

## **The Elimination of the Worst Forms of Child Labour in Thailand in 2014**

### **The reply**

#### **1. The density and dispersion of child labour in each sector**

1.1 The household survey on economic and social situations conducted by the National Statistical Office, which had been analyzed by the Social Data-based and Indicator Development Office under the Office of the National Economic and Social Development Board and was publicized in the Social Situation and Outlook the 3<sup>rd</sup> quarter of 2014, stated that the population and housing census of 2010 showed that there were about 11 million school-age children (6-17 years old). Among these children, 89.5 per cent attended schools in the formal educational system, 3 per cent attended non-formal education, and 7.4 per cent or about 800,000 children did not attend school. The 2012 Survey on People with Disability reveals that 5.6 per cent of children aged 6-17 years old or about 650,000 persons did not enroll in the formal education system, and the trend of school dropouts have decreased. The survey also indicated that most children who had left the formal educational system entered the labour market. The number of children aged 15-17 years who left school to enter the labour market were about 550,000 or accounted for 76 per cent of children who did not receive formal education. 95.6 per cent of children who left school were employed persons. Among them, 49 per cent were employed in the agricultural sector, one-third were employed in the service sector i.e., retail/wholesale commerce, hotel, restaurant and construction, and 10 per cent were employed in the manufacturing sector. One-third of children in the labour market worked less than 35 hours per week especially those in the agricultural sector.

1.2 Labour inspection of 39,185 inspected establishments with 1,353,213 employees which was conducted from January 1 to October 19, 2014, found that a total of 493 establishments with 26,743 employees failed to comply with the labour laws. The labour inspection also showed that there were 1,264 establishments with 4,014 children employed. It was found that 7 of these inspected establishments failed to comply with the Labour Protection Act B.E. 2541 (1998) regarding young worker employment.

Labour inspectors took action against employers who had failed to comply the labour laws regarding young worker employment and hazardous work as follows:

1) An employer running a laundry service in Phitsanulok Province failed to pay wages in full to a Myanmar employee aged under 15 years old who performed general work. The employer owed the employee 75,930 Baht in back payment. A labour inspector, therefore, issued an order to the employer to pay the remaining portion of wages to the employee, but the employer filed a request to revoke the order to the Labour Court. The labour court mediated the case and the employer was ordered to pay 30,000 Baht to the employee. The payment had been made to the employee. Under section 44 of the Labour Protection Act B.E. 2541 (1998), which prescribed that an employer must not employ a child under fifteen years of age, the labour inspector therefore filed charges against the employer. On September 30, 2014, the Phitsanulok provincial court sentenced the employer guilty of unlawful acts against several laws including the Criminal Code, the Anti-Trafficking in Persons Act B.E 2551 (2008) and the Labour Protection Act B.E 2541 (1998). The employer was sentenced to 8 years imprisonment and a fine of 160,000 Baht in accordance with the maximum punishment under section 90 of the Criminal Code. The Myanmar child labour was rescued from the workplace, and sent to a shelter operated by the Ministry of Social Development and Human Security in Phitsanulok Province for repatriation.

2) An employer running a gold jewelry manufacturing business in Ayutthaya Province hired 3 Lao child labour to work on the manufacturing line. After the completion of work, the employer was behind in payments of wages, overtime pay and holiday pay, so the labour inspector ordered the employer to make all back payment to the workers (the case is pending the employer following the order). On November 26, 2014, the labour inspector brought criminal charges under section 44 of the Labour Protection Act B.E. 2541 which prohibits an employer from employing a child under fifteen years of age as an employee, against the employer. The 3 child workers were rescued from



the workplace, and sent to a shelter in Ban Phumvej operated by the Ministry of Social Development and Human Security in Nonthaburi Province for psychological treatment prior to repatriation.

3) An employer operating fishing boats in Samut Sakhon employed 5 child labour (3 Thais, 2 Laos) to work as cleaners on the fishing boat in Indonesia. A labour inspector filed charges against the employer for an act against section 44 of the Labour Protection Act B.E. 2541. The children were rescued from the boat, and transferred to a shelter under the Ministry of Social Development and Human Security in Nong Khai Province. The Lao young workers are in the process of repatriation, and the Thai young children were sent home.

4) An employer doing a restaurant business in Ratchaburi Province employed 5 child labour to perform his/ her duties as waiters and dishwashers was taken into criminal proceedings by a labour inspector for offenses which violated section 44 of the 1998 Labour Protection Act 1998 as follows: 1) employment of a child under the age of 15; 2) employment of a young worker under the age of 18 without notifying a labour inspector; 3) requiring a young worker under the age of 18 to work during hours prohibited by the law; 4) requiring a young worker under the age of 18 to work in the place prohibited by the law; and 5) wage payment to a young worker under the minimum wage rate prescribed by the law together with other related offenses. The Ratchaburi Provincial Court found the employer guilty of the charges and sentenced the employer to a fine of 52,000 Baht and a 6 month imprisonment. The child labour were taken away from the restaurant and were returned to their parents.

5) An employer doing business on selling juice drinks in Kalasin Province employed 2 Lao child labour to perform general duties. It was an offence that could fall under human trafficking as well as violation of the 1998 Labour Protection Act, such as wage payment to a young worker under the minimum wage rate prescribed by the law and neglecting to pay wages. The labour inspector brought criminal charges against the employer. As the child labour did not possess documents which verified their age, they were sent to the

hospital to check for bone mass measurement to determine their age. However, the results were not conclusive so the labour inspector could not yet file the employer in case of employment of a child under the age of 15. The two child labour were taken away from the establishment and were referred to the Child Development and Rehabilitation Centers of the Ministry of Social Development and Human Security in Nakhon Ratchasima Province for rehabilitation and repatriation.

6) An employer doing business in selling food in Nakhon Sawan Province employed a Thai child labour aged 9 to perform general duties. The employer was taken into criminal proceedings by a labour inspector for violations under section 44 the 1998 Labour Protection Act. On March 24, 2014, an investigative official sent the case to the public prosecutor to proceed with prosecution of the employer and the case is currently under court proceedings. Furthermore, the labour inspector referred this child labour to the House for children and families, Ministry of Social Development and Human Security in Nakhon Sawan Province, for initial assistance before returning the child back to hometown in Phetchabun Province.

7) At the Bangkok Metropolitan Area, Office of Labour Protection and Welfare (Area II), a labour inspector was informed by the Ministry of Social Development and Human Security that an employer employing a Lao child to perform housecleaning duties. The labour inspector filed claims for the employee's benefits in cash and filed charges for criminal proceedings in accordance with the 1998 Labour Protection Act of 1998 and the Anti-Trafficking in Persons Act B.E. 2551 (2008). The public prosecutor is currently in the process of collecting evidence to file the case at the criminal court.

## **2. Legal Framework on the worst forms of child labour:**

### **2.1 "No legislative changes"**

2.2 Ministerial Regulations are revised by the Ministry of Labour as follows:

a) Ministerial Regulation on the Protection of Sea fishing sector B.E.2557 (2014), Article 5 stipulates that "employers shall not employ workers



under the age of eighteen years working on fishing boats”. This Ministerial Regulation was entered into force on 30 December 2014.

b) Ministerial Regulation on the Protection of Labour in Agriculture B.E.2557 (2014) Article 4 requires that “employers do not employ employees throughout the year and do not allow employees to work in a continuum industry from such industry, the employers shall comply with the 1998 Labour Protection Act”, as stipulated in Section 44 which prohibits “employers to employ children under the age of fifteen years”, in Section 46 “An employer shall provide a rest period for a young worker of not less than one consecutive hour after the employee has worked for not more than four hours; and during the period of four hours, the young worker shall have rest periods as determined by the employer”, and Section 49 “which prohibits the employer to allow any employee who is under the age of eighteen years, work in hazardous work”. This Ministerial Regulation was entered into force on 22 December 2014.

