

# Thailand

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

In 1982, the Government of Thailand established the Child Labor Protection Committee, composed of representatives from industrial organizations, labor unions, and child labor experts, to develop policy suggestions and draft child labor laws.<sup>2448</sup>

In 1992, the government became one of the six original countries to participate in ILO-IPEC.<sup>2449</sup> The government has adopted national plans of action to address both child labor<sup>2450</sup> and the commercial sexual exploitation of children.<sup>2451</sup> In 1995, USDOL funded a program to prevent prostitution in Thailand.<sup>2452</sup> Thailand is also currently involved in a 3-year ILO-IPEC Sub-Regional Project in the Mekong to combat trafficking of children and women for exploitative labor.<sup>2453</sup> In February 2000, the Ministry of Labor and Social Welfare's (MOLSW's) Department of Public Welfare created the National Secretariat on Trafficking in Women and Children in the Mekong Sub-region.<sup>2454</sup>

MOLSW's Department of Labor Protection and Welfare (DLPW) has established a hotline for individuals to report incidences of child labor. DLPW has also initiated a public awareness campaign that focuses on providing information about child labor laws, encouraging reporting, and

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<sup>2448</sup> U.S. Embassy-Bangkok, unclassified telegram no. 6420, September 2000 [hereinafter unclassified telegram 6420].

<sup>2449</sup> Chantana Banpasirichot, "The Situation of Child Labour in Thailand: An Overview," IPEC Thailand Paper No. 1, Chulalongkorn University and ILO-IPEC, December 1996, 16. *See also* ILO-IPEC, "All About IPEC: Programme Countries," at [http://www.ilo.org/public/english/standards/ipec/about/countries/t\\_country.htm](http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm), 3/27/02.

<sup>2450</sup> ILO-IPEC, *National Child Labor Prevention and Solution Plan (1997-2001)* [translation] (Bangkok: Ministry of Labour and Social Welfare, April 1997).

<sup>2451</sup> U.S. Embassy-Bangkok, unclassified section 1 of 3, telegram no. 7225, June 1999 [hereinafter unclassified telegram 7225]. *See* the National Plan of Action for the Prevention and Eradication of the Commercial Sexual Exploitation of Children. Thailand's Eighth National Economic and Social Development Plan (1997-2001) also contains special measures related to child labor and prostitution. *See Concluding Observations of the Committee on the Rights of the Child*, Thailand, UN Document No. CRC/C/15/Add.97, October 26, 1999, Concluding Observations/Comments, Geneva, October 26, 1998, Point 5.

<sup>2452</sup> ILO-IPEC, *Program to Prevent Child Labor and Forced Child Prostitution* (Geneva, 1995).

<sup>2453</sup> ILO, "ILO Mekong Sub-Regional Project to Combat Trafficking in Children and Women," International Labor Organization (Bangkok: ILO), u.d. [pamphlet on file].

<sup>2454</sup> Unclassified telegram 6420. The Secretariat contains a national project committee to coordinate with government agencies and NGOs focused on anti-trafficking and to address the issues related to trafficked women and children.

promoting guidelines for education on labor laws in schools.<sup>2455</sup> The Department of Social Welfare has established shelters for street children.<sup>2456</sup>

The Government of Thailand, NGOs, and international financial institutions support a number of innovative education initiatives. A Ministry of Education program, initiated in 1994, provided a total of 145,000 scholarships through mid-2000 to disadvantaged girls, including those at risk of prostitution, in order to continue their secondary education and supported the development of a targeted education module for at-risk girls.<sup>2457</sup> Another scholarship program was initiated in 1998.<sup>2458</sup> In 1999, UNICEF began a program to provide scholarships and raise awareness among school dropouts and their families to encourage children to return to school.<sup>2459</sup>

## Incidence and Nature of Child Labor

In 1999, the ILO estimated that 13 percent of children between the ages of 10 and 14 in Thailand were working.<sup>2460</sup> Children work in the agriculture, construction, and fishing sectors.<sup>2461</sup>

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<sup>2455</sup> Unclassified telegram 6420.

<sup>2456</sup> Ibid. During the Asian financial crisis, the MOLSW provided free occupational training and small daily stipends to women and children who were unemployed because of the economic conditions. *See also* unclassified telegram 7225.

<sup>2457</sup> Savitri Suwansathit, Inspector General, Thailand Ministry of Education, speaking at the U.S. Department of Labor conference “Advancing the Global Cause Against Child Labor: Progress Made and Future Actions,” Washington, D.C., May 17, 2000 (Draft). The project also provided counseling and guidance to students and their mothers and assisted selected students in staying in boarding schools while they receive their education.

