Thailand

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Thailand are unavailable.[4554] In rural areas, children work primarily in agriculture; and in urban areas, work in the service sector (small scale industry, gas stations, and restaurants), street vending, construction, manufacturing, and fishing sectors.[4555] Children also work in domestic service.[4556] Children are vulnerable to exploitation in the trafficking of drugs in Thailand,[4557] and are exploited in prostitution and pornography.[4558] Child labor is one of many problems associated with poverty. In 2000, less than 2.0 percent of the population in Thailand were living on less than USD 1 a day.[4559]

Thailand is a source, transit, and destination country for trafficking in persons, including children, for both labor and commercial sexual exploitation. Trafficking is exacerbated by sex tourism.[4560] Domestic NGOs report that girls ages 12 to 18 are trafficked from Burma, China, and Laos for the purposes of commercial sexual exploitation.[4561] Children are also trafficked into Thailand for indentured agricultural, factory, commercial fisheries or household labor, and street begging.[4562] Internal trafficking of children, especially members of northern Thailand's stateless ethnic tribes, also occurs.[4563]

The National Education Act of 1999 provides for a compulsory education period of 9 years, beginning at age 7, and free schooling for 12 years.[4564] In 2003, the gross primary enrollment rate was 97 percent and the

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[4554] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

[4555] U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Thailand*, Washington D.C., February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41661.htm. See also Vichitra Phromphantum, *Study Report: The Worst Forms of Child Labor*, ILO-IPEC and Office of the Permanent Secretary for Ministry of Labor and Social Welfare, Bangkok, September 20, 2001, 17, 32.

[4556] Nawarat Phlainoi, *Thailand - Child Domestic Workers: A Rapid Assessment*, ILO-IPEC, Geneva, April 2002. See also U.S. Department of State, *Country Reports-2004: Thailand*, Section 6d.

[4557] Vittawan Sunthornkajit, Thankakorn Kaiyanunta, Pornvisid Varavarn, and Somrouy Varatechakongka, *Thailand - Child Labor in Illicit Drug Activities: A Rapid Assessment*, ILO-IPEC, Geneva, August 2002; available from http://www.ilo.org/public/english/standards/ipec/simpoc/thailand/ra/drugs.pdf. See also U.S. Department of State, *Country Reports-2004: Thailand*, Section 6d.

[4558] ECPAT International CSEC Database, http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp (Thailand; accessed June 2, 2005). See also U.S. Department of State, *Country Reports-2004: Thailand*, Section 5.

[4559] World Bank, *World Development Indicators* [CD-ROM], Washington, DC, 2005.

[4560] U.S. Department of State, *Trafficking in Persons Report- 2005: Thailand*, Washington, D.C., June 2005; available from http://www.state.gov/g/tip/rls/tiprpt/2005. See also U.S. Department of State, *Country Reports-2004: Thailand*, Section 5. U.S Embassy-Bangkok, *reporting*, September 15, 2004.

[4561] U.S. Department of State, *Country Reports-2004: Thailand*, Section 5. See also Christina Wille, *Thailand - Lao People's Democratic Republic and Thailand - Myanmar Border Areas: Trafficking in Children into the Worst Forms of Child Labor: A Rapid Assessment*, ILO-IPEC, Geneva, November 2001; available from http://www.ilo.org/public/english/standards/ipec/simpoc/thailand/ra/border.pdf.

[4562] U.S. Embassy- Bangkok, *reporting*, March 2, 2005.

[4563] U.S. Department of State, *Country Reports-2004: Thailand*, Section 5.

[4564] *National Education Act*, B.E. 2542, Sections 10, 17. See also U.S. Department of State, *Country Reports-2004: Thailand*, Section 5.

net primary enrollment rate was 85 percent.[4565] Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Primary school attendance statistics are not available for Thailand.[4566]

Child Labor Laws and Enforcement

Chapter Four of Thailand's Labor Protection Act of 1998 sets the minimum age for employment at 15 years. Employers are required to notify labor inspectors if children under age 18 are hired. The law permits children ages 15 to 18 to work only between the hours of 4 p.m. and 10 p.m. with written permission from the Director-General of Labor or a person assigned by the Director-General.[4567] Children under age 18 may not be employed in hazardous work, which is defined by the Act to include any work involving metalwork, hazardous chemicals, poisonous materials, radiation, harmful temperatures or noise levels, exposure to toxic micro-organisms, the operation of heavy equipment, and work underground or underwater. The maximum penalty for violation of the child labor sections of the Labor Protection Act is one year of imprisonment and fines of 200,000 baht (USD 4,969).[4568] The Labor Protection Act does not apply to the agricultural and informal sectors (including domestic work). However, Section 22 of the Act allows for protection in these sectors as prescribed through separate ministerial regulations,[4569] and in late 2004 and early 2005 the Ministry of Labor issued regulations to increase protections for child workers in informal sector work.[4570]

