

Thailand

<i>Selected Statistics and Indicators on Child Labor</i>	
Percent of children 5-14 estimated as working:	Unavailable
Minimum age for admission to work:	15 ⁴⁰⁷⁶
Age to which education is compulsory:	16 ⁴⁰⁷⁷
Free public education:	Yes ⁴⁰⁷⁸
Gross primary enrollment rate in 2005:	97% ⁴⁰⁷⁹
Net primary enrollment rate:	Unavailable
Percent of children 5-14 attending school:	Unavailable
Percent of primary school entrants likely to reach grade 5:	Unavailable
Ratified Convention 138:	5/11/2004 ⁴⁰⁸⁰
Ratified Convention 182:	8/16/2001 ⁴⁰⁸¹
ILO-IPEC participating country:	Yes ⁴⁰⁸²

Incidence and Nature of Child Labor

In rural areas of Thailand, children work primarily in agriculture, in sub-sectors such as rubber plantations, orange orchards, and sugarcane and vegetable production. In urban areas, children work in the service sector (small-scale industry, gas stations, entertainment venues, and restaurants). Children also work in street vending, and in the construction, manufacturing, knitting, garment, and fishing sectors.⁴⁰⁸³ Large numbers of street children are present in urban centers.⁴⁰⁸⁴ Children also work in domestic service.⁴⁰⁸⁵ Children are vulnerable to exploitation in the trafficking of drugs in Thailand,⁴⁰⁸⁶ and are exploited in prostitution and pornography.⁴⁰⁸⁷

⁴⁰⁷⁶ Kingdom of Thailand, *Labour Protection Act*, (1998), Chapter 4; available from <http://natlex.ilo.org/txt/E98THA01.htm>.

⁴⁰⁷⁷ *National Education Act*, B.E. 2542, Sections 10, 17.

⁴⁰⁷⁸ *Ibid.*

⁴⁰⁷⁹ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, March 1, 2007.

⁴⁰⁸⁰ ILO, *Ratifications by Country*, [database online] [cited May 27, 2005]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

⁴⁰⁸¹ *Ibid.*

⁴⁰⁸² ILO, *IPEC Action Against Child Labour: Highlights 2006*, Geneva, October 2006, 29; available from http://www.ilo.org/iloroot/docstore/ipecc/prod/eng/20061018_Implementationreport_eng.pdf.

⁴⁰⁸³ Surapone Ptanawanit and Saksri Boribanbanpotkate, *Assessing the Worst Forms of Child Labour in Selected Provinces of Thailand: Chiang Rai, Tak, Udon Thani, Songkla, and Pattani*, Bangkok, February 22, 2007, 13, 29, 31. See also U.S. Department of State, "Thailand," in *Country Reports on Human Rights Practices- 2006* Washington D.C., March 6, 2007, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2006/78792.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. See also Federation of Trade Unions-Burma (FTUB) Migrants Section, *The Mekong Challenge: Working Day and Night, The Plight of Migrant Child Workers in Mae Sot, Thailand*, ILO, Bangkok, 2006, Executive Summary; available from <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/workingdayandnight-english.pdf>.

⁴⁰⁸⁴ U.S. Department of State, "Country Reports-2006: Thailand," Section 5. See also Ptanawanit and Boribanbanpotkate, *Assessing the Worst Forms of Child Labour in Selected Provinces of Thailand*, 13, 29, 31.

⁴⁰⁸⁵ Nawarat Phlainoi, *Thailand - Child Domestic Workers: A Rapid Assessment*, ILO-IPEC, Geneva, April 2002. See also U.S. Department of State, "Country Reports-2006: Thailand," Section 6d. See also Ptanawanit and Boribanbanpotkate, *Assessing the Worst Forms of Child Labour in Selected Provinces of Thailand*, 13, 29, 31.