2.3 Article 43 of the 2007 Constitution stipulates that “A person shall enjoy an equal right to receive education for the duration of not less than twelve years which shall be provided by the State inclusively, up to standards, and without charge” and the 1999 National Education Act also regulates that “In the provision of education, all individuals should have equal rights and opportunities to receive basic education provided by the State for the duration of at least 12 years. Such education, provided on a nationwide basis shall be of quality and free of charge”. The Cabinet handed down a resolution on 6 October 2004 to approve a model scheme on the administration of education for vulnerable children especially those who do not have civil registration documents or non - Thai children in order to protect the rights to education and provide educational opportunities to them and Thai nationals equally. Moreover, the Cabinet resolution on 5 July 2005 concluded that children who do not have civil registration documents or non-Thai children can enjoy educational rights in Thailand. According to the Ministry of Education’s regulation on the required documents for school enrollment, all schools established under the Ministry of Education must accept all children in Thailand

even in the case where they do not have any personal legal documents. This policy ensures equal opportunity in education for both non-Thai nationals and Thai nationals.

The Office of Basic Education Commission, Ministry of Education had arranged a study system for stateless children/ migrant children from kindergarten to Mathayom 6 (Grade 12) which covers tuition fees and expenses for textbooks, stationary, uniform and extracurricula activities in the total amount of 205,894,150 Baht. In fiscal year 2014, the Office of Higher Education Commission had set up a budget for 4 migrant students in the total amount of 132,600 Baht. Furthermore, the Office of the Non - formal and informal Education had also set up the budget for migrant children in the total amount of 2,222,308 Baht.

2.4 The Labour Protection Act B.E. 2541 (1998) section 44 stipulates that an employer shall not employ a child under 15 years of age as an employee, and a child 15 -18 years of age to perform the following: 1) work involving heat, cold, vibration, noise and light at an abnormal level which may be hazardous; 2) work performed in a place in cold storage in the production or preservation of food by freezing and work using a pneumatic drill 3) work involving chemicals; 4) work involving poisonous microorganisms, explosives or inflammable material, other than work in a fuel service station, or crane; 5) work using an electronic or motor saw ; 6) work that must be done underground, underwater, in a cave, tunnel; 7) cleaning work of machinery or engines while in operation; 8) work which must be done on scaffolding 10 meters or more above the ground; 9) work in a slaughterhouse, gambling place and a place of dancing, Ramwong or RongNgeng (traditional dance); 10) work in a place of selling and serving food, liquor with a person to treat customers, or with a place for relaxing, or a massage service for customers.

2.5 The above-mentioned provision is enforced in all sectors. The Labour Protection Act B.E. 2541 (1998) is enforced on employees with employment contracts. Furthermore, the Homeworker Labour Protection Act B.E. 2553 (2010) is enforced on home workers with contract employment.



2.6 Thailand's laws related with Child Labour in the Worst Forms include the following:

- a) Forced labour/ trafficking/ other acts similar to slavery - the Anti - Trafficking in Persons Act B.E. 2551 (2008), the Criminal Code section 312 bis;
- b) The Military Service Act B.E. 2497 prescribes the minimum age of 20 years old for those who would like to participate in recruitment;
- c) Prostitution - the Prevention and Suppression of Prostitution Act, B.E. 2539 (1996), Criminal Code, sections 282, 285 and 286;
- d) Providing and Offering for pornography manufacturing or acting - Child Protection Act B.E. 2546 (2003), section 26 and Criminal Code section 287; and
- e) Using children for illicit activities by adults such as drug trafficking, use of threat, theft, etc.) - Child Protection Act B.E. 2546 (2003), section 26.

2.7 The penalty of the Anti - Trafficking in Person Act B.E. 2551 (2008), is prescribed in section 52 that any offender of trafficking, shall be penalized with imprisonment of four to ten years or a fine from eighty thousand to two hundred thousand Baht and prescribed the penalty for the person who violates a person exceeding 15 years of age but not more than 18 years of age with imprisonment of 6 to 12 years and a fine from twelve hundred thousand to two hundred and fourteen thousand Baht.

The Labour Protection Act B.E. 2541 (1998) section 148 prescribes that any Employer who violates Section 44, shall be penalized with imprisonment of not more than one year or a fine not exceeding two hundred thousand Baht, or both, and the Occupational Safety, Health and Environment Act B.E. 2544 (2001) section 53 stipulates that any person who violates or do not comply with the prescribed standard in the Ministerial Regulation, section 8 shall be penalized with imprisonment of not more than one year or a fine not exceeding four hundred thousand Baht, or both.

The above-mentioned laws are sufficient to inhibit use of Child Labour in the Worst Forms.

### **3. Enforcement of laws related to the worst forms of child labour:**

3.1 The labour cooperation centers operated by the Department of Employment were established in order to monitor and inspect the working conditions in fishing vessels as well as to strengthen labour protection and grant the work permits to migrant workers (from Myanmar, Laos, Cambodia). The centers were subsequently administered by the DLPW. The number of these centers increased from 7 places to 22 places in coastal provinces.

3.2 A key mechanism for labour protection is the Labour Protection Act B.E. 2541 (1998). This law ensures that labour protection is implemented, particularly, child labour protection, which is specified in section 4: Employment of Young Workers. The Act provides the mechanism on lodgments of complaints for a child worker, guardian, or a person who witnesses an offense as follows.

1) The complaint can be submitted via the website of the Department of Labour Protection and Welfare, Call Center no. 1546 of the Department of Labour Protection and Welfare, Hotline no. 1300 of the Prachabodi Center under the Ministry of Social Development and Human Security, Hotline no. 1111 of Government Contact Center, postal addresses or e-mail addresses or submitted in person at the Provincial Offices of Labour Protection and Welfare or Metropolitan Offices of Labour Protection and Welfare, .

When it is found by a labour inspector that an employer committed an offence as expressed in the complaint, the labour inspector has to order the employer to act in conform with the law within the fixed period. When the employer failed to comply with the order, the labour inspector has to take legal proceedings through an inquiry officer.

2) When the complaint is submitted in person, an employee can submit the complaint in person to a labour inspector at the Provincial Office of Labour Protection and Welfare or the Metropolitan Office of Labour Protection



and Welfare. Subsequently, the labour inspector must collect evidence to determine whether the employee is entitled to working benefits or not.

3) The Department of Special Investigation (DSI), Ministry of Justice has a special administrative center that oversees complaints from the public and concerned agencies that receive requests for assistance and criminal justice or a special criminal case which requires that the DSI inform the plaintiff of initial proceedings in the case within 15 days.

3.3 Once a complaint on child labour is submitted, facts of the case are initially checked and concerned agencies (Ministry of Labour / Ministry of Social Development and Human Security) are contacted for assistance. The facts and evidence in the case are collected and passed on to the investigative officer (Royal Thai Police) for legal proceedings. The child is provided with protection, rehabilitation and reintegration to the society. Subsequently, follow up and evaluation of the child are undertaken by the Ministry of Social Development and Human Security, and the Department of Juvenile Observation and Protection, the Ministry of Justice.

3.4 In 2014 there were 594 labour inspectors who oversaw 351,691 workplaces with 8,132,944 employees. The ratio of labour inspectors and workplaces is one person per 592 workplaces per 13,691 employees (data from 1 January – 19 December 2014). Therefore, there are an insufficient number of labour Inspectors for thorough inspections.

