

No. 1102/101



The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and, with reference to the latter's note No. 2013/4583 dated 11 December 2013 requesting information from the Royal Thai Government to be used for three reports, namely, the U.S. Department of Labor's annual Findings on the Worst Forms of Child Labor report, the U.S. Department of Labor's List of Goods Produced by Child Labor or Forced Labor (mandated by the Trafficking Victims Protection Reauthorization Act of 2005), and the U.S. Department of Labor's List of Products Requiring Federal Contractor Certification as to Forced or Indentured Child Labor (mandated by Executive Order 13126), has the honour to forward herewith the information regarding Thailand's efforts to eliminate the worst forms of child labor in 2013 and actions of the concerned parties to solve the problem of child labor and forced labor in shrimp, garment, sugarcane, and fish products in Thailand in 2013.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the Embassy of the United States the assurances of its highest consideration.

Ministry of Foreign Affairs,
Bangkok.

5 March B.E. 2557 (2014)



The Embassy of the United States of America,
BANGKOK.

The Actions of the Concerned Parties to Solve the Problem of Child Labour and Forced Labour in the Shrimp, Garment, Sugar Cane, and Fish Products in Thailand in 2013.

Background

U.S. Department of Labor has published a list of goods from countries in which the U.S. Department of Labor has reason to believe are produced by child labour or forced labour (List of Goods Produced by Child labor or Forced labor). It is released to the public to raise awareness of child labor and forced labor in the production of that country, and to urge those countries to solve the problems. The U.S. Department of Labor has identified 5 items of goods that are produced with the use of child labour and forced labour from Thailand.

1. Shrimps and garment made from child labour and forced labour.
2. Sugar cane and pornography production from child labour .
3. Fish production from forced labour.

An important measure regarding child labour that the United States issued is the Executive Order 13126 which requires the government of the United States not to purchase goods believed to be manufactured or produced by forced child labour or debt bondage, and foreign contractors who deliver goods to the Federal Government of the United States must certify that such goods are not produced by child labour, forced labour, or debt bondage. Under the Executive Order 13126, categories of goods from Thailand which have been identified in the list, are shrimps and garment.

To solve the problem, the government of Thailand assigned an operational agency: the Department of Labour Protection and Welfare (DLPW). DLPW has the authority to enforce labour protection in accordance with the Labour Protection Act B.E.2541 and the Department of Labour Protection and Welfare has collaborated with the concerned parties. In addition, the Parties themselves have also undertaken various activities. In 2013, activities implemented to solve the issue of child labour, forced labour or debt bondage in the workplaces that produce garment, shrimp, sugarcane, and fish have been conducted as follows:

1. Workplace that produces shrimp.

1) Issuance of manuals / guidelines on use of child labour in hazardous work for the shrimp and seafood processing industry have been distributed to employers, employees, and the general public in order to provide knowledge and understanding of the management of occupational safety, health and environment for Working Children.

2) Determining the direction and target inspection of workplaces which may employ child labour, forced labour and child migrant workers particularly the ready-made garment business, sea fishing and seafood processing industry with a focus on workplaces that have never passed inspection within five years, the small workplace employing up to 49 workers that have never passed inspection, new established workplaces, and workplaces which did not comply with the labour protection law in the past year .

3) The Committee to Certify Workplaces that have no illegal child labour and forced labour has appointed a Working Group to inspect and certify workplaces that no illegal child

labour and forced labour. The owners of workplaces of shrimp, fish, garment, and sugar cane have announced their intention not to use child labour, forced labour, and 156 workplaces have submitted letters of intent to be certified as workplaces which do not use illegal child labour and forced labour. In 2013, the Working Group conducted a total of 26 certified inspections of which twenty workplaces (3 shrimp and fish workplaces, 7 sugarcane workplaces and 10 garment workplaces) were approved and 6 workplaces were not certified.

4) Guidelines on Good Labour Practices (GLP: Good Labour Practices) were established in collaboration with the Department of Labour Protection and Welfare, the Department of Fisheries, the International Labour Organization, employer and employee representatives. The Good Labour Practices are prescribed as guidelines to be given to entrepreneurs as criteria for achieving the intention of elevating the working and employment conditions as a model of good practice with the scope on the use of child labour, forced labour, debt bondage, and labour trafficking. This guideline will be put to trial for evaluation and will be improved with the mutual consent of all parties involved. GLP consists of three main elements as follows.

1) Guidelines, which include Guidelines and Self Assessment Checklists that are divided into 2 groups.

Group 1 concerning shrimp and seafood processing industry;

(1) GLP practices for the workplace of primary processing sea food

(2) GLP practices for factory or workplace.

(3) GLP practices in shrimp farm.

2) Hybrid training programme under the action of the Association of Frozen Food Thailand with technical support from the Department of Labour Protection and Welfare and the Department of Fisheries.

3) The next step is to provide certificates to entrepreneurs who comply with the GLP, with the goal to achieve greater recognition from the international market, which will be further discussed to formulate plans for the future.

4) A meeting was organized to promote understanding and study of the hazardous work of child labour in the shrimp and agriculture during 18-19 January 2012, at Pullman Hotel, Bangkok. The 80 participants comprised of a working group to study the nature and type of work to prepare a list of hazardous work list on the worst forms of child labour in Thailand, labour inspectors, occupational safety and health inspectors, Fisheries Department representatives, representatives from employers and employees organizations, representatives from the Association of Frozen Food Thailand, representatives of the International Labour Organization, and concerned NGOs. The objective was to raise awareness and understanding about international labour standards related to the elimination of the worst forms of child labour and in particular, the hazardous work of child labour. Risk assessment of working conditions and procedures employed in shrimp that may not be appropriate or is likely dangerous for children will be prepared as a summary for the academic topic: "Conditions for the hazardous work of child labour in the shrimp business and

agriculture." During 20 - 22 March 2012, an expert from the International Labour Organization in Geneva explored conditions in shrimp farms in Cha Cheang Sao Province, primary processing workplaces (shrimp) and some factories in SamutSakhorn Province.

5) The ILO made suggestions to improve the rules / regulations for the hazardous work for child labour in shrimp and seafood processing industries in Thailand and proposed them to the Department of Labour Protection and Welfare to reconsider and amend the law relating to children in four main issues: law concerning the weight ratio for boy or girl workers can lift; prohibition of child labourers working at night; prohibition of child labourers working on higher ground; and, the standard temperature of the environment in the workplace appropriate for child labourers. The Department took the recommendations to conduct occupational safety, health and environment management for Working Children in shrimp processing, and sea food industry to provide knowledge and better understanding to the employers, employees, and the agencies involved on the management of safety, health and environment at work for Working Children in the shrimp processing and seafood industry in order to provide a safe environment for children to work in. The ILO will provide support in publishing and disseminating such guidelines.

6) Proactive measures to raise awareness and approach entrepreneurs by requesting cooperation from the workplace to comply with labour laws and cooperate with the government in tackling human trafficking, were established. Entrepreneurs which may be at risk groups for using child labour or forced labour, such as entrepreneurs from small scale industries, garments, agriculture, shrimp, frozen seafood, and the fishing industry were invited to a meeting to hear the government's policy and discuss ways to prevent and solve labour trafficking issues particularly on the use of illegal child labour and forced labour, including the role of the private sector to solve the situation of child and forced labour.

7) The Minister of Labour, (Police Lieutenant Chalerm Ubumrung) signed and promulgated the Good Labour Practice Guidelines for Primary Processing Workplaces in the Shrimp and Seafood Industry of Thailand (GLP / PPW) on September 13, 2013. Also, the Ministry of Labour in collaboration with the Department of Fisheries, Ministry of Agriculture and Cooperatives and the International Labour Organization (ILO) launched the GLP/PPW on August 16, 2013 (178 workplaces participated in this project). GLP will be an important tool in the implementation on the basis of corporate social responsibility (CSR) and build confidence that the goods produced by entrepreneurs using good labour practices under the ILO standards cover key aspects of employment and working conditions without the use of forced labour or illegal child labour, and provide a safe working environment.

Group 2 Workplaces that produce clothing (Garments)

1) Determine the direction and goals of workplaces which may employ child labour, forced labour and child migrant workers, particularly the ready-made garment business, sea fishing and seafood processing industry workplaces that

have never passed inspection within five years, the small workplace employing 1-49 workers, that have never passed inspection, newly established workplaces and workplaces where its practice did not comply with the labour protection law in the past year.

2) The Board of Directors to approve workplaces with no illegal child labour and forced labour had appointed a Working Group to inspect and certify workplaces that has no illegal child labour and forced labour. A total of 156 industry workplaces of shrimp, fish, garment, and sugar cane have announced its intention not to use child labour and forced labour, and have submitted letters of intent to be certified as workplaces with no illegal child labour and forced labour. In 2013, the Working Group conducted a total of 26 certified inspections.

3) Proactive measures to raise awareness among entrepreneurs such as cooperation on labour practice in compliance with labour laws and cooperation with the government in tackling human trafficking have been put in place. Moreover, entrepreneurs of small scale industries, garment, agriculture, shrimp frozen seafood, and fishing industry which may be the risk groups of using child labour or forced labour have been invited to hear government policies and discuss ways to prevent and solve labour trafficking issues with regard to the use of illegal child labour and forced labour.

3. Workplaces of sugarcane production

1) On April 17, 2013 the Ministry of Agriculture and Cooperatives released information on prohibition on the use of child labour in sugar cane fields and the use of hazardous chemicals safely.

2) On May 30, 2013 the Office of the Cane and Sugar Committee, Ministry of Industry announced its intention to join the fight against child labour in sugarcane plantations.

3) The Ministry of Interior ordered the local authorities with childcare centres or nursery children to receive children of sugar cane workers into care while their parents work in the cane fields.

4) The Board of Directors to approve the workplace with no illegal child labour and forced labour had appointed a Working Group to inspect and certify workplaces with no illegal child labour and forced labour. A total of 156 industry workplaces of shrimp, fish, garment, and sugar cane have announced their intention not to use child labour and forced labour, and have submitted letters of intent to be certified as workplaces with no illegal child labour and forced labour. In 2013, the Working Group conducted a total of 26 certified inspections. Twenty workplaces passed the inspections, 7 of which were sugar cane workplaces.

5) The Office of the Cane and Sugar Committee, Ministry of Industry together with representatives of Cane Growers Association and the Association of Sugar Factories announced their intent to join the fight against child labour in the sugarcane fields, and signed a memorandum of intent on mutual cooperation to acknowledge and

recognize the importance of the prevention of child labor in the sugarcane fields for the off-season harvest 2013– 2014. In order to reassure continued commitment from sugarcane farmers and sugar mills to prevent child labour problems in sugarcane fields, the following activities were implemented;

5.1 Signing of the Agreement "MitrPhol Group does not promote the use of child labour" was held at the PhuWieng Sugar Factory, KhonKaen Province on September 9, 2013 as a collaboration between the MPSG, Institute of Sugarcane Planters and its contractors to confirm their intention not to support the use of illegal child labour and forced labour. In their manufacturing operations, the implementation plan on not supporting the use of child labour outlines 8 steps for the process of operation as follows:

- 1) The collaboration with stakeholders and partners.
- 2) The risk assessment and impact of the manufacturing process.
- 3) The preparation of guidelines for good practices.
- 4) Communication and training throughout the supply chain.
- 5) Tracking compliance in accordance with the guidance.
- 6) Modification to comply with the guidance.
- 7) Having an independent review.
- 8) Reporting work performance.

