

# Thailand

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

In 1982, the Government of Thailand established the Committee on Child Labor Protection, composed of representatives from key government agencies, the police, and NGOs, to coordinate recommendations and measures related to the labor exploitation of children and child development. The Government of Thailand became one of the six original countries to participate in ILO-IPEC in 1992.<sup>3499</sup> In addition, the government has adopted national plans of action to address child labor,<sup>3500</sup> the commercial sexual exploitation of children,<sup>3501</sup> and has formulated a plan on trafficking of women and children.<sup>3502</sup> In December 1999, the Ministry of Labor and Social Welfare's (MOLSW) Department of Public Welfare (DPW) created the National Secretariat on Trafficking in Women and Children in the Mekong Sub-Region.<sup>3503</sup>

In October 2002, the MOLSW was re-organized and renamed the Ministry of Labor (MOL). The MOL's Department of Labor Protection and Welfare (DLPW) has established a child labor reporting hotline. The DLPW also facilitates the participation of communities in anti-child labor activities and has initiated a public awareness campaign that includes information about child labor laws.<sup>3504</sup> The MOL provides vocational training to improve children's skills and prevent them

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<sup>3499</sup> The Committee was originally known as the Committee on Prevention and Suppression of Abusive Exploitation of Child Labor. ILO-IPEC, *The Situation of Child Labor in Thailand: A Comprehensive Report*, Bangkok, June 1998, 102-05. See also ILO-IPEC, *All About IPEC: Programme Countries*, [cited March 27, 2002]; available from [http://www.ilo.org/public/english/standards/ipecc/about/countries/t\\_country.htm](http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm). The government established a National Steering Committee, which includes employer and NGO representation, to oversee child labor policies. See Royal Thai Embassy, facsimile communication to USDOL official, September 17, 2002, 3.

<sup>3500</sup> Ministry of Labour and Social Welfare, *National Child Labor Prevention and Solution Plan (1997-2001)*, ILO-IPEC translation, Bangkok, April 1997. From 1994-1999, IPEC supported 39 child labor projects in Thailand, including government efforts to combat child labor. See Royal Thai Embassy, facsimile communication, September 17, 2002, 5.

<sup>3501</sup> The plan is called the National Plan of Action for the Prevention and Eradication of the Commercial Sexual Exploitation of Children, 1996. See "Thailand Country Paper" (paper presented at the ILO/Japan Asia Meeting on the Trafficking of Children for Labour and Sexual Exploitation, Manila, October 10-12, 2001), 3. Thailand's Eighth National Economic and Social Development Plan (1997-2001) also contains special measures related to child labor and prostitution. See UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child*, CRC/C/15/Add.97, United Nations, Geneva, October 26, 1998, Point 5 (B).

<sup>3502</sup> "Thailand Country Paper", 3.

<sup>3503</sup> The "Memorandum of Understanding on Common Guidelines of Practices for Agencies concerned with Cases when Women and Children are Victims of Human Trafficking" was signed by numerous government agencies and NGOs in 1999. *Ibid.*, 6-7.

<sup>3504</sup> ILO, *Review of Annual Reports under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work: Part II- Compilation of Annual Reports by the International Labor Office*, GB.283/3/2, Geneva, March 2002, 512.

from entering work prematurely.<sup>3505</sup> The Department of Social Welfare has established shelters for street children,<sup>3506</sup> and the Department of Public Welfare, now titled the Department of Social Development and Welfare (DSDW), provides legal assistance to child victims, including counseling and rehabilitation services.<sup>3507</sup>

The government works with NGOs and international organizations on trafficking by providing shelters and social services, and by assisting in the repatriation of victims.<sup>3508</sup> Thailand is included in a three-year ILO-IPEC Sub-Regional Project in the Mekong, funded by the United Kingdom's Department for International Development (DFID), to combat trafficking of women and children for exploitative labor.<sup>3509</sup> DSDW and IOM cooperate in assisting foreign trafficking victims in Thailand,<sup>3510</sup> and DSDW works with its counterpart agencies in both Laos and Cambodia to repatriate their nationals.<sup>3511</sup> The U.S. Department of State funds support a number of NGO and government efforts, particularly of the Ministry of Justice and DSDW, to combat trafficking through increasing public awareness, strengthening victim protection and improving the prosecution of traffickers.<sup>3512</sup>

The Education Reform Office was established in 2000 to manage broad reforms mandated under the National Education Act of 1999. These reforms included management decentralization and increased quality of education, with the aim of reaching universal access to 12 years of free

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<sup>3505</sup> "Thailand Country Paper", 6.

