

Translation

ACT FOR PREVENTION AND SOLUTION OF
THE ADOLESCENT PREGNANCY PROBLEM,
B.E. 2559 (2016)

BHUMIBOL ADULYADEJ, REX.
Given on the 30th Day of March B.E. 2559;
Being the 71st Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to have a law on prevention and solution of the adolescent pregnancy problem;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Assembly, as follows:

Section 1. This Act is called the “Prevention and Solution of the Adolescent Pregnancy Problem Act, B.E. 2559 (2016)”.

Section 2. This Act shall come into force after the expiration of one hundred and twenty days from the date of its publication in the Government Gazette.*

Section 3. In this Act:

“adolescent” means a person over ten years of age but not yet twenty years of age;

“pupil” means an adolescent who is receiving a basic education at a primary or secondary level, either general or vocational, or the equivalence, in a public or private educational establishment;

“student” means an adolescent who is receiving a higher education or the equivalence, in a public or private educational establishment;

* Published in the Government Gazette Vol. 113, Part 30 a, Page 1, dated 31st March B.E. 2559

Remark: This translation has been prepared by the Office of the Council of State for information purposes only. Whilst the Office of the Council of State has made efforts to ensure the accuracy and correctness of the translation, the original Thai text as formally adopted and published shall in all events remain the sole authoritative text having the force of law.

“sexuality studies” means an approach to learning about sex, covering human development at every stage of life, interpersonal relationships, personal skill development, sexual behaviour, sexual health and socio-cultural dimensions which affect sexuality, including the right to information and knowledge on reproductive health, placing importance on sexual diversity and equality;

“reproductive health” means a state of healthy physical and mental well-being resulting from the functional processes of sexual health and reproductive system at all stages of life, enabling a person to have a good quality of life and happily living in the society;

“reproductive health service” means a service for promotion, prevention, treatment and rehabilitation relating to reproductive health;

“social welfare provision” means a provision of social welfare under the law on social welfare promotion;

“educational establishment” means an educational establishment under the law on national education;

“service establishment” means a service establishment under the law on national health security;

“business establishment” means a place where a business operator uses to operate businesses, and there are employees working therein;

“State agency” means a ministry, sub-ministry, department, government agency of another name having equal status to department, provincial administration, local administration, State enterprise, public organisation and other State agencies;

“Committee” means the Prevention and Solution of the Adolescent Pregnancy Problem Committee;

“member” means a member of the Prevention and Solution of the Adolescent Pregnancy Problem Committee;

“Minister” means a Minister having charge and control of the execution of this Act.

Section 4. The Minister of Social Development and Human Security, Minister of Interior, Minister of Labour, Minister of Education, and Minister of Public Health shall have charge and control of the execution of this Act and each Minister shall have the power to issue Ministerial Regulations and Rules for the execution of this Act on the matter relating to such Ministry.

Such Ministerial Regulations and Rules shall come into force upon its publication in the Government Gazette.

CHAPTER I
PREVENTION AND SOLUTION OF ADOLESCENT PREGNANCY PROBLEM

Section 5. An adolescent has the right to make a decision by himself and has the right to information and knowledge, right to reproductive health service, right to confidentiality and privacy, and right to social welfare provision, that are equal and non-discriminative, and is entitled to any other rights for the purpose of this Act accurately, completely and adequately.

Section 6. An educational establishment shall undertake the prevention and solution of the adolescent pregnancy problem as follows:

(1) to provide teaching and learning on sexuality studies which is appropriate to age of pupils or students;

(2) to recruit and develop teaching personnel to be capable of providing sexuality studies and counseling on the prevention and solution of adolescent pregnancy problem to pupils or students;

(3) to establish a system of supervision, assistance and protection for pregnant pupils or students to receive education in a suitable and continuous manner, including establishing a referral system to ensure the receipt of an appropriate reproductive health service and social welfare provision.

The prescription of the categories of educational establishments and undertaking of the educational establishments in each category shall be in accordance with the rules, procedures and conditions as prescribed in the Ministerial Regulation.

Section 7. A service establishment shall undertake the prevention and solution of the adolescent pregnancy problem as follows:

(1) to accurately, completely and adequately provide information and knowledge on the prevention and solution of adolescent pregnancy problem to adolescent recipients of service;

(2) to provide counseling and reproductive health services which are up to the standard and consistent with the rights under section 5, to adolescent recipients of service, including establishing a referral system to ensure the receipt of appropriate social welfare provision.

The prescription of the categories of service establishments and undertaking of the service establishments in each category shall be in accordance with the rules, procedures and conditions as prescribed in the Ministerial Regulation.

Section 8. A business establishment shall undertake the prevention and solution of the adolescent pregnancy problem as follows:

(1) to accurately, completely and adequately provide information and knowledge on the prevention and solution of adolescent pregnancy problem to adolescent employees;

(2) to provide or support adolescent employees with an access to counseling and reproductive health services, including establishing a referral system to ensure the receipt of appropriate social welfare provision;

The prescription of the categories of business establishments and undertaking of the service establishments in each category shall be in accordance with the rules, procedures and conditions as prescribed in the Ministerial Regulation.