The worst forms of child labor may be prosecuted under different statutes in Thailand. On March 30, 2004, the Child Protection Act 2003 came into force. The Act guarantees the rights of all children "in Thailand" or "of all nationalities" to be protected by the State against violence and unfair treatment. Violations, such as forcing children to become beggars, to work in dangerous conditions, or to perform obscene acts all carry penalties of 3 months of imprisonment or a fine of 30,000 baht (USD 731), or both. The Act also mandates the establishment of the National Child Protection Committee to provide guidance, oversight and issue regulations for matters of child protection.[4571] The 1997 Constitution proclaims that the State will protect labor, especially that of women and children.[4572] The minimum voluntary age for military recruitment is 18, while the age for compulsory recruitment is 20.[4573]

[4565] UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005).

[4566] This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.

[4567] Government of Thailand, *Labour Protection Act of 1998*, Chapter 4, Sections 44-45, 49-50; available from http://natlex.ilo.org/txt/E98THA01.htm.

[4568] Under Section 50, children are banned from work in places where alcohol is sold, in hotels, or in massage parlors. Ibid., Sections 22, 49-50, 148. For currency conversion see FXConverter, [online] May 27, 2005 [cited May 27, 2005]; available from http://www.carosta.de/frames/convert.htm.

[4569] *Labour Protection Act of 1998*, Section 22. U.S. Embassy- Bangkok, *reporting*, August 30, 2005.

[4570] These are the Ministerial Regulation on Labor Protection for Home Workers 2004 (effective September 8, 2004) and Ministerial Regulation on Labor Protection for Agriculture Workers 2004 (effective April 13, 2005). Royal Thai Embassy official, email communication to USDOL official, November 8, 2005. See also ILO, *Minister Opens Discussions on Extending Protection to Millions of Informal Economy Workers,* [online] June 30, 2005 [cited December 8, 2005]; available from http://www.ilo.org/public/english/region/asro/bangkok/public/releases/yr2005/pr05_18.htm. See also U.S. Embassy-Bangkok, *reporting,* August 30, 2005.

[4571] Kingdom of Thailand, *Child Protection Act*, (2003), Articles 14, 26, 78. See also Neil Stoneham, "Who Cares, Wins," *Bangkok Post* (Bangkok), June 14, 2004; available from http://www.bangkokpost.net/education/site2004/cvjn0804.htm. See also U.S Embassy-Bangkok, *reporting*, March 2, 2005. (For currency conversion see FX Converter, [online] June 21, 2005 [cited June 21, 2005]; available from http://www.carosta.de/frames/convert.htm.)

[4572] *Constitution of the Kingdom of Thailand*, (1997), Section 86.

[4573] Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004: Thailand*, London, 2004; available from http://www.child-soldiers.org/document_get.php?id=880.

The 1996 Prevention and Suppression of Prostitution Act prohibits all forms of prostitution and provides specific penalties for cases involving children under the age of 18.[4574] Fines and terms of imprisonment under the law are based on the age of the child involved, with more severe terms established for prostitution involving children under the age of 16. For example, prostitution of children ages 16 to 18 is subject to jail terms of up to 15 years and maximum fines 300,000 baht (USD 7,453), while the range of penalties is nearly twice as much for those pimping and patronizing children ages 15 and under. The Prevention and Suppression of Prostitution Act also establishes that government officials who compel others to engage in commercial sexual exploitation face penalties of 15 to 20 years of imprisonment and/or fines ranging between 300,000 and 400,000 baht (USD 7,453 to 9,938).[4575] The Prevention and Suppression of Trafficking in Women and Children Act of 1997 defines the list of trafficking-related activities that are sanctioned under the law and provides for basic protection for victims.[4576] The Penal Code Amendment Act of 1997 also establishes penalties for traffickers of children under the age of 18, regardless of the victim's nationality.[4577] The Criminal Procedure Amendment Act of 1999 provides protection for child victims in the course of testifying in cases of sexual exploitation.[4578] Since 1999, the Government of the Thailand has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.[4579]