<sup>3506</sup> 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. U.S. Embassy- Bangkok, *unclassified telegram no. 6420*, September 2000. See also U.S. Embassy- Bangkok, *unclassified section 1 of 3, telegram no. 7225*, June 1999.

<sup>3507</sup> Royal Thai Embassy, facsimile communication to USDOL official, September 5, 2002. The government established "Woman and Child Labor Assistant Centers" in each province to oversee provincial concerns on child labor, and included the issue in school curricula. See Royal Thai Embassy, facsimile communication to USDOL official, September 30, 2002, 6.

<sup>3508</sup> U.S. Department of State, *Trafficking in Persons Report- 2002: Thailand*, Washington, D.C., June 5, 2000, 101 [cited December 18, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10682.htm>. DSDW assisted 913 foreign victims between 2000-2002, of whom 770 were repatriated. See Royal Thai Embassy, facsimile communication, September 5, 2002.

<sup>3509</sup> The project, which began in 2000 with a total budget of USD 4.4 million, also includes activities in China (Yunnan Province), Cambodia, Lao People's Democratic Republic (PDR), and Vietnam. ILO-IPEC, *ILO Mekong Sub-Regional Project to Combat Trafficking in Children and Women*, Bangkok. In 1995, USDOL funded an ILO-IPEC program to prevent child prostitution in Thailand. See ILO-IPEC, *Program to Prevent Child Labor and Forced Child Prostitution*, Geneva, 1995.

<sup>3510</sup> "Thailand Country Paper", 8.

<sup>3511</sup> Royal Thai Embassy, facsimile communication, September 5, 2002, 9.

<sup>3512</sup> U.S. Embassy- Thailand, *Factsheet on Trafficking in Persons*, [cited August 23, 2002]; available from <http://www.usa.or.th/services/docs/reports/humanfacts02.htm>.

education.<sup>3513</sup> The Ministry of Education's Department of Non-Formal Education provides basic education and vocational education to out-of-school children and the disadvantaged.<sup>3514</sup> The Government of Thailand and NGOs support a number of innovative education initiatives. 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>3515</sup> In 1998, the government initiated an education program with funds from the Asian Development Bank in order to mitigate the effects of the Asian Financial Crisis on vulnerable children.<sup>3516</sup> 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>3517</sup>

## **Incidence and Nature of Child Labor**

In 2000, the ILO estimated that 12.2 percent of children ages 10 to 14 years in Thailand were working.<sup>3518</sup> Children work in the agriculture, construction,<sup>3519</sup> goods manufacturing, industrial,

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<sup>3513</sup> Asian Development Bank, *Country Assistance Plans: Thailand - III. Sector Strategies*, 2002 [cited September 6, 2002]; available from <http://www.adb.org/Documents/CAPs/THA/0303.asp?p=ctrytha>. The ADB intends to fund the Secondary Education Sector Development Program in 2002 to support the Non-Formal Education reforms, focusing on improvement in the quality of secondary schools. In preparation for this, ADB is already implementing several activities, including the Education Management and Financing Study and the Education Sector Reforms project that is developing models for assessment and management. See Asian Development Bank, *Thailand: Country Strategy and Program Update 2002-2004*, 2001 [cited September 6, 2002], Annex 6; available from <http://www.adb.org/Documents/CSPs/THA/2001/default.asp?p=ctrytha>.

<sup>3514</sup> Ministry of Education, *Department of Non-Formal Education*, Government of Thailand, [cited August 7, 2002]; available from <http://www.nfe.go.th/en.htm>.

<sup>3515</sup> U.S. Embassy- Bangkok, *unclassified telegram no. 6420*. An estimated 17,500 children received UNICEF scholarships. See U.S. Embassy- Bangkok, *unclassified telegram no. 7465*, October 31, 2001.

<sup>3516</sup> Asian Development Bank, *Report and Recommendation of the President to the Board of Directors on a Proposed Loan and Technical Assistance Grants to the Kingdom of Thailand for the Social Sector Program*, RRP: THA31606, February 1998.

<sup>3517</sup> The project also provided counseling and guidance to students and their mothers and assisted selected students with placement in boarding schools while they received an education. Thailand Ministry of Education Inspector General, Savitri Suwansathit, Speech at the U.S. Department of Labor Conference "Advancing the Global Cause Against Child Labor: Progress Made and Future Actions", May 17, 2000, 95-99.