5.2 Publicize the implementation and coordinate with sugarcane farmers and sugar factories and sign the agreement on cooperation in preventing and solving problems on "the work of children in sugarcane" in the 4 regions which was organized by the Office of the Cane and Sugar Committee, Regional Sugarcane Planters Association and representatives of sugar factories in the regions. This is to raise awareness and collaboration of each party to tackle the problem of child labour in sugarcane fields with two main objectives: 1) to cooperate between factories and sugarcane farmers or operators of sugar cane quota delivered to the factory to confirm and show the intention of not using child labour in sugarcane fields; 2) to support and promote the work of the Provincial Assistance Operations Center for Women and Child Labour in the prevention and solution to child labour in sugarcane fields which may lead to the worst forms of child labour and labour issues related to human trafficking.

4. Fish Processing Workplaces

1) Determine the direction and goals of inspection of workplaces which may employ child labour, forced labour and child migrant workers, particularly in the ready-made garment business, sea fishing and seafood processing industry workplaces that have never passed inspection within five years, small workplaces employing 1 to 49 workers that have never passed inspection, newly established workplaces and workplaces which did not comply with the labour protection law in the past year.

2) The Board of Directors to certify the workplace that has no illegal child labour and forced labour appointed a Working Group to inspect and certify workplaces that has no illegal child labour and forced labour. A total of 156 workplaces of shrimp, fish, garment, and sugar cane have announced their intention not to use child labour and forced labour. In 2013, the Working Group inspected 26 workplaces of which 20 workplaces received certification (3 among them were shrimp and fish processing workplaces) whereas 6 workplaces did not pass the inspection.

3) With regard to good labour practices (GLP: Good Labour Practices), the Department of Labour Protection and Welfare, Department of Fisheries, the International Labour Organization, employer and employee representatives jointly prescribed the Good Labour Practices as guidelines for entrepreneurs to follow to achieve the goal of elevating the working and employment conditions as a model of good practice with the scope and limitation on the use of child labour, forced labour, debt bondage, and labour trafficking. This guideline will be used on a trial basis and then will be evaluated for improvement with the mutual consent of all parties involved, including the GLP for Thailand's fishing industry. The goal for the fishing industry is to prepare Operational Guidelines for working conditions on fishing vessels of Thailand with the emphasis on the recruitment, employment and welfare of both Thai and migrant workers. Such guidelines have been developed based on Thai laws and regulations i.e., the Labour Protection Act B.E. 2541, the Anti-Human Trafficking Act B.E. 2551, Thai Labour Standards, and the Code of Conduct for fishing entrepreneurs.

4) Proactive measures to raise awareness have been implemented and used to approach entrepreneurs to follow workplace practices in compliance with labour laws and cooperate with the government in tackling human trafficking. Entrepreneurs which may be the risk groups in using child labour or forced labour such as entrepreneurs from small scale industries, garment, agriculture, shrimp, frozen seafood and fishing industry have been invited to hear government policies and discuss ways to prevent and solve labour trafficking issues particularly on the use of illegal child labour and forced labour.

In addition, the Department of Labour Protection and Welfare has pursued the policy of preventing and solving problems of the worst forms of child labour in every type of workplace by providing the training curriculum for labour inspectors in the workplace, which could be used to detect the use of child labour or forced labour. This is also to ensure protection of migrant workers whose rights may be violated and who are deemed as forced labor. Modules for labour inspector training including improvement of guidelines and manual on labour protection and occupational safety inspection in the workplace have also been issued.

Significant Operations on the Elimination of Worst Forms of Child Labour in 2013

In 2013, the Thai government has continued to put efforts into the elimination of the worst forms of child labour, especially the revision of the Ministerial Regulation concerning Labour Protection in Agricultural Work B.E.2547 (2004) and the Ministerial Regulation No.10 B.E.2541 (1998) issued under the Labour Protection Act B.E.2541 (1998) in accordance with the Labour Protection Act 1998 and relevant ILO Conventions.

Moreover, the Ministerial Regulation on the Administration of Occupational Safety, Health, and Environment Concerning Hazardous Chemical Substances B.E.2556 (2013) was enacted and came into force in November 2013.

On policy administration, a national-level mechanism- the National Committee on the Elimination of the Worst Forms of Child Labour and the Adviser were structurally reorganized to recruit more members from more related agencies participating at the national-level committee. Three Sub-Committees were created: The Sub-Committee on the Drafting of the List of Hazardous Work related to the Worst Forms of Child Labour; the Sub-Committee on the Drafting of the Report on the Situation of the Worst Forms of Child Labour; and the Committee on the Central Operation Center for Providing Assistance to Women and Child Labour set up the Sub-Committee on Preparing Information on the Worst Forms of Child Labour which has been mandated to collect and analyze information on the worst forms of child labour and report such information to the Committee on the Central Operation Center for Providing Assistance to Women and Child Labour.

As for prevention, cooperation and law enforcement, the 1300 Hot Line has been set up to respond to complaints. The Ministry of Labour is responsible for the issue of child labour. A Standard Operating Procedure was created to receive the complaint, rescue the victim and cooperate with relevant agencies, and conduct the follow-up and assessment.

With regard to law enforcement, the Department of Labour Protection and Welfare has a prescribed practice for labour inspectors in accordance with the Labour Protection Act B.E. 2541 (1998) as follows;

1. Enforce the law stringently in the case that the employer violates the law regarding the use of child labour under 15 years of age or human trafficking for labour exploitation, the labour inspector must immediately proceed with the criminal legal procedure against the employer.

2. Protect migrant workers based on the principle of equality in all issues involving the payment of wage, severance pay, overtime pay, holiday pay as well as welfare, etc. Migrant workers have the right to submit the complaint to the labour inspector equally as Thai workers.

3. The labour inspectors must file legal complaint against the employer that he or she is engaging in human trafficking which includes the use of child labour under 15 years of age, the use of young workers aged 15-18 years of age in hazardous work regulated by the Labour Protection Act B.E.2541 (1998), the case involving special factors or affecting a lot of workers, the use of child labour involving physical abuse, physical detainment or other forms of criminal offences, sexual harassment regulated by Article 16 of the Labour Protection Act B.E.2541 (1998), and the case involving criminal offences regulated by other laws, by submitting the cases immediately to the police to proceed with the criminal legal procedure without the process of administrative order issuance and payment of fine. In such cases, the labour inspectors must proceed with the criminal procedure within 3 days after receiving the complaint in order to immediately respond to the problem.

4. Pursue legal proceedings against the employer who violates the Labour Protection Act B.E.2541 (1998) in accordance with the Department of Labour Protection and Welfare Regulation on Criminal Prosecution and Fine Payment against Criminal Offenders based on the Labour Protection Act B.E.2547 (2004) which provides the maximum penalty of 1 year imprisonment or 200,000 baht fine or both.

As for labour inspection this year, the government focused its efforts on risk groups of workplaces that use child labour, forced labour and migrant workers especially the garment and textile enterprises, fishing industry, seafood processing and related industries, enterprises which have not been inspected in the past 5 years, small-scale enterprises having 1 to 49 workers which have not been inspected, newly established enterprises, and the enterprises that violated the law in the previous year. The labour inspectors conducted the labour inspection and found that there were 581 enterprises hiring 3,927 young workers. Among such enterprises, there were 27 enterprises which violated the law relating to the use of child labour under 15 years of age, the negligence of duty on informing the competent authority about the employment of young workers aged 15-18 years of age, the employment of young workers at night work during 10.00 p.m.-6.00 a.m. without permission from the Department. As a result, the labour inspectors have informed the police to proceed with criminal procedures.

In 2013, the Working Group for the Certification of Enterprises was established to inspect and certify that no child labour and forced labour are used. This Working Group consists of members from government agencies, private agencies and NGOs. The enterprises in shrimp, fish, garment and sugar cane sectors participated in the ceremony of declaration of intent not to use child labour and forced labour in November 2012. After such ceremony, 156 enterprises submitted the report form to be inspected and certified that they have not used child labour and

forced labour according to the regulation concerned. In 2013, the Working Group for the Certification of Enterprises mentioned above certified 26 enterprises: 3 enterprises in shrimp and fish processing, 7 sugar cane enterprises, 10 garment enterprises, and 6 enterprises did not meet the certification standard.

The government worked closely with private agencies and the representatives of workers and the ILO in establishing the voluntary measures to create the Good Labour Practices in order to improve the working conditions as a guideline for the enterprises. During the first stage, Good Labour Practice was primarily implemented in the seafood processing sector.

In this regard, the government has continuously developed the capacity of labour inspectors and the capacity of employers and workers in order to enhance understanding and strengthen collaborative work for the success of the elimination of the worst forms of child labour.

The Department of Labour protection and Welfare

8th January 2014

1) Prevalence and sectoral distribution of worst forms of child labour:

1.1 In what sectors or activities were children involved in hazardous activities or other worst forms of child labour? Hazardous activities include working long hours; working at night, working in dangerous environments and locations, such as in mines, underwater, on the streets, and in isolated places like private homes; as well as work with dangerous tools, machines, or chemicals.

Answer

ILO Convention No.182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour stipulates that the term “The worst forms of child labour” comprises: 1) All forms of slavery or practices similar to slavery; 2) The use, procuring or offering of a child for prostitution; 3) The use, procuring or offering of a child for illicit activities; and 4) Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children. Thailand ratified ILO Convention No. 182 in 2001. The convention requires the ratifying State to design and implement programmes of action to eliminate, as a priority, the worst forms of child labour.

In 2013, some of the worst forms of child labour was found as follows:

With regards to work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children, which falls under the mission of the Department of Labour Protection and Welfare that operates under the Labour Protection Act B.E. 2541 (1998), section 49 - 50 and the announcement of a National Committee on the

Elimination of the Worst Forms of Child Labour specifies that the hazardous types of work which are the worst forms of child labour in Thailand include works such as, working under extreme high temperature in the metal smelting, blowing, casting or rolling work, working hours between 10 p.m. and 6 a.m., working under extreme low temperature in cold storage in the production or preservation of food by freezing, and working in slaughterhouses, gambling places, and a place for adult entertainment including dancing etc.

In 2013, the labour inspectors of the Department of Labour Protection and Welfare did not find child labour in hazardous work according to the Labour Protection Act, B.E.2541(1998) or the Announcement of the National Committee. However, a case of forced Myanmar labour, a 12 year-old girl was found in Kamphaengphet Province. She did not get any wages from her employer and had only 2 meals a day. -It was found that the employer violated the Labour Protection Act, B.E.2541 (1998) as the employer employed child labour under 15 years old and did not pay any wages. Therefore, the labour inspectors have submitted this case to the relevant parties as follows;

- 1) Gathering the evidence to submit a complaint to the inquiry official of the Kamphaengphet Provincial Police Station in order to file charges against the employer on the allegation of violation of section 44 and section 70 of the Labour Protection Act B.E.2541 (1998). Furthermore, the public prosecutor has made the decision to file prosecution against the employer on the offences of trafficking in persons, enslavement, grievous bodily harm, detainment, and child abduction.