3.5 In fiscal year 2014, the Department of Labour Protection and Welfare was allocated 23,942,800 Baht for labour inspection. However, equipment to support the operation of the labour inspectors such as computers for efficient database collection and tablets are not sufficient and are outdated.

3.6 The labour Inspector will receive training on Labour Inspectors' Development Course as the missions of Department of Labour Protection and Welfare include labour protection ; labour relations ; occupational safety and health and labour welfare. Particularly, labour protection will emphasize the work place and work that prohibits children from being employed due to the hazardousness and health risk of the work. Training is organized every year to

review the knowledge and develop further potentials for labour inspectors as follows:

1) A workshop was held on the establishment of guidelines to detect the worst forms of child labour and training the trainer to create a surveillance network on child labour. The workshop was aimed to make labour inspectors aware and understand the process and procedures according to the guidelines on the elimination of the worst forms of child labour and develop labour inspectors to be a trainer in order to be able to convey the knowledge to the labour protection network in surveillance and monitoring child labour situations. This training course is provided once a year which is not adequate. It should be held twice a year and evaluation of the course should be taken into account.

2) Four training courses to develop labour inspectors' capacity in the at risk and difficult to access establishments (Fishery sector and related industries) were held and 112 people participated. These training courses are the activities under the cooperation between the Department of Labour Protection and Welfare and the ILO to promote the rights of migrants workers (GMS TRIANGLE Project) to strengthen capacity for labour inspectors and increase the skill of performance including a good and correct attitude to implementation of preventive measures, the protection of illegal child labour, forced labour, migrant workers and the victims of human trafficking for labour.

These training courses are still not adequate because of budget constraints, the Department of Labour Protection and Welfare is unable to provide training for all labour inspectors.

3.7 In inspecting establishments, labour inspectors enter establishments under their responsibilities without prior notification to inspect the employment and working conditions in accordance with the work plan. In inspecting agricultural work, labour inspectors are authorized (by Section 139 of the Labour Protection Act B.E. 2541) to inspect the employment and working conditions of employees as provided in Clause 4 of the Ministerial Regulation concerning Labour Protection of Employees in Agricultural Work B.E. 2547. In inspecting domestic work, labour inspectors are authorized to inspect the



employment and working conditions of employees as provided in Ministerial Regulation no. 14 (B.E. 2555).

3.8 The types of establishments set as target groups of the work plan on labour inspection are set annually, other than the establishments to be inspected in response to the complaints. At present, the target groups as mentioned are establishments at risk in the use of child labour or forced labour such as the fishing sector, apparel industry, work in sugar cane plantation, etc.

Furthermore, the proactive labour inspection were conducted in small establishments located in the border or an establishment located in a village or the vulnerable community or a new establishment where the labour inspection is inaccessible and most workers are migrant workers. The ad hoc team was appointed to inspect the garment industries in Mae Sot District, Tak Province and the primary seafood processing industries in Samut Sakhon Province as follows:

1) There were 73 inspected establishments with 2,402 employees in the garment industries in Mae Sot District, Tak Province. The inspection found that there were 2 establishments employing a young worker (the age of 15-17) without notifying a labour inspector and some employers did not comply with the labour protection law. The ad hoc team ordered the employers to comply with the Labour Protection Act of 1998 such as payment under the minimum wage rate, the long working period and providing a weekly holiday. If they do not comply with the orders, the inquiry official will bring charges against them. In the case of employment of a young worker aged between fifteen and seventeen, an employer shall submit the notification form as prescribed by the law. The ad hoc team also suggested that the employer keep living quarters sanitary if he/ she provided employees with the dormitory.

2) There were 26 inspected establishments with 972 employees in the primary seafood processing industries in Samut Sakhon Province. Those employees were; 828 Myanmar, 39 Cambodians and 105 Thais and it was found that a Myanmar male may be under the age of 18, however, evidence issued by a government agency certified his age (a temporary work permit).

Furthermore, it found children playing in an establishment so the ad hoc team asked for more information and found that they were children of migrant workers and did not work or were employed by the employer. The ad hoc team also suggested the employer and the parents to keep the children in the residential area away from the work area. Furthermore, it found that most establishments did not comply with the law as follows: documentation on working rules, registration of employment, wage pay, overtime pay, holiday pay, etc. The labour inspector sent letters to summon employers for a meeting in order to notify them to comply with the Labour Protection Act of 1998 as well as to prevent an employer to employ a young worker under the age of 15. The labour inspector also publicized and requested cooperation from employers to ensure that no employer hires a young worker under the age of 15. If any employer is found employing a child worker, notification of such employment should be reported to the labour inspector in order to prevent and solve problems on child labour, forced labour and human trafficking on labour. The strategy map was set up for 26 establishments in the primary seafood processing industries because those establishments are new ones and have not been inspected. It aims to set up a data base to plan inspection and monitoring so that the employer will not violating or will not act in compliance with the labour protection law.

3.9 According to labour inspection from January 1 to December 19, 2014, from 39,185 workplaces, child labour was employed in 1,264 establishments with 4,014 employees engaged in employment of young workers.

The number of labour inspectors in 2014 was 594 persons. They are responsible for general inspection, child labour and forced labour inspection. They also have the duty to receive grievances of employees in the case of rights violation ; conflicts or labour dispute reconciliation ; organizing training to publicize the knowledge concerning the rights and responsibilities of labour. Therefore the labour Inspectors are insufficient for thorough inspections. At present, the target groups as mentioned are establishments at risk in using child



labour or forced labour such as the fishing sector, apparel industry, work in sugar cane plantations, etc.

3.10 The labour inspection is carried out in accordance with the annual work plan. The self-reporting system on employment and working conditions provided voluntarily by employers is deemed as an additional measure. The labour inspectors carry out the labour inspection in compliance with the labour law therefore, the labour inspection follows the same standard.

In areas with a large number of migrant workers, the Department of Labour Protection and Welfare has allocated the budget for employing translators to facilitate communication between the labour inspectors and migrant workers.

3.11 In case of violation of the Labour Protection Act B.E. 2541, a labour inspector has to instruct an employer to act in conformity with the labour laws. If the employer fails to meet the instructions within the prescribed time, the employer will be charged and prosecuted. General labour inspectors are unable to determine the level of penalty for the offense against the Labour Protection Act B.E. 2541, the following are authorized by law to determine the penalty:

1) The Director – General of the Department of Labour Protection and Welfare or the person authorized by the Director – General has the power to determine the rate of fine. When a labour inspector instructs an employer to comply with the law but the employer fails to comply within the prescribed time. The labour inspector will notify the employer of the charges in this stage. Before the employer voluntarily pays a fine, the employer has to obey an order of the labour inspector. The rate of fine is decided by the Director – General of the Department of Labour Protection and Welfare or commissioners, or when the employer is prosecuted by either the investigative official or public prosecutor, the employer is also able to pay the fine as long as he/she follows the labour inspector's order. Either the investigative official or public prosecutor has to propose to the Director – General or commissioner for the determination of the rate of fine.

2) After a public prosecutor files for prosecution of the employer for violating the Labor Protection Act B.E. 2541, a judge has the power to impose a fine or imprisonment or both in proportion with the employer's wrongdoing.

