

United Nations Children's Fund (UNICEF)
Bangkok, Thailand
Vacancy Announcement 2019/020

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Consultancy – Analysis of the possibility of Thailand withdrawing its reservations on Article 22 of the Convention on the Rights of the Child

UNICEF works in some of the world's toughest places, to reach the world's most disadvantaged children. To save their lives. To defend their rights. To help them fulfil their potential.

Across 190 countries and territories, we work for every child, everywhere, every day, to build a better world for everyone.

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For every child, *Child Protection*

UNICEF Thailand Country is seeking an individual consult to provide technical support on analysis on the possibility of withdrawing Thailand's reservations on Article 22 of the Convention on the Rights of the Child.

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Background and Purpose of Assignment:

An estimated 120,000 displaced persons, refugees, and asylum seekers are in Thailand. Around 110,000 of them have fled from Myanmar and have been accommodated in temporary shelters along the Thailand-Myanmar border for over three decades. An additional estimated 6,000 are urban refugees and asylum seekers living outside the temporary shelters in apartments or rented houses in Bangkok and other provinces. Most of them have fled from Pakistan, Viet Nam, Somalia, Iraq, the State of Palestine, and Syria among other countries. Obtaining person of concern status from the United Nations High Commissioner for Refugees (UNHCR) and resettlement in a third country may take five to ten years. Among 120,000 refugees and asylum seekers, at least one third are children.

Even though Thailand has been providing humanitarian assistance to refugees since the time of the war in Indochina, Thailand is not a party to the 1951 Convention relating to the Status of Refugees and its protocol, and Thailand's single remaining reservation on the Convention on the Rights of the Child (CRC) is on Article 22, which

is intended to protect refugee children.¹ Thailand does not have a specific national legal or policy framework that recognizes legal refugee status and provides protection to the refugees and asylum-seekers and their children, even though the Child Protection Act, B.E. 2546 (2003) is applicable to all children in Thailand, regardless of their nationality and legal status. The Thai government has applied Immigration Act, B.E. 2522 (1979) to refugees and asylum seekers, which generally designates them as illegal immigrants. Persons outside of the temporary shelters, therefore, are usually subject to arrest and detention and at risk of refoulment as well as abuse and exploitation. The situation prevails in both border and urban contexts, where children have also been affected.

While the legal status of the asylum seekers and refugees remains a major challenge, progressive education and health policies have benefitted all children in Thailand regardless of their legal status. The strengthening of birth registration system in Thailand has also been extended to include refugees and asylum seekers. Thailand has taken positive steps in recent years towards ending child immigration detention and developing community-based alternatives in Thailand.

These promising recent practices present an opportunity to review Thai policy and practice to examine the extent to which they already comply with international principles and standards encapsulated in Article 22 and to explore the possibility of Thailand to withdraw its reservations and clarify any remaining domestic laws and policies to translate the article into practice.

Work Assignment:

Study the feasibility of withdrawing the reservation of Article 22 of the Convention on the Rights of the Child (CRC) and develop Policy Brief and Policy Advocacy Strategy.

The Policy Brief will review and analyze the following components:

- Interpretation of Art. 22 and the Committee on the Rights of the Child's general comments on refugee child protection as it pertains to Thailand.
 - Analysis of the Child Protection Act and other related law / policy for establishing the legal scope for protection and assistance of refugee children, identifying any gaps.
 - Analysis of the situation of refugees (both in temporary shelters and urban areas) in Thailand, particularly children's access to basic services, including child protection. This should include formal and informal practice in protection and assistance of refugee children.
- Documenting the reasons behind the government's historical reservations to Art. 22 and on any current plans or previous attempts to withdraw those reservations.
- Comparison of the laws and policies of other countries that have no reservation on Article 22 but have not yet ratified the 1951 Refugees Convention (for example, China and Malaysia).

¹ Thailand ratified the CRC on 27 March 1992 with three reservations. It withdrew its reservation on Art. 29 in April 1997 and on Art. 7 in December 2010. Article 22 reads: *1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.*

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

- Identify the necessary steps to be taken by a State when considering withdrawal of a reservation to the CRC, including documentation of Thailand's previous withdrawal of its reservations to Articles 29 and 7.
- Recommendations to the government for steps to withdraw its reservations to Article 22, including any additional legal, policy, and guidance steps necessary to align practice with the article.