2) Cooperating with the social workers at Kamphaengphet Province Shelter for further assistance as appropriate.

1.2 Did the government collect or publish data on exploitative child labour during the period? If so, please provide any reports based on the data.

Answer

The Government did not compile data on child labour during the period.

2) Laws and regulations:

2.1 What, if any, new laws or regulations were enacted during the reporting period in regard to the worst forms of child labour? If applicable, were the changes improvements in the legal and regulatory framework?

Answer

In 2013 Department of Labour Protection and Welfare, Ministry of Labour has enacted the relevant laws as follows:

Ministerial Regulations concerning the Standard of Management, Occupational Safety, Health, and Environment on Hazardous Chemical Substances, 2013 was announced in the Government Gazette on November 29, 2013 and came into force from November 30, 2013 onwards. These Ministerial Regulations are in pursuant to the Occupational Safety, Health, and Environment Act, B.E.2554 (2011) that had been enacted and came into force on 16th July, 2011 and replaced Chapter 8 on Occupational Safety, Health, and Environment of the Labour Protection Act, B.E.2541 (1998), which was repealed by the Labour Protection Act (No. 4) B.E. 2554 (2011). However, some

Ministerial Regulations, Ministry Announcements, and Regulations issued under Chapter 8 of the Labour Protection Act, B.E.2541 has been applied mutatis mutandis to the Occupational Safety, Health, and Environment Act, B.E.2554, according to the Transitory Provision of the latter Act. In this regard, the Announcement of the Ministry of Interior concerning Occupational Safety on Environment (Chemical Substances), 30th May, 1977, and the Announcement of the Ministry of Interior concerning Occupational Safety on Hazardous Chemical Substances, 22nd August, 1991, issued under the Announcement of the National Executive Council No. 103 which have been in force up to the present, could no longer be enforced, thus, the said Ministerial Regulations have been enacted.

2.2 Did the country have a minimum age for employment? What was it? Did the country have compulsory education? What was the age to which education was compulsory? Did the country have free education? What was the age to which education was free?

Answer

Thailand defines minimum age of young workers in the Labour Protection Act, B.E.2541 Chapter 4 Employment of young workers section 44 that an employer shall not employ a child under fifteen years of age as an employee.

The Compulsory Education Act, B.E.2545 (2002) stipulates that parents send children (a child between the ages of 6 to 16 years old) to be enrolled in schools, and any person who, without reasonable cause, acts in any way which makes a child fail to enroll in school, shall be liable to a fine not exceeding 10,000 baht.

The National Education Act, B.E.2542 (1999), section 17 states that compulsory education shall be for 9 years, requiring children age 6 to enroll in basic education institutions until the age of 16. Ministry of Education issued guidelines in case the parents do not send a child to enroll in basic education institutions in primary school or secondary school as prescribed by the Regional Education Committee or the Local Administration Organization. Such guidelines are as follows;

1) The educational institutions responsible for the area shall monitor and follow up the parents to send their children to enroll.

2) If parents do not send children to enroll within 7 days of the start of the first school semester, the educational institutions should send letters via registered post to parents informing them to bring their children to enroll and the institutions shall report to either the Regional Education Committee or the Local Administration Organization.

3) The Regional Education Committee or the Local Administration Organization shall send a warning letter to remind parents to send their children to enroll immediately.

4) The Regional Education Committee or the Local Administration Organization coordinates with the educational institutions to follow up on the children enrolled.

5) If parents do not enroll children in the school after receiving notification, section 13 of the Compulsory Education Act B.E.2545 (2002) shall be enforced by the Regional Education Committee or the Local Administration Organization.

2.3 Did the country have a minimum age for employment in hazardous work? What was it? Did laws prohibit children from engaging in the kinds of hazardous work that are common in the country? For example, if working with dangerous tools in agriculture (such as machetes) is a common practice, did the country prohibit children from using such tools? Please specify.

Answer

The Labour Protection Act B.E.2541 defined child labour protection as follows:

- Section 44. An employer shall not employ a child under 15 years old as an employee.

- Section 45. In the case of employment of a young worker under 18 years old, the employer has to inform the labour inspector regarding the employment of a child worker within 15 days from the date when the child worker commenced work so that the labour inspector can inspect the workplace for fact finding or monitoring the employer's practice whether it is in compliance with the laws or not.

- Section 49 and 50. An employer shall not require a young worker under 18 years old in hazardous work and work in specified places.

- Ministerial Regulation on the Protection of Agricultural Workers B.E. 2547 (2004): An employer shall not employ a child under 15 years old as an employee. The employer can employ a child from 13 years old with the consent of parents or guardians, to perform work during the period that the school is closed or the period which is not class time in jobs that cannot harm their health or work that shall not inhibit their development and their quality of life. However, the Regulation is currently under consideration to be modified as appropriate to the current situation and comply with the labour protection law and the International Labour Standards.

The Notice of the National Committee for the Elimination of the Worst Forms of Child Labour on Type of Hazardous Works for Child Labour in Thailand B.E. 2555 (2012) defined the words "child", "child labour", and "hazardous works of child labour". The Notice distinguishes types of hazardous work for a child into two types: 1) The nature of work is hazardous for children such as lifting, carrying on their shoulders, on their heads, pulling or pushing loads in excess of twenty kilograms on average for a girl

child labour and twenty five kilograms on average for a boy child labour, and metal smelting, blowing, casting or rolling, metal pressing, using a pneumatic drill work etc.; and 2) The work which its environment is hazardous for children such as regularly working between 22.00 hours and 6.00 hours, work performed in cold storage in the production or preservation of food by freezing, work in a slaughterhouse, in a gambling place etc. This Notice not only follows the ILO Convention No. 182 but also clarifies on how child labour in hazardous work will be managed. If there is any violation of this Notice, penalty under the law, where each type of hazardous works in this Notice is specified, shall be exercised.

The Thai traditional family is an extended one comprising of many generations of family members in one household. The elders' accumulated wisdoms are transferred from generation to generation. Hence, it is necessary for Thai children who are old enough to learn how to perform the family's work to help their families, such as learning how to use equipments under the supervision of an adult. This is part of Thai social norms and culture of a Thai family. It is the way they stay together as a family.

2.4 Did laws prohibit the following crimes against all children up to age 18? Please note whether the law applied equally to girls and boys. If possible, list the specific laws that prohibited the following activities:

a) forced labour/ trafficking/ other practices similar to slavery

b) child soldiering, and in particular forced recruitment for child soldiering (please note the minimum age for voluntary and compulsory military recruitment)

c) prostitution

d) the use, procuring or offering of a child for the production of pornography or for pornographic performances

e) the use of children by an adult for illegal activities (such as drug trafficking)

Answer

The Anti – Trafficking in Persons Act B.E.2551(2008)

In this Act, “Exploitation” means seeking benefits from prostitution, production or distribution of pornographic materials, other forms of sexual exploitation, slavery, causing another person to be a beggar, forced labour or service, coerced removal of organs for the purpose of trade, or any other similar practices resulting in forced extortion, regardless of such person’s consent.

“Forced labour or service” means compelling the other person to work or provide service by putting such person in fear of injury to life, body, liberty, reputation or property of such person or another person, by means of intimidation, use of force, or any other means causing such person to be in a state of being unable to resist. The penalties of this Act are determined in Section 52 which states that whoever commits the offence under paragraph one against a child whose age exceeds fifteen years but not yet reaching eighteen years, the offender shall be liable to the punishment of an imprisonment from six years to twelve years and a fine from one hundred twenty thousand Baht to two hundred forty thousand Baht. If the offence is committed against a child not over fifteen years of age, the offender shall be liable to the punishment of imprisonment from eight years to fifteen years and a fine from one hundred sixty thousand baht to three hundred thousand baht.

Moreover, under the Prostitution, Prevention and Suppression Act, B.E. 2539 (1996) section 9 stipulates that whoever procures, seduces, or takes away another person to commit the act of prostitution, even with consent of such person, irrespective of whether the various acts which constitute the offence are committed inside or outside the Kingdom, shall be punished with imprisonment of one to ten years and a fine of twenty thousand to two hundred thousand baht. If the offence is committed against a person over fifteen years but not over eighteen years of age, the offender shall be punished with imprisonment of five to fifteen years and a fine of one hundred

thousand to three hundred thousand baht. If the offence is committed against a child not over fifteen years of age, the offender shall be punished with imprisonment of ten to twenty years and a fine of two hundred thousand to four hundred thousand baht.

The Military Enlistment Act B.E.2497

The Military Enlistment Act B.E.2497 (1954) requires male with Thai nationality who is 18 years old, to enlist in the military reserve force and the enlisted male will then be called for selection to be the officer in service. Those who are exempted are the ones who have completed 3 years in Military Service Training in the Territorial Defense Course whereas those who did not take or have not completed the 3-year course, will have to undergo the process of the military selection. However, some who are still undertaking the mentioned course or have due reasons can forego the military selection process or can be indulged on a case-by-case basis.

The law in relation to human trafficking is called the Anti – Trafficking in Persons Act, B.E. 2551 which gives equivalent protection to both male and female victims under the age of eighteen years old.

1. Thailand has ratified the Convention on the Rights of the Child on the involvement of children in armed conflict for the purpose of preventing children under 18 from getting involved in armed conflict by adding child right affairs in the National Child and Youth Development Plans B.E. 2555 – 2559 according to the recommendation of the United Nations Committee on the Rights of the Child. These plans do not allow children to get involved in any village security team in order to keep them away from using weapons. The village headmen are in charge of taking care of plan implementations,

and educating involved people such as authorities and the parents who work as a village security team.

2. The Military Service Act B.E.2497 prescribes the minimum age of 20 years old for those who would like to participate in recruitment.

3. There is one Act, enacted in B.E.2503, relative to the military subjects defines a qualification for those who would like to do the military subject. They have to be at least fifteen years old on May 31 of the applying year in accordance with the Convention on the Rights of the Child on the involvement of children in armed conflict.

- The law in relation to prostitution is called the Prevention and Suppression of Prostitution Act, B.E. 2539. This Act gives an equivalent protection to both male and female children under the age of eighteen years old,
- Any person who procures, induces, offers any child for pornography productions and pornographic acts shall be liable to the punishment provided in the Child Protection Act, B.E. 2546. This Act gives an equivalent protection to both male and female children under the age of eighteen years old except those becoming sui juris upon marriage. All such acts can cause physical and mental harm to, and deprive the liberty of the children regardless of their consent.
- Thailand has ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child prostitution and Child Pornography in order to protect children from any form of such violence. Therefore, the National Child and Youth Development Plans B.E. 2555 – 2559 contains child

right affairs according to the recommendation of the United Nations Committee on the Rights of the Child, as well as has operational guidelines as follows :

1. Campaigning for the draft Act on Prevention and Suppression on Stimulated Dangerous Behavior of Medium is under the consideration by the parliament, in which pornographic materials are considered a provocative cause to danger behavior. Consequently, the possession of child related pornography is illegal.
 2. Studying and identifying the meaning of the sale of children, child related pornography and the circumstance of the sale of children. Also, defining responsible agencies is being considered.
 3. Developing measures to stop dissemination of child related pornography on the internet.
- Under the Protection and Suppression of Prostitution Act, B.E. 2539, prostitution is unlawful especially in section 8. Gratifying his or her sexual desire or that of another person, with or without his or her consent, shall be liable to imprisonment for a term of six months to two years or a fine of ten thousand to forty thousand Baht or both.
 - The Anti – Trafficking in Persons Act, B.E. 2551 defines that seeking benefits from the prostitution, production or distribution of pornographic materials, other forms of sexual exploitation, slavery, causing another person to be a beggar, forced labor or service, coerced removal of organs for the purpose of trade, any other similar practices resulting in forced extortion, regardless of such person’s consent, are guilty.

