

In 2011, Thailand made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government approved the Occupational Safety, Health and Environment Act, which mandates increased protections against dangerous work for children and adults, and increased efforts to enforce child trafficking laws. The Government also passed the Ministerial Regulation on Migrant Learning Centers which increases migrant children's access to basic education. However, the Government has yet to finalize its updated list of hazardous occupations and working conditions prohibited to children or to initiate a national child labor survey. Children continue to be engaged in the worst forms of child labor, including in dangerous activities in agriculture as well as in shrimp and seafood processing.

Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	13.0 (1,302,267)
Attending School	5-14 yrs.	96.3
Combining Work and School	7-14 yrs.	14.4
Primary Completion Rate		Unavailable

Sources:

Primary completion rate: UNESCO Institute for Statistics, 2012.(1)

All other data: Understanding Children's Work Project's analysis of statistics from UNICEF MICS3 Survey, 2005-6.(2)

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Thailand are engaged in the worst forms of child labor, including in dangerous forms of agriculture and in the shrimp and seafood processing industries.(3-5) Children working in agriculture are often exposed to dangerous tools and pesticides.(6) Children may face such conditions in the production of sugarcane, cassava, corn, rice, rubber, roses, oranges, and in harvesting seeds.(4, 7)

Children process fish and seafood, including shrimp, and are subjected to long and late hours; dangerous, dirty and damp working conditions; and a lack of safety equipment.(8) Children, mostly boys, work in the fishing industry and are vulnerable to physical abuse and long work hours.(8-10)

Children also work at entertainment venues, restaurants, markets and gas stations.(4, 8, 11) In these workplaces, they

may be exposed to excessive hours or working at night and, in some cases, may be exposed to high levels of noise, dust and smoke.(8)

Children, primarily girls, work in domestic service, and may face long work hours. In some cases, they experience physical and sexual abuse from their employers and confinement in their employer's home.(4, 12, 13) Children also work in manufacturing, including garment production.(4, 14) These children are mostly found in factories along the Burmese border. They work long hours and operate dangerous machines.(4, 14) In urban areas, street children, including migrant children, sell goods and beg.(15) Children working on the streets may be exposed to many dangers, including severe weather, vehicle accidents and crime.(16) Children reportedly also work in construction.(15)



Thailand

Children in Thailand are exploited in prostitution and pornography.(4, 15, 17) Children from Burma, Cambodia, China, Laos and Vietnam are trafficked to Thailand for commercial sexual exploitation.(17, 18) Children are also trafficked into Bangkok or other urban areas to sell and beg and to work as domestic workers.(4, 18, 19)

Ethnic minority, stateless and migrant children are the most at risk of engaging in the worst forms of child labor, particularly in the informal sector.(4, 11, 20) Migrant children may be subjected to forced labor in agriculture, garment factories, shrimp and seafood processing, deep-sea fishing and domestic service.(4, 9, 20) There is limited evidence that children work in conditions of forced labor in the production of salted vegetables, brass jewelry, and fish balls.(4)

During the reporting period, Thailand experienced unprecedented flooding which closed 18,000 businesses in 19 provinces and displaced 650,000 workers, including 200,000 migrant workers. Many Thai and migrant workers lost their livelihoods. However, the Government made some efforts to protect migrants and other vulnerable population groups through evacuation centers.(21)

Thailand continues to experience an ethno-nationalist separatist insurgency based in the three southernmost provinces, which have a majority Malay-Muslim population. Children, teachers and other education personnel have been killed or wounded in the conflict, which has forced the intermittent closure of schools in the region.(22, 23) NGOs have reported that insurgents have trained and used children in the armed conflict.(24, 25)

Laws and Regulations on the Worst Forms of Child Labor

The Labor Protection Act (LPA) sets the minimum age for employment at 15 and the minimum age for hazardous employment at 18.(25, 26) The LPA provisions on minimum age do not apply to domestic workers in third party households.(4, 26-28)

The LPA outlines hazardous working conditions prohibited for children, including exposure to chemicals and heavy equipment. The LPA prescribes penalties for employing children under such conditions.(26) In addition, the Child Protection Act prohibits the employment of children in work that might cause them physical or mental harm or hinder their development. It also prohibits the use of children in begging, criminal acts or any other exploitative activity and imposes strict fines for any violations.(29)

