project, people with disabilities were included in the target groups. (Extended target groups: 84,100 target groups' families and directly relevant people from 240 ethnic communities in northern Thailand.)*** Project results/outcomes were stated in terms of quantitative clearly – specified number and people. This would make the evaluation of project efficiency clear. There was also qualitative expected outcomes – besides being registered and in the process of investigation for nationality, people with status problems should receive rights protections according to their status.

Project expected results and goals were based on partner organizations' works on status problems in their 20 target districts of 5 provinces in northern Thailand (Chiangmai, Chiangrai, Phayao, Mae Hong Son and Tak). In evaluator's opinion, the number of target groups which were 25,000 people was not too high or too difficult to reach after project implementation. Also from interviews with project committee, it was found that the number was based on the number of target groups that partners were working on. In other words, target groups were clearly identified before the project started.

Stating quantitative outcomes and goals in forms of target numbers made it challenging and high dependency on people responsible for the project to have visions, experiences and capabilities in various aspects. Implementation to ensure that 25,000 stateless and nationality-less children and youths from ethnic groups were registered into the investigation process for nationality acquirement depended on various factors. Factors affecting

accomplishments of the project were not only from project implementation. Other factors were from state agencies which the project had to work closely with, the work concerned laws, policies and state implementation. It was widely known that convincing state agencies to realize the importance of solutions was not that easy.

1.6 Remarks for project review

(1) Project concepts that network partners used as base to analyze problem situations and solutions were from the concepts of rights certified by the Constitution of the Kingdom of Thailand, B.E. 2550 and Universal Declaration of Human Rights, International Covenant, International Convention and other conventions that Thailand were state members. In evaluator's opinion, these concepts were important and should be used as basis for designing movement to solve problems. On the other hand, we had to admit that in the past Thai government did not really accept or applied these international covenants/conventions into practice in the country. Even the constitution of the country could not be applied into practices, especially the area of civil rights and freedom. The reason was the enforced laws were not changed to match the Constitution. The old laws had been enacted/enforced and used as references by state agencies. **Evaluator thought that the project should give high priority to analysis of problems in terms of legal structure. Deep, broad and clear analysis would provide clearer visions for solutions, opportunities and risks of various aspects and if there were conflicts during implementation, there would be tools or mechanisms available for reaching solutions.**

(2) The project's goals were set at the level of "all target groups were registered in the system and in the investigation process for status acquirement". Evaluator thought that the way expected outcomes and goals were set could not guarantee the problems of target groups would be solved or erased. There was no guarantee when the investigation process would be finished or whether their status would be certified. The project was not designed for these risks. Even though there was legal clinic activity, but it aimed at advice provision rather than legal assistances. **Evaluator proposed that legal clinic should be developed to reach the level of**

legal operation provision. Examples were the project might have to recruit lawyers, attorneys who could provide legal assistances or the project had to cooperate with Lawyers Council and other legal organizations.

(3) By looking closely at the project vision stating that "to ensure stateless and nationality-less people receive rights protection" and project activities, it did not show how those activities would create rights protection mechanism. Relying on constitution and international conventions was not sufficient. **Therefore, evaluator thought that whenever there was project review, creation of rights protection mechanism should be taken into consideration**.

2. Results of participatory evaluation, SWOT analysis and empowerment lessons-learned

Evaluator would like to summarize evaluation findings/results collected from participatory evaluation meetings and empowerment lessons-learned with project committee and field staff

2.1. Priority of activities

The finding was committee members and field staff set high priority for different activities. The committee set "working people capability development" high priority. The reasons they gave were working people were significant for coordination with communities, state agencies and other networks; exchanges and learning could be used to develop these people so project objectives could be reached; they could empower new working generations so the work was passed on from generation to generation as well as build up good relationship within and among networks. The field staff set "legal assistance" high priority. The reasons for this choice were this activity assisted and reached target people with problems more than any other activities; it also enhanced learning on legal issues among target groups and its effect was the communities could collect and compile own basic data.