Whoever commits any of the above acts shall be liable to imprisonment for a term of four to ten years or a fine of eighty thousand to two hundred thousand Baht. If the offence is committed against a child whose age exceeds fifteen years but not yet reaching eighteen years, the offender shall be liable to imprisonment from six years to twelve years and a fine from one hundred twenty thousand Baht to two hundred forty thousand Baht. If the offence is committed against a child not over fifteen years of age, the offender shall be liable to the imprisonment from eight years to fifteen years and a fine from one hundred sixty thousand Bath to three hundred thousand Baht.

- Under the Child Protection Act, B.E. 2546, section 26, elders are forbidden to force, threaten, induce, encourage or allow children to adopt behavior and manners which are inappropriate or likely to be the cause of illicit act. It is forbidden to force, threaten, induce, encourage or act in any other way that result in children becoming beggars, living on the street, or use children as an instrument for begging or doing illicit acts, or act in any way that result in the exploitation of children. In addition, it is unlawful to use, employ or ask children to work or act in such a way that might be physically or mentally harmful to the children, affecting the child's growth and development. Any person who commits those acts, regardless of children's consent, shall be liable to the punishment of an imprisonment for the term of not over three months or a fine of not over thirty thousand Baht or both.

2.5 If there were prohibitions against the worst forms of child labour, what were the penalties? Were penalties sufficient or insufficient to serve as deterrents?

Answer

The worst forms of child labour based on ILO Convention No. 182 is addressed under several laws as follows:

- Labour Protection Act B.E.2541

Whereas an employer violates or fails to comply with this law concerning employing child labour to perform hazardous work which cause bodily or mental injury, or leading to the death of a child employee, he or she shall be penalized with a term of imprisonment not exceeding one year or a fine not exceeding two hundred thousand baht, or both.

- Child Protection Act B.E.2546

Whoever violates this law by committing or omitting acts that cause bodily or mental injuries to a child, force, threaten, induce, encourage or allow a child to adopt behavior and manners which are inappropriate or likely to harm the child's physically and mentally, or force, threaten the child to commit any acts indicative of commercial exploitation in a manner which hinders the child's growth and development or constitutes an act of torture against the child shall be liable to a term of imprisonment not exceeding three months or a fine not exceeding thirty thousand baht, or both.

- The Anti – Trafficking in Persons Act B.E.2551

Whoever commits offence against a child whose age exceeds fifteen years but not yet reaching eighteen years, the offender shall be liable to the punishment of an imprisonment from six years to twelve years and a fine from one hundred twenty thousand baht to two hundred forty thousand baht. If the offence is committed against a child not over fifteen years of age, the offender shall be liable to the punishment of an imprisonment from eight years to fifteen years and a fine from one hundred sixty thousand baht to three hundred thousand baht.

- Narcotics Act 1979

The law does not prescribe about child protection, but if a child is used to procure drugs, or is offered for drugs trafficking, the penalty of this law can be enforced.

- Occupational Safety, Health and Environment Act B.E.2554

Any employer who violates the Act shall be penalized with imprisonment of not more than one year or a fine not exceeding four hundred thousand baht, or both.

3) Government task forces or commissions on the worst forms of child labour:

3.1 Did the government either establish for the first time during the reporting period, or continue to have from previous periods, any task forces, commissions or agencies to serve as the lead or to coordinate government efforts on issues of the worst forms of child labour? Or, did the government either establish for the first time during the reporting period, or continue to have from previous to the period, any such bodies to focus on a particular worst form of child labour, such as child trafficking? For any such coordinating body:

a) indicate whether it was new during the period or previously existing,

b) describe its composition, how it functioned in practice and whether it was active. If it was active, please provide a list of activities carried out.

Answer

Since 2006 Ministry of Labour has been the main agency which set up the mechanism to eliminate the problem of the worst

forms of child labour to comply with the ILO Convention no. 182 at both national and provincial levels as follows:

1. National Mechanism

In 2006, the cabinet authorized the Ministry of Labour to appoint the National Committee and Advisory on the Elimination of the Worst Forms of Child Labour. Under the Order of the Ministry of Labour No.57/2549 dated 28 March 2006, the National Committee which has 24 people in total, is chaired by the Minister of Labour with Dr. Saisuree Jutikul as the advisor to the Committee and the Director- General of the Department of Labour Protection and Welfare as secretary and member.

On 24 August 2006, the Ministry of Labour No. 1/2549 subsequently appointed a Sub-committee chaired by the Director-General of the Department of Labour Protection and Labour, to develop the National Plan of Action and oversee the implementation of the National Plan.

In 2010, the National Committee to Eliminate the Worst forms of Child Labour was increased to 33 members. The Committee consists of representatives from the government sector, private sector, employer sector, employee sector, academics and specialists to implement the policy and national plan, follow up and evaluation to adjust the policy and plan in accordance with the current situation. Moreover, the Committee's responsibility is to coordinate with several agencies within the country and overseas. It also has to update and advise the cabinet annually. In the same year, three Sub-committees were set up:

- 1) The Subcommittee to list hazardous work under the worst forms of child labour is comprised of 24 members from both public and private sectors, employers association, employees association and NGOs. The Subcommittee's responsibility is to study the nature of work and work environment that could have impact on the child's health, safety and morale in order to submit the list of hazardous work to the National Committee for consideration.

2) The Subcommittee to determine key performance indicators of the implementation of the National Plan to Eliminate the Worst Forms of Child Labour is comprised of 19 members from both public and private sectors as well as NGOs. Its responsibility is to determine the key performance indicators in accordance with the measures, strategic policy and the National Plan to establish the system to monitor and evaluate implementation of the plan then report to the National Committee and the relevant parties for implementation.

3) The Subcommittee to conclude the report on the situation of the Worst Forms of Child Labour is comprised of both public and private sectors, employers association, employees association and NGOs. Its responsibility is to gather all information about child labour and the worst forms of child labour including the format and content of the report to submit to the National Committee and the Cabinet.

2. Provincial Mechanism

The Cabinet approved the establishment of the Committee on Women and Child Labour Help Center in order to serve as the mechanism to eliminate the worst forms of child labour at the central and provincial levels as follows:

2.1 The Committee of Women and Child Labour Help Center at the central level, which comprises 29 members from public and private sectors and NGOs, is responsible to prevent, solve and protect women and child labour from working in the worst forms by coordinating with the Center of National Protection and Suppression of Human trafficking. The Committee also collects and distributes information as well as analyzes the situation in its responsible area including setting up a work plan in accordance with the national plan and policy.

2.2 The Committee on Women and Child Labour Help Center at the provincial level, which comprises 20 members from public and private sectors, NGOs and local administration organizations, is chaired by the provincial governor of each

province. Its responsibility is to prevent, solve and protect women and child labour from working in the worst forms by cooperating with the Provincial Protection and Suppression of Human Trafficking. It is also responsible for coordinating and working with concerned agencies to collect, distribute data as well as analyze the situation in the area, and implement the work plan at the provincial level in accordance with the national policy and plan.

In 2013 there were some **adjustments to the composition and the responsibilities of Committees and Subcommittees**. The adjustment was aimed to be inclusive of concerned agencies in eliminating the worst forms of child labour for effective implementation under the current situation and changing circumstances.

1. On 30 April 2013 the Cabinet resolved to add 5 more members to the National Committee:

1.1 Permanent Secretary of the Ministry of Information and communication technology

1.2 Director-General of the Public Relations Department

1.3 Director of the Bureau of the Budget

1.4 Director of the National Statistical Office

1.5 Director of the Women and Child Labour and Labour Protection Network Group, Department of Labour Protection and Welfare

On 10 September 2013 the National Committee and the Advisor approved the adjustment of two Subcommittees and the appointment of one Subcommittee as follows:

2.1 The Subcommittee to List the Worst Forms of Child Labour in Thailand was appointed on 29 October 2013. This Subcommittee comprises 27 members responsible for reporting and reviewing the list of hazardous work and presenting recommendations on the revision of the law on labour protection and related laws to the National Committee to Eliminate the Worst Forms of Child Labour.

2.2 The Subcommittee to Report the Current Situation of the Worst Forms of Child Labour, set up on 29 October 2013, is chaired by the Deputy Director-General of the Department of Labour Protection and Welfare and comprises 27 members.

2.3 The Subcommittee to monitor and review the implementation of the National Plan chaired by the Director-General of the Department of Labour Protection and Welfare with Dr. Saisuree Chutikul as advisor, is comprised of 30 members. It is responsible for determining the framework and guidelines to improve and amend the content and propose the plan and policy to eliminate the worst forms of child labour to the National Committee.

3. The Cabinet approved on 24 July 2013 the appointment of the Subcommittee on Data Collection of the Worst Forms of Child Labour under the Committee of Women and Child Labour Help Center in the central area. This Subcommittee is tasked to gather data, follow up and analyze the situation of the worst forms of child labour and report and provide recommendations to the Committee of Women and Child Labour Help Center in central area.

Key Works Implemented by the National and Provincial Mechanism in 2013

1. The National Committee and Advisor to Eliminate the Worst Forms of Child Labour

1.1 The implementation to protect child labour from working in worst forms by cooperating with 6 concerned agencies as follows.

1) Ministry of Agriculture and Cooperatives carried out a campaign on the prohibition of child labour in sugar cane fields and safe chemical usage.

2) On 30 May 2013 the Office of the Cane and Sugar Board, Ministry of Industry declared the fight against child labor in sugar cane fields.

3) Ministry of Education assigned the Office of Local Educational Area to follow up and monitor data on child

labour and publicize hazardous work for children to the concerned agencies.

4) Ministry of Interior commanded the local administrative offices which have child centers to admit children under their care while parents work in sugar cane fields.

5) Ministry of Public Health supported child health services particularly through village volunteers by monitoring dengue fever and providing assistance to new parents and supporting child health clinics.

6) Ministry of Information and Communication Technology is in the process of preparing to monitor data on child labour.

1.2 Publish handbook/guidelines on the management of hazardous work and child labour in shrimp and seafood processing industries.

1.3 Organize workshop on the implementation of the National Plan to Eliminate the Worst Forms of Child Labour.

1.4 Conclude report on the Situation on the Worst Forms of Child Labour and submit to the Cabinet.

2. The Committee of Women and Child Labour Help Center in central and provincial levels.

2.1 Develop guidelines to help children who are subject to the worst forms of child labour.

2.2 Implement 1,567 projects with the budget of 154,534,966 Baht under the action plan to eliminate the worst forms of child labour in accordance with the national policy and plan.