Child labor laws are enforced by four government agencies: the Royal Thai Police, the Office of the Attorney General, the Ministry of Justice, and the Ministry of Labor. Both periodic and complaint-driven labor inspections are conducted, and inspecting officers have the right to remove child workers from businesses and place them in government custody before court decisions on the cases.[4580] In general, the labor inspection system tends to be more reactive than proactive, with inspectors usually responding to public complaints or newspaper reports, according to the U.S. Department of State. In addition, MOL inspections tend to focus efforts on larger factories in an effort to reach the largest portion of the workforce, with relatively fewer inspections of smaller workplaces where child labor may be more likely to occur. [4581] The U.S. Department of State also reports that a lack of resources is largely to blame for weak child labor law enforcement.[4582] The National Thai Working Group to Combat the Trafficking of Women and Children coordinates government ministries and agencies with overlapping anti-trafficking responsibilities.[4583] A new series of Memoranda of Understanding (MOU) in 2003 between government agencies and domestic NGOs provided new guidelines for the treatment of trafficked persons. In line with these guidelines, police are being trained to treat such individuals as victims of trafficking rather than as illegal immigrant workers, and victims are to become the responsibility of the Public Welfare Department instead of being deported. However, the U.S. State Department reports that implementation of the MOUs continued to be erratic due to insufficient training of law enforcement officials and their unfamiliarity with the law.[4584] In 2004, the latest year for which such information is available, the government reported 307 trafficking-related arrests, 66 prosecutions and 12 convictions.[4585]

[4574] *Prevention and Suppression of Prostitution Act B.E. 2539 (1996)*; available from http://natlex.ilo.org/txt/E96THA01.htm. See also U.S. Department of State, *Country Reports-2004: Thailand*, Section 5.
[4575] *Prevention and Suppression of Prostitution Act*, Sections 8-12. (For currency conversion see FXConverter, *May 27, 2005*.)
[4576] Kingdom of Thailand, *Prevention and Suppression of Trafficking in Women and Children Act*, B.E. 2540, (1997).
[4577] Kingdom of Thailand, *Penal Code Amendment Act (no. 14)*, (1997).
[4578] Royal Thai Embassy, facsimile communication to USDOL official, September 5, 2002.
[4579] ILO-IPEC official, email communication to USDOL official, November 14, 2005.
[4580] U.S. Embassy- Bangkok, *reporting*, September 18, 2000.
[4581] U.S. Department of State, *Country Reports-2004: Thailand*, Section 6d. See also U.S. Embassy- Bangkok, *reporting*, September 18, 2000.
[4582] U.S. Embassy- Bangkok, *reporting*, August 30, 2005.
[4583] U.S. Embassy- Bangkok, *reporting*, March 2, 2005.
[4584] U.S. Department of State, *Country Reports-2004: Thailand*, Section 5. See also U.S. Embassy- Bangkok, *reporting*, August 30, 2005.
[4585] U.S. Department of State, *Trafficking in Persons- 2005: Thailand*.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 5/11/2004	✓
Ratified Convention 182 8/16/2001	✓
ILO-IPEC Member	✓
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan (Trafficking and Commercial Sexual Exploitation)	✓

The Government of Thailand has a draft National Plan of Action for the Elimination of the Worst Forms of Child Labor, and a draft National Plan for Children.[4586] The government maintains child labor assistance centers in every province, facilitates the participation of communities in preventing child labor activities by appointing "labor volunteers", and disseminates information on child labor nationwide through outreach programs.[4587] The Department of Public Welfare and Department of Skills Development provide vocational training to improve children's skills and prevent them from entering work prematurely.[4588] The 25th General Assembly of the ASEAN Inter-Parliamentary Organization (AIPO), of which Thailand is a member, adopted the Resolution on the Prevention and Eradication of the Worst Forms of Child Labor. The resolution commits members to taking comprehensive action to remove children from hazardous and sexually exploitative work, and to raise awareness of the dangers associated with such work.[4589] Thailand is also a part of an USDOL-funded global project which aims to substantially reduce the engagement of children ages 5 to 17 in the worst forms of child labor.[4590]