3.12 In 2014 labour inspectors found that some employers violated the labour laws concerning employment of young workers, including employment of young workers in hazardous work as follows (As response in 1.) :

1) An employer running a laundry business in Phitsanulok Province employed one Myanmar child worker under fifteen years of age to do general jobs. After the completion of work, the employer was behind in payment of 75,930 Baht. The labour inspector, therefore, instructed the employer to give all the behind payment to the young worker, but the employer made an appeal against the order of the labour inspector to the labour court. The labour court mediated the case and the employer was ordered to pay 30,000 Baht to the worker. The payment had been made. However, the labour inspector also filed charges against the employer to investigative officials under section 44 of the Labour Protection Act B.E. 2541, which states that an employer shall not employ a child under fifteen years of age as an employee. On September 30, 2014, the Phitsanulok provincial court sentenced the employer guilty of many unlawful acts against several laws including the Criminal Code, the Anti-Trafficking in Persons Act B.E 2551 and the Labour Protection Act B.E 2541. The employer was sentenced to 8 years imprisonment and a fine of 160,000 Baht which is the maximum punishment under section 90 of the Criminal Code. The young worker was rescued from the workplace, and sent to a shelter under the Ministry of Social Development and Human Security in Phitsanulok Province for repatriation.

2) An employer running a gold jewelry manufacturing business in Ayutthaya Province employed 3 Lao young workers as part of the manufacturing line. After the completion of work, the employer was behind in payment of wages, overtime pay and holiday pay, so the labour inspector ordered the employer to make all the behind payment to the workers (during the fixed period as prescribed). Also, on November 26, 2014, the labour



inspector filed charges against the employer to investigative officials under section 44 of the Labour Protection Act B.E. 2541, which mentions that an employer shall not employ a child under fifteen years of age as an employee. The young workers were rescued from the workplace, and the female workers were sent to Ban Krettragarn Shelter and the male workers were sent to Ban Phumwet Shelter which are operated by the Ministry of Social Development and Human Security in Nonthaburi Province for psychological treatment prior to repatriation.

3) An employer operating fishing boats in Samut Sakhon Province employed 5 young workers (3 Thais and 2 Laos) to work aboard a fishing vessel in Indonesia as cleaners. The labour inspector filed charges against the employer for an act against section 44 of the Labour Protection Act B.E. 2541, which mentions that an employer shall not employ a child under fifteen years of age as an employee. The workers were rescued from the boat, and transferred to a shelter under the Ministry of Social Development and Human Security in Nong Khai Province. The Lao young workers are in the process of repatriation, and the Thai young workers were sent home.

4) An employer doing restaurant business in Ratchaburi Province employed 5 child labour to perform his/ her duties as a server and a dishwasher, was brought on criminal charges by a labour inspector. The *offence* was employment of child labour which is contrary to the provision of the Labour Protection Act of 1998 provided for under chapter 4: Employment of Young Workers as follows: 1) employment of a child under the age of 15; 2) employment of a young worker under the age of 18 without notifying a labour inspector; 3) requiring a young worker under the age of 18 to work during the time period prohibited by the law, 4) requiring a young worker under the age of 18 to work in the place prohibited by the law; and, 5) paying the wage of a young worker under the minimum wage rate as prescribed by the law together with the other offences. The Ratchaburi Provincial Court sentenced the employer a fine of 52,000 Baht and imprisonment for 6 months. The

child labour were taken away from the establishment and were returned to their parents.

5) An employer doing business on selling syrup in Kalasin Province employed 2 Lao child labour to perform his/ her duties in general affairs. The offence could be within the scope of human trafficking as well as violation of the Labour Protection Act of 1998 such as paying the wage of a young worker under the minimum wage rate as prescribed by the law and withholding payment of wages, etc. The employer was brought on criminal charges by a labour inspector. Furthermore, the labour inspector took the child labour to the hospital for bone mass measurement because their *age could not be verified* with the information provided. However, the results were not conclusive so the labour inspector could not proceed to file charges of employing children under the age of 15 against the employer in this case. The child labour were taken away from the establishment and were referred to the Child Development and Rehabilitation Centers, Ministry of Social Development and Human Security in Nakhon Ratchasima Province for rehabilitation and repatriation.

6) An employer doing business in selling food in Nakhon Sawan Province employed a Thai child labour, aged 9 to perform his/ her duties in general affairs. The employer was brought on criminal charges by a labour inspector for not complying with the Labour Protection Act of 1998 under section 44 which specifies that an employer shall not employ a child under fifteen years of age as an employee. On March 24, 2014, an investigative official sent the file to the Public Prosecutor's Office and is the case is being processed. Furthermore, the labour inspector has referred the child labour to the Shelter for children and families Ministry of Social Development and Human Security Nakhon Sawan Province for initial assistance before sending the child back to his/her hometown in Phetchabun Province.

7) At the Bangkok Metropolitan Area Office of Labour Protection and Welfare (Area II), a labour inspector was informed by the Ministry of Social Development and Human Security that an employer employed a Lao child to perform its duties as housecleaning. The labour inspector claimed for the



employee's benefits in cash and filed a report to the police for criminal proceedings according to the Labour Protection Act of 1998 under section 44 which specifies that an employer shall not employ a child under fifteen years of age as an employee. In this case the employer was also charged on the offence for human trafficking according to the Anti-Trafficking in Persons Act B.E. 2551 (2008). The public prosecutor is currently gathering evidence to file the case at the criminal court.

3.13 Response in 3.12.

3.14 Response in 3.12. The punishment is commensurate with the violation under the related laws and some cases are being processed under the judicial system.

3.15 In cases of fines charged for violation of the Labour Protection Act of 1998, the Department of Labour Protection and Welfare proceeded as follows:

1) The fine is ordered by the Director-General or a person assigned by the Director-General. Paid fines will go to the Employee Welfare Fund to assist and alleviate an employee's problem.

2) In cases where the fine was ordered by other agencies, the Department of Labour Protection and Welfare will send a letter to the Royal Thai Police and the Office of the Attorney-General requesting these agencies to transfer the paid fines to the Department of Labour Protection and Welfare's Employee Welfare Fund.

From January to December 2014, the Department of Labour Protection and Welfare has collected 5,416,799 Baht in paid fines.

### **Criminal law**

3.2.1 Criminal laws relating to forced child labour, human trafficking, sexual exploitation or the use of children in illicit activities are enforced by the Anti-human Trafficking Division under the Royal Thai Police Headquarters, the Ministry of Social Development and Human Security, the Ministry of Labour, and the Ministry of Justice with the support of the Ministry of Interior, the Office of the Attorney General and Courts of Justice.

Laws relating to Form (a): all forms of slavery are mainly enforced by the Royal Thai Police Headquarters and the Ministry of Labour.

Laws relating to Form (b): the use, procuring or offering of a child for prostitution is mainly enforced by the Royal Thai Police Headquarters.

Laws relating to Form (c): the use, procuring or offering of a child for illicit activities, in particular for the activities concerning with drugs are mainly enforced by the Royal Thai Police Headquarters.

Laws relating to Form (d): work that, by its nature is likely to be harmful is mainly enforced by the Ministry of Labour.

The elimination of the worst forms of child labour is work cooperation among several units, each of which has different roles and duties operating in many ways at the same time, such as law enforcement, assistance, prevention and statistical data collection. However, there are some problems and obstacles particularly in collecting and gathering data as a consequence of a lack of appropriate coordination between the relevant units, leading to an unsatisfactory and unsystematic report.

3.2.2 The Ministry of Labour becomes the main agency in coordinating for the planning of the elimination of the worst forms of child labour, collecting and reporting data, training personnel and authorities, including educating knowledge of the worst forms of child labour in association with government and other involved private sectors by means of national, central and regional mechanisms. The national, central and regional mechanisms refer to the National Committee on the Elimination of the Worst Forms of Child Labour, the Committee on Women and Child Labour Help Center at the central level and Committee on Women and Child Labour Help Center at the provincial level respectively, which are made up of the representatives of government, private and civil society units in charge of the elimination of the worse forms of child labour.