⁴⁰⁸⁶ Emma Porio and Christine Crisol, *The Use of Children in the Production, Sales and Trafficking of Drugs*, Manila, 2004, 2. See also Vittawan Sunthornkajit, Thankakorn Kaiyanunta, Pornvisid Varavarn, and Somrouy

Migrant children from neighboring countries are more likely to be exploited in the aforementioned worst forms of child labor than are Thai citizens.⁴⁰⁸⁸

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.⁴⁰⁸⁹ Boys and girls are trafficked from Burma, Cambodia, China, Laos, and Vietnam for commercial sexual exploitation and begging.⁴⁰⁹⁰ Children are also trafficked into Thailand for forced servitude in agriculture, construction, factories, commercial fisheries, and private households, as well as for street begging.⁴⁰⁹¹ Internal trafficking of children occurs and members of northern Thailand's stateless ethnic tribes are particularly vulnerable.⁴⁰⁹²

Child Labor Laws and Enforcement

On September 19, 2006, a non-violent coup d'état was carried out in Thailand, ousting the Prime Minister and suspending the Constitution. An interim constitution was issued for a 1 year while a replacement for the 1997 Constitution is drafted and democratic elections are held. The coup did not affect any existing laws pertaining to child labor or child protection.⁴⁰⁹³

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-2006: Thailand," Section 6d.

⁴⁰⁸⁷ ECPAT International CSEC Database, *Thailand*, accessed September 22, 2006; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp. See also U.S. Department of State, "Country Reports-2006: Thailand," Section 5. See also ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children*, Bangkok, 2006, 12; available from http://www.ecpat.net/eng/A4A_2005/PDF/EAP/Global_Monitoring_Report-THAILAND.pdf. See also U.S. Embassy-Bangkok, *reporting*, April 12, 2007.

⁴⁰⁸⁸ ILO IPEC, *Support for National Action to Combat Child Labor and its Worst Forms in Thailand*, project document, Geneva, September 30, 2006, 13-14. See also Kovit Buraphatanin, "Elimination of the Worst Forms of Child Labour: A Case Study of Thailand" (paper presented at the Sub-regional Seminar on the Application of the ILO Declaration on Fundamental Principles and Rights at Work and Its Follow-up: Elimination of Child Labor, Jakarta, July 12-14, 2006). See also U.S. Department of State, "Country Reports-2006: Thailand," Section 5, 6d.

⁴⁰⁸⁹ U.S. Embassy-Bangkok, *reporting*, March 12, 2007. See also U.S. Department of State, "Thailand (Tier 2)," in *Trafficking in Persons Report- 2006*, Washington, D.C., June 5, 2006; available from <http://www.state.gov/g/tip/rls/tiprpt/2006/>. See also U.S. Department of State, "Country Reports-2006: Thailand," Section 5. See also ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children*, 11-12.

⁴⁰⁹⁰ U.S. Department of State, "Country Reports-2006: 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>. See also ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children*, 12.

⁴⁰⁹¹ U.S. Embassy- Bangkok, *reporting*, August 30, 2005. See also U.S. Department of State, "Country Reports-2006: Thailand," Section 5.

⁴⁰⁹² U.S. Department of State, "Trafficking in Persons Report- 2006: Thailand." See also U.S. Department of State, "Country Reports-2006: Thailand," Section 5. See also ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children*, 12.

⁴⁰⁹³ U.S. Department of State, *Background Notes: Thailand, November 2006*, [online] November 24, 2006 [cited February 1, 2007]; available from <http://bangkok.usembassy.gov/relation/bgnotes.htm>. See also U.S. Department of State, "Country Reports-2006: Thailand," Introduction.

The law sets the minimum age for employment at 15 years. Employers are required to notify labor inspectors if children under 18 are hired. The law permits children 15 to 18 to work only between 4 p.m. and 10 p.m. with written permission from the Director-General of Labor or a person assigned by the Director-General.⁴⁰⁹⁴ Children under 18 may not be employed in hazardous work, which includes any work involving metalwork, hazardous chemicals, poisonous materials, radiation, harmful temperatures or noise levels; exposure to toxic micro-organisms; the operation of heavy equipment; work underground or underwater; work in places where alcohol is sold; in hotels; or work in massage parlors. The maximum penalty for violation of these prohibitions is 1 year of imprisonment.⁴⁰⁹⁵ These provisions do not apply to the agricultural and informal sectors (including domestic work). However, the Ministry of Labor has issued regulations to increase protections for child workers carrying out work in their homes and children working in agriculture.⁴⁰⁹⁶