The Royal Thai Government has a National Policy and Plan of Action for the Prevention and Eradication of the Commercial Sexual Exploitation of Children. In January 2005 it approved the action plan for implementing the policy.[4591] The government collaborates on trafficking in persons issues with governments of neighboring countries, NGOs, and international organizations to raise awareness, provide shelters and social services, and assist in the repatriation of victims.[4592] Thailand has bilateral anti-trafficking MOUs with Cambodia and with Laos.[4593] Thailand is also a signatory to a multilateral MOU pledging cooperation on trafficking. Other signatories to the "Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT)" include Burma, Cambodia, China, Indonesia, Laos, and Vietnam. The members held their first meeting in March 2005 and are currently drafting their Sub-regional Plan of Action (SPA).[4594] The Department of Social Development and Welfare (DSDW) and IOM cooperate in

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[4586] Both plans were scheduled to be passed by the government in 2005, but as of December they still had not been officially approved. See Royal-Thai Embassy Official, email communication to USDOL official, September 28 & 29, 2005.
[4587] U.S. Embassy- Bangkok, *reporting, August 30, 2005*.
[4588] UN/ILO, "Working Papers: Thailand " (paper presented at the ILO/Japan Asia Meeting on the Trafficking of Children for Labour and Sexual Exploitation, Manila, October 10-12, 2001).
[4589] The resolution was adopted September 2004. AIPO, *Resolution on the Prevention and Eradication of the Worst Forms of Child Labour*, September, 2004; available from http://www.national-assembly.gov.kh/aipo_social_matters.htm.
[4590] Winrock International, *The Regional Community-based Innovation to Reduce Child Labor through Education (CIRCLE),* [online] n.d. [cited September 28, 2005]; available from http://www.winrock.org/where/display_country.cfm?CountryID=2090.
[4591] The policy was approved by the Royal Thai Government cabinet in July 2003 and covers the period 2003-2007. The action plan was approved with a proposed budget of USD 15.3 million. U.S. Embassy- Bangkok, *reporting March 2, 2005*.
[4592] Royal Thai Embassy, facsimile communication, September 5, 2002, 13.
[4593] *Memorandum of Understanding between the Royal Government of the Kingdom of Cambodia and the Royal Government of the Kingdom of Thailand on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking*, May 31, 2003; available from http://www.arcppt.org/docs/MOU%20Traffcking%20CAM-TH%20English.pdf. *Memorandum of Understanding between the Government of Thailand and the Government of the Lao People's Democratic Republic on Cooperation to Combat Trafficking in Persons, Especially Women and Children*, July 13, 2005; available from http://www.humantrafficking.org/collaboration/regional/eap/news/2005_07/thai_laos_mou_english.pdf.
[4594] The MOU was signed October 2004. U.S Embassy--Bangkok, *reporting*, March 2, 2005. See also Human Trafficking.org, *COMMIT Senior Officials Meeting 3,* [online] n.d. [cited May 31, 2005]; available from http://www.humantrafficking.org/collaboration/regional/eap/events/2005_03/commit_mtg.html.

assisting trafficked individuals in Thailand[4595] and the DSDW works with its counterpart agencies in both Laos and Cambodia to repatriate their nationals.[4596] DSDW also operates six regional shelters for trafficked victims[4597] and provides child victims legal assistance, including counseling and rehabilitation services.[4598] The Royal Thai Police have an ongoing public awareness campaign on trafficking and a hotline for reporting suspected trafficking cases, while the government is providing training to police officers, prosecutors and judges on anti-trafficking laws.[4599] In response to the tsunami disaster, the government worked with IOM to implement a rapid response trafficking awareness project.[4600]

Thailand is included in an ILO-IPEC Sub-Regional Project funded by the United Kingdom and Japan through April 2008 to combat trafficking of women and children for exploitative labor in the Mekong sub-region[4601] and in two USDOL funded regional projects dealing with anti-trafficking[4602] and awareness raising to eliminate the worst forms of child labor.[4603] Thailand cooperates as part of a project between ASEAN and USAID on the elimination of trafficking in women and children in four Southeast Asian countries and China's Yunnan Province.[4604]

The Ministry of Education (MOE) is currently implementing its Strategic Action Plan. The action plan has the following missions: to strengthen access to education for all; to establish an efficient system of quality education; and to raise education standards and enhance Thailand's competitiveness at the international level.[4605] The MOE is also supporting the Child Friendly Schools Project in collaboration with UNESCO, UNICEF, UN-HABITAT, and the Southeast Asian Ministers of Education Organization (SEAMEO). The project provides a safe environment to encourage child participation, creativity and learning in order to improve the learning environment.[4606] In July 2005, the Cabinet approved a draft directive from the MOE

