

Executive Summary

Research on the Problem Related to Unintended Teenage Pregnant Women and Human Rights Dimension

(Conducted by The Center for Health Policy Studies, the Faculty of Social Sciences and Humanities, Mahidol University in order to submit to the National Human Rights Commission on July, 2012)

Introduction

Due to the definition of “Early sexual intercourse of the premature age” in the Thai society and adolescent sexuality is not in line with the social norms. As a result, the teenage women who are pregnant are vulnerable to be abused in human rights and female reproductive health rights by law, public bodies like school and hospital, even the community and the family. Such abuses are namely living without dignity, no equal treatment and information access related to pregnancy, pregnancy stop in particular, to determine the safe and comprehensive healthcare services.

Objective of the Research

1) To study the applicable legal and measure comparison in Thailand, Southeast Asia countries and the relevant organizations to reflect the human rights violation in the teenage women who are unintended pregnant.

2) To study the experiences related to human rights violation gained from the teenage women who are pregnant together with the methodology through the qualitative research.

The targeted group of the Research

1) A group of teenage women who are unintended pregnant divided in 2 sub-categories which are 1) those who are pregnant and 2) those who stop pregnancy. This group has totally 32 persons.

2) The parent of the first group and the staffs from the relevant NGOs, civil society, hospital and school. This group has totally 20 persons.

3) A group of teenage men who have yet married regardless having the sexual experience and have totally 20 persons. Bangkok, Nonthaburi, Nakorn Pathom and Petchburi are selected to conduct the field research.

Based on the research, it found that the teenage women who are unintended pregnant have experienced human rights violation because of unawareness of female reproductive health rights. The teenage women and the parent of the youth particularly do not realize about sex education.

Recommendation

In order to assist the teenage women who are unintended pregnant in rights protection as recognized, to have proper legal protection, to be treated equally, to have special protection in education, public health, physical and mental development and restoration, there are some policy, practical and legal recommendations derived from analysis of State policy, rights protection measure for the teenage women who are unintended pregnant and fact issues related to causes and factors of the problem including the human rights dimension toward the teenage women. Such recommendations are proposed to the following agencies:

1. Recommendation for the cabinet

1.1 Policy recommendation

It should propose to the cabinet to appoint the working group composed of the representative from the civil society in order to study the existing legal effects related to human rights violation and to redraft such law for further consideration and adjustment by concerning the sensitivity of non-violation of human rights and reproductive health rights so that it could integrate into a State policy to practice that is consistent with the current problem related to unintended pregnancy.

1.2 Practical recommendation

1) It should launch the campaign changing the behavior trend in society and legislature so that they could traverse their own attitude that teenager can involve in sexuality and reproductivity. They should realize that child and youth have reproductive health and sexual rights leading to the positive attitude for legal enactment and enforcement in human rights and reproductive health rights protection. Rights should be comprehensive and covered to the reproductive health rights for the youth.

2) It should have provision that do not allow dismissing the student from the school according to the National Education Act B.E.2542 (1999) and the Child Protection Act, B.E. 2546 (2003). The penalty should also be explicitly specified.

3) The reproductive health rights for child and youth should be promoted in the National Child and Youth Development Promotion Act B.E. 2550 (2007). Such promotion is, for an example, to establish the foster home to assist and to provide services for the pregnant child and youth in pregnancy maintenance and termination. This could be deemed as promotion on child and youth development.

4) It should have a provision that the denial of minor's abortion, even the consent is granted by the minor, should fall into the scope of maltreatment and human rights violation according to the Child Protection Act, BE 2546 (2003).

5) The term "any women" should be substituted by the term "any person" in the Criminal Code related to abortion.

6) It should not penalize in the event of "*self-miscarriage or self-induced abortion*" if "*the pregnant woman gives her consent*" according to the Criminal Code.

2. Recommendation for the Ministry of Public Health

2.1 Policy recommendation

It should propose to the Minister of the Ministry of Public Health to appoint the working group to have a policy providing services for teenage women who are unintended pregnant based on non-violation of human rights and reproductive health rights. Such policy should focus on personnel's capacity building at all levels to understand and have positive attitude toward those unintended pregnant teenagers.

2.2 Practical recommendation

1) It should have an integral policy related to the health services for teenage women who are unintended pregnant by concerning the sensitivity, non-violation of human rights and reproductive health rights, right for comprehensive information, human dignity, confidentiality, self-decision making. Such services are integral healthcare services from the stage of consultation, information supply via service plan, online and web master in the case of pregnancy for supplementing in decision making, safe abortion for those who decide to stop pregnancy, pregnancy maintenance, temporary shelter for pre-and-post-delivery in the case where the pregnant teenager has no financial support from the family to raise the newborn until reaching to the school age while the teenage cannot work, healthcare for post-abortion which includes check-up and birth control services and healthcare for mother and baby after giving birth.