2.3 Improve the One Stop Crisis Center (OSCC) to comply with the work of the Women and Child Labour Help Center which provides assistance in 4 areas as below:

1) Teen pregnancy which is the responsibility of the Ministry of Public Health

2) Human Trafficking which is the responsibility of the Royal Thai Police

3) Child Labour which is the responsibility of the Ministry of Labour

4) Violence against children, women, the elderly, the handicapped and family members which is the responsibility of the Ministry of Social Development and Human Security

The Department of Labour Protection and Welfare instructed the Office of Protection and Welfare in 87 locations to accept and process the problem of child labour and to subsequently assign the cases to relevant agencies.

4) Institutions and mechanisms for enforcement of labour laws regarding child labour and hazardous child labour:

4.1 Has the government created and implemented an effective mechanism for filing and responding expeditiously to complaints about child labour? If so, please describe.

4.2 What agency or agencies was/were responsible for the enforcement of laws relating to child labour and/or hazardous child labour (hereafter child labour)? If multiple agencies were responsible for enforcement, were there mechanisms for coordinating enforcement actions? If yes, please describe. At a minimum, did countries have systems for referring children found during inspections to appropriate social services?

Answer 4.1 and 4.2

The Department of Labour Protection and Welfare is responsible for enforcement of the Labour Protection Act B.E.2541 and Occupational Safety, Health and Environment Act B.E.2554. In case of any violations under these laws, the Royal Thai Police will file criminal cases against the persons in violation of the mentioned Acts.

Moreover, in 2013 the government also gave the policy to all state agencies to provide rapid service to the public on 4 issues: teen pregnancy, human trafficking, child labour, and violence against children, women, the elderly, the handicapped and family members.

As the Ministry of Labour is responsible for child labour, the steps to provide assistance are as follows:

Step I: Accepting a complaint

Filing a complaint in the form of walk in, telephone, website or mobile application. When the problem is accepted by Front Line 1, the data will be recorded on the OSCC Application and forward the data to Front Line 2 within 24 hours.

Step II: Assistance

Front Line 1 and 2 will provide assistance regarding child labour in cases where:

1) the employer does not comply with the labour law, the labor inspector will conduct a fact finding investigation within 30 days. If there are grounds for the complaint, the inspector will issue an order for the employer to comply with the labour law.

2) the employer does not pay wage or compensation to the employee, the labour inspector will conduct a fact finding investigation within 60 days from the receipt of the complaint or in the case where it is complicated the inspector can extend the investigation to a further 30 days.

Step III: Forwarding the case

In case of Thai children, if Front Line 2 considers that the child has no relatives and no residence, they have to be forwarded to the temporary children's welfare shelter which is set up in 77 locations throughout the country.

In case of foreign children, if they entered into Thailand legally and once the process of labour protection and welfare is completed, the foreign children will be sent to their legal guardian in Thailand. For foreign children who illegally entered into Thailand, after labour protection and welfare processes are complete, they will be sent to the Immigration Office in order to be returned to the country of origin.

Step IV: Follow up and Evaluation

In case the child labour could not be returned to the family or guardian, the child will have to be sent to the children's welfare shelter and they will be evaluated there.

Step V: Closing the case

If the child labour has already received help and does not have to be forwarded to other concerned agencies, the case will be closed in the system by the responsible authority.

The process for labour inspectors:

When a complaint is filed, the local labour inspector will be contacted promptly by phone and official documents will be sent later from the central command in order to investigate the case without delay. They will seek for the information, record and collect all the evidences. If there is ground to the complaint, the labour inspector will report it to the inquiry official to file charges against the employer and help the child labour. The whole process will be updated by the local inspector to the central command for follow up and effective planning.

Child Protection Monitoring and Response System – CPMRS

Currently, the situation of child labour is a serious and complicated problem and the main reasons are economic and social conditions causing several problems such as violence, abandoned children and inappropriate behavior. Moreover, Thailand lacks child protection monitoring and response system in local and national levels. The information systems in the public sector only cover some groups and the data to indicate that a child is a victim or at risk of neglect, violence and exploitation has yet to be collected.

Child Protection Response System (CPRS) is the child protection service system that is linked to the system under a Case Manager (CM) at the district level and is used to transfer vulnerable children to a Multi - Disciplinary Team at the provincial level in order to effectively provide the child safety and protection.

Performance

In 2006, United Nations Children's Fund: UNICEF (Thailand) cooperated with the Institute of Nutrition, Mahidol University to establish Child Protection Monitoring System (CPMS) in the Local Administration as a pilot project to prepare the factors to respond to the child protection system and to increase the potential of provincial officers and provincial child protection committee. Moreover, it helps build more awareness at all levels, especially the disaster areas from the tsunami in 6 provinces, Phuket, Pangnga, Krabi, Ranong, Satul and Trang.

Later in 2008, CPMS was extended 4 other provinces, Suphanburi, Payao, U-bonratchathani and Songkhla, which covers 140 districts in those 10 provinces including the development and installation system named Natpro and CPdat, which is a data collection system.

In 2013, Office of Promotion and Protection of Children, Youth, the elderly and Vulnerable Groups expanded the implementation to 4 provinces; Chiangmai, Payao, Kanchanaburi and Suphanburi.

Child protection system of the Department of Social Development and Welfare, Ministry of Social Development and Human Security

Child means a person below 18 years of age whereby all children are protected by the Department of **Social Development and Welfare**.

Target Group

- Street children
- Orphans
- Children in difficult circumstances
- Disabled children
- Children at risk of wrongdoing
- Abused children

Related Laws

Main Laws

- Child Protection Act B.E.2546 focuses on child Protection and encourages the guardians to monitor their children's behavior instead of laying the blame on them.
Prostitution Prevention and Suppression Act B.E.2539 aims to provide prostitutes with training and mental rehabilitation for their occupation and quality of life development.
- Measures in Prevention and Suppression of Trafficking in Women and Children Act B.E.2540 prosecutes the traffickers of children and women with ages below 18 years.
- Domestic Violence Victim Protection Act B.E.2550 requires that psychologists or social workers be present during the investigation of victims of domestic violence in order to give consultations. The Department of Social Development and Welfare is the responsible agency to provide assistance to families.

Consistent Laws

- Criminal Procedure Code Amendment (No. 20) B.E.2542
- Labour Protection Act B.E.2541

The implementation process of Child Protection Act B.E.2546

1. Child protection process on Child Protection Act is consisted of

1.1 Assistance to the target group

- Children
- Children requiring special care
 - Street children, Orphans, Abandoned children
 - impoverished children, children under punishment, children with HIV or unable to be cared for
 - Disabled child

The pattern of assistance

- Giving alimony/ educational equipment/ consumer goods

- Giving advice/ family rehabilitation/ the skills of parenting

- Sending children to adopted family / supporting or volunteer family

- Sending children to children welfare or development / rehabilitation home

- Sending children to supported places;

- Home for Infants
- Child Development and rehabilitation centers

The adopted family

- **Permanent Adopted Family** means the family who registered for an adopted

child according to the Adoption Act B.E.2522 and B.E.2533. In 2010 there were 4,955 children placements for adopted families.

- **Temporary Adopted Family**

- In 2011 4,225 children were adopted into the family.

1.2 Safety Protection the target group are :

- Children who received ill treatment
- Children at risk who are exposed to unsuitable behavior
- children who are victims of human trafficking and prostitution.

The pattern of children safety protection

- Search the suspected location.
- Separate the children from the family for their protection.
- Admit children for physical and mental examination.
- Set the measures to control the unsuitable behavior of the adult by prohibition from entering into the specified area or giving space to the children as per the court order.
- Admit children to supported places:
 - Safety Protection Home
 - Children Development and Rehabilitation Center

The Development of Skills for Multi- Disciplinary Team Meetings and Work Process Review

- Case Conference
- Case Review

Service System Arrangement by cooperating with the Department of Mental Health to bring the medical multi-

disciplinary team to provide services in the Children Development and Rehabilitation Home

- IQ evaluation for children in supported places

Publishing a guideline handbook for system development to take care of children in each kind of welfare home

- Appoint working group to publish handbook by the relevant

professionals and the officials of the Department of Social Development and Welfare, Ministry of Social Development and Human Security.

4.3 How many inspectors did the government employ to enforce laws against child labour? Was the number of inspectors adequate?

Answer

Department of Labour Protection and Welfare has a total of 678 labour and safety inspectors which is not enough. However, there are 160 policemen and navy officers who are assigned for the inspection as well.

4.4 What amount of funding was provided to agencies responsible for inspections? Was this amount adequate? Did inspectors have sufficient office facilities, transportation, fuel and other necessities to carry out inspections?

Answer

Department of Labour Protection and Welfare has budget for the implementation in fiscal year (Oct. 1 - Sept. 30). In fiscal year of 2013, the budget is at 14,768,400 baht. Moreover, other facilities and equipment such as computers, safety inspection equipment, mobile phones and tablets are also supported but some are not enough and outdated.

4.5 Did inspectors receive training on laws and enforcement of laws relating to child labour and/or hazardous child labour? Was this training adequate?

Answer

In 2013 training programs for the relevant personels were held as follows:

1. A total of 150 new labour inspectors were trained to understand and obtain skills to inspect indicators of child labour, forced labour and human trafficking.

2. A total of 77 people participated in the training project to enhance the implementation of key indicators under the national plan to eliminate the worst forms of child labour.

3. A meeting to explain the law on work safety was held twice in May 2013 with a total of 170 participants.

4. Seminars for officials to enhance their knowledge of law enfocement was held three times with 374 attendants.

5. A total of 149 labour inspectors were trained in a seminar to develop labour inspection skills.

6. Training of a pilot program for labour inspectors to enhance labour inspection skills in risk establishments was held between 4-6 September 2013.

7. A workshop on guidelines to inspect labour in fishing boats was held between 18-20 December 2013.

4.6 How many inspections for the purpose of enforcing child labour laws were carried out? Were inspections carried out in sectors in which children work? Was the number of inspections adequate?

4.7 How many violations of child labour laws were found?

4.8 How many children were removed/ assisted as a result of inspections?

4.9 How many penalties or citations for child labour law violations were issued? Was this number adequate compared to the size of the problem?

4.10 In cases in which penalties were applied, such as fines, were the fines collected?

Answer 4.6 - 4.10

In 2013, the labour inspector performed random inspections and found that 581 businesses employed a total 3,927 of child labour. Of the businesses inspected 27 businesses were

found in violation of the Labour Protection Act B.E. 2541 such as employing child labour under 15 years of age, not reporting employment of child labour between ages 15 to 18, owing unpaid wages, making child labour between ages 15 to 18 work during 2200 hours -0600 hours. Therefore, the labour inspector sued the employer to compensate base on the Labour Protection Act. In case the employer did not comply with the demand, they would be sued by the inquiry official.

Legal findings of the charges filed against the mentioned 27 businesses on child labour are found below:

- Petchaboon Provincial Office of Labour Protection and Welfare reported to the inquiry official who then filed charges against the employer. The employer was found guilty of not notifying the labour inspector of employment of child labour aged between 15 - 18 years and was fined 2,000 baht.

