

# **THE THAI GOVERNMENT POLICIES TO ELIMINATE HUMAN TRAFFICKING:**

## **A CASE STUDY OF CHILD LABOR IN THAILAND (2010-2015)**

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### **ABSTRACT**

*This undergraduate thesis aims to address the problem of human trafficking: a case study of child labor in Thailand. Because it relate with the image of the country. Thailand as a country that is famous for teen mom. Teen mom is the best factor that will increase the number of child labor, because teenagers are not ready to be pregnant and can't raise them, which eventually lead the child into child labor. Nowadays, Thailand has been committing of human trafficking, where it has impact on economy, social culture, and politic. Thailand is still on Tier 3 in the latest US Trafficking in Persons (TIP) report, by the US state department. Based on the analysis, there are several policies that the government can conduct to eliminate. Giving fund and Krajokngao fund are also the way to support the officers to solve this problem. The government does not only cooperate with the government but they also cooperate with some other NGOs and UN as well.*

**Keyword:** *human trafficking, child labor, policy of Thai government.*

## **Introduction**

Every country in the world has been affected by human trafficking. Human Trafficking is a crime against humanity. It involves an act of recruiting, transporting, transferring, harboring or receiving a person through the use of force, coercion or other means for the purpose of exploiting them. Every year, thousands of men, women and children fall into the hands of traffickers, in their own countries and abroad. Whether as a country of origin, transit or destination for victims.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons defines Trafficking in Persons as the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.<sup>1</sup> Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs, like as Thailand, Thailand is the one country that has many case of human trafficking.

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<sup>1</sup> United nation office on Drugs and Crime, 2005, Human Trafficking, from <https://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html>, Accessed 11 November 2015.

Thailand is a source, transit, and destination country for human trafficking. It is a destination-side hub of exploitation in the Greater Mekong Sub-region, for both sex and labor exploitation. Thailand has a problem with child labor that is hard to solve. Thailand is still on Tier 3 in the latest US Trafficking in Persons (TIP) report, released Monday by the US state department. Thailand's military government, led by prime minister general Prayut Chan-o-cha, were hoping they had done enough to be upgraded, but the report is clear. The country's government "does not fully comply with the minimum standards for the elimination of trafficking, and is not making significant efforts to do so. Thailand investigated and prosecuted some cases against corrupt officials involved in trafficking but trafficking-related corruption continued to impede progress in combating trafficking", the report states.<sup>2</sup>

Therefore, human trafficking is illegal in Thailand. Thai government has to eliminate the human trafficking based on the rules and laws of the country to control. Moreover, human trafficking has now been increasing into Tier 3.

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<sup>2</sup> Thailand remains at 'Tier 3' on 2015 US TIP report, July 27, 2015, 2:33 pm, Tom Seaman retrieved from <https://www.undercurrentnews.com/2015/07/27/thailand-remains-at-tier-3-on-2015-us-tip-report/>, Accessed on 23-4-16

## **Research question**

Based on the background and the understanding of problem's background, the research question is formulated as follows,

*How do Thailand policies eliminate human trafficking?*

## **Theoretical framework**

In order to answer the formulated research question, the writer will try to analyze the mechanism or device; this thesis will apply the Theories of Child Labor: Models of Household Decisions by Drusilla K.Brown.

### **Child Labor: Models of Household Decisions**

The purpose of this section is to touch briefly on theories of household decision-making with regard to the employment of children. Greater emphasis will be placed on the more recent literature that addresses the role of market failure, particularly in the capital market, and its relationship to poverty. The ultimate objective of the review is to identify the household characteristics that ought to emerge in empirical analysis as statistically significant determinants of child labor.

Neoclassical models of household decision-making are commonly employed in the analysis of child labor and are typically derivative of Becker (1964). Models of household bargaining fall into two broad categories: those in which children have no bargaining power and those in which children have some intrinsic value in the family. In models in which children have no bargaining

power in the household, parents make decisions that serve their own interests, without regard for the impact on the child.

### **The dynamics of human trafficking and child labor in Thailand and Southeast Asia.**

Thailand is the one country that also has many human trafficking. Thailand is a source, transit, and destination country for human trafficking. It is a destination-side hub of exploitation in the Greater Mekong Sub-region, for both sex and labor exploitation. Thailand has a problem with child labor that is hard to solve.

#### **Source countries**

Victims trafficked to Thailand predominantly originate from Cambodia, Lao PDR, Myanmar, Russia, Southern China, Uzbekistan, and Vietnam.

#### **Destination countries**

Thai citizens are trafficked internationally to Australia, Bahrain, Brunei, Canada, Germany, Indonesia, Israel, Japan, Korea, Kuwait, Libya, Malaysia, Maldives, Qatar, Saudi Arabia, Singapore, South Africa, South Korea, Taiwan, Timor Leste, the UAE, the USA and Vietnam.