<sup>3518</sup> World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. Round one of Thailand's 2000 Labor Force survey found that 6.3 percent of children ages 13-14 (137,600) were in the labor force. See "2000 Labor Force Survey- February 2000," in *Study Report: The Worst Forms of Child Labor*, ed. Vichitra Phromphanthum Bangkok: ILO-IPEC and the Ministry of Labor and Social Welfare, 2001, Table 2.

<sup>3519</sup> ILO-IPEC, *The Situation of Child Labor in Thailand*, 8.

services,<sup>3520</sup> and fishing sectors.<sup>3521</sup> Children also work in domestic service.<sup>3522</sup> Reports indicate that children are involved in the trafficking of drugs in Thailand,<sup>3523</sup> and are victims of commercial sexual exploitation.<sup>3524</sup> Thailand is a source, transit and destination country for the trafficking in persons, including girls.<sup>3525</sup> Domestic NGOs report that girls ages 12 to 18 are trafficked from Burma, Cambodia, China, and Laos for the purposes of commercial sexual exploitation.<sup>3526</sup> Children are also trafficked into Thailand to work as beggars, in domestic work or in industrial activities.<sup>3527</sup> Internal trafficking occurs, but reportedly is decreasing.<sup>3528</sup>

Several key provisions of the National Education Act of 1999 took full legal effect in 2002, including the extension of the compulsory education period to nine years of schooling, beginning at age 7, and extension of cost free schooling to 12 years.<sup>3529</sup> In 1998, the gross primary enrollment rate was 91.3 percent. The net primary enrollment rate was 76.9 percent, with 75.9 percent of girls enrolled as opposed to 78 percent of boys.<sup>3530</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>3531</sup>

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<sup>3520</sup> Ministry of Labour and Social Welfare, *National Child Labor Prevention*, 6.

<sup>3521</sup> Kerry Richter and Orathai Ard-am, "Child Labor in Thailand's Fishing Industry," in *Sweat and Toil of Children*, Salaya: Institute for Population and Social Research, Mahidol University, 1995, 22.

<sup>3522</sup> Child Workers in Asia, *Behind Closed Doors: Child Domestic Workers-The Situation and the Response*, 1998, 40-42 [cited August 30, 2002]; available from <http://www.cwa.tnet.co.th/domestic/contents.htm>. A recent rapid assessment on the sector found that the numbers of Thai child domestic workers are low, but that apparently there are increasing numbers of foreign child workers becoming domestics. The report advocated for more research on foreign children engaged in domestic work, as they may be more vulnerable to exploitation. See Nawarat Phlainoi, *Child Domestic Workers: A Rapid Assessment*, no. 23, ILO, Geneva, April 2002, 16, 44, 64.

<sup>3523</sup> Somphong Chitradub, *Child Labour in the Trafficking of Drugs in Thailand*, ILO-IPEC, Bangkok, 1999, 2-3.

<sup>3524</sup> ECPAT International, *Thailand*, in ECPAT International, [database online] 2002 [cited August 22, 2002]; available from [http://www.ecpat.net/eng/Ecpat\\_inter/projects/monitoring/online\\_database/index.asp](http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp). See also "2000 Labor Force Survey," 29, 32-33.

<sup>3525</sup> U.S. Department of State, *Trafficking in Persons Report: Thailand*.

<sup>3526</sup> U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Thailand*, Washington, D.C., March 4, 2002, 1195-99, Section 6f [cited December 18, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eap/8378.htm>.

<sup>3527</sup> Royal Thai Embassy, facsimile communication, September 5, 2002. See also "2000 Labor Force Survey," 29-34. For a recent report on trafficking from Thailand to Japan, including allegations on trafficking of Thai children under the age of 18, see Human Rights Watch, *Owed Justice: Thai Women Trafficked into Debt Bondage in Japan*, Asia/ Women's Rights Divisions, Washington, D.C., September 2000.

<sup>3528</sup> U.S. Department of State, *Trafficking in Persons Report: Thailand*.

<sup>3529</sup> Excerpt of Office of the National Education Commission, *Education in Thailand*, 1999, in U.S. Department of State official, facsimile communication to USDOL official, February 13, 2003.

<sup>3530</sup> World Bank, *World Development Indicators 2002*.

