

Thailand

Incidence and Nature of Child Labor

The ILO estimated that 10.8 percent of children ages 10 to 14 years in Thailand were working in 2002.³⁸⁷¹ Children work in the agriculture, construction, manufacturing, commerce, service, and fishing sectors.³⁸⁷² Children also work in domestic service.³⁸⁷³ Children are likewise involved in the trafficking of drugs in Thailand,³⁸⁷⁴ and are victims of commercial sexual exploitation, including child pornography.³⁸⁷⁵ Thailand is a source, transit and destination country for trafficking in persons, including children, for both labor and commercial sexual exploitation.³⁸⁷⁶ Trafficking is exacerbated by sex tourism.³⁸⁷⁷ Domestic NGOs report that girls ages 12 to 18 are trafficked from Burma, China, and Laos for the purposes of commercial sexual exploitation.³⁸⁷⁸ Children are also trafficked into Thailand from Cambodia and Burma to work as beggars, as domestic workers³⁸⁷⁹, in sweatshops, and in commercial sexual exploitation.³⁸⁸⁰ Internal trafficking of children, especially of members of northern Thailand's stateless ethnic tribes, also occurs.³⁸⁸¹

³⁸⁷¹ World Bank, World Development Indicators 2004.

³⁸⁷² 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. See also U.S. Department of State, Country Reports on Human Rights Practices- 2003: Thailand, Washington D.C., February 26, 2004, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27790.htm>.

³⁸⁷³ See Nawarat Phlainoi, Child Domestic Workers: A Rapid Assessment, no. 23, ILO, Geneva, April 2002, 16, 44, 64.

³⁸⁷⁴ 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. Available at <http://www.ilo.org/public/english/standards/ipecc/simpoc/thailand/ra/drugs.pdf>

³⁸⁷⁵ ECPAT International, Thailand, in ECPAT International, [database online] 2004 [cited June 8, 2004]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp. See also U.S. Embassy- Bangkok, unclassified telegram no. 6410, September 10, 2004.

³⁸⁷⁶ The December 26 tsunami appears to have orphaned a very small number of children. The Thai government has protections in place to protect against the trafficking of children who lost guardians in the disaster. See U.S. Embassy- Bangkok, *unclassified telegram no. 306*, January 12, 2005.

³⁸⁷⁷ U.S. Department of State, Trafficking in Persons Report- 2004: Thailand, Washington, D.C., August 13, 2004, Section 6d; available from <http://www.state.gov/g/tip/rls/tiprpt/2004/33191.htm>, U.S. Department of State, Country Reports-2003: Thailand. See also U.S. Embassy- Bangkok, unclassified telegram no.6410.

³⁸⁷⁸ *Ibid.* 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 at <http://www.ilo.org/public/english/standards/ipecc/simpoc/thailand/ra/border.pdf>

³⁸⁷⁹ Royal Thai Embassy, facsimile communication to USDOL official, September 5, 2002. See also Phlainoi, Child Domestic Workers.

³⁸⁸⁰ U.S. Department of State, Country Reports-2003: 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.

³⁸⁸¹ U.S. Department of State, *Country Reports-2003: Thailand*.

The National Education Act of 1999 provides for a compulsory education period of 9 years, beginning at age 7,³⁸⁸² and free schooling for 12 years.³⁸⁸³ In 2001, the gross primary enrollment rate was 97.7 percent. The net primary enrollment rate for the same year was 86.3 percent, with 85.1 percent of girls enrolled compared to 87.5 percent of boys.³⁸⁸⁴ 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. Recent primary school attendance statistics are not available for Thailand.

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.³⁸⁸⁵ Children under age 18 may not be employed in hazardous work, which is defined by the law 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 4,783).³⁸⁸⁶

The 1998 Labor Protection Act does not apply to the agricultural and informal sectors (including domestic household) work.³⁸⁸⁷ However, Section 22 of the Act allows for protection in these sectors as prescribed through separate ministerial regulations, and in early 2004, the Ministry of Labor issued regulations to increase protections for child workers in informal sector work.³⁸⁸⁸ On March 30, 2004, the Child Protection Act 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.³⁸⁸⁹ Violations, such as forcing children to become beggars, work in dangerous conditions, or to perform obscene acts all carry penalties of three months imprisonment or a fine of 30,000 baht (USD 731), or both.³⁸⁹⁰

³⁸⁸² Ibid., Section 6d.