2) It should provide financial support to produce media in order to raise awareness extensively about the teenage women who are unintended pregnant by concerning the gender sensitivity based on human rights. The media production is such as leaflet with the comprehensive information related to nature of service for unintended pregnancy, contact number and working hour of the public service providers, etc.

3) It should have a strategy to work with the multi-disciplinary network through the One Stop Crisis Center located in the provincial and district hospitals and the Promotion Division of the Sub-district Health Promoting Hospital as an intermediary. Such intermediary should screen and coordinate with other divisions in the hospital and the multi-disciplinary network for further transfer and evaluation.

4) It should establish the Knowledge Center on Reproductive Health Rights for the youth who are not in the Community-based Education.

5) It should have a campaign to change attitude of the officials and the executives, as well as those who engage with the unintended pregnant teenagers that this is not social, moral, unwell and epidemic problem, but unawareness of the reproductive health rights of teenage women.

3. Recommendation for the Ministry of Education

3.1 Policy recommendation

It should propose to the Minister of the Ministry of Education to appoint the working group to have a policy related to educational management supporting the teenage women who are unintended pregnant and dismissed from the school because of shame and unawareness. The pregnant student should not dismiss from the school owing to the teacher and school's prejudice that actually violate human rights to study. State should provide education to the child and youth including the pregnant teenagers without discrimination according to the Article 28 of the Convention on the Rights of the Child, B.E. 2545 (2002).

3.2 Practical recommendation

1) It should have measure to raise awareness about the gender sensitivity based on human rights so that the principal and teacher's bias to operate and problem resolution with respect to the teenage women who are unintended pregnant would tend to be positive and outreach to every teacher in the school, as well as the students who are representative of all groups. Moreover, it should advocate and provide information to

change the parent's attitude about creative communication with the youth on the topic of unintended pregnancy based on 5 aspects of human rights.

2) It should produce media to raise awareness in the educational profession such as integrating information about life skills in order to prevent and to address the issue involving with the teenage women who are unintended pregnant by concerning about the gender sensitivity based on human rights into the manual for the high school and vocational school as same as other practices.

3) It should have a strategy to work with the multi-disciplinary network through the Student Support System in each school as an intermediary. Such intermediary should coordinate with the multi-disciplinary network for further transfer and evaluation.

4) It should provide or promote to integrate human rights and reproductive health rights into the manual for student and undergraduate at the educational institution.

5) It should provide or promote to integrate human rights and reproductive health rights issues into the guidance subject, health and sex educations.

6) It should have a campaign to change attitude of the executives, as well as those who engage with the unintended pregnant teenagers because of their belief based on "Premarital sex" or "Early sexual intercourse of the premature age". Such belief is resulted to treat the pregnant teenagers as same as they were involving in fighting or drug. It should also value the human rights and reproductive health rights and see that sex is about natural and health ways of the youth.

4. Recommendation for the Ministry of Social Development and Human Security

4.1 Policy recommendation

It should propose to the Minister of the Ministry of Social Development and Human Security to appoint the working group to have a policy related to physical and mental development and restoration for the teenage women who are unintended pregnant regardless they wish either to maintain or to stop their pregnancy.

4.2 Practical recommendation

1) It should consider to provide the Children and Family Aid House adequately and thoroughly in every province for the teenage women who are unintended pregnant during the pre-and-post-delivery until reaching to the school age by concerning the

sensitivity, human rights and reproductive health rights of the unintended pregnant teenagers.

2) It should have policy to build capacity for the personnel who work in social profession at all levels, the personnel at the Children and Family Aid House in particular, so that it could have a better attitude in its work preventing and addressing the issue involving with the teenage women who are unintended pregnant.

3) It should support financially to the public agencies and the NGOs who are part of the network to produce media to raise awareness extensively about the teenage women who are unintended pregnant by concerning the gender sensitivity based on human rights. The media production is such as leaflet with the comprehensive information related to nature of service for unintended pregnancy, contact number and working hour of the public service providers, etc. This leaflet is aimed to access information and services comprehensively.

4) It should have a strategy to work with the multi-disciplinary network through the Call Center 1300 as an intermediary. Such intermediary should coordinate with the Children and Family Aid House's operational system in each province to seek the key person to work and minimize the slow operational process within the provincial bodies of social development and human security so that it could help to facilitate and speed up in coordinating with the multi-disciplinary network for further transfer and evaluation. After that, the report shall be prepared and submitted to the Provincial Social Development and Human Security Office and the governor accordingly.