In cases where child labour is forced to work or is exploited in the worst forms of child labour, they will be assisted with food, accommodation, medical



care, physical and psychological treatment by the Protection and Occupational Development Institution under the Ministry of Social Development and Human Security, receive non-formal education provided by the Ministry of Education, job training on skills that are needed in the local area, and provided legal assistance by the Ministry of Justice. Claims for unpaid wages are processed by the Department of Protection and Welfare and claims for compensation are undertaken by the Ministry of Social Development and Human Security.

3.2.3 The investigative officers are responsible for maintaining peace, investigation, making arrests, detention and suppression of offenders in accordance with the related laws and providing assistance to victims of the worst forms of child labour by police officers stationed throughout the country. The agency does not classify the numbers of law enforcement officers acting specifically in response to the worst forms of child labour.

3.2.4 The agency responsible for investigation does not allocate a specific budget for the implementation of the worst forms of child labour since their duties and their budget covers all work under their purview.

3.2.5 The Ministry of Labour is the main agency in training the capacity of investigative officers. In 2014, the Ministry of Labour organized training courses to educate practitioners in the government sector, private sector and civil society organizations to be informed of policies and plan the operation on solving child and forced labour problems as follows;

1. A seminar on solutions to child and forced labour problems in 5 sectors involving sugarcane, garment, shrimp, fish and pornography products was held with 110 people from government and private sectors participating.

2. A working group meeting on solutions to child and forced labour problems in 4 sectors involving sugarcane, garment, shrimp and fish was held 5 times.

3. A workshop on the protection and promotion of child labour rights and migrants workers' rights to enhance knowledge and understanding in laws and regulations of the labour rights and social rights of child labour and migrant workers as well as achieve learning and cooperation between the government of

Thailand and Myanmar and the NGOs in the areas along the Thai - Myanmar border to coordinate and expand effective assistance and protection of child labour and migrant workers in Thailand. The workshop had 105 participants .

4. Develop the National Policy and Plan to Eliminate of the Worst Forms of Child Labour in the fiscal year of 2015 – 2020. This Plan is a master plan for the implementation of the plan to eliminate the worst forms of child labour.

5. A yearly meeting of the Committee on Women and Child Labour Help Center was held, which comprised government agencies and civil society organizations working on the elimination of the worst forms of child labour to meet, discuss and plan joint operations.

6. To cooperate in consultation to solve problems on the worst forms of child labour with the cooperation of the agencies involved.

The Ministry of Labour has an action plan to train the practitioners whose mission is the elimination of the worst forms of child labour to cover all agencies countrywide.

3.2.6 In fiscal 2014 year, the data collected by the Royal Thai Police Headquarters present the legal proceedings in cases of the worst forms of child labour as follows:

Form A. There were 27 cases on all forms of slavery or practices similar to slavery. From these cases, 20 cases, which involved 46 child victims, were sent for prosecution.

Form B. There were 139 cases on prostitution/pornography production, and 100 of these cases, which involved 186 child victims, were sent for prosecution.

The Department of Juvenile Observation and Protection under the Ministry of Justice has information on the prosecution against the worst forms of child labour.

Form C. There were 2,217 cases which involved the exploitation of a child in an unlawful activities, in particular drug production and transport. Of this total 1,100 cases involving 2191 child victims were sent for prosecution.

3.2.7 Response as in 3.2.6.



3.2.8 Response as in 3.2.12.

3.2.9 Response as in 3.2.6.

3.2.10 -

#### **4. Coordination of government efforts on the worst forms of child labour:**

4.1 "Situation unchanged"

4.2 The Ministry of Labour established the working groups and committee members as follows:

1. The steering committee on the inspection and certification of establishments free of child labour and forced labour in order to enforce labour law compliance in the workplace as well as meet with international standards. There were 129 establishments (36 establishments from shrimp/fish sectors, 60 establishments from the garment sector and 33 establishments from the sugar cane sector) which submitted the request form for participation in such inspection and certification. (data as of 4 November 2014)

2. The appointment of a working group on the prevention and protection of child labour and forced labour for the products believed to have been produced by child labour or forced labour as listed by the Department of Labour, U.S.A. has been reorganized and renamed as the working group on the follow-up and the collection of information on the prevention and protection of child labour and forced labour.

#### **5. Government policies on the worst forms of child labour:**

5.1 "Situation unchanged"

5.2 The National Policy and Plan to Eliminate the Worst Forms of Child Labour (A.D. 2009-2014) ended in 2014, the government has allocated the budget to the Ministry of Labour in order to cooperate with the specialists to conduct a study on policy implementation assessment which is aimed at understanding problems and obstacles involved for the drafting of a new policy plan to be implemented in A.D. 2015-2020. The study is expected to be completed in April 2015.

5.3 The National Policy and Plan to Eliminate the Worst Forms of Child Labour (A.D.2009 - 2014). The National Child and Youth Development Plan

(A.D.2012 - 2016). The National Policy and Strategy for the Prevention and Suppression of Prostitution A.D. 2011-2016. The National Child and Youth Development Plan, A.D.2012 - 2016.

5.4 The DLPW implemented the National Policy and Plan to Eliminate the Worst Forms of Child Labour A.D. 2009 - 2014. The Office of the Promotion and Protection of Children, Youth, the Elderly and Vulnerable Groups, Ministry of Social Development and Human Security implemented the National Child and Youth Development Plan A.D. 2012 - 2016.

5.5 -

5.6 Response as in 5.2.

## **6. Social programs to address the worst forms of child labour:**

6.1 To operate the protection of the Worst Forms of Child Labour, there are several cooperation projects between relevant parties whose budget is supported by Government and International Organizations as follows:

1) National and Provincial Operation Centers for Providing Assistance to Women and Child Labour is the DLPW program that has been appointed by the cabinet resolution and is currently being submitted for cabinet approval on the existence of commission.

2) Trafficking victim support services is the MSDH's Bureau of Anti - Trafficking in Women and Children program to provide emergency assistance and protection to human trafficking victims. Nine long-term shelters offer medical care and psychosocial services for human trafficking victims.

3) "Situation unchanged"

4) The work to combat human trafficking in shrimp and seafood processing industries under ILO/IPEC include the establishment of the working group on the resolution of child labour, forced labour in shrimp and agricultural sectors comprising 26 representatives from government agencies, private agencies, NGOs, international agencies. This working group is chaired by the Deputy Director-General of the DLPW, and the Director of the Women Worker, Children and Labour Protection Network Group is the secretariat of such working group. The working group aims to determine the strategy on the



resolution of problems and seek guidelines on strengthening cooperation to solve child labour and forced labour problems in shrimp and agriculture industries in accordance with the action plan in fiscal year 2011-2014. This work is sponsored by ILO at amount of US\$ 9 million. A meeting on closing the project will be held before March 2015.

5) "Situation unchanged"

6) ILO - GMS - TRIANGLE Project

The Triangle Project: There is a Training Program for labour inspector about capacity building in at risk industries (fishery and related industries). A total 4 classes (5 days/ class) were held for program participants which include labour inspectors and naval officers. The objectives are to improve skills and form the right attitude towards the prevention and protection of illegal child labour, forced labour, migrant workers and human trafficking.

7) The 2015 Nationwide Child Labour Survey Project in the shrimp industry, garment, sugar cane and fishery to study the child work situation in order to use as baseline information for the prevention and solution of child labour especially in the shrimp producing sector, garment, sugar cane and fishery. The Department of Labour Protection and Welfare (DLPW) has approved the project which is expected to be completed around September 2015.

