

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

The Government of Thailand became one of the six original countries to participate in ILO-IPEC in 1992.⁴²⁴⁶ In addition, the government has adopted national plans of action to address child labor,⁴²⁴⁷ the commercial sexual exploitation of children,⁴²⁴⁸ and trafficking of women and children.⁴²⁴⁹ In December 1999, the Ministry of Social Development and Human Security's Department of Public Welfare created the National Secretariat on Trafficking in Women and Children in the Mekong Sub-Region.⁴²⁵⁰

The Department of Public Welfare maintains a child labor reporting hotline. The Department 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.⁴²⁵¹ The Ministry provides vocational training to improve children's skills and prevent them from entering work prematurely.⁴²⁵² The Department of Social Welfare has established shelters for street children,⁴²⁵³ and the Department of Social Development and Welfare provides legal assistance to child victims, including counseling and rehabilitation services.⁴²⁵⁴

The government works on trafficking with the governments of neighboring countries, NGOs and international organizations by raising awareness, providing shelters and social services, and by assisting in the repatriation of victims.⁴²⁵⁵ Thailand is included in an ILO-IPEC Sub-Regional Project funded by the United Kingdom to combat

⁴²⁴⁶ Anti-child labor activities actually date back to 1982, when the Government of Thailand established the Committee on Prevention and Suppression of Abusive Exploitation of Child Labor, 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. ILO-IPEC, *The Situation of Child Labor in Thailand: A Comprehensive Report*, Bangkok, June 1998, 102-05. 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. ILO-IPEC, *Programme Countries*; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm

⁴²⁴⁷ Ministry of Labor and Social Welfare, *National Child Labor Prevention and Solution Plan (1997-2001)*, ILO-IPEC translation, Bangkok, April 1997. The Ministry of Labor and Social Welfare is the former name of the Ministry of Social Development and Human Security. From 1994-1999, IPEC supported 70 child labor projects in Thailand, including government efforts to combat child labor. See Royal Thai Embassy, facsimile communication, September 17, 2002, 5.

⁴²⁴⁸ 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.

⁴²⁴⁹ *Ibid.*, 6. See also U.S. Embassy- Bangkok, electronic communication to USDOL official, February 23, 2004.

⁴²⁵⁰ 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. See "Thailand Country Paper", 7-8. Another committee, the National Committee on Trafficking in Women and Children, focuses on trafficking within Thailand. See U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Thailand*, Washington, D.C., March 31, 2003; available from <http://www.state.gov/g/drl/rls/hrrprt/2002/18265.htm>.

⁴²⁵¹ 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.

⁴²⁵² "Thailand Country Paper", 8.

⁴²⁵³ U.S. Embassy- Bangkok, *unclassified telegram no. 6420*, September 2000.

⁴²⁵⁴ Formerly titled Department of Public Welfare. 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.

⁴²⁵⁵ Thailand has an MOU with Laos that covers victim repatriation, and is negotiating an MOU with the Kingdom of Cambodia. U.S. Department of State, *Trafficking in Persons Report- 2003: Thailand*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21277.htm#thailand>. DSDW assisted 913 foreign victims between 2000-2002, of whom 770 were repatriated. See Royal Thai Embassy, facsimile communication, September 5, 2002, 13.

trafficking of women and children for exploitative labor in the Mekong,⁴²⁵⁶ and a USDOL-funded project to combat the involvement of children in the drug/trade.⁴²⁵⁷ The Department of Social Development and Welfare and IOM cooperate in assisting foreign trafficking victims in Thailand,⁴²⁵⁸ and the department works with its counterpart agencies in both Laos and Cambodia to repatriate their nationals.⁴²⁵⁹ U.S. Department of State supports a number of NGO and government efforts, particularly of the Ministry of Justice, the Royal Thai police force, and the Department of Social Development and Welfare, to combat trafficking through increasing public awareness, strengthening victim protection and improving the prosecution of traffickers.⁴²⁶⁰ USDOL also supports the International Justice Mission's counter-trafficking efforts that include work with government law enforcement officials and rehabilitation officers.⁴²⁶¹

The Education Reform Office was established in 2000 to manage broad reforms mandated under the National Education Act of 1999. These reforms include management decentralization and increased quality of education, with the aim of achieving universal access to 12 years of free education.⁴²⁶² The Ministry of Education's Department of Non-Formal Education provides basic education and vocational education to out-of-school and disadvantaged children.⁴²⁶³ 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.⁴²⁶⁴

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 11.5 percent of children ages 10 to 14 years in Thailand were working.⁴²⁶⁵ Children work in the agriculture, construction,⁴²⁶⁶ manufacturing, industrial services,⁴²⁶⁷ and the fishing sector.⁴²⁶⁸

⁴²⁵⁶ 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. The second phase extends through April 2008. ILO-IPEC, *Mekong Sub-Regional Project to Combat Trafficking in Children and Women*, [online] May 27, 2003 [cited July 3, 2003]; available from <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/index.htm>.