It could be clearly seen that these two groups set priority to different activities. Evaluator thought that from the committee's choice, it reflected lack of confidence in working people's potentials. The committee doubted field staff/working people could perform tasks to reach

project goals. This was the reason why capability building was organized periodically along the project period.   Evaluator thought that it was appropriate because certain level of knowledge and expertise on these specific issues were necessary in project implementation in respond to the needs of target groups. On the other hand, the field staff set priority to "legal assistance" which showed their strong intention to assist target groups in solving problems in times their rights might be violated or they might be victims and the situations were emergencies needing high priority and intentions to work on.

Even though there were differences between these two groups' opinions, evaluator thought that reflections were not surprising and not conflicted with each other. On the other hand, it provided advantages/strengths to the project and it supported each other. The reasons were that if we look at committee's role who supervised project implementation and ensured project effectiveness and efficiency, it was not unusual if the committee thought field staff/working people was the highest priority.   On field staff's side, their strong intension to work at local level to assist target group harmonized with committee's wishes that wanted them to work hard. What it needed was they had to listen to each other's needs and both activities had to be designed with care so they were harmonious and supported each other.

1.2. Evaluation of activity accomplishment

Finding was both committee and field staff rated "legal assistance" activity highest accomplishment. The committee's reason was legal clinic and mobile legal classes could respond each target case well even though it was not systematic yet, target groups were not confident to work alone and there were some limits conditions of field staff. The field staff's reason was legal clinic was successful, reached certain level of accomplishment in spite of inadequate numbers of personnel and lack of monitoring sessions.

Giving priority to "legal assistance" by both groups – committee and field staff showed that project implementations responded to the needs of target groups through this activity.

Finding from interviews with target groups in many areas was that almost everyone thought that he benefited most from the project through this activity.

From findings mentioned above – committee set priority to "capability building for field staff/working people" but the highest accomplished activity was "legal assistance" which they also mentioned obstacles found in the activity. Obstacles were the activity was not systematic, lack of working people and monitoring, etc. It was obvious that if the committee paid more attention in this activity by organizing capability building for field staff, building up effective system, supporting field staff and organizing monitoring and evaluation periodically, this activity will create higher accomplishments, respond to the needs of target groups more effectively and efficiently.

1.2. SWOT analysis

In SWOT analysis, evaluator assigned committee and field staff to choose 3 activities they thought were important and analyze the activities using SWOT grids. Both committee and field staff chose "legal assistance" and "policy advocacy" for analysis. Analysis results were as followed

1.2.1. Database system development activity

analysis	reasons
Weaknesses	1. Database program for questionnaires was not complete.
	2. Database system- software program could not be linked up.
	3. Working people still lacked comprehension, skills in filling out forms, entering data and software program.
	4. Software programmer lacked knowledge in term of problem issues.
	5. Fixing problems in software program could not be done in time.
	6. There was not enough advertisement of the website.
Strengths	1. There were organizations working on IT.

	2. There were personnel and network working on data collection and compilation.
	3. There was database that was easy to access.
Obstacles	1. Internet was not available in some areas.
	2. Capacity of the computers in some organizations was not compatible with the software program.
opportunities	1. Increase effectiveness of internet system and website.
	2. Create model of database system of communities, state and private organizations

Findings from SWOT analysis revealed that there were 3 important factors affecting activity accomplishment as followed – (1) program development (2) program user and (3) database management.

(1) Database program development; Weakness was the program itself that was neither complete nor stable. It was technical problem and commonly found due to its complex nature of the data. It was necessary to have both IT experts and people who understood data contents relating to target group' problem issues in order to develop database system that was compatible with wide variety of data details and patterns of different target groups. Both sides had to work cooperatively. The interviews with project database program developer showed that program problems were from lack of understanding in data contents and related laws. Problems usually occurred when the program was actually used even though many revisions were made. However, evaluator thought that it was only temporary weakness. When the program was developed until it was perfect/complete/satisfied, problems would be solved. The reason was the project already had expert personnel, the only obstacle was time to work on the program. It was believed that the program would be completed within project time frame.

(2) Program uses; The problems occurred when program was in use depending on different local conditions, such as, remote area with ineffective internet system, computers were not compatible

with the program or too low capacity to run the program effectively or run slowly, knowledge and comprehension in using the program. Evaluator thought that this problem was also technical and commonly found. It could be solved by training and increases of effective IT tools which depended on management within network organizations.