<sup>2458</sup> Unclassified telegram 6420. Partly funded by the Asian Development Bank, the program’s initial estimates were that it reached 140,000 students. *See also* UNESCO, *The Education for All (EFA) 2000 Assessment: Country Reports—Thailand* [hereinafter *EFA 2000*], Section 2.4.1, at [http://www2.unesco.org/wef/countryreports/thailand/rapport\\_2.html](http://www2.unesco.org/wef/countryreports/thailand/rapport_2.html).

<sup>2459</sup> Unclassified telegram 6420. Aside from the UNICEF program, a separate NGO-run initiative called the “Daughters Education Program” provides support for primary and secondary education and vocational training to young girls at risk of prostitution or of being drawn into exploitative labor in northern Thailand. *See* DEPDC Web site at [http://www.depdc.org/english/about\\_us1.htm](http://www.depdc.org/english/about_us1.htm).

<sup>2460</sup> *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM] [hereinafter *World Development Indicators 2001*].

<sup>2461</sup> *Xinhua News Agency*, “Thailand to Ratify UN Convention to Eliminate Child Labor,” November 15, 2000. *See also* Simon Baker and Sudarat Sereewat, Secretary General of FACE Coalition to Fight against Child Exploitation, interview with USDOL official, October 26, 2000, for information on children’s involvement in agricultural production. *See also* ILO-IPEC, *The Situation of Child Labour in Thailand: An Overview* (Bangkok, 1996), 7, 8, as cited in USDOL, *By the Sweat and Toil of Children: Efforts to Eliminate Child Labor*, vol. 5 (Washington, D.C.: U.S. Department of Labor, 1998) [hereinafter *Sweat and Toil of Children*], 35, and Kerry Richter and Orathai Ard-am, *Child Labor in Thailand’s Fishing Industry* (Salaya: Institute for Population and Social Research, Mahidol University, 1995), 18-19, as cited in *Sweat and Toil of Children* at 22.

Children also work as domestic servants.<sup>2462</sup> Reports also indicate that children are involved in the trafficking of drugs in Thailand.<sup>2463</sup> Moreover, according to 1994 estimates from Thailand's Office of the National Commission on Women's Affairs, between 22,500 and 40,000 children were involved in the country's commercial sex industry.<sup>2464</sup> Children are trafficked into Thailand from other Asian countries such as Burma, Cambodia, and Laos, and to international destinations, including Japan, Taiwan, Australia, Europe, and the United States. Internal trafficking occurs principally from the North and Northeast regions to Bangkok.<sup>2465</sup> Reports from domestic NGOs indicate that girls ages 12 to 18 are trafficked from Burma, China and Laos to work in Thailand in the commercial sex industry, some in conditions of debt bondage.<sup>2466</sup> Children are also trafficked into Thailand to work as beggars or in areas such as agriculture, fishing, factories, or construction.<sup>2467</sup>

Under the Primary Education Act of 1980, education is compulsory for children between the ages of 8 and 15, or until the successful completion of grade six.<sup>2468</sup> The National Education Act of 1999, which will take full effect in 2002, extends this compulsory period to nine years of schooling.<sup>2469</sup> In 1998, the gross primary enrollment rate was 91.3 percent, and the net primary enrollment rate was 80.4 percent.<sup>2470</sup> Primary school attendance rates are unavailable for Thailand. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.<sup>2471</sup>

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<sup>2462</sup> "Behind Closed Doors: Child Domestic Workers—The Situation and the Response," *Child Workers in Asia*, 40-42, at [www.cwa.tnet.co.th/domestic/pages40-42.htm](http://www.cwa.tnet.co.th/domestic/pages40-42.htm). See also Dr. Lae Dilokvidhyarat, Director, Labor and Management Development Center, Chulalongkorn University, interview with USDOL official, October 26, 2000.

<sup>2463</sup> Somphong Chitradub, *Child Labour in the Trafficking of Drugs in Thailand* (Bangkok: ILO-IPEC, 1999), 2-3.

<sup>2464</sup> Herve Berger and Hans van de Glind, "Children in Prostitution, Pornography and Illicit Activities: Thailand" (Bangkok: ILO-IPEC, August 1999), 7.

<sup>2465</sup> U.S. Department of State, *Trafficking in Persons Report*, July 2001, Thailand.

<sup>2466</sup> *Country Reports on Human Rights Practices for 2000—Thailand* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6f, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eap/index.cfm?docid=776>.

<sup>2467</sup> "Fresh Hope for Child Laborers," *Bangkok Post*, November 19, 2000. See also Ratjai Adjayutpokin, Gaysorn Chanya, and Piyaphan Chanya, *Survey Report on Cambodian Migrant Working Children* (Redd Barna and Child Workers in Asia, 1998), 1. For a recent report on trafficking from Thailand to Japan, including allegations on trafficking of Thai children under the age of 18, see *Owed Justice: Thai Women Trafficked into Debt Bondage in Japan* (Washington, D.C.: Human Rights Watch, Asia/Women's Rights Divisions, September 2000).