⁴²⁵⁷ ILO-IPEC, *Assessing the situation of children in the production, sales, and trafficking of drugs in Indonesia, the Philippines and Thailand*, project document, RAS/02/P52/USA, Geneva, September 2001, cover.

⁴²⁵⁸ "Thailand Country Paper", 8.

⁴²⁵⁹ Royal Thai Embassy, facsimile communication, September 5, 2002, 9.

⁴²⁶⁰ U.S. Embassy- Thailand, *Factsheet on Trafficking in Persons*; available from <http://www.usa.or.th/services/docs/reports/humanfacts02.htm>.

⁴²⁶¹ International Justice Mission, Thailand Sex Trafficking Task Force: *Prevention and Placement*, E-9-K-2-0076, Bangkok, September 30, 2002.

⁴²⁶² U.S. Department of State, *Country Reports- 2002: Thailand*, Section 6d.

⁴²⁶³ Ministry of Education, *Department of Non-Formal Education*, Government of Thailand, [cited July 23, 2003]; available from <http://www.nfe.go.th/en.htm>.

⁴²⁶⁴ 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.

⁴²⁶⁵ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. 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.

⁴²⁶⁶ ILO-IPEC, *The Situation of Child Labor in Thailand*, 8.

⁴²⁶⁷ Ministry of Labor and Social Welfare, *National Child Labor Prevention*, 6.

⁴²⁶⁸ Vichitra Phromphanthum, *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.

Children also work in domestic service.⁴²⁶⁹ Reports indicate that children are involved in the trafficking of drugs in Thailand,⁴²⁷⁰ and are victims of commercial sexual exploitation, including child pornography.⁴²⁷¹ Thailand is a source, transit and destination country for the trafficking in persons for both labor and commercial sexual exploitation, including children. Trafficking is exacerbated by sex tourism.⁴²⁷² Domestic NGOs report that girls ages 12 to 18 are trafficked from Burma, China, and Laos for the purposes of commercial sexual exploitation.⁴²⁷³ Children are also trafficked into Thailand from Cambodia and Burma to work as beggars, in commercial sexual exploitation, in sweatshops,⁴²⁷⁴ and for domestic work.⁴²⁷⁵ Internal trafficking, especially of members of Northern Thailand stateless ethnic tribes, also occurs.⁴²⁷⁶

Several key provisions of the National Education Act of 1999 took full legal effect in 2002, mandating the extension of the compulsory education period to 9 years of schooling, beginning at age 7, and extension of cost free schooling to 12 years.⁴²⁷⁷ In 2000, the gross primary enrollment rate was 94.8 percent. The net primary enrollment rate for the same year was 85.4 percent, with 84.1 percent of girls enrolled compared to 86.7 percent of boys.⁴²⁷⁸ 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.⁴²⁷⁹

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. with written permission from the Director-General or a person assigned by the Director-General.⁴²⁸⁰ Children under age 18 may not be employed in hazardous

⁴²⁶⁹ *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.

⁴²⁷⁰ Somphong Chitradub, *Child Labour in the Trafficking of Drugs in Thailand*, ILO-IPEC, Bangkok, 1999. See also Vittawan Sunthornkajit, Thankakorn Kaiyanunta, Pornvisid Varavarn, and Somrouy Varatechakongka, *Thailand - Child Labor in Illicit Drug Activities: A Rapid Assessment*, ILO-IPEC, Geneva, August 2002.

⁴²⁷¹ ECPAT International, Thailand, in ECPAT International, [database online] 2002 [cited June 6, 2003]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

⁴²⁷² U.S. Department of State, *Trafficking in Persons- 2003: Thailand*. There are allegations of involvement of local officials, immigration officers, and police in trafficking. See U.S. Department of State, *Country Reports- 2002: Thailand*, Section 6f.