 (3)Database management After finding out about problems, weaknesses, strengths and obstacles which all were solvable technical problems, evaluator thought that database management was the most important. It was the opportunity to create systematic database model and reliability in the future. Besides, in the future, linking up project database with the ones of other alliances to make one common database system would be highly beneficial in solving target groups' problems and used as background data for policy advocacy.

1.2.2. Legal assistance activity

analysis	reasons
weaknesses	1. Community people paid high attention to own problems and provided high cooperation (when they did not acquire nationality). Their intention to work was lost after that. 2. Lack of working people, different potentials and work backgrounds 3. Inconsistent and insufficient budget 4. Lack of monitoring and supporting systems
Strengths	1. Reached target groups easily. Target groups had confidence in it and paid attention. 2. Working people were ethnic having knowledge, experiences while the advisors had expertise to share. 3. Strong network, strong work background/base and there was support among member organizations.
obstacles	1. Remote target communities, hard to reach 2. Laws and policies did not support problem solutions.

	3. Corruptions problems
	4. Government officials did not perform assigned tasks, had bad attitudes toward community people with status problems, frequent changes of field officials.
	5. Community people still lacked knowledge and education.
Opportunities	1. Law and policy changes that supported solutions.
	2. Building up relationship, good attitudes and understanding between state and private local organizations.
	3. It was likely that budget would be increased.

Evaluator thought there were 3 important conditions affecting accomplishment of this activity (analyzed from SWOT analysis results).

(1)Working people/staff had different levels of capabilities and inadequate skills for activity implementation of each member organization at field level, inadequate budget, lack of monitoring and supporting systems. All mentioned above created difficulty in carrying out services or legal assistance for target groups thoroughly. However, this activity reached highest accomplishments from the evaluation. Evaluator thought that weaknesses and obstacles could be solved because they were management technical problems. Strong network at field level with work done in the local areas before this project started, as well as target groups' confidence in the organizations were strengths. If there were adequate budget and supports, problems would be solved.

(2) Government official is the important condition affecting activity accomplishments. Problems found in the activity mostly were hard to control – government officials' negligence to perform assigned tasks, negative attitudes, changes of staff and corruption. After interviews with working people at field level, evaluator found that weaknesses and obstacles found in this activity created worries because this condition was hard to control. Therefore, the project needed to create opportunities for building up better understanding and positive attitudes among government officials and also find chances to work more with them.

(3) Laws and policies; Even though it was not considered weakness, but it was still obstacle. All target groups' problems had to deal with laws and policies, the significant condition for solution. Laws and policies that were not supportive to solutions were major obstacles, not supports in target groups' assistance provision. Findings from field staff were state policies were inconsistent and they were changed or postponed. This caused slow advancement of activity, solving problems for target groups could not be done thoroughly. The example was there were yet no criteria for nationality-less children applying for Thai nationality under Nationality Act, article 7, paragraph 2.

1.2.3. Policy advocacy activity

analysis	reasons
weaknesses	1. Lack of consistent monitoring 2. No building up strong people organizations
strengths	1. Personnel with knowledge and expertise in rights and status 2. Strong network
obstacles	1. Condition of target group– some could not travel freely. 2. Not enough budget, especially at field level 3. Frequent changes of government 4. Frequent changes of government officials
opportunities	1. Working people participated in work at policy level. 2. Funding to support work

Evaluator found out there were 3 important conditions affecting accomplishment of this activity (analyzed from SWOT analysis results).

(1) Policy advocacy and pressing for policy changes towards government and public needed work on building up strong people organization. Status problems were viewed by the government

as national security problems so policy advocacy for solutions were not simple. Community people who owned problems had to stand up and fight for own rights. This action would create adequate power for policy changes which only seminars or public platform could not do. Evaluator felt that project strength in strong network would cover this weakness. However, the project had to do conceptual work with target community people so their awareness was raised. They should understand their own problems and cooperated to participate in the network's policy advocacy toward the government.

 (2)Political situations were still important and enormous obstacles in reaching solutions for stateless and nationality-less people. Continuity of implementation of policies for solutions depended on intentions and sincerity of the state agencies, including the government that set the status problems as priority and hasten solution process. Evaluator felt that this obstacle needed more time and effort rather than organizing seminar or public platform. The project needed to work on the issue cooperatively with other networks/collisions to get opportunities for negotiation with government or state agencies at policy level to press for continuous implementation for solutions. Besides, building up and empower strong people organization had to be done at the same time so they become the key agent in movement too. Finding from interviews with some committee members was the network collaborated with PMove – movement that people organization with networks all over Thailand worked on to press the government for policy changes concerning social injustice problems.   Participation in the movement opened opportunities for the project for negotiation with the Ms. Yingluk Chinawatra, Prime Minister. The project was appointed to be member of "Solutions for status problems committee".