- Chumporn Provincial Office of Labour Protection and Welfare reported to the inquiry official who subsequently filed charges against the employer on hiring child labour aged below 15 years which is in violation of the Labour Protection Act B.E. 2541. The employer was fined 5,000 baht.

- Ayutthaya Provincial Office of Labour Protection and Welfare reported to the inquiry official who later filed charges and fined the employer 5,000 baht for hiring child labour aged below 15 years.

As for the other 24 business cases, they are in the process of gathering evidence to file charges against the employers by the inquiry official and some cases have been submitted by the prosecutor to the court. Moreover, there are also 10 businesses which are considered as human trafficking cases.

5) Institutional mechanisms for effective enforcement of criminal laws on child forced labour/ trafficking, commercial sexual exploitation and use of children in illicit activities:

5.1 What agencies were responsible for enforcement of criminal laws against child forced labour/ trafficking, commercial sexual exploitation, and/or use of children in illicit activities?

5.2 If multiple agencies were responsible, did they coordinate activities? If yes, please describe the coordination mechanism. Were child victims referred to appropriate social services?

Answer 5.1-5.2

Department of Labour Protection and Welfare, Ministry of Labour is responsible for exercising and enforcing labour laws. The Chapter on the Use of Child Labour of the Labour Protection Act B.E. 2541, Section 44 stipulates that an employer must not employ a child less than fifteen years of age as an employee. An employer who fails to comply with Section 44 must be penalized with a fine not exceeding two hundred thousand baht, or imprisonment of not more than one year, or both. Moreover, Section 49 and Section 50 under the said Chapter of the Labour Protection Act prescribe the nature of hazardous work, work places that may be harmful, night work, overtime work and holiday work that prohibit child workers to perform such work or perform work in such places. An employer who fails to comply with mentioned Sections must be penalized with a fine not exceeding one hundred thousand baht, or imprisonment of not more than six months, or both. Where another criminal offence is found, a labour inspector must collect evidences and file criminal charges against the employer to an inquiry officer for further legal proceedings.

Other than the Labour Protection Act, criminal laws on child labour, child trafficking, child commercial sexual exploitation or the use of a child for illicit activity are enforced by concerned authorities such as the Child Protection Act B.E. 2546, the Anti-Trafficking in Persons Act B.E. 2551 and the Prevention and Suppression of Prostitution Act B.E. 2539 are enforced by the Ministry of Social Development and Human Security; the Narcotics Act B.E. 2522 and the Special Case

Investigation Act B. E. 2547 are enforced by the Ministry of Justice; or the Juvenile and Family Court and Its Procedures Act B.E. 2553 is enforced by the Juvenile and Family Court.

5.3 How many investigators did the government employ to enforce laws against the worst forms of child labour mentioned above? (If local police or other bodies that cannot reasonably be counted are responsible for such enforcement, please note this.) Was the number of investigators adequate?

5.4 What amount of funding was provided to agencies responsible for investigations? Was this amount adequate? Did investigators have sufficient office facilities, transportation, fuel, and other necessities to carry out inspections? If investigators did not have sufficient resources, please specify what they were lacking. If information is unknown or unavailable, please state this.

5.5 Did investigators receive training on the relevant worst forms of child labour named above? Was such training adequate?

5.6 How many investigations or prosecutions involving any of worst forms of child labour were carried out? Were investigations/prosecutions carried out in areas where such crimes occur? Was the number of investigations adequate?

5.7 How many violations involving any of the worst forms of child labour other than hazardous child labour were found?

5.8 How many children were removed/assisted as a result of investigations?

5.9 How many convictions were obtained? What laws were used to charge the suspects? What crime(s) were the defendants convicted of committing? Was this number adequate compared to the size of the problem?

5.10 In cases in which convictions were reached, such as jail sentences, were the sentences carried out? If perpetrators received jail time, what was the average sentence?

Answer 5.3-5.10

- Information to be supplied later.

6) Government policies on the worst forms of child labour:

6.1 During the reporting period did the government establish any of the policies or plans such as those listed below, and/or continue to support any such policies or plans that had been established prior to the reporting period? Note that DOL does not report on governments expressions of intent to adopt new policies, only policies actually adopted. Did the government establish and/or continue:

- a policy or plan that specifically addressed the worst forms of child labour or any one of the worst forms of child labour?
- a poverty reduction, development, educational or other social policy, such as
- Poverty reduction, development, educational or other social policy, such as Poverty Reduction Strategy Papers, etc., that did not explicitly address the worst forms of child labour or any one of the worst forms of child labour, but that might have had an impact on them?

6.2 When was the policy or plan established? If applicable, when will it end/expire?

6.3 If the country established any of the plans listed above, did it designate responsible agencies, establish actions to take, timelines, and other concrete measures?

Answer 6.1-6.3

At present the National Policy and Plan to Eliminate the Worst Forms of Child Labour 2009-2014 is carried out by the Department of Labour Protection and Welfare (DLPW), Ministry of Labour (MOL) which is the main agency in developing such policy and plan in order to be implemented by concerned agencies. The National Policy and Plan consists of 5 strategies as follows.

1. The prevention against the worst forms of child labour.

2. The assistance and protection of children from the worst forms of child labour.
3. The development and effective enforcement of relevant laws.
4. Knowledge improvement and capacity building of personnel.
5. The improvement of management system and mechanism.

In 2013, DLPW carried out the National Policy and Plan to Eliminate the Worst Forms of Child Labour 2009-2014. The policies and activities were set in accordance with the strategies and measures on the elimination of the worst forms of child labour and the prevention against human trafficking as follows:

1. Preventive Strategy

1. Labour inspection was focused on establishments at risk in the use of child labour, forced labour and illegal migrant workers, especially garment factories, the fishing sector and its related industries, seafood processing factories, establishments which have not been inspected in the last 5 years, establishments with 1-49 employees and have not been inspected, new establishments and establishments which failed to comply with labour laws in the previous year.

2. An Action plan on labour inspection of the sea fishing sector both off shore and on board including action plan to inform employers and employees of their rights and duties and to inspect the working condition on board fishing vessels, at fish docks and at fish markets were set to be implemented by Provincial Offices of Labour Protection and Welfare in 22 seaside provinces.

3. The Steering Committee to Certify Establishments that have no Child Labour and Forced Labour issued the order no. 22/2556 on appointing a working group to audit and certify

establishments that have no child labour and forced labour. A total of 156 establishments which include shrimp processing, fishery, garment and sugarcane had applied for the audit. In 2013, 26 applied establishments were audited. Twenty establishments were certified but 6 did not meet the requirements. The certified establishments were 3 establishments of shrimp processing and fishery, 7 establishments of sugarcane and 10 establishments of garment.

Furthermore, concerned authorities were integrated in inspection operations as follows.

1. The project on integrated inspection of fishing boats was set for Marine Police Division, Royal Thai Navy, Anti-Human Trafficking Division, Department of Special Investigation, Immigration Bureau and Department of Employment to be implemented in 2 pilot provinces (Songkhla and Trang) in order to inspect the working condition and detect human trafficking in fishing boats, fish markets and fish docks.

2. The Office of Cane and Sugar Board under the Ministry of Industry cooperated with representatives of Sugar Cane Planters Associations and Thai Sugar Millers Corporation Limited in declaring their intention to combat child labour in sugarcane plants. All sugar millers and members of Sugar Cane Planters Associations signed the memorandum of understanding of cooperation in informing and making sugarcane planters recognize the importance of prevention against child labour in sugarcane plantation during the sugarcane mills closed season of 2013-2014. This is aimed at the full intention and prompt action in uninterrupted prevention against child labour in sugarcane plantation. Activities under the memorandum were as follows.

- 2.1 The Agreement on “Mitr Phol Group against the use of child labour” was signed by Mitr Phol Group, Sugar Cane Planters Associations and its contractors on 9th September 2013 at Mitr Phu Viang Sugar Co.,Ltd., Khon Kaen, in order to present their affirmation on stopping the use of child

labour and forced labour and taking 8 steps of action plan as follows:

- 1) To participate with stakeholders and partners,
- 2) To assess the risk and impact of manufacturing processes,
- 3) To develop the proper practices,
- 4) To communicate and to provide the training program to the entire supply chain,
- 5) To follow up the application of proper practices,
- 6) To carry out the rectification in compliance with proper practices,
- 7) To provide an independent review, and
- 8) To report the performance.

2.2 The public relations and cooperation with sugarcane planters and sugarcane mills were carried out. Also, the memorandum of understanding of cooperation in preventing and resolving “child labour in sugarcane plantation” in 4 regions was signed.

3. The public relations and cooperation with sugarcane planters and sugarcane millers were carried out. Also, the memorandum of understanding of cooperation in preventing and resolving “child labour in sugarcane plants” in 4 regions were organized by the Office of Cane and Sugar Board, Sugar Cane Planters Associations and representatives of sugarcane millers in order to make involved sectors realize and participate in the resolution of child labour in sugarcane plants. The main objectives were 1) to create the cooperation between sugarcane millers and sugarcane planters or sugarcane quota holders for presenting and affirming their intention to stop the use of child labour in sugarcane plantation and 2) to support and promote the Operation Center for Preventing and Resolving Child Labour in sugarcane plantation which may lead to the worst forms of child labour or human trafficking for labour.

2. Strategy on Legal Proceedings

Guidance on enforcement of the Labour Protection Act B.E. 2541 (LPA) was issued by DLPW for giving directions for labour inspectors as follows.

1. LPA must be strictly enforced. A labour inspector must carry criminal proceedings immediately against an employer who employs a person aged under 15 years or relates to labour human trafficking.

2. Alien workers and migrant workers must be equally protected without discrimination of wages, surveillance pay, overtime pay or holiday-overtime pay, including labour welfare provided to employees. They are entitled to lodge a grievance to the labour inspector to claim their benefits under the LPA.

3. An employer who requires work from persons aged under 15 year; requires an employee aged 15-18 years to perform prohibited work or perform work in prohibited places specified under LPA; commits an offence with special circumstance or with an impact on employees in a large number; uses torture, detained or confined child workers; or violates Section 16 (sexual abuse, harassment or nuisance) together with other criminal offence must be immediately charged by a labour inspector without prior official order. The grievance related to unfair labour practice of female employees or child workers must be responded within 3 working days from the date of receiving the grievance.

4. A labour inspector must follow DLPW's regulations regarding Criminal Proceedings and Settlement of Fine against an offender who violates the Labour Protection Act B.E. 2541 in carrying legal proceedings against an employer who fails to comply with LPA with the penalties of imprisonment of not more than one year or a fine not exceeding two hundred thousand baht, or both.

3. Strategy on Assistance and Protection

DLPW has cooperated with other concerned agencies in assisting and protecting the victims or person who may be victimized, as follows:

1. DLPW's Call Center number 1546 is linked with the One Stop Crisis Center (OSCC) number 1300 - a 24 hours service hotline for assisting children, women, the elderly or disabled persons in the areas of 1) unwanted pregnancy 2) human trafficking 3) child labour and 4) violence against children, women, the elderly or disabled persons. Call Center number 1546 and OSCC number 1300 are linked and information is exchanged in order to provide assistance without delay. The Ministry of Labour assigned the Operation Centers for Preventing and Resolving Child Labour throughout the country, 10 Bangkok Metropolitan Offices of Labour Protection and Welfare, and 87 Provincial Labour Protection Bureaus to receive and sort out the grievance on child labour and be the main organization in operating against child labour.