[4595] UN/ILO, "Thailand Working Paper", 8. See also Human Trafficking.org, *International Organization for Migration,* [online] November 2005 [cited December 7, 2005]; available from http://humantrafficking.org/countries/eap/thailand/ngos/intl/iom.html.
[4596] Royal Thai Embassy, facsimile communication, September 5, 2002, 9. See also, U.S Embassy-Bangkok, *reporting*, April 6, 2004.
[4597] U.S. Embassy- Bangkok, *reporting March 2, 2005*.
[4598] Royal Thai Embassy, facsimile communication, September 5, 2002.
[4599] Embassy--Bangkok, *reporting March 2, 2005*.
[4600] The project targeted 30,000 displaced/vulnerable women and children with activities including poster campaigns, telephone hotline, and life skills training. IOM, *IOM Press Briefing Notes,* [online] January 2005 [cited June 2, 2005]; available from http://www.iom.int/en/news/pbn140105.shtml#item3.
[4601] The USD 10,670,000 project, which began in 2000, also includes activities in China (Yunnan Province), Cambodia, Lao People's Democratic Republic (PDR), and Vietnam. The second phase extends through April 2008. ILO-IPEC, *Mekong Sub-Regional Project to Combat Trafficking in Children and Women,* [online] n.d. [cited May 20, 2005]; available from http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/index.htm.
[4602] The USD 3,000,000 project began in September 2002 and covers Bangladesh, Nepal, Sri Lanka, Pakistan, Indonesia and Thailand. ILO-IPEC, *Combating Child Trafficking for Labor and Sexual Exploitation (TICSA Phase II)*, technical progress report, Geneva, March 2005. See also ILO-IPEC, *IPEC Action Against Child Labour: Highlights 2004*, Geneva, October 2004; available from http://www.ilo.org/public/english/standards/ipec/publ/download/implementation_2004_en.pdf.
[4603] The USD 740,000 project began in 2001 and covers Indonesia, Philippines, Thailand and Vietnam. ILO-IPEC, *APEC Awareness Raising Campaign: Eliminating the Worst Forms of Child Labour and Providing Educational Opportunities*, technical progress report, Geneva, March 2005. See also ILO-IPEC, *IPEC Action Against Child Labour*.
[4604] The USD 6,400,000 "Asia Regional Cooperation to Prevent People Trafficking" (ARCPPT) also includes Burma, Cambodia and Laos. Under this project, special anti-trafficking units have been established with national law enforcement agencies. Additionally it strengthens regional cooperation and legal policy frameworks. Royal Thai Embassy, *Thailand's Actions for the Prevention of Trafficking in Women and Children,* [online] January 24, 2003 [cited May 27, 2005]; available from http://www.thaiembdc.org/socials/actionwc.html. See also Australian Embassy Bangkok, *AUSAID Program in Thailand Overview,* [online] n.d. [cited May 31, 2005]; available from http://www.austembassy.or.th/agency/ausaid/overview_eng.php.
[4605] Ministry of Education, *Strategic Action Plan*, 2004.
[4606] Ministry of Education, *National Report 2004*, 2004; available from http://www.ibe.unesco.org/International/ICE47/English/Natreps/reports/thailand.pdf. See also Human Trafficking.org, *UNICEF: Child Protection Project,* [online] November 2005 [cited December 7, 2005]; available from http://www.humantrafficking.org/countries/eap/thailand/ngos/intl/unicef.html.

which calls for the provision of free education to children of non-Thai citizens, refugees, and those children without nationality or household registration.[4607]

The MOE is providing financial assistance grants to children who were orphaned and/or affected by the tsunami in order to allow them to continue with their education. The criteria define an orphan as a child who lost one or both parents, and define four categories of affected children. The MOE will provide 25,000 Baht (USD 615) for orphans and 15,000 Baht (USD 369) for affected children.[4608]

[4607] Human Trafficking.org, *Non-Thai Children May Access Free Education*, [online] October 2005 [cited October 26, 2005]; available from http://www.humantrafficking.org/countries/eap/thailand/news/2005_07/school_nonthai_children.html. See also The Nation, *In Brief*, [online] July 06, 2005 [cited October 26, 2005]; available from http://www.nationmultimedia.com/2005/07/06/national/index.php?news=national_17938302.html.

[4608] Ministry of Education, *Situation of Schools in Devastated Areas in Thailand Affected by Tsunami*, [online] n.d. [cited June 3, 2005]; available from www.moe.go.th/icpmoe/Other/Translated_News/Tsunami/Tsunami-index.htm. For currency conversion see FXConverter, *May 27, 2005*.