

Report No. 292/2560 on policy recommendations for promotion and protection of human rights in case of policy and action plan for reduction of disabilities by birth by requiring folic acid to be a food ingredient

1. Background

Disability by birth affect both persons with disabilities and members of their family, including impacts on health and mentality, expenses for appropriate and standardized health service, difficulties in accessing public facilities and services, and discrimination in employment. The country also wastes a lot of budget and resources. World Health Organization (WHO) defines “disability by birth” to cover genetic diseases which may not reveal disabilities when a child was born but show symptom and disability later in childhood. There are many causes of disability by birth, such as maternal malnutrition, exposure to substances that cause disability, maternal infections, and mother’s use of certain medicine in pregnancy, for example. In Thailand, a disability by birth is the cause of about 20-30 per cent of death in infancy, about 24,000-40,000 or 3-5 per cent of about 800,000 newborn babies were born with disability each year, and number of babies with disability by birth is accumulating every year. Disability by birth is therefore a problem that needs to be tackled urgently and all round. Some actions have already been taken, such as requirement that Iodine must be added to salt and other seasonings to prevent stagnation of development of brain cells of foetus and children, for example.

Results of nutritional studies recognized and supported by developed countries all over the world show that adding 400 microgrammes or 0.4 milligrammes of folic acid per day in the period from 4-6 weeks before pregnancy till the third month of pregnancy could reduce opportunity for emergence and re-emergence of disability by birth of nerves by 70 per cent. In addition, results of these studies also indicate that folic acid or foliate could reduce opportunity for emergence of other types of disability by birth, such as 25-50 per cent reduction of heart defect by birth, 50 per cent reduction of limb defect, and about one third reduction of defect of urinary system and imperforate anus, and cleft lip and cleft palate. It can be concluded then that adding folic acid could prevent nearly all kinds of severe disability by birth. This is in line with WHO which recommends that women in reproductive age who could get pregnant should take 400 microgrammes or 0.4 milligrammes of folic acid continuously everyday from the three-month period that they have an opportunity to get pregnant till the third month of pregnancy.

The National Human Rights Commission saw that this case was related to Article 12 of the International Covenant on Economic, Social and Cultural Rights and Article 24 of the UN Convention on the Rights of The Child which protect and guarantee that state parties should implement appropriate measures to reduce death of foetus and newborn child and ensure that mother’s health is properly taken care of both before and after giving birth. These measures include guiding and providing knowledge to fathers and mothers about nutrition and family planning to develop preventive health care for mothers and children in a way that is consistent with human rights principle. The National Human Rights Commission therefore came up with policy recommendations to promote and protect human rights and proposed them to the government cabinet.

2. Results of consideration by the National Human Rights Commission

The National Human Rights Commission considered this case and saw that every Thai people has the right to have good health promoted and supported. This is an important principle of human rights that they must be able to enjoy to the highest standards. There are diverse methods to achieve this right to good health, such as development of related policies, or applying principle or knowledge that the World Health Organization has studied and come up with recommendations for countries around the world, or enactment of necessary laws to be used as tools, including enforcement of these laws. In the part of mother’s rights and development of children’s health to

make them strong and healthy, it is necessary to get supports from government agencies from family planning, antenatal care and postpartum care. Development of policy and action plan for reduction of disability by birth by requiring that folic acid to be a food ingredient, therefore, is promotion and protection of right to public health service and welfare from the state as provided in the Constitution of the Kingdom of Thailand B.E. 2550 (2007). The Constitution laid down principles and provided protection that persons have equal right to receive public health service that is appropriate, covering all areas, effective and up to standards, especially for children and youth who have right to survival and physical, mental and intellectual development as capable in appropriate environment and guaranteed in the Constitution of the Kingdom of Thailand (Interim) B.E. 2557 (2014) and the Constitution of the Kingdom of Thailand B.E. 2560 (2017) that is consistent with international human rights principle, both the International Covenant on Economic, Social and Cultural Rights and the UN Convention on the Rights of the Child that provide protection and guarantee that mothers should receive special protection for an appropriate period before and after giving child birth; state parties should implement appropriate measures to reduce death of infants and children and guarantee that mothers receive proper health care both before and after giving birth.

The National Human Rights Commission therefore saw that the commission should propose policy recommendations for promotion and protection of human rights as follows:

2.1 Ministry of Social Development and Human Security and Ministry of Public Health join hands to become the main agencies to advocate policy and action plan for requirement of folic acid to be a food ingredient.

2.2 Ministry of Public Health through the Department of Health and Office of the Food and Drug Administration

(1) promote nutritional education for women in reproductive age and marriage couples who are ready to have children to know about usefulness of folic acid in the reduction of disability by birth.

(2) become main agencies to develop policy and action plan that require folic acid to be added as a food ingredient using authority according to the Food Act B.E. 2522 (1979) as follows:

(2.1) develop policy and action plan that require folic acid to be added as a food ingredient by speeding cooperation with related agencies, both in public sector and private sector, such as the Federation of Thai Industries' Food Processing Industry Club and Food Technology Institute.

(2.2) speed up coordination between various institutes of nutrition, such as the Institute of Nutrition, Mahidol University, to conduct studies to find appropriate amount of folic acid to be consumed per day in order to determine appropriate kinds of food to add folic acid, taking into consideration Thai people's food consumption culture that needs to be consistent with supply chain of food and quality of food (colours, odours and tastes) and costs of production and stability according to shelf age of food.

(2.3) while actions in (2.1) and (2.2) are being taken, temporary measures should be put in place to make women in reproductive age consume additional folic acid at appropriate amount according to experts during a period from three months before giving birth to three months after giving birth.

2.3 Ministry of Science and Technology by the National Science Technology and Innovation Policy Office, Prime Minister Office by the Thailand Research Fund, National Research Council of Thailand and Thai Health Promotion Foundation, and Ministry of Public Health by the Health Systems Research Institute support allocation of fund or look for sources of fund to conduct researches for development of policy and action plan for adding folic acid as a food ingredient until they are in effect.

3. Results of actions

The Secretariat of the Cabinet issued a most urgent letter Nor Ror 0506/13910 dated 26th May 2017 to inform that Mr. Visanu Krua-ngarm, a Deputy Prime Minister, acting on behalf of the Prime Minister, gave an order assigning Ministry of Public Health as the main agency to consider this case together with Ministry of Social Development and Human Security, Ministry of Science and Technology, Prime Minister Office and other related agencies to study guidelines for and appropriateness of this proposal, and Ministry of Public Health summarize results of this consideration, or results of actions related to this matter as a whole, and send to the Secretariat of the Cabinet within 30 days in order to present to the government cabinet.