

Thailand

The Government of Thailand launched its National Policy and Plan to Eliminate the Worst Forms of Child Labor and has undertaken wide-ranging activities to implement its Anti-Trafficking law. However, hazardous child labor continues to exist in agriculture and seafood processing, particularly for migrant children. Resource constraints and some legal gaps remain as impediments to government efforts.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	13.0%
Attending School	5-14 yrs.	96.3%
Combining Work and School	7-14 yrs	14.4%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Thailand are exploited in the worst forms of child labor,⁴⁸⁸⁸ primarily in agriculture. Children work producing crops such as sugarcane. In addition, although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of rice, cassava, corn, rubber, and oranges, and harvesting seeds.⁴⁸⁸⁹ These children risk working long hours, excessive sun exposure, and using dangerous tools.

Children also work at gas stations, entertainment venues, markets, and restaurants. They are exposed to excessive work hours, night work, and high levels of noise, dust, and smoke.⁴⁸⁹⁰

Children work in fishing, where they may spend long periods at sea, work long hours, carry heavy loads, and face the risk of physical abuse. Children process fish and seafood, including shrimp, and they are exposed to long and late hours; foul smelling, dangerous, dirty, and damp working conditions; and a lack of safety equipment.⁴⁸⁹¹

Children, primarily girls, work in domestic service

where they face long hours of work, the inability to leave the employer's home, as well as physical and sexual abuse by their employers.⁴⁸⁹² Children also work in construction and manufacturing. In garment manufacturing, children are mostly found in factories along the Burmese border where they are faced with excessive work hours and exposure to dangerous machinery and chemicals.⁴⁸⁹³

Street children are present in urban centers where they engage in vending and begging. Such children work long hours, are subject to physical and sexual abuse, and are at risk of being forced into the commercial sex industry.⁴⁸⁹⁴

Ethnic minority, stateless, and migrant children are most at risk for engaging in the worst forms of child labor, especially in the informal sector.⁴⁸⁹⁵

Children in Thailand are exploited in prostitution and pornography.⁴⁸⁹⁶ The Office of the National Commission of Women's Affairs estimated that there are between 22,500 and 40,000 Thai nationals under age 18 engaged in prostitution, representing 15 to 20 percent of the total prostitute population in Thailand.⁴⁸⁹⁷ Estimates are not available for non-Thai national children being exploited in prostitution.

Thailand remains a source, transit, and destination country for children who have been trafficked for labor or commercial sexual exploitation, including sex tourism.⁴⁸⁹⁸ Girls are trafficked from Burma, Cambodia, China, Laos, and Vietnam to Thailand for commercial sexual exploitation.⁴⁸⁹⁹ Migrants and members of northern Thailand's ethnic hill tribes are particularly vulnerable to trafficking.⁴⁹⁰⁰

Children migrate alone or with their families and they may subsequently be subjected to forced labor in agriculture, construction, garment factories, commercial fisheries (including shrimp), deep-sea fishing, and domestic service in private households.⁴⁹⁰¹

There are also reports of children being used by separatist groups in southern Thailand to carry out armed attacks.⁴⁹⁰²






Laws and Regulations on the Worst Forms of Child Labor

The Labor Protection Act (LPA) sets the minimum age for employment at 15, the minimum age for hazardous employment at 18, and outlines penalties for violations, including up to one year in prison.⁴⁹⁰³ The LPA outlines certain prohibited activities for children, such as work involving hazardous chemicals, the operation of heavy equipment, work underground, or work in places where alcohol is sold.⁴⁹⁰⁴ The Child Protection Act prohibits the employment of children in a way that might cause them physical or mental harm or hinder their development, prohibits the use of children for begging, committing crimes, or any type of exploitation, and imposes stricter fines than the LPA.⁴⁹⁰⁵ However, a more specific list of hazardous occupations and exploitive activities for children has not been published.

The LPA excludes from coverage certain sectors where children work, such as agriculture, sea fishing, and domestic work.⁴⁹⁰⁶ To partially address this gap with regard to agriculture, a separate Ministerial regulation was issued to provide some LPA protections to child workers. Such protections include a minimum age of 15 for employment, except that children older than age 12 who are on school vacation and have received parental permission may undertake work that is not hazardous in nature.⁴⁹⁰⁷ Despite the protections for children under age 15, there is no evidence that the

regulation also provides LPA protections to children age 16 to 17 regarding the number of hours worked, the permissible times for work, prohibition on overtime, or hazardous activities. Currently, there are no protections for children working as domestic servants.⁴⁹⁰⁸ Although the Government of Thailand generally has a solid legislative framework to protect children, the protections for children working in agriculture, fishing and domestic work are weak.