 (3) Work on policy advocacy; Project staffs needed skills in building up people organizations which conceptual work with target groups was the key element. Lacking working people with these special skills and inadequate funding made it almost impossible to build up strong people organizations. This type of work took a lot of time and effort to reach the goals. Evaluator thought that majority of staff still lacked these special skills causing low accomplishments of the

activity. Therefore, capacity building on building up people organization was the requirement in the next project period.

3. Suggestions/recommendations

After project analysis (chapter 2), empowerment evaluation and activity analysis, evaluator had several recommendations for the rest of project implementation period and further project development. Details were as followed.

(1) Recommendations for the rest of project implementation period ; Evaluator suggested that since there were policy changes during project duration (from "solutions for individuals with problems of status and rights strategy" to "holistic and integrated solutions for illegal immigrants") having direct effects to project implementation, there should be meetings of committee, field workers and project advisors. The meeting objectives should be adjusted to the rest of planned activities that respond to current policy situations, project duration in terms of financial, personnel and activity plan management. The meeting should be participative.

(2)Recommendations for next phase of project Evaluator thought that there should be meeting workshop of all relevant people to plan project design for the next phase. The meeting objectives would be to set goals for the following phase that responded to political situations and social contexts. Strategies for all relevant areas should be set to plan based on knowledge on applying strategies to reach goals, such as,

- Strategy of laws and policies
- Strategy of media and campaign
- Strategy of building up people organizations
- etc

The reason why strategies had to be set was stateless and nationality-less problems were complex and related to national security policies. It was necessary to do thorough studies and analysis of current factors, observation and analysis of changing situations from past to present in order to implement this project and lastly foresee future situations.

Strategy means looking toward the future while taking into account feasibility/possibility of employing organizations' capacities to mobilize resources, possibility of considering alternatives with care and confidence in bringing the organization towards planned missions and goals. Strategy also means analysis to set tactics analyzing every relevant factor that might cause future effects – both opportunities and obstacles, to the project.

Chapter 4
Summary and recommendations

1. Information system development

1.1. Evaluation summary

(1) The project has developed two different tools as part of the information collection, and information maintenance system and database. These tools will be used to find answers to personal status problems on the organizational as well as the local level. One tool is a format that standardizes information collection. The other tool is an internet based information collection software and database. The project implementation in the past showed that it was difficult to develop suitable database software, because of the amount and the diverse nature of the information details depending on different target groups. At the same time it was also necessary to understand the related legal framework. Therefore the software developer needed to work with someone who understood the information content and its relation to the problems faced by the target group. Both had to closely coordinate their work to ensure efficiency in developing functional and comprehensive software.

(2) During the software application many different problems emerged depending on the conditions in the implementation areas. In some of the remote areas it was not possible to establish an internet connection. Other organizations had low quality computer equipment and

could therefore either not install the software at all or run it only slowly. In some cases the staff did not have sufficient understanding and ability to use the software properly.

1.2. Analysis

(1) The lack of survey of personal information about individuals and families within the target group and the lack of legal certification is an important obstacle in addressing the problems of stateless people, especially if officials refuse to make records in the civil registration files. Therefore it is necessary to pay more attention to the project database, because of its importance in identifying solutions to the problems. Another problem is to build confidence and acceptance in the reliability of the information and in the fact of it reflecting reality.

(2) According to the evaluator the project design places more focus on information collection and database and less on accuracy and reliability of that information and also in confidence building with government agencies.

1.3. Recommendation

(1) Aside from creating standardized information collection forms as part of developing the database, a system of information checking should be established based on the filing of relevant documents and data that can prove the accuracy of the information.

2. Lobbying for policy changes

2.1. Evaluation summary

(1) The goal and indicator of this project activity is to advocate the revision of governmental laws and policies. The activities planned in this section are not adequate yet in order to reach the above goal. However, this activity builds the foundation for the future movement.