8) Child Protection System Project under the Child Protection Monitoring and Responses System - CPMRS consists of 1) CPMS: Child Protection Monitoring System 2) CPRS: Child Protection Response System. CPMRS will help 1) Specify the children who need special care and protection or children in risky environment 2) Plan and specify assistance measures from local relevant agencies 3) Monitor and evaluate the child protection system for efficiency based on cooperation of all sectors. (Project of the Ministry of Social Development and Human Security)

9) The Project on Child and Youth who are at risk of child labour or hazardous work is planned to encourage all shrimp and seafood factories to abide by labour laws and International Labour Standard especially concerning

child labour and forced labour by creating Good Labour Practices (GLP). It is accessible for Thai and International Children to be informed of social protection and services including the development of life quality. (Project of the International Labour Organization)

10) A Workshop on labour protection and promotion of the rights of child labour and migrant workers rights is held in order to learn from government agencies, private organizations and local NGOs and to coordinate assistance to child labour and migrant workers. The operational budget for this workshop is from the Ministry of Labour at a total of 899,500 Baht.

11) Seminar on the solution of child and forced labour in the target group of establishments in order to increase the competitiveness of trade and brainstorm related agencies on the guidelines for operation on the solution of child and forced labour in the target group of establishments and to create an action plan with relevant agencies. The budget for this seminar from the Ministry of Labour was 87,600 Baht.

12) A Workshop to prepare the draft handbook for implementation of the worst forms of child labour in a multi-disciplinary approach is aimed at developing knowledge on protection and solution of child labour with a focus on the operation in child labour in a multi-disciplinary approach. The operational budget for this workshop from the Ministry of Labour was 154,000 Baht.

13) In 2014, the One-Stop Crisis Center (OSCC) employed volunteer interpreters in 6 languages i.e., Burmese, Cambodian, Vietnamese, English, Chinese and Malay. The following steps were taken by the center, if the center received the report from Hotline 1300 as foreign language, the system will be immediately connect to the volunteer interpreter and the officer will initially identify the problem and refer the case to other related agencies. In addition, the system has been created to report the performance of application system to report the number of the problem cases into the system and the were specified and reported for solution as below:



Violence	3,000 cases
Unwanted Pregnancies	991 cases
Human Trafficking	177 cases
Child Labour	13 cases
Other Social Problem	1,766 cases

The problems of child labour which are reported to OSCC are specified by the local labour inspector and at present, all 13 cases are completely solved, closed the system and referred assistance.

14) The study on hazardous work for children has been conducted under the cooperation of the DLPW, the ILO and the Faculty of Health, Mahidol University. The study has been a primary research in the form of literature review and academic papers review which concerned hazardous work for children from all over the world as well as relevant information derived in Thailand such as policies, laws and regulations, etc. The study includes the analysis of 4 forms of hazardous work: the establishment of maximum permissible weight to be carried by a young worker, the prohibition of the employment of a young worker for night work, the prohibition of the employment of a young worker for work in high places, and the standard of environmental temperature in workplace for young worker. The study result of Phase 1 was presented on 17 November 2014.

15) A total of 2,000 Handbooks on health and safety management and environment for working children in shrimp processing and seafood industries were published by using the guidelines from the summary of the International Labour Organization professional surveyed in March 2012 about the working environment. This is to provide knowledge and understanding for any employers, employees and others about health and safety management and environment for working children to obtain the appropriate protection.

16) The 2013 – 2015 project on promoting cooperative networks to protect children's rights, child welfare and young persons in the judiciary process. The project was targeted in 77 provinces. In 2013, the pilot project was

conducted in 3 provinces i.e., Sakeaw Province (the goal is for children from Cambodia), Chiang Mai Province (the goal is for children from Myanmar) and Ubon Ratchathani Province (the goal is for children from Lao) and in 2014, the project was extended to more than 20 provinces.

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**1) PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR:**

*Note: The reporting period is January 2014 through December 2014. If no actions or updates occurred, please state "situation unchanged" in response to that question number.*

1.1 In what sectors or activities were children involved in hazardous activities or other worst forms of child labor?

1.2 Did the government collect or publish data on exploitative child labor during the period? If so, please provide any reports based on these data. If the government has recently collected data on child labor and willing to share the raw data ("data set") with DOL for further analysis, please inform the Embassy.

**2) LEGAL FRAMEWORK ON THE WORST FORMS OF CHILD LABOR:**

*Note: The reporting period is January 2014 through December 2014. If no actions or updates occurred, please state "situation unchanged" in response to that question number.*

2.1 Has any of the information changed, or is any of the information incorrect in Tables for Ratification of International Conventions on Child Labor or Laws and Regulations Related to Child Labor? If yes, please describe.

**Ratification of International Conventions on Child Labor**

Convention	Ratification
ILO C. 138, Minimum Age	X
ILO C. 182, Worst Forms of Child Labor	X
UN CRC	X
UN CRC Optional Protocol on Armed Conflict	X
UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	X
Palermo Protocol on Trafficking in Persons	X

**Laws and Regulations Related to Child Labor**

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	15	Chapter 4, Section 44 of The Labor Protection Act
Minimum Age for Hazardous Work	Yes	18	Chapter 4, Sections 49, 50 of The Labor Protection Act
List of Hazardous Occupations Prohibited for Children	Yes		Chapter 4, Sections 49, 50 of The Labor Protection Act
Prohibition of Forced Labor	Yes		Section 38 of The Constitution; Section 310 of the Penal Code; Section 4 and 6 of The Anti-Trafficking in Persons Act
Prohibition of Child Trafficking	Yes		Sections 282, 283 of the Penal Code; Section 6 of The Anti- Trafficking in Persons Act
Prohibition of Commercial Sexual Exploitation of Children	Yes		Section 8 of The Prevention and Suppression of Prostitution Act; Section 6

Prohibition of Using Children in Illicit Activities	Yes		of The Anti-Trafficking in Persons Act; Section 282, 283 of the Penal Code Article 26 of The Child Protection Act
Minimum Age for Compulsory Military Recruitment	Yes	21	Military Service Act
Minimum Age for Voluntary Military Service	Yes	18	Military Service Act
Compulsory Education Age	Yes	15	Section 17 of the National Education Act
Free Public Education	Yes		Section 10 of the National Education Act; The Constitution

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

2.3 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?

2.4 Did the country have a minimum age for employment in hazardous work? What was it? Did the country have a list of occupations considered hazardous and therefore prohibited to children? 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.

2.5 Do laws on the minimum age for work, minimum age for hazardous work, and list of hazardous work prohibited to children apply to the sectors in which children work and types of work they perform in the country? Do these laws apply to all work in the informal sector? For sectors that the laws do not apply to, please list the sectors where children are working under an employment relationship. An employment relationship exists when a person performs work under certain conditions in return for remuneration.

2.6 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 labor/trafficking/other practices similar to slavery,
- b) child soldiering, and in particular forced recruitment for child soldiering (please note the minimum age for voluntary enlistment and compulsory military recruitment, and the minimum age for engagement in combat in the military),
- 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 (i.e. drug trafficking, extortion, theft, etc.)



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

**3) ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR:**

*Note: The reporting period is January 2014 through December 2014. However, since enforcement information often takes time to compile, if information is provided outside of the 2014 reporting period, please make this clear and indicate the time period the information covers.*

**Labor Law**

3.1 Has any of the information changed, or is any of the information incorrect in the table below? If yes, please describe.