The Constitution and the Child Protection Act prohibit forced labor.⁴⁹⁰⁹ The minimum voluntary age for military recruitment is 18, while the age for compulsory recruitment is 20.⁴⁹¹⁰ The Prevention and Suppression of Prostitution Act, B.E. 2539 and the Anti-Trafficking in Persons Act prohibit all forms of prostitution and trafficking of children for the purpose of sexual exploitation or forced labor.⁴⁹¹¹

	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	16
	Free Public Education	Yes

During the reporting period, the Government passed a Cabinet Resolution allowing migrant children to register and stay in Thailand with their registered parents.⁴⁹¹² The Government passed a similar resolution in 2004 to allow children to register with their parents. However, since that time, children accompanied their parents without registration documentation and were at greater risk of being exploited in the worst forms of child labor because

their illegal status made it unlikely that they would seek other legal protections.⁴⁹¹³ The Government also improved the regulatory framework for implementing the Anti-Trafficking in Persons Act, through a series of regulations that included improvements to victim protection and assistance.⁴⁹¹⁴

Institutional Mechanisms for Coordination and Enforcement

During the reporting period, the Government approved the National Committee to Eliminate the Worst Forms of Child Labor, and province-based women- and child-labor protection centers to coordinate implementation of initiatives to combat child labor.⁴⁹¹⁵ The committee is chaired by the Ministry of Labor (MOL), with representatives from over 15 additional government bodies and from employer associations, worker associations, and other civil society groups.⁴⁹¹⁶

The Anti-Trafficking in Persons Committee, chaired by the Prime Minister, and its subcommittee, the Coordinating and Monitoring of Anti-Trafficking in Persons Committee, chaired by the Deputy Prime Minister, are Thailand's main trafficking coordinating mechanisms. These committees have multiple subcommittees dedicated to specific topics, such as data collection and implementing the national anti-trafficking policy.⁴⁹¹⁷ The various committees meet regularly.⁴⁹¹⁸

The Department of Labor Protection and Welfare (DLPW) in the MOL conducts labor inspections, including for child labor.⁴⁹¹⁹ For the period October 2009 to September 2010, the DLPW allocated approximately \$3.1 million for labor inspections.⁴⁹²⁰

Each labor inspector inspects for all labor law violations and receives annual training related to child labor.⁴⁹²¹ In 2009, the MOL employed 678 labor inspectors to cover 389,561 workplaces, an insufficient amount to adequately monitor the number of workplaces as recognized by the Government. The DLPW recently began prioritizing inspections of small factories, as well as workplaces with concentrations of migrant laborers and laborers age 15 to 17 due to higher numbers of reports of hazardous labor among

these populations.⁴⁹²² Labor inspectors do not speak migrant or ethnic minority languages, which may impede their ability to protect the most vulnerable children.⁴⁹²³

In 2009, the DLPW labor inspections identified 3,648 children working in 405 workplaces, although the vast majority of these children were not found working in violation of the LPA.⁴⁹²⁴ These cases were resolved without court proceedings. In addition to the 405 DLPW-initiated inspections, the DLPW responded to and reportedly resolved 226 complaints of child labor for children age 15 to 17.⁴⁹²⁵ According to the Government, a violation or case is “resolved” when it has been successfully processed in accordance with the appropriate regulation or law.⁴⁹²⁶ Although the MOL collects information on the number of child labor investigations, it does not routinely collect data on penalties, fines, convictions or assistance to victims for child labor investigations.⁴⁹²⁷

In an effort to supplement existing inspections by the DLPW and to expand efforts to identify cases of hazardous child labor, the Government has tasked other government agencies and collaborated with non-governmental agencies to monitor and inspect for child labor. Additionally, the DLPW established Child Labor Protection Networks to help monitor workplaces, refer cases of illegal child labor to DLPW inspectors, and to raise awareness on labor rights and duties.⁴⁹²⁸ The various inspection entities are expected to develop a monthly inspection plans and to coordinate to avoid redundancy of inspections.⁴⁹²⁹