2.2. Analysis

(1) When campaigning and lobbying for political changes within the government and the public the backing of a solid group of supporters is needed, so that enough strength can be gathered to bring about political change. There needs to be more that just a panel discussion or a public discussion forum.

(2) The political situation is of great importance and poses an obstacle in solving the problems of stateless people and of people without national affiliation, because the consistency in implementing problem solving policies depends on the goodwill and sincerity of the state agencies involved. These agencies need to recognize the importance of the problem and press for its solution.

2.3. Recommendations

(1) The people who work towards political change have to be able to do the people organization since advocacy is an important prerequisite in establishing a group of supporters. If the staff do not have this ability, it will be hard to build a strong group of supporters. Therefore the staff need to receive capacity building in this issue.

(2) This activity of lobbying for political change needs to be prioritized as a "strategy" and it is necessary to coordinate it with other public networks, academics, independent organizations and the civil society in order to expand the movement and create a "social movement process" that will be ongoing and long term.

3. Legal support activities

3.1. Evaluation summary

(1) This activity will help to raise the target group's awareness of the problem to some extent through courses and seminars. The target group will be able to learn and have the opportunity to exchange experiences. However, the evaluator still sees that the aim of increasing the impact to benefit the wider society has not been reached sufficiently yet. Most activities tend to address the problems on the individual and local level. The reason for this might be that the

problem is very specific and limited to one group. Naturally the understanding of the problem also remains limited to the group facing the problem. The overall society still has a rather negative attitude towards the issues.

(2) This activity is very important and beneficial for the target group. During the project implementation in the past this activity was not considered important enough and had not received sufficient funding. Furthermore the task of working towards solutions to individual status problems and towards the protection of the rights of those who are facing the problems is very specific since it is related to complex laws and policies. Therefore it needs people with certain knowledge and expertise. It would be hard for the average person to understand the issues. Even so it is necessary to provide the target group with information; this will not necessarily lead to the solution of the problem. The target group has of course an interest in gaining enough knowledge to be able to help themselves. It is also necessary to address others.

3.2. Analysis

(1) The working staffs have different aptitude and sometimes do not have sufficient skills to implement the work in the target areas of the organizations and networks. There was also not enough funding and a lack of follow-up and support. Therefore it was not possible to provide legal service and support to target groups in all areas as it was supposed to be.

(2) Government officials are an important factor for the success of this activity. The problems that were faced by the organizations in this respect include neglecting of duties and responsibilities, negative attitude, staff fluctuation and corruption. These problems might exceed the ability of the organizations to cope.

(3) Laws and policies might not be a weakness, but are an obstacle, since the problems of the target group are all related to laws and policies which do not support solutions. Instead of mitigating the problem they pose to be obstacles hindering help for the target groups.

3.3. Recommendations

(1) There needs to be more funding, sufficient support and also capacity building for the staff, so that they are qualified enough to increasingly respond to problems.

(2) Create opportunities to generate understanding and a more positive attitude amongst government officials and opportunities to increasingly collaborate with them.

(3) A "legal support strategy" needs to be put in place. This includes a plan to coordinate the work with government agencies that provide legal support to the public such as the lawyer council, the attorney's office, the legal protection bureau and educational law educational institute, etc. because these agencies have the responsibility to provide legal support to the public and also have the funds to do so.

4. Activities related to media and campaigning

4.1. Evaluation summary

(1) The project has not yet implemented all activities that were planned, especially the publication of a handbook addressing the problems and the development of brochures and documents for dissemination have not been completed yet. The only activity that was done in almost all target areas is the community theatre project. Theatre youth groups were established in many target areas. They perform for various target communities and were able to establish a good communication with them.

4.2. Analysis

(1) The publication of handbooks and brochures was not successful due to a lack of clarity in the policies and their implementation. Therefore it was not possible to create the handbook and documents for dissemination. The policies have to be defined more clearly first.

 (2) The community theatre activity is considered to be a good way of engaging media into the campaign and has shown sufficient power to communicate issues. If the contents and techniques could be further developed, including more modern and efficient materials and tools, the medium theatre will be a powerful tool for the campaign and for the communication with the target group and the wider public. This would be especially the case if the theatre activities could

be fed into web-based social networks which nowadays are gaining increasing importance and power in public communication.