**Agencies Responsible for Child Labor Law Enforcement**

<b>Organization/Agency</b>	<b>Role</b>
Department of Labor, Protection, and Welfare (DLPW) of the Ministry of Labor (MOL)	Enforce labor laws, including the Labor Protection Act and its ministerial regulations on domestic work, agriculture, and sea fishing vessels, through workplace inspections. Operate a MOL telephone hotline, Hotline 1506, to answer questions involving working conditions and receive complaints from the public about child labor.
Fishing Coordination Centers (operated jointly by the Department of Employment, DLPW, and the Marine Police)	Monitor and inspect working conditions of fishing vessels. Aim to increase protection for workers, and allow migrants to become legalized through a registration process.
Anti-Human Trafficking Division (AHTD) of the Royal Thai Police (RTP)	Enforce laws specifically related to forced labor, human trafficking, and commercial sexual exploitation of women and children.
Department of Special Investigations (DSI) in the Ministry of Justice	Investigate complicated human trafficking crimes, including those related to police complicity and transnational or organized crime. MOU between Thai Police and DSI states that a NGO or social worker can choose which entity will investigate and that that entity must work on the case from start to finish.
RTP and Attorney General	Enforce the Transnational Organized Crime Act.

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

3.3 What agency or agencies was/were responsible for the enforcement of laws relating to child labor and/or hazardous child labor. If multiple agencies were responsible for enforcement, were there mechanisms for coordinating enforcement actions? If yes, please describe. Did countries have systems for referring children found during inspections to appropriate social services? Please note how enforcement agencies and governmental bodies inter-relate. If possible, explain

the hierarchy of these agencies and bodies, whether they are members of the same ministry or different ministries, and what effect this has on enforcement efforts.

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

3.5 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?

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

3.7 Are inspectors able to conduct unannounced inspections? In what sectors are they able to conduct such inspections? Are they able to inspect private farms and/or homes (for underage child domestic labor)?

3.8 Do enforcement agencies proactively plan child labor inspections, or do they only carry out inspections in reaction to complaints about child labor?

3.9 How many inspections for the purpose of enforcing child labor laws were carried out? What sectors were inspected? Were these sectors in which children work? Was the number of inspections adequate?

3.10 Did inspections consist of site visits or were they only desk reviews of paperwork submitted by employers? If site visits were conducted, were they of good quality? For example, were inspections conducted in the language that most workers speak? If a large number of inspections were carried out during the year, did quality suffer?

3.11 Are inspectors empowered to assess penalties for labor law violations? If so, what kinds of penalties can they assess? At what point during the inspection process can they assess penalties—during the initial inspection or only upon subsequent re-inspection?

3.12 How many violations of child labor laws were found?

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

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

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

### **Criminal Law**

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



(Please provide separate responses per type of worst form as needed.) Please note how enforcement agencies and governmental bodies inter-relate. Explain the hierarchy of these agencies and bodies, whether they are members of the same ministry or different ministries, and what effect this has on enforcement efforts.

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

3.2.3 How many investigators did the government employ to enforce laws against the worst forms of child labor 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?

3.2.4 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.

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

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

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

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

3.2.9 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?

3.2.10 In cases in which convictions were reached, including convictions that resulted in sentences of imprisonment, were the sentences carried out? If perpetrators received jail time, what was the average sentence?

#### **4) COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR:**

*Note: The reporting period is January 2014 through December 2014. If no actions or updates occurred, please state "situation unchanged" in response to that question number.*

4.1 Has any of the information changed, or is any of the information incorrect in the table below. If yes, please describe.

**Mechanisms to Coordinate Government Efforts on Child Labor**

<b>Coordinating Body</b>	<b>Role &amp; Description</b>
The National Committee to Eliminate the Worst Forms of Child Labor	Coordinate the implementation of child labor policies and plans, facilitate cooperation among various coordinating ministries, and report semiannually to the Thai Cabinet on child labor issues. Chaired by the MOL, with representation from other government agencies, employer and worker associations, and civil society groups. Oversee three subcommittees that monitor the National Policy and Plan to Eliminate the Worst Forms of Child Labor (2009-2014); update the list of hazardous activities prohibited to children under age 18; and work on key performance indicators to measure and eliminate the worst forms of child labor in Thailand. In 2013, the MOL expanded participation to include the Ministry of Information and Communication Technology, the National Statistical Office, the Budget Bureau, and the Public Relations Office to facilitate cooperation on data collection to combat the worst forms of child labor. In coordination with DLPW, the subcommittee on hazardous work for youth labor worked with the ILO on technical studies to provide scientific evidence to clarify permissible temperatures, noise levels, and weightlifting amounts to amend the Labor Protection Act (LPA) hazardous child labor laws. Subcommittee on monitoring and evaluation has extended its responsibilities to include development of the second National Policy and Plan to Eliminate the Worst Forms of Child Labor (2015-2019).
The Anti-Trafficking in Persons Committee (ATP)	Make decisions and policy recommendations on combating human trafficking, and coordinate strategy across agencies. Chaired by the Prime Minister. Supervise the Coordinating and Monitoring of Anti-Trafficking in Persons Committee (CMP). Oversee multiple other subcommittees that cover a range of topics, including data collection, combating trafficking in fishing sector, and implementation of the national anti-trafficking policy.
The Coordinating and Monitoring of Anti-Trafficking in Persons Committee (CMP)	Monitor and evaluate the implementation of policy, as well as prepare plans and recommendations for review by the ATP. Chaired by the Deputy Prime Minister.
National Operation Center for the Prevention and Suppression of Human Trafficking	Coordinate anti-human trafficking activities, including those involving child forced labor, trafficking, and commercial sexual exploitation. Secretariat for the ATP and CMP falls under the Ministry of Social Development and Human Security (MSDHS). Manage 76 Provincial Operation Centers for the Prevention and Suppression of Human Trafficking; these serve as the frontline implementers of anti-human trafficking activities.

4.2 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 labor? 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 labor, such as child trafficking?



**5) GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR:**

*Note: The reporting period is January 2014 through December 2014. If no actions or updates occurred, please state "situation unchanged" in response to that question number.*

5.1 Has any of the information changed, or is any of the information incorrect in the table below  
If yes, please describe.

**Policies Related to Child Labor**

<b>Policy</b>	<b>Description</b>
The National Plan of Action (NPA) to Eliminate the Worst Forms of Child Labor (2009–2014)	Aims to prevent, protect, and withdraw children from the worst forms of child labor, improve legislation and law enforcement related to the worst forms of child labor, and build the capacity of officials who administer policies and programs on the worst forms of child labor. Key performance indicators include a reduction in the number of children engaging in the worst forms of child labor; increased efforts to remove children from the worst forms of child labor; increased criminal prosecutions against employers who exploit children; increased capacity and knowledge of practitioners working in this field; and increased national- and provincial-level administrative and management efforts to eliminate the worst forms of child labor. In 2013, the DLPW received a government budget allocation of \$172,356 to specifically implement the NPA.
The Government's National Policy Strategies and Measures to Prevent and Suppress Trafficking in Persons (2011–2016)	Comprehensive Anti-Trafficking in Persons Policy contains five strategies which are operationalized in annual action plans. Strategies include prevention; prosecution; protection and assistance; development of policy and promotion mechanisms; and development and management of information.
National Child and Youth Development Plan (2012–2016)*	Main principles include the enforcement and implementation of the National Child and Youth Development Promotion Act of 2007 and relevant laws; the idea that every child and young person has the right to receive basic education of the highest quality; the notion that children and youth have the right to basic health care services of the highest standard; and the idea that children and youth have the right to play, rest, and participate in recreational activities.

5.2 During the reporting period, did the government establish any 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?

- a policy or plan that specifically addressed the worst forms of child labor or any one of the worst forms of child labor?
- a poverty reduction, development, educational or other social policy, such as Poverty Reduction Strategy Papers, etc., that explicitly incorporated the worst forms of child labor as an issue to be addressed?
- a 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

labor or any one of the worst forms of child labor, but that might have had an impact on them?