The Ministerial Regulation for the Protection of Workers in the Agricultural Sector permits children from the age of 13 or older to engage in agricultural work during school vacation or non-school hours, as long as they receive parental permission and the nature of the work is not hazardous. However, it does not appear that the Government of Thailand has specified the number of hours or the times of day permitted for light work in agriculture.(25, 30, 31)

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

In 2011, the Department of Labour Protection and Welfare (DLPW) passed the Occupational Safety, Health and Environment Act which authorizes the creation of a Ministry of Labor (MOL) Occupational Safety, Health, and Environment Committee and the appointment of a Safety Inspector.(32) The Act requires employers to provide protective equipment and occupational safety and health training for formal and contractual workers throughout the supply chain. This Act will impact workers in all sectors, including children of legal working age in sectors such as shrimp and seafood processing; however, details on the Act were unavailable at the time this report was written.(32)

The Government is in the process of updating the list of hazardous occupations and working conditions prohibited to children, and it is expecting to publish these updates in 2012.(4, 15) It is unknown how this update will differ from the provisions of the Occupational Safety, Health and Environment Act in regards to hazardous work and working conditions prohibited to children. However, until the update is

completed, gaps in the regulatory framework may continue to expose children to risks in a variety of industries.

During the reporting period, the Home-Based Worker Protection Act went into effect.(32) The Act aims to protect workers engaging in subcontracted production or assembly work taking place at the household level. The Act states that home-based businesses must formally register all workers and cannot employ children under age 15 to work in unsafe working conditions.(32) Although this Act does not discuss hazardous work protections for children ages 15 to 18, the aforementioned Occupational Safety, Health and Environment Act appears to protect children from hazardous work, including in small-scale, home-based settings.(4)

In 2011, the Government proposed the Ministerial Regulation on Labor and Welfare Protection for Domestic Workers in Non-Business Establishments to provide protections for domestic workers in third-party households. This Regulation, which includes coverage for child domestics, would require a minimum age for domestic work of 15 years, weekly and annual holidays, and the prohibition of sexual harassment and gender discrimination in domestic service.(4, 33) However, until the Regulation is passed, there is neither a clear minimum age for domestics nor legislation that would protect such workers from performing dangerous work or working under hazardous conditions. The gaps in these areas are not in accordance with international standards.

The Ministerial Regulation on Sea Fishing Vessels, likewise under review, would increase the minimum age for children working in sea fishing from 16 to 18.(4) Until the Ministerial Regulation on Sea Fishing Vessels is passed, children ages 16 and 17 are permitted to work on sea fishing vessels which may include dangerous work.

The Prevention and Suppression of Prostitution Act establishes penalties for the sexual exploitation of children.(34) The Child Protection Act prohibits the involvement of children in illicit activities including gambling and alcohol-related activities.(29) The Anti-Trafficking in Persons Act prohibits all forms of trafficking including trafficking for the purposes of forced labor and sexual exploitation.(35) The Prevention and Suppression of Prostitution Act, the Anti-Trafficking in Persons Act, the Child Protection Act, the LPA and the Penal Code specify penalties for violations involving trafficking children.(26, 29, 34, 36)

The Constitution prohibits forced labor.(37) The Military Service Act stipulates the age of voluntary and compulsory military recruitment as 18.(38) During the reporting period,

the Government passed a Ministerial Regulation prohibiting children under age 18 from taking part in village defense trainings.(39)

Both Thai and migrant children have the right to compulsory education until age 15. The Constitution entitles all children to free education until grade 12.(3) However, access to education, particularly for migrant and ethnic minority children, is limited by a variety of factors. These factors include a lack of awareness among local government officials of migrant children's right to education, burdensome student registration requirements, class instruction only in the Thai language, indirect financial costs such as school uniforms and textbooks, and pressure from families for children to work rather than attend school.(40-42) In early 2012, the Government approved the Ministry of Education's Ministerial Regulation on Migrant Learning Centers. The Regulation legalizes the provision of formal and nonformal basic education by nongovernmental entities for undocumented and non-Thai persons in migrant learning centers.(43) Formerly, instruction could only be provided by government schools. This regulation will improve access for migrant children to education, including in their native languages.