4.3. Recommendations

(1) Raise the level of the media campaign to be a "public campaign strategy" in order to create understanding of the issues in wider circles and also create a common stance in the process of the civil society movement. The activity needs to be coordinated with all the possible facets of public media including radio, television and the internet.

(2) The members of the working team should be experienced in producing media and developing contents for media production in order to be able to design and develop material for the media campaign following a long term and continuous plan.

5. Activities related to staff capacity building

5.1. Evaluation summary

(1) These activities aim to educate the staff about problems, possible solutions and lessons learned by creating mutual exchange within and outside the network. The results of this process could later be adapted to be used for the project and the society. The capacity building of the staff will raise the working standard of both the project and the network to be increasingly able to match the project goals and objectives. It will also improve the skills of people working for the society and therefore add quality and sustainability to the working process.

(2) The implementation of the activities does not seem to entirely cover the outlined curriculum yet. However it might be hard to clearly assess this, because the responsible staffs are employed by partner organization and the responsibility of evaluation lies with each of those organizations. The success of the capacity building is judged mainly through the work of the organization as a whole and less through the work of individuals. There was insufficient follow up on staff evaluation in order to clarify to which extent their ability has increased in applying additional knowledge to run the project. The improved staff capacity would need to be measured

by looking at the results of the projects that the respective person was responsible for and therefore directly relates to internal organization assessment.

5.2. Analysis

(1) This activity is important for the success of the project, but the outline of it was not very specific and designed more as a foundation structure. Therefore it is difficult to gain an overall understanding through this activity, which makes it hard to fully use it in the working process.

5.3. Recommendations

(1) For this activity a specific curriculum needs to be developed and elaborated with great detail and depth. This includes a clearly defined measurement of knowledge and a close follow up on the implementation of this knowledge. These insights could then be used to further develop the curriculum to be in line with the real problems on the ground. If this could be achieved, it would create long term benefits not only for the individual staff, but also for the organization itself.

<p style="text-align: center;">**Appendix**</p>

Definition

Citizenship/nationality refers to the legally recognized relationship between the state and the persons under the jurisdiction of that government. It is the government's responsibility to issue guidelines and enforce the regulations that bestow citizenship rights on the population. Each country determines these rules and laws according to their government's decisions. This mechanism provides a clear and defined 'Genuine Link' between the sovereign state and the citizens**.**

Stateless persons are those who have not been officially recorded as 'nationals' under the government's registration system. Another category of statelessness is 'real stateless persons' defined as those persons who are unable to return to their country of origin and/or are unable to prove their citizenship. Actually, the term 'stateless person' is not an accurate term, as these persons are not without a country/nationality, but rather the state has not formally registered/recognized these persons as they are legally bound to. The ineffectiveness of the state, therefore, has forced these persons to be vulnerable to a wide range of abuses as a result of their lack of nationality

Policy and Direction on People Status Implementation.

In order to address the issue of citizenship, the National Security Council has issued the following three policies:

1. **Policies to provide permanent residency status:**

   A Cabinet Decree was issued to the Ministry of Interior (Administrative Department) to provide citizenship to the following 13 groups of people:

(1) Vietnamese Migrants (according to Cabinet Decrees of March 17, 1993 and August 26, 1997)

(2) Chinese Nationalist Soldiers and their families (according to the Cabinet Decrees of October 6, 1970, May 30, 1978, June 12, 1984, and June 21, 1984)

(3) Malaysian Chinese Communists (according to the Cabinet Decrees of October 30, 1990 and December 24, 2002)

(4) Thai Leu (According to the Cabinet Decree of March 17, 1992)

(5) Thai persons residing on Cambodia's Koh Kong Island (According to the Cabinet Decrees of August 9, 1983, September 4, 1984, and February 19, 1991)

(6) Thai persons residing in Burma (according to the Cabinet Decree of May 27, 1997)

(7) Chinese Independent "Jeen Haw" persons (according to the Cabinet Decrees of August 29, 2000 and August 28, 2001)

(8) Nepalese Migrants

(9) Burmese nationals (according to the Cabinet Decrees of August 29, 2000 and August 28, 2001)

(10) Hill tribe persons who arrived before October 3, 1985 (According to the Cabinet Decree of October 3, 1985)

(11) Highland Laotians who previously lived in Thailand

(12) Highland dwellers (according to the Cabinet Decrees of August 29, 2000 and August 28, 2001)

(13) Hmong residing at Tham Krabok Temple who hold legal migrant identity documents

For all of the above cases, both the persons identified and their offspring that were born on Thai soil are to be granted Thai citizenship.