Section 9. There shall be social welfare provision relating to prevention and solution of the adolescent pregnancy problem as follows:

(1) to promote and support Children and Youth Councils at the level of *Changwat* and *Amphoe* to establish the children and youth networks in the areas to be the leaders in preventing, resolving, and monitoring the problem of adolescent pregnancy;

(2) to promote and support the relevant State agencies and private organisations to coordinate, monitor, and assist pregnant adolescents and their families;

(3) to provide vocational training in accordance with interests and proficiencies to pregnant adolescents, who intend to receive the training, prior and after childbirth, and to coordinate to procure suitable employment;

(4) to provide alternative families in the case where adolescents are unable to raise the children themselves;

(5) to provide other social welfare to promote the prevention and solution of adolescent pregnancy problem.

The undertakings under paragraph one shall be in accordance with the rules, procedures and conditions as prescribed in the Ministerial Regulation.

Section 10. The local administration shall have the powers and duties to undertake to ensure that adolescents in its local administrative area have the rights under section 5.

For the purpose of the undertaking under paragraph one, the local administration shall have the powers to prescribe local ordinances in accordance with the rules, procedures and conditions as prescribed in the Ministerial Regulation.

CHAPTER II
PREVENTION AND SOLUTION OF
THE ADOLESCENT PREGNANCY PROBLEM COMMITTEE

Section 11. There shall be a committee called the “Prevention and Solution of the Adolescent Pregnancy Problem Committee” consisting of:

(1) the Prime Minister as the Chairperson;

(2) eight *ex officio* members, *viz.* the Minister of Social Development and Human Security, the Minister of Education, the Minister of Public Health, the Permanent Secretary for Interior, the Permanent Secretary for Justice, the Permanent Secretary for Labour, the Permanent Secretary for Culture, and the Permanent Secretary for Bangkok Metropolitan Administration;

(3) five qualified members appointed by the Chairperson from persons with knowledge, expertise, accomplishment and no less than five-year experiences in the fields of public health, adolescent rights and freedom protection, education, psychology, and social assistance, provided that one qualified member is appointed from each field;

(4) two representatives of children and youth appointed by the Chairperson from the representatives of the Children and Youth Council of Thailand provided that one is male and one is female.

The Director-General of the Department of Health shall be member and secretary and the representatives from the Office of Permanent Secretary for Education, the Department of Children and Youth, and the Department of Women's Affairs and Family Development shall be assistant secretaries.

The appointment of qualified members shall be in accordance with the rules, procedures and conditions under the Rules as prescribed by the Minister of Public Health, taking into account the approximate proportion between men and women.

Section 12. The qualified member shall have the qualifications and not be under any of the prohibitions, as follows:

(1) being of Thai nationality;

(2) being not less than thirty years of age;

(3) not being a bankrupt or having been a dishonest bankrupt;

(4) not being an incompetent or quasi-incompetent person;

(5) not being addicted to narcotics;

(6) not having been imprisoned due to a final judgment to a term of imprisonment, except for an offence committed through negligence or a petty offence;

(7) not having been ordered by a judgment or an order of the Court that his or her assets shall vest in the State on the grounds of unusual wealth or unusual increase of assets;

(8) not having been expelled, dismissed, discharged or terminated from a State agency or private organisation on the grounds of dishonest performance of duties, gross misconduct or being deemed as having committed dishonest acts and malfeasance in official service.

Section 13. The qualified member shall hold office for a term of two years as from the date of appointment. A person who has vacated office may be re-appointed, but shall not hold office for more than two consecutive terms.

In the case where a qualified member vacates office before the expiration of term, the Chairperson shall appoint a new qualified member of the same category to replace the vacating member and the appointee shall hold office for the remaining term of office of the qualified member replaced by the appointee. However, where the remaining term of office of the qualified member is less than ninety days, the Chairperson may proceed not to appoint a qualified member for the replacement. In this event, the Committee shall consist of the remaining members.

Upon the expiration of term under paragraph one, if a new qualified member has not yet been appointed, the qualified member whose term of office has expired shall continue to be in office to perform the duties until a new appointed qualified member assumes the duties.

Section 14. In addition to vacating office upon the expiration of term, the qualified member vacates office upon:

- (1) death;
- (2) resignation;
- (3) being removed by the Chairperson due to negligence in performance of duties, disgraceful behaviour or incapability;
- (4) being disqualified or being under any of the prohibitions under section 12.

Section 15. The representative of children and youth under section 11 (4) shall not be over twenty-five years of age, shall have the qualifications under section 12 (1) and shall not be under any of the prohibitions under section 12 (3), (4),

(5), (6), (7) or (8). Section 13 shall apply to the holding of the member positions of representatives of children and youth *mutatis mutandis*.

In addition to vacating office upon the expiration of term, the member who is a representative of children and youth under paragraph one vacates office upon death, or resignation, or being over twenty-five years of age, or being disqualified or under any of the prohibitions under section 12 (1), (3), (4), (5), (6), (7) or (8).

Section 16. At a meeting of the Committee, the presence of not less than one-half of the members is required to constitute a quorum.

