

Complaint No. 66/2555: Rights of the Child, and rights and liberty in education – A case of a school administrator gave an order to unfairly suspend a child’s education

The complainant complained that his son who was a student in Grade 4 of secondary education was ordered by the school administrator to suspend his education from 25th January 2012 onwards and was permitted only to attend the final examination. The complainant saw that the suspension of education was not appropriate with wrongdoing committed by the child and thus was unfair to the complainant’s son. He therefore requested the NHRCT to investigate the case.

The NHRCT considered facts obtained from an investigation and related laws, and saw that in this case, the school had an agreement and a contract with parents before admitting a child for education in the school that if the pupil had no better development and could not follow the school’s rules and regulations, parents would be glad to move the child to study in another appropriate place and also guarantee that they would supervise the child to behave according to the school’s regulations and rule of conduct. If a pupil commits wrongdoing against any of these rules and regulations, the child’s state of being a pupil in the school would come to an end without any reservation. This agreement is an unfair discrimination against children. Besides, the contract made by the school with content stating that the complainant’s son would be disqualified from being a pupil because he committed wrongdoing against any of the school’s rules and regulations was also setting a condition that is over “punishment” as stated in the Ministry of Education’s Regulation Concerning Punishment of Pupils and Students B.E. 2548 (2005).

Later the NHRCT was informed by the complainant that his son had already resigned from the school, it then considered appropriate to end the investigation. However, the NHRCT has a view that Office of the Private Education Commission, Ministry of Education and the school should be careful not to do anything that is violation of the child’s right and liberty to education which is guaranteed by the Constitution of the Kingdom of Thailand B.E. 2550 (2007) in the future and requires Office of the NHRCT to follow up results of this action.