2. The Operation Centers for Preventing and Resolving Child Labour were established in every province in order to protect and assist female and child workers, especially children who face the worst forms of child labour.

3. Special Operation Centers were established in 8 provinces (Samutsakorn, Tak, Ranong, Khon Kaen, Chiang Mai, Phuket, Chonburi and Bangkok) where large numbers of migrant workers are employed. A total of 11 interpreters are available at the Special Operation Centers. Call Center number 1546 is also prompt to provide information and advice to migrant workers as requested.

4. A victim's benefits under LPA must be claimed.

5. A labour inspector cooperates with an inquiry officer to find further facts to be used in screening for a victim of human trafficking for labour.

6. Cooperation between DLPW and with Provincial Operation Centers on Prevention and Suppression of Human

Trafficking has been run in the form of multi-disciplinary team at the provincial level.

7. Maritime National Interests Coordinating Center as requested by DLPW has provided help to a worker in on-board fishing boat is in need of help due to working conditions or safety or has difficulties in the waters of border country.

4. Strategy on Development and Driving of Policy

Mechanism

1. Prevention against and Resolution of Human Trafficking for Labour Centers were established and its Steering Committee was appointed. The duties of the Steering Committee on Prevention against and Resolution of Human Trafficking for Labour are to set the policy and measures on prevention against and resolution of human trafficking for labour, to supervise the development of plan on prevention and suppression of human trafficking for labour, to protect and assist victims of human trafficking for labour, and to cooperate with other concerned agencies.

2. The Action Plan for eliminating the worst forms of child labour and action plan for preventing and suppressing human trafficking in Thailand through cooperation amongst the concerned government agencies was set.

The operations for helping children/ child labour and eliminating the worst forms of child labour.

1. One Stop Crisis Center 1300 (OSCC 1300) is to provide help and assistance for the people and the public in four cases consisting of immediate pregnancy, child labor, trafficking in persons and the use of violence on children, women, elders and disabled people. OSCC provides the services for receiving notifications and giving consultations twenty four hours a day. Mobile operation units are used.

2. There are nine institutions involved in supporting and protecting the sufferers.
3. There are mechanisms for educating people and campaigning against those kinds of violence.

6.4 For each plan listed above, note if it was or was not carried out during the reporting period. If not, please provide any available information as to why it was not carried out.

6.5 Have any studies been conducted to assess the impact of the policy and/or plan on the worst forms of child labour?

Answer 6.4-6.5

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7) Social programs to eliminate or prevent child labour:

7.1 During the reporting period, did the government establish new programs; expand funding and support for programs that existed prior to the reporting period; and/or continue to participate in or support programs that existed prior to the reporting period, such as those listed below? Note that DOL does not report on governments' expressions of intent to adopt new programs, only programs actually adopted. Did the government establish, expand and/or continue:

- a program specifically to address the worst forms of child labour or any one of the worst forms of child labour? Please describe.
- a program that incorporates child labourer as an issue to be addressed in poverty reduction, development, educational or other social programs, such as conditional cash transfer programs or eligibility for school meals, etc.? Please describe.
- a poverty reduction, development, educational or other social programs, such as cash transfer programs conditioned on school attendance, that did not explicitly address child labour or any one of the forms

of child labour, but that might have had an impact on them or it? Please describe.

7.2 When was the policy or plan established? If applicable, when will it end/expire?

7.3 Did the government a) expand funding/support for a program that existed prior to the reporting period or b) continue the same level of participation/support for a program that existed prior to the reporting period?

7.4 Did any of the programs listed above provide services directly to children (as opposed to, for example, awareness campaigns)? Please describe types of services provided and number of children served, if applicable.

7.5 Were any of the programs listed above targeted to the children at greatest risk of involvement in child labour?

7.6 Did the government provide funding to the programs above? Please list the amount and whether it was sufficient to carry out the planned activities. Did the government provide in-kind support? Please describe the nature of the support and whether it was sufficient to carry out the planned activities.

7.7 Were the programs described above sufficient compared to the size of the problem?

7.8 Did the programs meet their goals or were they on track to do so?

7.9 If the programs were donor-funded or otherwise short-term, were these programs sustainable?

Answer 7.1-7.9

The specific plan on the worst forms of child labour is the National Policy and Plan to Eliminate the Worst Forms of Child Labour 2009-2014 which is comprehensive and sufficient to the national circumstance. In fiscal year of 2013, a budget of 5,170,700 Baht (approximately US\$172,356) was allocated to the Department of Labour Protection and Welfare (DLPW) for running the projects on the elimination of the worst forms of child labour. Additionally, a budget of 154,534,966 Baht (approximately US\$5,151,165) was allocated to other concerned

government agencies for implementing the National Policy and Plan to Eliminate the Worst Forms of Child Labour. Other than the government budget, the activities regarding the elimination of the worst forms of child labour received technical support and budget from other organizations especially the International Labour Organization (ILO).

In the year of 2013, there were activities in cooperation with ILO as follows:

1. Training courses on rights and duties under the Labour Protection Act were provided by 75 Provincial Offices of Labour Protection and Welfare to young persons to be prepared for entering the labour market; and to be enabled to communicate knowledge received from the training to their families, relatives, friends or contacted persons. These young persons were also requested to inform an authority when they found illegal or unfair labour practice. Accordingly, labour network at the local level could be prolonged. There were 10,578 young persons from the whole country who attended the training.

2. Guidance on and posters of labour protection were published in 3 versions (Myanmese, Laotian, and Cambodian languages).

3. The labour protection network was enhanced and extended to support the labour inspection system. The labour protection network, which covers workers both in formal and informal sectors, consists of female labour advisers, guidance teachers, labour volunteers, officers of Sub-district Administrative Organizations, officers of Provincial Administrative Organizations, officers of Municipalities, sub-district headmen, village headmen and other officers of concerned local organization who help report the information on the use of child labour, unfair labour practice or violation of labour protection laws. There were 45,979 persons who joined the labour protection network in fiscal year 2013.

4. The migrant labour protection network was established and structured to provide knowledge and

understanding on forced labour, human trafficking and duties and rights under labour protection laws to migrant workers in order to make them join the network and help report the traces of unfair labour practice or violation of labour protection laws. The network is operated in 39 provinces with 1,360 migrant workers joining.

5. The project on prevention against and resolution of child labour was operated by providing knowledge to young workers of establishments in communities and villages with a total of 150,228 persons attending the project.

6. The National Policy and Plan to Eliminate the Worst Forms of Child Labour 2009-2014 has been implemented. In 2011 the assessment of the first half performance of the National Policy and Plan revealed that the most of the concerned agencies dealt with the prevention against the worst forms of child labour and the protection of children against the worst forms of child labour. Concerned agencies rarely took action on the development and effective enforcement of relevant laws, knowledge improvement and capacity building of personnel, and the improvement of management system and mechanism.

A research project to assess the performance of the National Policy and Plan at the final stage will be performed in 2014. The results will be taken as guidance to develop the next national policy and plan.

After the Ministerial Regulation no. 14 (B.E. 2555) was enacted, DLPW took the following actions.

1. Explanation of the Ministerial Regulation no. 14 (B.E. 2555) and leaflets on duties and rights of domestic workers (English and Thai versions) were published for government officers and concerned person.

2. Every Provincial Office under DLPW was requested to publicize the Ministerial Regulation no. 14 (B.E. 2555) and to collect the data of domestic workers.

3. The Foundation for Labour and Employment Promotion and DLPW held a press conference on “Domestic

workers and the enforcement of new Ministerial Regulation” on March 10th, 2013.

4. An example form of a labour contract for domestic work in accordance with the Ministerial Regulation no. 14 (B.E. 2555) had been designed and was provided to the Department of Employment for distributing to concerned persons.

5. In 2013, six classes of training for the development of work life quality of workers in the informal sector to be prepared for the upcoming ASEAN Community were held. There were 720 attendants consisting of labour volunteers, local journalists, officers of Provincial Offices of Labour Protection and Welfare. The training also provided knowledge on duties and rights of domestic workers under the Ministerial Regulation no. 14 (B.E. 2555). Three classes of the training for 480 participants will be held in 2014.

Cooperation with the International Labour Organization (ILO)

1. Project on resolution of child labour and forced labour in shrimp product manufacturing and agriculture under the International Program on the Elimination of Child Labour: ILO/IPEC)

A budget of US\$ 9 million had been granted via ILO aimed at the resolution of child labour and forced labour in shrimp product manufacturing and agriculture, subsequently, DLPW issued an order to appoint the working group for resolving child labour and forced labour in shrimp product manufacturing and agriculture consisting of 26 representatives from government agencies, the private sector, NGOs, and international organizations with Deputy Director-General of DLPW as Chair and the Director of Female and Young Labour and Labour Protection Network as secretary and member. The working group was assigned to implement the strategies to resolve and create cooperation against child labour and forced labour in shrimp

product manufacturing and agriculture in accordance with the Action Plan of 2011-2014.

2. ILO/DLPW the TRIANGLE Project

ILO/DLPW the TRIANGLE Project to supporting and protect migrant workers is project cooperation between ILO and DLPW with the budget support from Ausaids. The objectives of the Project's framework for 2012-2515 are 1) to strengthen the labour protection policies and laws 2) to develop the body of knowledge and to exchange experiences in labour standards both at national and international levels and 3) to build and enhance capacity of labour officers and officers of other agencies who are involved with labour protection and law enforcement.

Activities under the two mentioned Projects

1. ILO presented technical recommendation on the drafts of Ministerial Regulation regarding Work in Fishing Sector and Ministerial Regulation regarding domestic work under the Labour Protection Act B.E. 2541 to DLPW in June 2012.

2. Study on Employment and Working Conditions in Thailand's commercial Fishing Sector was carried out in order to bring out the prevention against and resolution of forced labour and the up-graded working conditions in the fishing sector.

3. The hearing on the drafts of Ministerial Regulation regarding Work in the Fishing Sector was conducted for the Law Reform Commission and concerned agencies.

4. Safety manual on working on fishing boats which is aimed at improving the work environment in fishing boats and the understanding of fishing workers concerning work on fishing boat, has been developed for ship owners, fishing workers and interested persons

5. DLPW's officers were supported to attend the training course on Labour Administration and Labour Inspection at Turin Training Centre, Italy.

6. Training courses on risk establishment inspection were set for labour inspectors in order to protect migrant workers who may be abused in working or be forced to work that may lead to human trafficking for labour. The labour inspector training kit was developed. Also, guidance and manual on labour inspection regarding labour protection and occupational safety were improved.

7. The budget was allocated for providing 10 classes of training courses on risk establishment inspection to labour inspectors in the year of 2557.

8. Under ILO/DLPW The TRIANGLE Project, Complain Mechanism for labour protection was improved; and Migrant workers were supported to exercise their labour rights.