⁴²⁷³ U.S. Department of State, *Country Reports- 2002: Thailand*, Section 6f. 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.

⁴²⁷⁴ U.S. Department of State, *Country Reports- 2002: Thailand*, Section 6f. For a 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, 62.

⁴²⁷⁵ Royal Thai Embassy, facsimile communication, September 5, 2002. See also Phlainoi, *Child Domestic Workers*.

⁴²⁷⁶ U.S. Department of State, *Trafficking in Persons- 2003: Thailand*.

⁴²⁷⁷ National Education Act B.E. 2542 and Excerpt of Office of the National Education Commission, *Education in Thailand*, Articles 10, 17, 1999, in U.S. Department of State official, facsimile communication to USDOL official, February 13, 2003.

⁴²⁷⁸ In 1998, 97.1 percent of children persisted to grade five as a percentage of the total cohort. World Bank, *World Development Indicators 2003*.

⁴²⁷⁹ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

⁴²⁸⁰ The Director-General may delegate authority to grant permission. 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>.

work, which is defined by the law to include any work involving hazardous chemicals, 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 4,783).⁴²⁸¹

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 18.⁴²⁸² 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 16.⁴²⁸³ 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 from other countries, and provides for basic protection for victims.⁴²⁸⁴ The Penal Code Amendment Act of 1997 also provides penalties for traffickers of children under the age of 18, regardless of nationality.⁴²⁸⁵ The Money Laundering Act of 1999 allows authorities to confiscate the assets of persons who are either convicted of trafficking or work in prostitution.⁴²⁸⁶ The Criminal Procedure Amendment Act of 1999 provides protection for child victims in the course of testifying in cases of sexual exploitation.⁴²⁸⁷

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.⁴²⁸⁸ 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.⁴²⁸⁹ In general, the labor inspection system tends to be

⁴²⁸¹ 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. 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 FX Converter, [online] [cited July 24, 2003]; available from <http://www.carosta.de/frames/convert.htm>.

⁴²⁸² Government of Thailand, *Prevention and Suppression of Prostitution Act B.E. 2539 (1996)*, Sections 8-12; available from <http://natlex.ilo.org/txt/E96THA01.htm>. In September 2002 a mother who provided her two minor girls to sex tourists was given a five-year prison sentence. U.S. Department of State, *Country Reports- 2002: Thailand*, Section 5.

⁴²⁸³ Individuals who engage in CSE with children ages 16 to 18 are subject to jail terms of up to 15 years and fines of 20,000 to 300,000 baht (USD 491 to 7,174). 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 7,174 to 9,565). 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*, Sections 8-12. For currency conversion see FX Converter, available from <http://www.carosta.de/frames/convert.htm>.

⁴²⁸⁴ Royal Thai Embassy, facsimile communication, September 5, 2002, 7. Government data indicate that 504 trafficking-related arrests occurred in 2002, of which 42 prosecutions resulted and 21 prison sentences were handed down. U.S. Department of State, *Trafficking in Persons- 2003: Thailand*.

⁴²⁸⁵ Government of Thailand, *Penal Code Amendment Act (no. 14) of 1997*, as cited in 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.

⁴²⁸⁶ *Money Laundering Act (B.E. 2542)*, (August 20, 1999); available from <http://natlex.ilo.org/natlexnewfaceE.htm>. The law was applied in April 2002 for the first time in a trafficking case (still pending as of March 2003) in Northern Thailand. U.S. Department of State, *Country Reports- 2002: Thailand*, Section 6f.

⁴²⁸⁷ Royal Thai Embassy, facsimile communication, September 5, 2002, 8.

⁴²⁸⁸ 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*.

⁴²⁸⁹ Ibid.

more reactive than proactive, with inspectors usually responding to public complaints or newspaper reports.⁴²⁹⁰ 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.⁴²⁹¹

The Government of Thailand has not ratified ILO Convention 138, but ratified ILO Convention 182 on February 16, 2001.⁴²⁹²

⁴²⁹⁰ U.S. Department of State, *Country Reports- 2002: Thailand*, 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*.

⁴²⁹¹ The victims were repatriated in July 2001. See U.S. Department of State, *Country Reports- 2002: Thailand*, Section 6c.

⁴²⁹² ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 21, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.