

Abstract

The study of the protection of the rights of the child in the best interests of the child under Article 3(1) of the 1989 Convention on the Rights of the Child has as its objective to study the scope, the principles, and the protection of the rights of the child in the best interests of the child under Article 3(1) both at the state level and at the international level. The data collected are then used as a guideline in child treatment and protection. Problems resulted from the application of the best interests of the child principle in the protection of the rights of the child have also been studied.

To complete the study, data were collected from books, articles, court decisions, law, both state laws including that of Thailand and international documents, and other related materials useful to the study.

The study reveals that the best interests of the child principle under Article 3(1) can be applied to the protection of the rights of the child in every case related to children. However, internationally, such application still poses several problems. Examples of problems include the interpretation of “the best interests of the child”, the inequality in the states’ economic status, and the balancing of the best interests of the child and other interests. At the state level, countries can be put into two types: those that have clear definitions and those that have determined factors to be considered when considering what make the best interests of the child. Thailand falls into the latter type.

In studying the protection of the rights of the child in the best interests of the child in Thailand, it is found that there are still some problems in applying the principle. The researcher has, therefore, put forth the following recommendations as possible solutions to the problems.

1. Knowledge should be disseminated and training programs be arranged regarding the best interests of the child principle for officers or personnel working with children in Thailand.

2. A certain agency or work unit should be established as arbitrator regarding what makes the best interests of the child.

3. In implementing children-related state policies, the government should have administrative measures befitting the best interests of the child principle to guarantee that all children have equal access to the state benefits and welfare.

4. In reporting Thailand's operations on matters relating to children to the Committee on the Rights of the Child, the report should be submitted within a certain period of time and the data presented in the report should be as current and as true to real situations as possible.

5. The ombudsman for children should be appointed in Thailand for protection of children and the rights of the child.