³⁸⁸³ 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, personal communication.

³⁸⁸⁴ World Bank, *World Development Indicators 2004*.

³⁸⁸⁵ The Director-General may delegate authority to grant permission. *Labour Protection Act of 1998*, Sections 44-45 and 47 [cited August 30, 2002]; available from <http://natlex.ilo.org/txt/E98THA01.htm>.

³⁸⁸⁶ 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, available from <http://www.carosta.de/frames/convert.htm>.

³⁸⁸⁷ U.S. Embassy- Bangkok, *unclassified telegram no.6410*. Together the agricultural and informal sectors employ about two-thirds of all workers in Thailand, including many workers in the 15-17 year age bracket, as well as underage workers, Royal Thai Government, *Labour Protection Act of 1998*.

³⁸⁸⁸ Ibid.

³⁸⁸⁹ Neil Stoneham, "Who Cares, Wins," *Bangkok Post* (Bangkok), June 14, 2004; available from <http://www.bangkokpost.net/education/site2004/cvjn0804.htm>.

³⁸⁹⁰ U.S. Embassy-Bangkok, *unclassified telegram no. 1519*, March 2, 2005. (For currency conversion see FXConverter, [online] [cited June 21, 2005], available from <http://www.oanda.com/convert/classic>.)

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 18.³⁸⁹¹ 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, the prostitution of children ages 16 to 18 are subject to jail terms of up to 15 years and maximum fines of 300,000 baht (USD 491 to 7,174), while the penalties are nearly twice as much for those pimping and 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).³⁸⁹² 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.³⁸⁹³ 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.³⁸⁹⁴ The Criminal Procedure Amendment Act of 1999 provides protection for child victims in the course of testifying in cases of sexual exploitation.³⁸⁹⁵

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.³⁸⁹⁶ 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.³⁸⁹⁷ A new series of Memoranda of Understanding (MOU) in 2003 between government agencies and domestic NGOs has provided new guidelines for the treatment of trafficked persons. In line with these guidelines, police will be trained to treat them 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.³⁸⁹⁸

³⁸⁹¹ Royal Thai Government, *Prevention and Suppression of Prostitution Act B.E. 2539 (1996)*, Sections 8-12; available from <http://natlex.ilo.org/txt/E96THA01.htm>. A mother who sold her 12 year-old girl into prostitution was convicted to seven years in prison. A police lieutenant working with her received an 18-year sentence; the sergeant 8 years and the madame received 240 years in prison. U.S. Department of State, *Country Reports-2003: Thailand*, Section 6f.

³⁸⁹² See *Prevention and Suppression of Prostitution Act*, Sections 8-12. (For currency conversion see FXConverter, available from <http://www.carosta.de/frames/convert.htm>.)

³⁸⁹³ The government reported 211 trafficking related arrests, 86 prosecutions and 20 convictions. See U.S. Department of State, *Trafficking in Persons- 2004: Thailand*. See also U.S. Department of State, *Country Reports-2003: Thailand*.

³⁸⁹⁴ Royal Thai Government, *Penal Code Amendment Act (no. 14) of 1997*, as cited in Royal Thai 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.

³⁸⁹⁵ Royal Thai Embassy, facsimile communication, September 5, 2002, 8.

³⁸⁹⁶ U.S. Embassy- Bangkok, *unclassified telegram no. 6420*, September 2000.

³⁸⁹⁷ U.S. Department of State, *Country Reports-2003: Thailand*, Section 6d. In addition when the MOL does initiate inspections, it tends to focus its 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*.

³⁸⁹⁸ U.S. Department of State, *Country Reports-2003: Thailand*, Section 6f.