The principal enforcement agency for other worst forms of child labor is the Anti-Human Trafficking Division (AHTD) of the Royal Thai Police. The AHTD, formerly the Children, Juveniles and Women Division, is a specialized division tasked with enforcing laws related to human trafficking.⁴⁹³⁰ The Government organized a number of trainings for enforcement agents during the reporting period on the operational guidelines for implementing the anti-trafficking act.⁴⁹³¹

The AHTD investigated 134 trafficking cases between June 2008 and November 2009, but it is unknown how many cases involved children because inspection data are not disaggregated by age or gender. In addition, the

Office of the Attorney General initiated 17 trafficking prosecutions in fiscal year 2009, out of 19 cases it received.⁴⁹³² During the reporting period, the Anti-trafficking in Persons Committee initiated planning for a comprehensive trafficking database though it has not yet been finalized or implemented.⁴⁹³³

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. It is designed to protect both Thai and non-Thai children. It was launched on July 24, 2009 in a one-day national workshop and in subsequent provincial workshops.⁴⁹³⁴ The strategy includes targets and measures to guide implementation and monitor results, including on removing and preventing children from the worst forms of child labor, developing and effectively enforcing relevant legislation, and strengthening capacity, amongst others.⁴⁹³⁵ In order to operationalize the women and child labor protection centers and implement the NPP, MOL requested approximately \$709,000 for fiscal year 2011, but was allocated less than \$100,000.⁴⁹³⁶

It is government policy to provide free education for all children, regardless of their legal status. This policy may be particularly critical to assisting ethnic minority, stateless, and migrant children who are the most vulnerable to exploitive labor.⁴⁹³⁷ However, the question of whether this policy has an impact on the worst forms of child labor does not appear to have been addressed.

During the reporting period, the Government extended the entitlement of free education from 12 to 15 years.⁴⁹³⁸ However, despite these positive steps, there are concerns about the effectiveness and implementation of the policies. Factors such as burdensome student documentation/registration requirements, class instruction limited only to Thai language, and lack of appropriate guidance and follow up for teachers limit the effective provision of education for migrant and ethnic minority children.⁴⁹³⁹

Thailand has a National Policy on Prevention and Resolution of Domestic and Cross-Border Trafficking in Children and Women 2005-2010.⁴⁹⁴⁰ Additionally,

a series of agreements dating from 2003 and 2004 between law enforcement, domestic agencies, and local NGOs provide further guidelines for the treatment of trafficked persons and has led to increased domestic coordination on such efforts.⁴⁹⁴¹ The Government has bilateral agreements with Laos, Cambodia, and Vietnam to combat trafficking through regular meetings with partner governments. Implementation of each agreement is overseen by individual country subcommittees of the Coordinating and Monitoring Anti-trafficking in Persons Performance Committee. During the reporting period, the Government signed a new such agreement with Burma.⁴⁹⁴²

The Government plans to carry out a national survey to better understand the specifics of the child labor problem, but has not yet implemented the study.⁴⁹⁴³

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

In the mid-1990's, Thailand's efforts to combat the worst forms of child labor began with a focus on child prostitution and trafficking. From 2001 to 2008, Thailand participated in a regional trafficking project that helped build the knowledge base and lay the foundation for current anti-trafficking efforts.⁴⁹⁴⁴ Since then, the Government has expanded its focus and now participates in a \$3.5 million, USDOL-funded project to eliminate child labor in agriculture, fishing, seafood processing, services, and domestic work. There is a special emphasis on migrant and trafficked children. This project played a critical role in designing the NPP and aims to rescue 5,000 from the worst forms of child labor in these sectors.⁴⁹⁴⁵

During 2009, the Government also dispatched mobile units to government agencies and local communities to provide public education programs on the worst forms of child labor, including training on relevant laws and penalties.⁴⁹⁴⁶ In collaboration with the Thai Frozen Food Association, the Government conducted a number of seminars and trainings for shrimp and seafood processing factories to raise awareness on child labor issues.⁴⁹⁴⁷ The Department of Public Welfare and the Department of Skill Development provided vocational training to improve children's skills and to prevent them from entering work prematurely and from engaging in illegal activities.⁴⁹⁴⁸