**Note: Questions 5.3 through 5.6 apply to each policy and/or plan listed in 5.1.**

5.3 What is the official name of the policy in both English and local language (as appropriate). When was the policy or plan established? If applicable, when will it end/expire?

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

5.5 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.

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

**6) SOCIAL PROGRAMS TO ADDRESS THE WORST FORMS OF CHILD LABOR:**

*Note: The reporting period is January 2014 through December 2014. If no actions or updates occurred, please state "situation unchanged" in response to that question number.*

*Note: If programs are donor-funded, please list the donor.*

6.1 Has any of the information changed, or is any of the information incorrect in the table below? If yes, please describe.

**Social Programs to Address Child Labor**

<b>Program</b>	<b>Description</b>
National and Provincial Operation Centers for Providing Assistance to Women and Child Laborers	DLPW program that provides assistance to women and child laborers, collects and disseminates information on the worst forms of child labor, and reports their activities to the National Committee.
Trafficking victim support services	MSDHS' Bureau of Anti-Trafficking in Women and Children program that operates 76 Provincial Operation Centers to provide emergency assistance and protection to human trafficking victims. Nine long-term shelters offer medical care, psychosocial services, education, and life skills education for human trafficking victims. In 2013, government shelters provided services to 681 trafficked victims, including 518 children under the age of 18.
Migrant Learning Centers	Government and nonprofit organizations program to provide basic education to children in migrant communities. Government District Education Offices provide guidance and technical support to ensure that children receive a learning assessment and meet qualifications to earn a certificate of completion issued by the Ministry of Education.



Combating the Worst Forms of Child Labor in Shrimp and Seafood Processing Areas in Thailand	\$9 million USDOL-funded, 4-year project implemented by ILO-IPEC to eliminate child labor in the shrimp and seafood processing industry. Aims to strengthen policy frameworks to protect the rights of Thai and migrant children; assist the shrimp and seafood processing industry to comply with labor laws; and provide education and other services to at-risk children and families in the targeted areas. Targets 7,500 children for the prevention and withdrawal from the worst forms of child labor, and 3,000 households for livelihood services. In 2013, completed and finalized a baseline survey of child labor in the shrimp and seafood processing areas in Samut Sakhon, Songkla, Nakhon Si Thammarat, and Surat Thani. Completed a migrant child labor survey targeting shrimp and seafood processing areas in Samut Sakhon. Piloted and implemented the Good Labor Practices Training Program for factory owners and workers. Worked with two subdistrict governments to institute a pilot for child labor monitoring systems in Samut Sakhon and Songkhla provinces to keep current data on child labor.
Project Childhood	\$3.67 million UNODC-operated, multiyear project to build the capacity of law enforcement officials in Thailand, Cambodia, Laos, and Vietnam to identify and prosecute child sex offenders.
ILO-GMS TRIANGLE Project	Government of Australia-funded, 5-year project implemented by ILO to reduce the exploitation of labor migrants through increased legal and safe migration and improved labor protection. Includes six participating countries in the Greater Mekong Sub-region. In 2013, surveyed fishermen in four provinces in the east and south of Thailand and found that 5.5 percent of fishermen were younger than age 18. Worked with the Ministry of Labor to develop a labor inspection training module that focused on child labor, forced labor, human trafficking, and migrant worker protection.
One-Stop Crisis Center (OSCC) 1300 Hotline	MSDHS program that focuses on teenage pregnancy, human trafficking, child labor, and violence against children, women, the elderly, and persons with disabilities. In 2013, OSCC was upgraded and centralized under MSDHS; it created a standardized referral system and coordination process with specialists from the MOL, the Ministry of Public Health, and the RTP. Operators who spoke foreign languages were not yet hired in 2013; enough information is not yet available that measures the effectiveness of the new OSCC hotline to recognize, identify, report, and refer child exploitation victims. From June 9, 2013 to January 13, 2014, the OSCC 1300 hotline received 3,500 calls regarding incidents of violence against children, women, and the elderly (1,604); social problems, such as homeless or missing persons (1,366); teenage mothers (316); human trafficking (197); and child labor (17).

6.2 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? A program specifically to address the worst forms of child labor or any one of the worst forms of child labor? Please describe.

- a program that incorporates child laborers 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 contingent upon school attendance, that did not explicitly address child labor or any one of the forms of child labor, but that might have had an impact on them or it? Please describe.

**Note: Questions 6.3 through 6.10 apply to each program listed in question 6.1.**

6.3 When was the program established? If applicable, when will it end/expire? What is the official name of the program, who is implementing the program, and is it donor funded?

6.4 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?

6.5 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.

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

6.7 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.

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

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

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

6.11 For programs that did not specifically target child labor issues, have there been any studies or evidence that demonstrated the impact of the programs on child labor, including the worst forms?



6.12 Did the Royal Thai government actions taken during January-December 2014 respond to a DOL's suggested action from the TDA 2013 report (see Table below)

**Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms**

Area	Suggested Action	Year(s) Suggested
Laws	Clarify the maximum number of hours that children age 13 to 15 may work in the agricultural sector.	2011 – 2013
	Clarify the minimum age for working on fishing boats to conform with the list of hazardous occupations for children and to international standards.	2013
	Amend legislation to protect child domestics from working an excessive number of hours.	2012 – 2013
	Develop legislation to include specific provisions, protection, and penalties on all aspects of child pornography.	2013
Enforcement	Increase the number of labor inspectors in order to adequately enforce labor laws in all workplaces covered by the law.	2013
	Apply penalties to violators of child labor laws that adhere to the penalties proscribed by law.	2013
	Provide labor inspectors with the capacity to communicate in migrant or ethnic minority languages useful for labor inspections.	2009 – 2013
	Remove administrative barriers that impede inspections of home-based businesses.	2013
	Improve mechanisms for labor complaints that workers can easily access to report labor law violations, particularly in remote areas and in the informal sector, including in shrimp and seafood processing.	2012 – 2013
Government Policies	Assess the impact that existing policies may have on addressing child labor.	2013
Social Programs	Take steps to eliminate barriers and make education accessible for all children, including ethnic minorities and migrants, in Thailand.	2012 – 2013
	Raise awareness of migrant children's right to education among migrant families and local government officials.	2012 – 2013
	Initiate a national child labor survey.	2009 – 2013
	Ensure that national reporting and statistics on child labor include children working on the streets and migrant children.	2012 – 2013
	Assess the impact that existing programs may have on addressing child labor.	2013

## **DEFINITIONS**

**CHILD LABOR:** All work performed by a person below the age of 15. It also includes all work performed by a person below the age of 18 in the Worst Forms of Child Labor (see next definition). This definition will not apply to work specifically authorized by national laws, including work done by children in schools for general, vocational, or technical education or in other training institutions, where such work is carried out in accordance with international standards under conditions prescribed by the competent authority, and does not prejudice children's attendance in school or their capacity to benefit from the instruction received.

**HAZARDOUS ACTIVITIES:** Hazardous activities include exposure to physical, psychological, or sexual abuse; hazards associated with working underground, under water, at dangerous heights, or in confined spaces; work with dangerous machinery or tools (specify machines/tools); work involving manual transport of heavy loads; exposure to hazardous substances, temperatures, or noise levels; and/or long hours, night work, and confinement to the employers' premises, among many others.

**WORST FORMS OF CHILD LABOR:** As established in the conference report accompanying the TDA of 2000 and as originally established in ILO Convention (C.) 182, the worst forms of child labor comprise:

- (A) All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict;
- (B) The use, procuring, or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (C) The use, procuring, or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in relevant international treaties; or
- (D) Any 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.