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

In 2004, the Royal Thai Government folded a National Policy and Plan of Action for the Prevention and Eradication of the Commercial Sexual Exploitation of Children into a larger National Plan on Trafficking of Women and Children.³⁸⁹⁹ Thailand also ratified ILO Convention 138 on Minimum Age for Admission to Employment on May 11, 2004.³⁹⁰⁰

The government maintains a child labor reporting hotline, facilitates the participation of communities in anti-child labor activities, and has initiated a public awareness campaign that includes information about child labor laws.³⁹⁰¹ The Department of Social Development and Welfare (DSDW) has established shelters for street children³⁹⁰² and provides child victims legal assistance, including counseling and rehabilitation services.³⁹⁰³ The Department also provides vocational training to improve children's skills and prevent them from entering work prematurely.³⁹⁰⁴ In each province, the government has established "Women and Children Labor Assistance Centers" to oversee provincial concerns on child labor and included the issue in school curricula.³⁹⁰⁵

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.³⁹⁰⁶ The DSDW and IOM cooperate in assisting foreign trafficking victims in Thailand,³⁹⁰⁷ and the DSDW works with its counterpart agencies in both Laos and Cambodia to repatriate their nationals.³⁹⁰⁸

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)		✓

³⁸⁹⁹ This plan was approved by the Royal Thai Government cabinet in July 2003. Implementation is expected to begin in early 2005. See U.S. Embassy- Bangkok, *unclassified telegram no.6410*.

³⁹⁰⁰ ILO, *Ratifications by Country*.

³⁹⁰¹ U.S. Embassy- Bangkok, *unclassified telegram no. 5802*, September 10, 2003.

³⁹⁰² U.S. Embassy- Bangkok, *unclassified telegram no. 6420*.

³⁹⁰³ Royal Thai Embassy, facsimile communication, September 5, 2002.

³⁹⁰⁴ "Thailand Country Paper" (presented at the ILO/Japan Asia Meeting on the Trafficking of Children for Labour and Sexual Exploitation, Manila, October 10-12,2001), 8.

³⁹⁰⁵ Royal Thai Embassy, facsimile communication to USDOL official, September 30, 2002.

³⁹⁰⁶ Thailand has an MOU with Laos and Cambodia that covers victim repatriation. See U.S. Department of State, *Trafficking in Persons- 2004: Thailand*. The DSDW assisted 913 foreign victims between 2000 and 2002, of whom 770 were repatriated. See Royal Thai Embassy, facsimile communication, September 5, 2002, 13.

³⁹⁰⁷ "Thailand Country Paper", 8.

³⁹⁰⁸ Royal Thai Embassy, facsimile communication, September 5, 2002, 9. See also, U.S Embassy-Bangkok, *unclassified telegram no. 0357*, April 6, 2004.

Thailand is included in an ILO-IPEC Sub-Regional Project funded by the United Kingdom through April 2008 to combat trafficking of women and children for exploitive labor in the Mekong sub-region³⁹⁰⁹ and a USDOL-funded project to combat the involvement of children in the drug trade.³⁹¹⁰ Thailand cooperates as part of a project between ASEAN and AUSAID on the elimination of trafficking in women and children in Southeast Asia and Yunnan Province.³⁹¹¹

³⁹⁰⁹ The project, which began in 2000, 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. U.S. Department of Labor, *USDOL-funded Projects and Activities on International Child Labor 1995-2002*, [online] 2004 [cited May 24, 2004]; available from <http://www.dol.gov/ilab/programs/iclp/projectchart95-02.pdf>.

³⁹¹⁰ U.S. Department of Labor, *ICLP projects 1995-2002*. See also ILO-IPEC, *Assessing the Situation of Children in the Production, Sales, and Trafficking of Drugs in Indonesia, the Philippines and Thailand*, technical progress report, Geneva, September 10, 2004.

³⁹¹¹ Royal Thai Embassy, *Thailand's Actions for the Prevention of Trafficking in Women and Children*, [online] 2004 [cited June 9, 2004]; available from <http://www.thaiembdc.org/socials/actionwc.html>.