The law 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 imprisonment. The law also mandates the establishment of the National Child Protection Committee to provide guidance, oversight and issue regulations for matters of child protection.⁴⁰⁹⁷ The law prohibits forced labor except in cases of averting public calamity, war, martial law, or states of emergency.⁴⁰⁹⁸ The minimum voluntary age for military recruitment is 18, while the age for compulsory recruitment is 20.⁴⁰⁹⁹

The law prohibits all forms of prostitution and provides specific penalties for cases involving children under 18.⁴¹⁰⁰ 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 age 15 and younger. For example, prostitution of children ages 16 to 18 is subject to jail terms of up to 15 years, while the range of penalties is nearly twice as much for those pimping and patronizing children 15 and under. The law also establishes that government officials who compel others to engage in commercial sexual exploitation face penalties of 15 to 20 years of imprisonment.⁴¹⁰¹

⁴⁰⁹⁴ *Labour Protection Act of 1998*, Chapter 4, Sections 44-45, 49-50.

⁴⁰⁹⁵ *Ibid.*, Sections 22, 49-50, 148.

⁴⁰⁹⁶ Royal Thai Embassy official, E-mail 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 October 4, 2006]; 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. See also U.S. Embassy-Bangkok, *reporting*, April 12, 2007.

⁴⁰⁹⁷ Kingdom of Thailand, *Child Protection Act* (2003), Articles 14, 26, 78. See also U.S Embassy-Bangkok, *reporting*, March 2, 2005. ILO-IPEC, *Support for National Action to Combat Child Labor and its Worst Forms in Thailand*, project document, Geneva, September 30, 2006, 17.

⁴⁰⁹⁸ Kingdom of Thailand, *Constitution of the Kingdom of Thailand*, (1997). See also Kingdom of Thailand, *Prevention and Suppression of Prostitution Act* B.E. 2539 (1996), Section 12; available from <http://natlex.ilo.org/txt/E96THA01.htm>. See also Kingdom of Thailand, *Penal Code Amendment Act*, No. 14, (1997).

⁴⁰⁹⁹ Coalition to Stop the Use of Child Soldiers, "Thailand," in *Child Soldiers Global Report 2004*, London, 2004; available from http://www.child-soldiers.org/document_get.php?id=880.

⁴¹⁰⁰ *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-2006: Thailand," Section 5.

⁴¹⁰¹ *Prevention and Suppression of Prostitution Act*, Sections 8-12.

The law prohibits trafficking in persons, defines trafficking-related activities to be punished, and provides for basic protection of victims.⁴¹⁰² Penalties for violations include imprisonment from 1 to 20 years depending on the age of the child and the specific nature of the violation.⁴¹⁰³ The law also provides protection for child victims while testifying in cases of sexual exploitation.⁴¹⁰⁴

The Ministry of Labor is the primary agency responsible for enforcement of child labor laws and policies. 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.⁴¹⁰⁵ The U.S. Department of State also reports that a lack of resources is largely to blame for weak enforcement of child labor laws.⁴¹⁰⁶ The National Thai Working Group to Combat the Trafficking of Women and Children coordinates government ministries and agencies with overlapping anti-trafficking responsibilities.⁴¹⁰⁷ In 2005, the latest year for which such information is available, the government reported 352 trafficking-related arrests and 74 convictions.⁴¹⁰⁸

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

The government maintains “woman and 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. Since 2003 the government has had a MOU with NGOs working on child protection, which provides details on providing services to victims of worst forms of child labor.⁴¹⁰⁹ The Department of Public Welfare and Department of Skill Development provide vocational training to improve children’s skills and prevent them from entering work prematurely.⁴¹¹⁰