<sup>2468</sup> *EFA 2000* at Section 4.1.3.

<sup>2469</sup> *Ibid.* at Part 1, Introduction, at <http://www2.unesco.org/wef/countryreports/thailand/contents.html>.

<sup>2470</sup> UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

<sup>2471</sup> For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

## Child Labor Laws and Enforcement

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, and the law restricts the number of hours a child between the ages of 15 and 18 may work per day and prohibits work after 10 p.m. Children under age 18 may not be employed in hazardous work, which is defined by the Act to include any work involving hazardous chemicals, harmful temperatures or noise levels, or exposure to toxic micro-organisms; driving heavy equipment; and working underground.<sup>2472</sup>

The Prostitution Prevention and Suppression Act of 1996 prohibits all forms of prostitution and provides specific penalties for cases involving children under the age of 19.<sup>2473</sup> Fines and terms of imprisonment under the Act are based on the age of the child involved, with more severe terms established for prostitution involving children under the age of 16.<sup>2474</sup> The Prevention and Suppression of Trafficking in Women and Children Act of 1997 increased both the trafficking penalties and provisions to search for and assist victims.<sup>2475</sup> The Penal Code Amendment Act of 1997 also provides penalties for traffickers of children under the age of 18, regardless of nationality.<sup>2476</sup> The Money Laundering Act of 1999 allows authorities to confiscate the assets of persons who either are convicted of trafficking or work in prostitution.<sup>2477</sup>

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<sup>2472</sup> Labour Protection Act of 1998, in ILO, NATLEX Database [translation], Sections 22, 44-52, and 148, at <http://natlex.ilo.org/txt/E98THA01.htm#c17>. The maximum penalties for violation of the child labor sections of the Labor Protection Act are up to 1 year of imprisonment and fines of up to 200,000 baht (USD 4,560). For currency conversion, see <http://www.carosta.de/frames/convert.htm> on 2/7/02.

<sup>2473</sup> Prevention and Suppression of Prostitution Act B.E. 2539 (1996), in ILO, NATLEX Database [translation] [hereinafter Prevention and Suppression of Prostitution Act], Sections 8-12, at <http://natlex.ilo.org/txt/E96THA01.htm>.

<sup>2474</sup> Individuals who engage in prostitution with children ages 16 to 18 are subject to jail terms of 5 to 15 years and fines of 100,000 to 300,000 baht (USD 2,282 to 6,845). The range of penalties is nearly twice as much for those patronizing children ages 15 and under. Government officials in violation of the act face penalties of 15 to 20 years of imprisonment and/or substantial fines ranging between 300,000 and 400,000 baht (USD 6,845 to 9,126). If fraud or coercion on the part of the patron is involved, penalties also increase. Owners, managers, and supervisors of prostitution businesses or establishments, government administrative or police officials, as well as parents who knowingly permit their children to become engaged in prostitution, face steep fines and jail terms if found guilty of violating the terms of the act. See Prevention and Suppression of Prostitution Act at Sections 8-12. For currency conversion, see <http://www.carosta.de/frames/convert.htm> on 1/29/02.

<sup>2475</sup> The Prevention and Suppression of Trafficking in Women and Children Act of 1997, as cited in *Country Reports 2000* at Section 6f.

<sup>2476</sup> The Penal Code Amendment Act (no. 4) of 1997, as cited in *Domestic Efforts to Strengthen the Enforcement of Child Labour and Education Laws, and Changes in Domestic Child Labour and Education Laws*, submission by the Ministry of Labor to U.S. Embassy-Thailand, September 2000, 6.

<sup>2477</sup> *Country Reports 2000* at Section 6f.

Four government agencies are responsible for enforcing child labor laws: the Royal Thai Police, the Office of the Attorney General, the Ministry of Justice, and the MOLSW.<sup>2478</sup> 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.<sup>2479</sup> However, in practice, the labor inspection system tends to be more reactive than proactive, with inspectors usually responding to public complaints or newspaper reports rather than conducting random inspections.<sup>2480</sup> Thailand has not ratified ILO Convention 138 but ratified ILO Convention 182 on February 16, 2001.<sup>2481</sup>

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<sup>2478</sup> Unclassified telegram 6420. MOLSW's Department of Labor Protection and Welfare employs several specific enforcement tools to deal with child labor, such as regulations for inspection of establishments suspected of using child labor.

<sup>2479</sup> Unclassified telegram 6420.

<sup>2480</sup> *Country Reports 2000* at Section 6d. The MOLSW tends to focus its inspection 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 more easily go unnoticed. *See* unclassified telegram 6420.

<sup>2481</sup> ILO, ILOLEX database, at <http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang'EN>.

*NOTE: Hard copies of all Web citations are on file.*