Institutional Mechanisms for Coordination and Enforcement

The National Committee to Eliminate the Worst Forms of Child Labor coordinates the implementation of child labor policies and plans, harmonizes cooperation amongst various coordinating ministries and reports semiannually to the Thai Cabinet on child labor issues.(15) The National Committee is chaired by the MOL, with representation from other government agencies, employer and worker associations, and civil society groups.(44) In addition, the National Committee oversees two subcommittees, one for monitoring the National Policy and Plan to Eliminate the Worst Forms of Child Labor (2009-2014) and the other for updating the list of hazardous activities related to the worst forms of child labor.(15)

As part of the MOL, the DLPW enforces labor laws, including child labor, through workplace inspections.(4, 15) In 2011, the DLPW had a budget of \$3.4 million, a portion of which was for labor inspections.(4) The DLPW employed 678 labor inspectors, a number that the Government recognizes as insufficient to adequately monitor more than 375,000 workplaces covered by the law.(4)

In 2011, DLPW labor inspectors inspected 452 workplaces specifically for child labor and did not find any cases of child

labor violations.(4, 43) Research has not determined why there were no such violations. The DLPW prioritized inspections in the garment, seafood and seafood processing industries and, to a lesser extent, in small and unregistered businesses. The MOL also reported that it focused on workplaces with concentrations of illegal migrant laborers and laborers ages 15 to 17.(15, 20, 33) However, few Thai labor inspectors speak migrant or ethnic minority languages, which may impede their ability to conduct adequate inspections.(4, 45)

The MOL also used the Child Labor Protection Network as another mechanism for oversight of labor violations. The 37,815 person network is composed of government agencies, NGOs, employers, academics and community groups.(4, 46) Its purpose is to raise awareness, disseminate information and provide a mechanism for reporting labor violations. During the reporting period, the Network reported child labor and trafficking violations to MOL.(4, 46)

The MOL operates a 24-hour telephone hotline to receive complaints from the public about labor violations including child labor. The Ministry of Social Development and Human Security (MSDHS) operates a separate hotline that also receives complaints from the public about trafficking in persons violations, including child pornography and human trafficking.(20) The Government employs Burmese and Cambodian interpreters to staff the trafficking hotline.(47)

The Anti-Trafficking in Persons Committee (ATP) and the ATP Coordinating and Monitoring Subcommittee, each chaired by the Deputy Prime Minister, are Thailand's main trafficking coordinating mechanisms.(20, 43, 48) The ATP has multiple subcommittees that cover a range of topics, including data collection and implementation of the national anti-trafficking policy.(49) The various subcommittees meet regularly.(49) In 2011, the Government of Thailand allocated over \$2.2 million to an anti-Trafficking in Persons (TIP) fund. During the year, over \$626,000 was used to support over 30 anti-TIP projects implemented by the Government and NGOs, and over \$16,000 was used for services to assist 103 TIP victims.(50) The residual funds will remain in the anti-TIP fund for the following year.(51)

The Anti-Human Trafficking Division of the Royal Thai Police is responsible for enforcing laws related to human trafficking.(20) The MSDHS's Office of Welfare Promotion, Protection and Empowerment of Vulnerable Groups provided training to 1,550 police and 292 civil servants on anti-trafficking measures.(4)

During 2011, NGOs reported that Thai police have become more effective in investigating potential trafficking violations and rescuing victims.(52) Between January and December 2011, the Royal Thai Police identified 125 trafficking cases involving minors, including 108 prostitution cases, 5 forced begging cases and 12 forced labor cases.(53) In 2011, the MSDHS, Child Labor Protection Network, and the Thai National Police also prosecuted and convicted several child traffickers. These cases involved migrant children working in salted vegetable, brass jewelry, and fish ball factories. In these cases, the Government fined the employers.(4)

Government Policies on the Worst Forms of Child Labor

The National Policy and Plan (NPP) to Eliminate the Worst Forms of Child Labor 2009-2014 is Thailand's comprehensive policy framework to address the worst forms of child labor.(3, 15, 33) It is designed to protect both Thai and non-Thai children. The strategy aims to prevent, protect and withdraw children from the worst forms of child labor, improve legislation and law enforcement related to the worst forms of child labor, and build the capacity of officials who administer policies and programs on the worst forms of child labor.(3, 15, 33) During the reporting period, the National Committee to Eliminate the Worst Forms of Child Labor's subcommittee on the NPP created five key performance indicators intended to measure the success of the NPP. These indicators include a reduction in the number of children engaging in the worst forms of child labor; increased efforts to remove children from the worst forms of child labor; increased criminal prosecutions against employers who exploit children; increased capacity and knowledge of practitioners working in this field; and increased national and provincial level administrative and management efforts to eliminate the worst forms of child labor.(4) These indicators are intended to be operationalized by the National and Provincial Operation Centers for Providing Assistance to Women and Child Laborers. In 2011, the National Operation Center created operational guidelines for the Provincial Operation Centers intended to meet the aforementioned indicators.(46) The Provincial Centers' staff members continued creating 106 provincial action plans involving 24 governmental agencies and 5 NGOs during the reporting period.(4)