2. **Policies to provide temporary residency status**

These policies are divided into two categories as follows:

2.1 Cabinet Decrees were issued to allow temporary residency until the individual cases could be investigated for persons who migrated from Burma after March 9, 1976 (Cabinet Decree of March 17, 1992, Ministry of Interior Declarations of May 2, 1995 and November 17, 2000) and Hill Tribe persons who arrived after October 9, 1985)

2.2 Cabinet Decrees have provided temporary reprieves without formal registration procedures for various groups who have entered Thailand including Hill Tribal, Laotian, Cambodian, and Burmese migrants who have fled their country of origins.

3. **Policies to provide temporary residency status until the persons can be safely returned to country of origin**

The Cabinet Decrees of March 2 and April 27 2004 were drafted in order to deal with the problem of illegal migrant workers entering Thailand to escape the violence in their country of origin (Burmese and Hmong that were not included in group 1 above). These Decrees apply to persons who had entered the country legally and did not return back home after their period of registration had expired, those who entered illegally, and those holding falsified identity documents.

Protection of Universal Human Rights under International Treaties and Conventions

Even though stateless persons acknowledge that they have fewer legal rights than persons with citizenship, they still must be provided with the basic human rights that all humans are

provided under international agreements and conventions. Thailand is a signatory on 5 International Conventions which are related to stateless persons:

1. Convention on the Rights of the Child

2. Convention on the Elimination of All Forms of Discrimination against Women

3. International Covenant on Civil and Political Rights

4. International Covenant on Economic, Social and Cultural Rights

5. Convention on the Elimination of All Forms of Racial Discrimination

1) Convention on the Rights of the Child – CRC

The CRC was adopted by Thailand on April 26, 1992. This Convention provides protection for the Rights of Children and gives the State the responsibility to look after and assist the children living within its borders. It includes the following four points:

1.1.) Children of all backgrounds and situations should be treated equally and there should be no discrimination towards children on the basis of race, skin color, sex, religion, political views, or ethnicity.

1.2) The effects of all state decisions and actions relating to children should be given the highest priority.

1.3) States must recognize the inherent right to life and survival, the right to education and the development of mind and body of the child.

1.4) Children have to right to express their opinions and those opinions should be listened to and respected.

(In Thailand, two articles were amended prior to ratification of the CRC. Article 7, which relates to birth registration, was amended to state that in registration may not be given in cases where the mother or father are not Thai citizens, have not entered the country legally, or are only temporarily residing in Thailand. Article 22 relates to registration for refugees. After receiving

pressure regarding these amendments, the Thai government has withdrawn them from the convention.)

2) Convention on the Elimination of All Forms of Discrimination against Women – CEDAW

This convention was ratified on September 8, 1985, and the option protocol was later adopted on December 10, 2000. By signing this convention, the Thai government guarantees that men and women will be treated equally and women will not be discriminated against. Among the rights that are protected under this convention are voting rights, employment rights, educational rights, labor rights, health rights. Women also receive protection from violence and unwanted sexual advances. Two articles have been amended to this convention in Thailand (Article 16 which relates to equal rights within families and Article 29 which relates to dispute resolution).

3) International Covenant on Civil and Political Rights – ICCPR

This convention was signed by the Thai government on January 30, 1997. Under the ICCPR, all persons are guaranteed rights to life, freedom from abuse and enslavement, and violations of basic human rights. Also protected are freedoms of expression, religious beliefs, and language.

4) International Covenant on Economic, Social and Cultural Rights – ICESCR

This convention was ratified by the Thai government on December 5, 1999. It protects the economic, social and cultural rights of persons in Thailand, including the right to appropriate work, social security, educational opportunities, healthy body and mind, protection for family institutions, cultural beliefs and practices, and the benefits from scientific progress.