9. DLPW in cooperation with employer's organizations, employee's organization, ILO and Department of Fisheries developed Good Labour Practices (GLP) to be guidelines for entrepreneurs in achieving up-graded working conditions and employment and serve as a model for best practices. GLP will be tried out and be improved for the recognition of concerned parties. GLP has the main idea and scope concerning the use of child labour, forced labour, debt bondage labour and human trafficking for labour. Three key elements of the GLP are as follows:

9.1 Four practices together with guidelines and self assessment checklists for two target groups, i.e.,

Group 1 Shrimp and seafood industries,

1) GLP for establishments of seafood and shrimp primary processing

2) GLP for factories or establishments

3) GLP for shrimp farms

Group 2 GLP for fishing industry;

9.2 Hybrid training programme driven by the Government sector and industrial sectors and operated by Thai Frozen Foods Association under the technical support of Department of Fisheries and DLPW; and

9.3 Certification of GLP presented to entrepreneurs who achieve the GLP implementation in order to be recognized by export markets (Action plan will be set after the consultation).

10. Operations concerning hazardous work for child workers were as follows.

10.1 The meeting for promoting knowledge, understanding, study of the nature of hazardous work for child workers in shrimp product manufacturing and agriculture was held from 18-19 January 2012 at Pullman Hotel, Bangkok. Approximately 80 attendants from the Working Group to Study the Nature and Types of Work to be listed as Hazardous Work under the Worst Forms of Child Labour in Thailand, labour inspectors, occupational safety inspectors, officers of the Department of Fisheries, representatives of employers' and employees' organizations, representatives of ILO and representatives of involved NGOs participated. The meeting's main objectives were to raise awareness and to create understanding on international labour standards regarding the elimination of the worst forms of child labour especially the hazardous work for child workers; on the risk assessment of working conditions and process in shrimp product manufacturing that may not be appropriate or may be harmful to child workers; and to reach a technical conclusion on "Natures of Hazardous Work for Child Worker in Shrimp Product Manufacturing and Agriculture". In order to support the mentioned operation, ILO Expert from the Geneva Office came to Thailand to survey the circumstances in shrimp farms located in Chachoengsao province, shrimp primary processing establishments and factories located in Samutsakhon province during 20-22 March 2012.

10.2 ILO proposed the Recommendations to revise Regulation/Rules regarding Hazardous Works for Working Children in Seafood and Shrimp processing Industries of Thailand to DLPW on four main issues, i.e., weight permissible to be carried by female and male working children, night work prohibited for working children, work in high places prohibited

for working children and temperature standards of workplace appropriate for working children. DLPW developed the OSHE management for working children in seafood and shrimp processing industries by taken the recommendations into account in order to make employers, employees, and interested persons learn and understand the management on OSHE for working children in seafood and shrimp processing industries, and be able to improve the working environment for the safety of working children in seafood and shrimp processing industries; and in order to provide protection appropriate to working children. In this regard, ILO will give support by publishing and disseminating the management.

10.3 The study and analysis on the natures of hazardous works for working children has been carryied out to study the conditions of problems, to find out hazardous works for working children. The results of the study will be taken into account in revising concerned legislations including the Notification of the National Committee on the Elimination of the Worst Forms of Child Labour regarding the types of hazardous work under the worst forms of child labour in Thailand.

11. Project on the development and implementation of child labour monitoring was set to design the child labour monitoring and follow-up mechanism and to support the implementation of such mechanism. The pilot Project was operated in Bang Ya Prak Subdistrict, Samutsakhon Province, and Hua Khao Subdistrict, Songkhla Province.

12. Migrant workers' children data and their needs survey was operated in Samutsakhon province for obtaining information on the number of children of migrant workers who stay in the surveyed area, children and families' bio-data, and access to education, public health and public services for children and their families.

13. The National Policy and Plan to Eliminate the Worst Forms of Child Labour 2015-2020 is being developed. In accordance with ILO Convention no. 182, the Plan is a master

plan and guidelines of concerned agencies to develop their action plans in eliminating the worst forms of child labour. As the first National Policy and Plan 2009-2014 is reaching its conclusion, the workshop for setting the framework of the National Policy and Plan 2015-2020 was held from 5-8 November 2013 and was supported by the ILO.

8) Most important efforts and challenges:

8.1 Considering the information provided in response to the questions above, please indicate the one or two most important efforts made as well as remaining challenges the government faced in addressing the worst forms of child labour.

Answer 8.1

Department of Labour Protection and Welfare (DLPW) under the Ministry of Labour used the utmost effort to prevent and resolve the worst forms of child labour and human trafficking for labour as follows.

1. Ministerial Regulation no. 10 (B.E. 2541) issued by virtue of Labour Protection Act B.E. 2541 (LPA) is under the process of being revised. The draft of the revised Ministerial Regulation was approved by the Council of State. However, the Law Reform Commission of Thailand commented that the main content of the draft does not respond to principles of the LPA. The Commission gave further comment that the hearing of the draft should be conducted for both Thai and migrant workers in the fishing sector and involved parties to be in compliance with the Constitution of the Kingdom of Thailand B.E. 2550. The Commission also requested for the suspension of enactment of the revised Ministerial Regulation. Accordingly, DLPW conducted the hearing of such draft for the Commission and involved parties on 9th September 2013. DLPW is editing the draft taking into account the result of the hearing and comments of the Commission.

2. The draft Ministerial Regulation on Labour Protection in Agriculture B.E. is under the process of revision

in order to replace the existing Ministerial Regulation on Labour Protection in Agriculture B.E. 2547. Under the existing Ministerial Regulation, the provision which allows an employer to employ a child aged over 13 years to perform work which is not likely to be harmful to health and not prejudice to the quality of life promotion and development of such child during school holidays or outside school-hours with the prior consent of such child's father, mother or guardian, does not respond to the labour protection of young workers and is not in compliance with the LPA and ILO Convention no. 138 that stipulates the minimum age for admission to employment at 15 years of age. The draft has already been approved by the Sub-committee on Consideration of Draft law of DLPW. The hearing of the draft will be conducted for all stakeholders.

3. DLPW solemnly applies ILO Conventions no. 29, 138 and 183 by implementing the National Policy and Plan to Eliminate the Worst Forms of Child Labour 2009-2014; and by setting the National Committee to Eliminate the Worst Forms of Child Labour, the Committee of the Operation Centers for Assisting Female and Child Workers at central and provincial levels, and other Sub-Committees to steer five strategies in accordance with international standards, strategies, and measures on prevention and suppression of human trafficking in order to achieve the elimination of the worst forms of child labour and to protect child workers. After all, child labour still exists especially migrant child labour (Myanmese, Laos, and Cambodian) who accompanied their parents to Thailand or who were born in Thailand.

4. The cooperation with ILO and social labour networks both Government and private sectors were as follows.

4.1 Labour inspectors' capacity building was conducted by DLPW in cooperation with ILO. An expert from Brasil was invited to Thailand to share experiences in labour inspection to labour inspectors of DLPW since Brazil's pro-active

labour inspection can be used as a model to resolve child labour and forced labour efficiently.

4.2 An Action Plan to increase the potential of 390 labour inspectors in 2014 was set. The targeted labour inspectors will be trained to inspect the risk establishments for child labour, forced labour, and human trafficking as well as to provide assistance to concerned agencies.

4.3 Training course to increase the potential of labour inspectors was developed in order to make them be able to inspect the risk establishments for child labour, forced labour, and human trafficking as well as to provide assistance to concerned agencies.

4.4 The labour inspection form was improved by adding the checklist on the risk of the use of child labour, forced labour, and human trafficking as an instrument of risk establishment inspection in order to reach the workers who may be at risk from human trafficking.

5. Public awareness was raised, as well as, information on labour protection, and the duties and rights of employers and employees were disseminated. The policy on stopping human trafficking and unfair labour practices set by Minister for Labour (Pol.Lt. Chalerm Yubamrung) was publicized.

6. On 16th August 2013, Chiefs of Provincial Offices under the Office of the Permanent Secretary for the Ministry of Labour, Department of Employment, Department of Skill Development, Office of Social Security, and DLPW committed themselves to the policy set by the Minister for Labour in order to carry out close collaboration on elimination of human trafficking for labour and forced labour with crime suppression authorities such as agencies under the Royal Thai Police.

7. Entrepreneurs' understandings were created actively. The entrepreneurs were requested to cooperate with authorities in resolving human trafficking. Besides, entrepreneurs in risk industries to human trafficking such as SMEs; manufactures of garment, agriculture, shrimp and frozen seafood; and the fishing sector etc., were invited to attend the meeting to inform them of

the government policy and to sharing views on the methods to prevent and resolve human trafficking for labour with a focus on the use of child labour and forced labour including the role of private sectors.

8. Announcement on Good Labour Practices and Guidelines for Primary Processing Workplaces in the Shrimp and Seafood Industry of Thailand (GLP/PPW) was signed by Minister for Labour (Police Lt. Chalerm Yubamrung) on 13th September 2013. On 16th August 2013, Ministry of Labour and Ministry of Agriculture and Cooperatives in cooperation with ILO arranged an event to announce the Good Labour Practices Guidelines for Primary Processing Workplaces in the Shrimp and Seafood Industry of Thailand : GLP/PPW in which 178 establishments applied for. The GLP/PPW can be a key instrument of Corporate Social Responsibility and can ensure that products are made under the good labour practice in accordance with ILO labour standards with regards to condition of employment, no forced labour, no child labour, and safe working environment.

9. Good Labour Management Practice (GLMP) for the fishing industry was developed to be the operational guidelines and manual on decent working conditions on Thai fishing boats. GLMP focuses on recruitment, employment and welfare of both Thai and migrant fishing workers. GLMP was developed based on national standards, regulations, and laws such as LPA, Anti-human Trafficking Act B.E. 2551, Thai Labour Standards, and fish manufacturers' ethical code of conduct.

10. Training courses on LPA enforcement and the prevention and resolution of the worst forms of child labour and human trafficking for labour employers, employees, and interested person was held in all the 75 Provincial Offices of Labour Protection and Welfare and every 10 Metropolitan Offices of Labour Protection and Welfare. There were 24,242 persons countrywide who attended the courses.

11. Labour protection laws and concerned laws are enforced strictly throughout the country. In supporting the

protection of employees' benefits and in creating labour peace by enforcing labour protection laws efficiently, practices on labour inspection were developed in 2013 as follows.

11.1 An employer who fails to comply with the labour laws must be ordered to correct his/her failure.

11.2 An employer must be accused without prior settlement of the fine when he/she fails to comply with labour laws as follows:

- 1) to commit an offence involved with human trafficking;
- 2) to require work from children aged under 15 years;
- 3) to require persons aged 15-17 years to perform prohibited work under Section 49 of LPA or to perform work in prohibited place under Section 50 of LPA;
- 4) to commit an offence with special circumstance or with an impact on employees in a large number;
- 5) to use torture, detained or confined a child;
- 6) to violate Section 16 of LPA; or
- 7) to violate labour law together with other criminal offences;

Conclusion

In 2013 the Government used the utmost effort to prevent and resolve the worst forms of child labour persistently by means of policy, cooperation, law enforcement, preventive measures, awareness raising and social plans. Certainly, to eliminate the worst forms of child labour must be undertaken with the collaboration of involved parties.