The Policy Advocacy Strategy will include:

- Identification of processes and related steps necessary for removing reservations to an article of the CRC.
- List of key actors with who to advocate.
- Structured plan for pursuing advocacy with these actors to achieve the documented steps.
- Key messages.

The consultant will be responsible for all research and analysis and will work closely with the UNICEF Child Protection Team. The consultant will manage and organize all necessary meetings with respondents. The Child Protection Team will provide technical comments and advice and may in some instances participate in meetings. The Policy Brief will be a UNICEF document and therefore final clearance on its content rests with UNICEF.

The consultant will:

- Task 1: Prepare a research and study plan and participate in a consultative meeting with the UNICEF Child Protection Team to finalize the methodology and work.
- Task 2: Prepare research tools.
- Task 3: Conduct desk review and key informant interviews and Focus Group Discussion.
- Task 4: Draft Policy Brief (with executive summary) and Policy Advocacy Strategy in English.
- Task 5: Present draft key findings and recommendation to UNICEF Child Protection Team.
- Task 6: Finalize report with executive summary.
- Task 7: Present key findings and recommendation at seminar.

Stakeholders in this analysis include:

- Thai government agencies involved in consideration of withdrawing the reservation of Art. 22 of CRC: Ministry of Foreign Affairs, Ministry of Interior, Ministry of Social Development and Human Security, National Security Council, Council of State.
- INGOs, NGOs and Civil Society Organizations that provide services and/or engage in policy advocacy.
- United Nations organizations, including UNHCR and OHCHR.

Work Schedule:

The consultant is expected to deliver the final Policy Brief with executive summary and final Policy Advocacy Strategy within 2 months during 22 April - 21 June 2019. The consultant will present the Policy Brief at Academic Seminar, which may be after 17 May 2019.

Item No.	Deliverables	Due Date
1	Participation in a consultative meeting with Child Protection Team to finalize the methodology and work plan for the study (Task 1)	Within 1 week after signing the contract
2	Prepare inception report (Task 2)	Within 2 weeks after signing the contract

3	3.1) Draft brief and strategy in English with executive summary (Task 4) 3.2) One (half-day) presentation of key findings and recommendation (Task 5)	Within 6 weeks after signing the contract
4	Final Policy Brief with executive summary and final Policy Advocacy Strategy (Task 6)	Within 2 weeks after receiving revision suggestion from Child Protection Team
5	Academic Seminar with Related Ministries and Stakeholders (Task 7)	Date to be determined in consultation with Communications Team. May be after June 21.

End Product: Final Policy Brief with Executive Summary, Policy Advocacy Strategy

Estimated Duration of Contract: 42 working days within 2 months during 22 April - 21 June 2019, including one day for presentation of the brief.

Qualifications or Specialized Knowledge/Experience Required:

- University Degree in political science, human rights, social science, law, public administration, or related field.
- Understanding of Thai Law/Policy related to child protection and migrant/refugees and international child rights and refugee law.
- Experience in policy advocacy on human rights, humanitarian, or child protection issues is a benefit.
- Excellent writing skills in English.
- Thai languages skill is an advantage.

Interested candidates are requested to submit CV or P-11, full contact information of minimum 2 references, availability, and proposed daily professional fee in USD by **28 March 2019**.

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UNICEF's core values of Commitment, Diversity and Integrity and core competencies in Communication, Working with People and Drive for Results.

View our competency framework at

http://www.unicef.org/about/employ/files/UNICEF_Competencies.pdf

Mobility is a condition of international professional employment with UNICEF and an underlying premise of the international civil service.

Only shortlisted candidates will be contacted and advance to the next stage of the selection process.

UNICEF is committed to diversity and inclusion within its workforce, and encourages all candidates, irrespective of gender, nationality, religious and ethnic backgrounds, including persons living with disabilities, to apply to become a part of the organization.

UNICEF has a zero-tolerance policy on conduct that is incompatible with the aims and objectives of the United Nations and UNICEF, including sexual exploitation and abuse, sexual harassment, abuse of authority and discrimination. UNICEF also adheres to strict child safeguarding principles. All selected candidates will, therefore, undergo rigorous reference and background checks, and will be expected to adhere to these standards and principles.