5) It should have a campaign to change the people's attitude understanding and respecting human rights and reproductive health rights of youth whether or not she is pregnant, as well as accepting the youth's reproductive age could have sex based on the awareness of safe sex.

5. Recommendation for the Royal Thai Police

5.1 Policy recommendation

It should propose to the COMMISSIONER – GENERAL to appoint the working group to have a policy addressing the problem related to the teenage women who are unintended pregnant regardless they wish either to maintain or to stop their pregnancy.

5.2 Practical recommendation

1) It should consider the measure for the police's operation by concerning the sensitivity, non-violation of human rights and reproductive health rights of those who are unintended pregnant.

2) It should have a policy for each police station to build capacity in legal enforcement at all levels in order to change and have a positive attitude in its work preventing and addressing the issue involving with the teenage women who are unintended pregnant.

3) It should provide financial support to produce media in order to raise awareness for the police to understand the problem related to the teenage women who are unintended pregnant by concerning the gender sensitivity based on human rights. The media production is such as leaflet with the comprehensive information related to nature of service for unintended pregnancy, contact number and working hour of the public service providers, etc.

4) It should have a strategy to work with the multi-disciplinary network through the Police Community Relations within the police station as an intermediary. Such intermediary should screen and coordinate with other divisions in the police station and the multi-disciplinary network for further transfer and evaluation.

5) It should not interfere any activities or services related to lawful and safe pregnancy stop.

6) It should have a clear and effective strategy to work with the doctor who rejects servicing healthcare related to pregnancy stop based on the youth's rights protection.

6. Recommendation for the Ministry of Interior

6.1 Policy recommendation

It should propose to the Minister of the Ministry of Interior to appoint the working group to have a policy addressing the problem related to the teenage women who are unintended pregnant regardless they wish either to maintain or to stop their pregnancy by assigning the Department of Local Administration to be responsible authority.

6.2 Practical recommendation

1) It should consider the measure for the Department of Local Administration's operation by concerning the sensitivity, non-violation of human rights and reproductive health rights of those who are unintended pregnant.

2) It should have a policy for the Department of Local Administration to build capacity in local administration at all levels, the Deputy Chief Executive of the Subdistrict Administrative Organization in particular, in order to understand the issue involving with the teenage women who are unintended pregnant.

3) It should provide financial support to produce media in order to raise awareness for the Department of Local Administration to understand the problem related to the teenage women who are unintended pregnant by concerning the gender sensitivity based on human rights. The media production is such as leaflet with the comprehensive information related to nature of service for unintended pregnancy, contact number and working hour of the public service providers, etc.

4) It should have a strategy to work with the multi-disciplinary network under the authority of the Department of Local Administration through the Family Development Center within the Department of Local Administration as an intermediary. Such intermediary should set up the database about the number of child and youth both male and female, as well as the root of the family problem and unintended pregnant teenagers who wish to access services in order to coordinate with other divisions in the Subdistrict Administrative Organization and the multi-disciplinary network for further transfer and evaluation, as well as providing a social welfare to support for those who have financial difficulty in self-care and the baby in the first month until reaching to the school age. Financial support should be allocated for the mother who has to raise the baby and does not work, as well as for the protection of repetitive pregnancy.

7. Recommendation for the Civil Society

7.1 Policy recommendation

It should propose to the executives of the NGOs and Civil Society Network Committee to have a policy addressing the problem related to the teenage women who are unintended pregnant regardless they wish either to maintain or to stop their pregnancy.

7.2 Practical recommendation

1) It should have a campaign for all youths and people to realize about human rights, reproductive health rights and sexual rights by providing information on safe pregnancy stop as recognized in reproductive health rights, human rights for women and the pregnant owner so that it could eliminate the negative mindset on safe pregnancy stop.

2) It should develop capacity for the members of civil society to gain skill and become a middle person to eliminate the conflict between individuals and families by having a creative dialogue between male and female youths who are having family issue in order to seek the best solution based on human rights and reproductive health rights protections for the female youths who are often ignored and discriminated.

8. Recommendation for the National Human Rights Commission

8.1 Policy recommendation

It should propose to the National Human Rights Commission having a policy that could outreach human rights and reproductive health rights perceptions to the relevant agencies and public widely so that the society could realize and concern about non-violation of human rights and reproductive health rights for the female youths who are unintended pregnant.

8.2 Practical recommendation

It should appoint the committee to be responsible to communicate with the public on human rights and reproductive health rights and to move this issue forward to the concrete and practical levels.