At a meeting of the Committee, if the Chairperson does not attend the meeting or is unable to perform the duties, the meeting shall elect one member to preside over the meeting.

A decision of the meeting shall be made by a majority of votes. In casting a vote, each member shall have one vote. In case of an equality of votes, the presiding member shall have an additional vote as the casting vote.

A meeting of the Committee shall be arranged at least twice a year.

Section 17. The Committee has the powers and duties as follows:

(1) to propose policies and strategies on the prevention and solution of the adolescent pregnancy problem to the Council of Ministers for consideration;

(2) to propose a guideline for amendment to and revision of the law relating to the prevention and solution of the adolescent pregnancy problem to the Council of Ministers, and to submit opinions to the Ministers on the issuance of Ministerial Regulations under this Act;

(3) to submit a report on the prevention and solution of the adolescent pregnancy problem to the Council of Ministers at least once a year;

(4) to prescribe an operational guideline for State agencies and private organisations for the prevention, assistance, resolution, and remedy of the adolescent pregnancy problem, adolescent reproductive health problem, sexual violence, and sexual offences;

(5) to provide State agencies and private organisations consultation, recommendations, and solution to difficulties in the course of undertaking the prevention and solution of the adolescent pregnancy problem;

(6) to perform any other acts as prescribed by law to be the powers and duties of the Committee or as entrusted by the Council of Ministers.

Section 18. The policies and strategies on the prevention and solution of the adolescent pregnancy problem under section 17 (1) shall at least contain the essential matters as follows:

(1) measures on the access to information and knowledge relating to the prevention and solution of the adolescent pregnancy problem;

(2) measures on ensuring the rights of adolescents under section 5;

(3) measures on prevention, assistance, resolution and remedy of the adolescent pregnancy problem;

(4) measures on the prevention and solution of the adolescent pregnancy problem of State agencies and private organisations which enable the undertaking that is uniform and effective.

The principles of participation of the public, civil societies and adolescents shall also be taken into account in preparing the policies and strategies under paragraph one.

Section 19. The Committee may appoint a sub-committee to consider any matter or carry out any act as entrusted by the Committee.

Section 16 shall apply to a meeting of the sub-committee *mutatis mutandis*.

Section 20. In performing the duties under this Act, the Committee and sub-committee shall have the power to issue an order, in writing, to summon any person to give statement of facts or opinions or to submit an explanation, document, data, evidence or any relevant object for the purpose of its consideration.

Section 21. In the case where it appears that an educational establishment, service establishment, business establishment, or State agency fails to undertake the prevention and solution of the adolescent pregnancy problem as prescribed in this Act, the Committee shall inform the Minister having charge and control of the execution of the law on such matter to ensure the implementation of this Act.

Section 22. The Department of Health, Ministry of Public Health, shall be responsible for secretarial tasks of the Committee and sub-committee, and shall have the powers and duties as follows:

(1) to prepare policies, strategies and reports on the prevention and solution of the adolescent pregnancy problem for submission to the Committee;

(2) to coordinate, oversee, evaluate and cooperate with relevant State agencies and private organisations, both domestic and foreign, to ensure their compliance with the policies and strategies on the prevention and solution of the adolescent pregnancy problem;

(3) to promote and support the advocacy and generate knowledge and understanding of the prevention and solution of the adolescent pregnancy problem and appropriate sexual behaviour;

(4) to be the centre of database on the prevention and solution of the adolescent pregnancy problem and to undertake or support the study and research on such matter;

(5) to prepare an operational guideline on prevention, assistance, resolution and remedy of the adolescent pregnancy problem, problem of adolescent reproductive health, sexual violence and sexual offences, and distribute it to State agencies and private organisations;

(6) to prepare a guideline for capacity building of personnel working in connection with the prevention and solution of the adolescent pregnancy problem;

(7) to perform any other acts as entrusted by the Council of Ministers, the Committee or the sub-committee, or as prescribed by law to be the powers and duties of the Department of Health, Ministry of Public Health.

CHAPTER III PENALTIES

Section 23. Any person who fails to comply with the order of the Committee or sub-committee under section 20 without any justifiable reason shall be liable to imprisonment for a term not exceeding one month or a fine not exceeding ten thousand baht, or to both.

TRANSITORY PROVISIONS

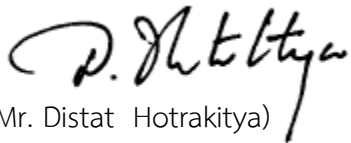
Section 24. In the initial period, the Committee shall consist of the members under section 11 (1) and (2), and the Director-General of the Department of Health shall be a member and secretary. Such Committee shall perform the duties of the Committee under this Act for the time being until qualified members under section 11 (3) and representatives of children and youth under section 11 (4) are appointed, provided that the appointment shall not exceed one hundred and

twenty days from the date this Act comes into force. In this regard, the representatives from the Office of the Permanent-Secretary for Education, the Department of Children and Youth and the Department of Women's Affairs and Family Development shall be assistant secretaries.

Countersigned by:

General Prayut Chan-o-cha
Prime Minister

Certified Correct Translation



(Mr. Distat Hotrakitya)

Secretary-General of the Council of State