<sup>3531</sup> For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

## 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, and the law permits children ages 15 to 18 to work only between the hours of 4 p.m. and 10 p.m. unless written permission from the Director-General is obtained.<sup>3532</sup> Children under age 18 may not be employed in hazardous work, which is defined by the law to include any work involving hazardous chemicals, harmful temperatures or noise levels, exposure to toxic micro-organisms or hazardous chemicals, the operation of heavy equipment, and work underground or underwater. The maximum penalties for violation of the child labor sections of the Labor Protection Act are up to one year of imprisonment and fines of up to 200,000 baht (USD 4,747).<sup>3533</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 18.<sup>3534</sup> 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.<sup>3535</sup> The Prevention and Suppression of Trafficking in Women and Children Act of 1997 expands the list of activities that can be sanctioned under the law, extends legal protection to victims in other countries and provides for basic protection for victims.<sup>3536</sup> The Penal Code Amendment Act of 1997 also provides penalties for traffickers of children under the age of 18, regardless of nationality.<sup>3537</sup> The Money Laundering Act of 1999 allows authorities to confiscate the assets of persons who are either convicted of trafficking or work in prostitution.<sup>3538</sup> The Criminal Procedure Amendment Act of

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<sup>3532</sup> Government of Thailand, *Labour Protection Act of 1998*, Sections 44-45 and 47 [cited August 30, 2002]; available from <http://natlex.ilo.org/txt/E98THA01.htm>.

<sup>3533</sup> Under Section 22 of the law, certain types of work related to agriculture, sea fishing and work in the home may have different protections than those contained in the Act. *Ibid.*, Sections 22, 49-50. For currency conversion see FX Converter, [online] [cited August 30, 2002]; available from <http://www.carosta.de/frames/convert.htm>.

<sup>3534</sup> Government of Thailand, *Prevention and Suppression of Prostitution Act B.E. 2539 (1996)*, Sections 8-12 [cited August 30, 2002]; available from <http://natlex.ilo.org/txt/E96THA01.htm>.

<sup>3535</sup> Individuals who engage in sexual activities with children ages 16 to 18 are subject to jail terms of up to 5 to 15 years and fines of 100,000 to 300,000 baht (USD 2,373 to 7,120). The range of penalties is nearly twice as much for those patronizing children ages 15 and under. Under Section 12, government officials who compel others to engage in commercial sexual exploitation face penalties of 15 to 20 years of imprisonment and/or substantial fines ranging between 300,000 and 400,000 baht (USD 7,120 to 9,494). 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 *Ibid.*, Sections 8-12. For currency conversion see FX Converter, available from <http://www.carosta.de/frames/convert.htm>.

<sup>3536</sup> Royal Thai Embassy, facsimile communication, September 5, 2002, 7.

<sup>3537</sup> Government of Thailand Ministry of Labor, *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 the U.S. Embassy-Thailand, September 2000, 6. See also Government of Thailand, *Penal Code Amendment Act (no. 4) of 1997*.

<sup>3538</sup> U.S. Department of State, *Country Reports- 2001: Thailand*, 1195-99, Section 6f.

1999 provides protection for child victims in the course of testifying in cases of sexual exploitation.<sup>3539</sup>

Four government bodies are responsible for enforcing child labor laws: the Royal Thai Police, the Office of the Attorney General, the Ministry of Justice, and the MOL.<sup>3540</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>3541</sup> In general, the labor inspection system tends to be more reactive than proactive, with inspectors usually responding to public complaints or newspaper reports.<sup>3542</sup> However, in 2002 Thailand's Central Labor Court awarded almost USD 50,000 in back wages to 33 Burmese persons, 21 of whom were minors, who had been trafficked to a clothing factory to work under conditions of forced labor. Under the 1999 MOU on trafficking victims, the workers were permitted by government authorities to remain in Thailand for several months, enabling them to testify in the civil case. The victims were repatriated in July 2001.<sup>3543</sup>

The Government of Thailand has not ratified ILO Convention 138, but ratified ILO Convention 182 on February 16, 2001.<sup>3544</sup>

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<sup>3539</sup> Royal Thai Embassy, facsimile communication, September 5, 2002, 8.

<sup>3540</sup> The MOL's DLPW employs several specific enforcement tools to deal with child labor, such as regulations for inspection of establishments suspected of using child labor. U.S. Embassy- Bangkok, *unclassified telegram no. 6420*.

<sup>3541</sup> *Ibid.*

<sup>3542</sup> U.S. Department of State, *Country Reports- 2001: Thailand*, 1195-99, Section 6d. The MOL 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 U.S. Embassy- Bangkok, *unclassified telegram no. 6420*. Official corruption reportedly impedes enforcement of the laws. See U.S. Department of State, *Trafficking in Persons Report: Thailand*.

<sup>3543</sup> U.S. Embassy- Bangkok, *unclassified telegram no. 6668*, September 20, 2002.

<sup>3544</sup> ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 21, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.