The Royal Thai Government has a National Policy and Plan of Action for the Prevention and Eradication of the Commercial Sexual Exploitation of Children. The policy covers the period 2003-2007, and the Plan of Action was approved with a proposed budget of USD 34.2 million.⁴¹¹¹ The Royal Thai Police have an ongoing public awareness campaign on trafficking and a hotline for reporting suspected trafficking cases. The government is providing training to police officers, prosecutors and judges on anti-trafficking laws.⁴¹¹² A series of MOU, signed in 2003-2004 between government agencies and domestic NGOs provide guidelines for the treatment of trafficked persons. In line with these guidelines, police are being trained to treat

⁴¹⁰² Kingdom of Thailand, *Prevention and Suppression of Trafficking in Women and Children Act* B.E. 2540 (1997).

⁴¹⁰³ *Penal Code Amendment Act*, Section 282, 283.

⁴¹⁰⁴ Royal Thai Embassy, facsimile communication to USDOL official, September 5, 2002.

⁴¹⁰⁵ U.S. Department of State, "Country Reports-2006: Thailand," Section 6d.

⁴¹⁰⁶ U.S. Embassy-Bangkok, *reporting*, April 12, 2007.

⁴¹⁰⁷ *Ibid.*

⁴¹⁰⁸ U.S. Department of State, "Trafficking in Persons Report- 2006: Thailand."

⁴¹⁰⁹ U.S. Embassy- Bangkok, *reporting*, August 30, 2005.

⁴¹¹⁰ U.S. Embassy-Bangkok, *reporting*, March 12, 2007. See also 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).

⁴¹¹¹ U.S. Embassy- Bangkok, *reporting* March 2, 2005.

⁴¹¹² U.S. Department of State, "Trafficking in Persons Report- 2006: Thailand." See also U.S. Embassy--Bangkok, *reporting*, March 2, 2005.

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 unreliable due to insufficient training of law enforcement officials and lack of familiarity with the law.⁴¹¹³

The government also collaborates on trafficking in persons issues with governments of neighboring countries and international organizations to raise awareness, provide shelters and social services, and assist in the repatriation of victims.⁴¹¹⁴ Along with Burma, Cambodia, China, Indonesia, Laos, and Vietnam, Thailand is a signatory to the “Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT).” The members have a Sub-regional Plan of Action for 2005-2007 that translates the MOU commitments into concrete actions.⁴¹¹⁵ Thailand also participates in the UN Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-Region (UNIAP), which has activities targeted to children exploited through trafficking.⁴¹¹⁶ Thailand has bilateral anti-trafficking MOUs with Cambodia and Laos,⁴¹¹⁷ and is working with UNICEF on several programs to assist children exploited through trafficking.⁴¹¹⁸

The Department of Social Development and Welfare (DSDW) and IOM cooperate in assisting trafficked individuals in Thailand,⁴¹¹⁹ and the DSDW works with its counterpart agencies in both Laos and Cambodia to repatriate their nationals.⁴¹²⁰ DSDW also operates six regional shelters for trafficked victims⁴¹²¹ and provides legal assistance to child victims, including counseling and

⁴¹¹³ U.S. Department of State, "Country Reports-2006: Thailand," Section 5. See also U.S. Embassy- Bangkok, *reporting*, August 30, 2005. See also U.S. Embassy-Bangkok, *reporting*, March 12, 2007.

⁴¹¹⁴ Royal Thai Embassy, facsimile communication, September 5, 2002, 13.

⁴¹¹⁵ UNIAP, *COMMIT Process*, [online] n.d. [cited October 4, 2006]; available from http://www.no-trafficking.org/content/COMMIT_Process/commit_background.html. See also Embassy--Bangkok, *reporting* March 2, 2005.

⁴¹¹⁶ UNIAP, *About UNIAP*, [online] n.d. [cited October 4, 2006]; available from http://www.no-trafficking.org/content/About_UNIAP/about_uniap.htm.

⁴¹¹⁷ *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%20Trafficking%20CAM-TH%20English.pdf>. See also *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.