5) Convention on the Elimination of All Forms of Racial Discrimination - CERD

This convention was ratified by the Thai government on February 27, 2003, and it protects all inhabitants of Thailand from all forms of discrimination based on skin color, heritage, or

ethnicity. This protection is provided for all persons, regardless of their citizenship. It includes protection for political, economic, social, and cultural rights regardless of one's face or ethnicity.

Since Thailand is a member nation of the above five conventions, it has the duty to protect the rights provided by these agreements to all of the persons residing within its borders.

Besides the above conventions, there are other conventions protecting the rights of stateless persons, which Thailand has not signed, including the following:

(1) Convention on the Reduction of Statelessness

The 1961 Convention on the Reduction of Statelessness is the primary international legal instrument adopted to date to deal with the means of avoiding statelessness. The Convention provides for acquisition of nationality for those who would otherwise be stateless and who have an appropriate link with the State through factors of birth or descent. The issues of retention of nationality once acquired and transfer of territory are also addressed. The Convention does not address nationality issues within the jurisdiction of a State only, but also offers solutions to nationality problems which might arise between States. To this end, the principles outlined in the Convention have served as an effective framework within which to resolve conflicts concerning nationality.

(2) Convention relating to the Status of Stateless Persons

The 1954 Convention contains provisions regarding stateless persons' rights and obligations pertaining to their legal status in the country of residence. The Convention further addresses a variety of matters which have an important effect on day-to-day life such as gainful employment, public education, public relief, labor legislation and social security. In ensuring that such basic rights and needs are met, the Convention provides the individual with stability and improves the quality of life of the stateless person.

(3) Convention relating to the Status of Refugees

The United Nations Convention Relating to the Status of Refugees (CRSR) is an international convention that defines who is a refugee, and sets out the rights of individuals who are granted asylum and the responsibilities of nations that grant asylum. A refugee has the right to be free from penalties pertaining to the illegality of their entry to or presence within a country, if it can be shown that they acted in good faith- that is, if the refugee believes that there was ample cause for their illegal entry/presence, i.e. to escape threats upon their life or freedom, and if they swiftly declare their presence. Article 1 of the Convention as amended by the 1967 Protocol provides the definition of a refugee:

> *"A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.*"

(4) Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live

In 1985, the General Assembly adopted the Declaration on the Human Rights of Individuals Who Are Not Nationals of the Country in Which They Live. The declaration defines the term "alien" as any individual who is not a national of the state in which he or she is present. It declares that all aliens shall enjoy a wide range of civil rights, as well as the right to safe and healthy working conditions, fair wages, and equal remuneration for work of equal value; the right

to join trade unions and other associations; and the right to health protection, medical care, social security, education, rest, and leisure. No alien shall be deprived of his or her lawfully acquired assets, and aliens shall be free at any time to communicate with the consulate or diplomatic mission of the state of which they are nationals.

(5) Declaration on Territorial Asylum

The Declaration on Territorial Asylum, adopted by the General Assembly in 1967, supplements Article 14 of the Universal Declaration of Human Rights and provides that asylum granted by a state, in the exercise of its sovereignty, to persons entitled to invoke Article 14 of the Universal Declaration, including persons struggling against colonization, shall be respected by all other states. It rests with the state granting asylum to evaluate the grounds for asylum. Where a state finds difficulty in granting or continuing to grant asylum, states individually or jointly or through the UN shall consider, in the spirit of international solidarity, appropriate measures to lighten the burden on that state. No person entitled to invoke Article 14 of the Universal Declaration shall be subjected to measures such as retention at the frontier or, if he has already entered the territory in which he seeks asylum, expulsion or compulsory return to any state where he may be subjected to persecution.

Even though Thailand is a signatory to many international human rights conventions and has many laws protecting the rights of the people living within its borders, the implementation of these laws has been erratic. Stateless persons have received little assistance from state officials and, in some cases, have had their rights abused by those persons charged with assisting them.

In order to improve this situation, all stakeholders in Thailand must become better educated about the rights and laws protecting stateless persons. In Thailand, the Office of the Attorney General (OAG) possesses the expertise and knowledge about stateless persons' rights,

and the officers in the OAG should be more pro-active in disseminating their knowledge and experience to persons working to assist the stateless persons in Thailand. There are OAG offices in every province, and the assistance of their staff would contribute greatly to a lessening of the problems facing stateless persons in Thailand.