The Government's National Policy Strategies and Measures to Prevent and Suppress Trafficking in Persons 2011-2016 is the comprehensive anti-TIP Policy.(49) The Policy contains five

sub-policies and five strategies which are then operationalized in annual action plans. The 2011 action plan covered all five strategies and consisted of 93 projects to implement the strategies. Projects focused on the prevention, prosecution, and protection of trafficking victims.(50)

In 2011, the Government continued its eighth amnesty process for almost 1 million undocumented migrant workers from Burma, Cambodia, and Laos. Through this process, the Government registers undocumented migrant workers and their families, and provides their children with a 13-digit identification number required to access education and health services in Thailand.(46) Despite the mandated 12 years of free education for all children regardless of their legal status, children without identification numbers often have limited access to education because local officials are unaware of their rights to enroll in the public school system.(46)

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government's National and Provincial Operation Centers for Providing Assistance to Women and Child Laborers implement the NPP. They also collect and disseminate information on the worst forms of child labor and report their activities to the National Committee.(4)

During the reporting period, the Government participated in a \$9 million, USDOL-funded project to eliminate child labor in the shrimp and seafood processing industry. The project aims to strengthen policy frameworks to protect the rights of Thai and migrant children; assist the shrimp and seafood processing industry to comply with labor laws; and to provide education and other services to at-risk children and families in the targeted areas.(3)

The Government also participated in a \$3.78 million, USDOL-funded project that ended in June 2011. Over the project period, more than 7,000 children were removed or prevented from entering into the worst forms of child labor in agriculture, fishing, seafood processing, services, and domestic work through the provision of educational services. The project also

supported the adoption of the Home-Based Worker's Act.(54) In addition, the project encouraged employers to participate in national and local policy development and coordination; increased occupational safety and health for working children above the minimum age of employment; provided educational services and income-generation opportunities; created child labor monitoring and referral systems; fostered cross-border networks; and enhanced the knowledge and research base on child labor in Thailand.(55-57)

The Government also participated in a USAID-funded project to end exploitation and trafficking. In 2011, the project provided public awareness campaigns on human trafficking through television and public concerts.(4) In addition, the Government participated in a multi-year, \$3.67 million, UNODC-funded project; it builds the capacity of law enforcement officials in Thailand, Cambodia, Laos and Vietnam to identify and prosecute child sex offenders.(58)

MSDHS' Bureau of Anti-Trafficking in Women and Children coordinates services to trafficking victims through the National Operation Center on the Prevention and Suppression of Human Trafficking. The National Operation Center oversees 76 Provincial Operation Centers for the Prevention and Suppression of Human Trafficking.(20, 48) The Centers offer medical care, psychosocial services, education, and life skills education.(18)

The Government is working with international organizations, universities, and NGOs to conduct baseline surveys on child labor in areas with high concentrations of migrant workers.(4) The Government does not have nationwide data on the worst forms of child labor. It has indicated since the past few years, it has intended to initiate a national child labor survey. However, implementation of the survey has yet to begin.(4)

Thailand

Based on the reporting above, the following actions would advance the elimination of the worst forms of child labor in Thailand:

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Revise the Ministerial Regulation for the Protection of Workers in the Agricultural Sector to specify the maximum number of hours as well as the times of days that children age 13 to 15 may perform light work in this sector.	2011
	Approve draft legislation to extend protections to all children working in the worst forms of child labor, including those working in dangerous activities on sea fishing vessels and as domestic workers.	2009, 2010, 2011
	Revise the list of hazardous occupations and working conditions for children as needed to specify prohibitions against dangerous activities in sectors unprotected by current laws.	2009, 2010, 2011
Coordination and Enforcement	Increase the number of DLPW labor inspectors to monitor workplaces covered by the law.	2009, 2010, 2011
	Ensure, including through training, that labor inspectors speak migrant or ethnic minority languages useful for labor inspections.	2009, 2010, 2011
Policies	Train local government officials on education policies for migrant children.	2011
Social Programs	Initiate a national child labor survey.	2009, 2010, 2011

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