⁴¹¹⁸ UNICEF, *UNICEF Supports Initiatives to Tackle Trafficking of Women and Children in Thailand*, [online] April 17, 2006 [cited October 5, 2006]; available from http://www.unicef.org/infobycountry/Thailand_33424.html. See also Humantrafficking.org, *Thailand Combats Human Trafficking on Cambodian Border*, [online] June 25, 2006 [cited October 5, 2006]; available from <http://www.humantrafficking.org/updates/378>.

⁴¹¹⁹ UN/ILO, "Thailand Working Paper". See also Human Trafficking.org, *International Organization for Migration*, [online] n.d. [cited October 4, 2006]; available from <http://humantrafficking.org/organizations/231>. See also U.S. Embassy-Bangkok, *reporting*, March 12, 2007.

⁴¹²⁰ Royal Thai Embassy, facsimile communication, September 5, 2002, 9. See also U.S. Embassy-Vientiane, *reporting*, April 6, 2004.

⁴¹²¹ U.S. Embassy- Bangkok, *reporting* March 2, 2005. See also U.S. Embassy-Bangkok, *reporting*, March 12, 2007.

rehabilitation services.⁴¹²² During 2006, the Ministry of Social Development and Human Security trained government officials on treatment of trafficking victims.⁴¹²³

The Government of Thailand is a partner in a USD 3.5 million USDOL-funded project initiated in September 2006 to eliminate the worst forms of child labor in agriculture, fishing, services, and domestic work, with emphasis on trafficking across sectors. The project aims to withdraw 1,670 children and prevent 3,330 children from exploitive labor in these sectors.⁴¹²⁴ Thailand is also included in a USD 10,670,000 ILO-IPEC Sub-Regional Project, funded by the United Kingdom and Japan through April 2008 to combat trafficking of women and children for exploitive labor in the Mekong sub-region.⁴¹²⁵ Further, the Government of Thailand participated in a regional USD 3 million USDOL-funded project that ended in 2006 and that withdrew 367 children and prevented 10,378 children from trafficking throughout the region⁴¹²⁶ and a USD 740,000 regional USDOL-funded child labor awareness-raising project to eliminate the worst forms of child labor.⁴¹²⁷ The Netherlands is supporting a project in the Southeast Asia Region, including activities in Thailand, to combat child domestic labor. The UN Trust Fund for Human Security is implementing a USD 1.9 million program in the Philippines and Thailand to empower returned trafficking victims economically and socially.⁴¹²⁸ The Government of Thailand participates as part of a project between ASEAN and AUSAID on the elimination of trafficking in women and children in four Southeast Asian countries and China's Yunnan Province.⁴¹²⁹

The Ministry of Education is working with UNICEF to provide education assistance and training to girls at high risk of being trafficked.⁴¹³⁰

⁴¹²² Royal Thai Embassy, facsimile communication, September 5, 2002, 11.

⁴¹²³ U.S Embassy-Bangkok, *reporting*, March 12, 2007.

⁴¹²⁴ ILO IPEC, *Support for National Action to Combat Child Labor*.

⁴¹²⁵ 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>.

⁴¹²⁶ U.S. Department of Labor, *Combating Child Trafficking for Labor and Sexual Exploitation (TICSA Phase II)*, ILAB Technical Cooperation Project Summary, Washington, DC, 2006. 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/ipecc/publ/download/implementation_2004_en.pdf.

⁴¹²⁷ 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*.

⁴¹²⁸ ILO-IPEC official, E-mail communication to USDOL official, March 1, 2007.

⁴¹²⁹ ARCPPT, *Asia Regional Cooperation to Prevent People Trafficking*, [online] July 26, 2006 [cited October 4, 2006]; available from <http://www.arcppt.org/eng/about.html>. See also Royal Thai Embassy, *Thailand's Actions for the Prevention of Trafficking in Women and Children*, [online] January 24, 2003 [cited February 1, 2007]; available from <http://www.thaiembdc.org/socials/actionwc.html>.

⁴¹³⁰ Human Trafficking.org, *UNICEF: Child Protection Project*, [online] n.d. [cited October 5, 2006]; available from <http://www.humantrafficking.org/organizations/236>.