The Government operates two hotlines to receive complaints about labor violations, including trafficking and other forms of child labor.⁴⁹⁴⁹ Operators receive complaints in Thai or English, languages not spoken by many migrants who may be in need of assistance. Once a complaint is received, it is registered and forwarded on to the appropriate agency or office for follow up.⁴⁹⁵⁰ The Government also operates 109 “one-stop” crisis centers to assist women and child victims of violence and exploitation.⁴⁹⁵¹

The Ministry of Social Development and Human Security Bureau of Anti-Trafficking in Women and Children provides services to trafficking victims, including shelter with separate facilities for males and females and a special facility for males under age

18.⁴⁹⁵² Along with Burma, Cambodia, China, Laos, and Vietnam, Thailand is a signatory to the Coordinated Mekong Ministerial Initiative against Trafficking. The members have a Sub-Regional Plan of Action for 2008-2010 and monitor achievement annually against established targets and indicators of progress.⁴⁹⁵³

While the Government has undertaken selected programs to assist children engaged in or at risk of the worst forms of child labor, social programs and services to children engaged in exploitive labor in agriculture, fish/seafood processing, and domestic service, especially migrant children, are not sufficient to address the extent of the problem and the lack of legal protections for children working in these sectors.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend legislation to extend protections to all children working in the worst forms of child labor in agriculture, fishing, and domestic service.
- Draft a more specific list of hazardous occupations and activities for children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Ensure that there are a sufficient number of labor inspectors to adequately monitor workplaces and that the inspectors speak migrant or ethnic minority languages in areas where these groups constitute large portions of the labor force.
- Collect data on child labor penalties, fines, convictions, and assistance to victims as a result of child labor investigations.
- Use the planned anti-trafficking database to disaggregate data on trafficking victims—including in trafficking investigations and prosecutions—by age and gender.

IN THE AREA OF POLICIES:

- Consider budgetary priorities with a view to fully funding the Ministry of Labor’s request for the National Policy and Plan to Eliminate the Worst Forms of Child Labor.
- Undertake the planned national child labor survey.
- Eliminate factors that limit the ability for migrant children to access education.

IN THE AREA OF SOCIAL PROGRAMS:

- Strengthen efforts to assist migrant and ethnic minority children engaged in or at risk of the worst forms of child labor, including by hiring hotline operators that speak ethnic minority and migrant languages.
- Initiate social programs to serve all children working in at or risk of the worst forms of child labor in agriculture, fishing, seafood processing, and domestic service.

⁴⁸⁸⁸ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2005-2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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⁴⁸⁹⁰ 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, 31, 32, 33, 35, 54. See also ILO, *Out of Work and Into School: Our Development Challenge*, Bangkok, 2006, 37. See also U.S. Embassy- Bangkok, *reporting*, February 21, 2008.

⁴⁸⁹¹ Surapone Ptanawanit and Saksri Boribanbanpotkate, *Assessing the Worst Forms of Child Labour in Selected Provinces of Thailand*. See also ILO, *The Mekong Challenge: Underpaid, Overworked and Overlooked - The Realities of Young Migrant Workers in Thailand*, Bangkok, 2006, xxi. See also Solidarity Center, *The True Cost of Shrimp*, 2008, 18. See also ILO-IPEC, *Support for National Action, Project Document (September 30, 2006)*, 11. See also U.S. Embassy- Bangkok, *reporting*, March 4, 2010.

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⁴⁸⁹⁵ U.S. Embassy- Bangkok, *reporting*, March 4, 2010. See also ILO-IPEC, *Support for National Action, Project Document (September 30, 2006)*.

⁴⁸⁹⁶ UN Human Rights Council, *Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography*, prepared by Juan Miguel Petit, pursuant to Implementation of General Assembly Resolution 60/251 of 15 March 2006 Entitled "Human Rights Council", March 15, 2007, 53-55; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/119/21/PDF/G0711921.pdf?OpenElement>. UNICEF, *Begging Some Difficult Questions*. See also ECPAT International, *Global Monitoring Report on the Status of Action Against Commercial Sexual Exploitation of Children*, Bangkok, 2006; available from http://www.ecpat.net/A4A_2005/PDF/EAP/Global_Monitoring_Report-THAILAND.pdf.

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- ⁴⁹⁰⁰ U.S. Department of State, “Trafficking in Persons Report- 2010: Thailand.” See also ECPAT International, *Global Monitoring Report on CSEC*, 12. See also U.S. Embassy- Bangkok, *reporting*, June 9, 2008.
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