#### **Transit points**

Most migrants that become victims of trafficking in Thailand are from Myanmar, Cambodia and Lao PDR, hence the transit points are along the borders between Thailand and these countries. Migrants from Myanmar enter Thailand

through Ranong Province, Mae Sot checkpoint in Tak Province, Sangkhlaburi district in Kanchanaburi Province, Mae Hong Son, and Chiang Mai. Migrants from Lao PDR enter Thailand through Phiboonmangsa-harn district in Ubon Ratchathani Province, Mukdahan and Nong Khai Province. Migrants from Cambodia enter Thailand through Aranyaprathet in Srakaew Province, Surin and Trat Province.<sup>3</sup>

### **Child Labor in South-east Asia**

For children in South-East Asia the commitments outlined in the United Nations Convention on the Rights of the Child (CRC) are starting to bear fruit. Progress to guarantee every child's right to survival, development, protection and participation has been made. All 10 Member States of the Association of Southeast Asian Nations (ASEAN) have ratified the CRC, and have started to align national laws, build stronger legal frameworks for children and establish and strengthen national institutions that deal with children's issues. Significant progress on the reduction of child mortality, increases in school enrolment, better laws to protect children and the improvement in children's overall well-being has been achieved.

Although each country in South-East Asia is unique, there are children in all countries who cannot have their right to grow up in a safe and protected environment fulfilled. Child trafficking, exploitative child labor, children deprived

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<sup>3</sup> Mekong region country human trafficking datasheets, strategic information response network, Thailand Human Trafficking Datasheet, Current Trafficking Data & Trends, retrieved from <http://www.brandeis.edu/investigate/slavery/docs/thailand-uniap-datasheet-2010.pdf>, Accessed on 02-02-2017

of their family environment, children living on the streets, children in conflict with the law, commercial sexual exploitation of children and violence against children are some of the problems.

### **Thailand's Policy to Eliminate Human Trafficking.**

Throughout years, human trafficking has given huge influence to the society and government who were involved. However, human trafficking is illegal in Thailand. Thai government has to eliminate human trafficking based on the rules and laws of the country to control, led by Prime Minister General Prayut Chan-o-cha.

#### **A. People Empowerment through Educations**

##### **1. Development, Education and Training**

A large number of scholarship programmes as detailed above have recently been introduced, most significantly through the Ministry of Education, but also through a variety of other government organizations and NGOs primarily to enable children to continue their formal schooling. Lack of knowledge, or incorrect information, or concerns about repayment may, however, interfere with children's ability to access these loans. They also do not address the problem of children's contribution to family income, as they are generally just adequate to cover school and a child's living expenses. Generally, although no research has been carried out, it would appear that for a variety of reasons the poorest children, and those from remote areas, may find it most difficult to access these funds and the opportunities they can provide.

Additionally schools may simply be unable to cater to the needs of many of these children, and may be perceived as irrelevant by their parents, who consider children will learn more from work experience. Addressing the weakness in the education system and the lack of appreciation of education within certain social groups is vital to encouraging the continuation of these children's education.

Trainees are offered a subsistence payment of 50 baht per day while completing the courses, and they are operated more or less on demand, with requests for training being directed through provincial labor offices. About 3,000 children have been trained in these programmes since 1995. In many ways this training is similar in content to that offered by Huay Krai school described in Appendix III Case C, and to that offered by many NGOs in northern Thailand and it suffers from similar handicaps. The length of period of training, the skills of the trainers and the equipment used together very often do not provide trainees with adequate skills to equip them to enter the workforce as even semi-skilled workers, or to enable them to earn an adequate income as homeworkers. The training is also not targeted to areas of labour force demand, and local jobs and even migratory jobs may not be available after its completion.

One programme which has largely overcome this problem is the Rural Sri Sa Ket Women's Association for Occupational Promotion and Development (RUSWOP), which through its close links to industry and practical and high-skill training produces within only 45 days graduates who are in high demand, or who are able to make an adequate living from homeworking. (This programme is described in Appendix III, Case E.) This programme is heavily dependent on the



particular skills of its founder, and any attempt at replication would require very careful selection of administrative and training personnel, but its strong commercial focus no doubt offers a strong lesson in “best practice”.

In these, and in many other programmes, it is important for organizers to think beyond the obvious forms and areas of training, and to encourage their target groups, both children and their parents, to be aware of non-traditional studies and occupations which may offer better life opportunities for children than traditional areas. If asked what area of study they prefer it may be that girls will say dressmaking and hairdressing and boys mechanical skills, but providers have a responsibility to assess if these are practical and appropriate.

Two other programmes which have also taken fresh approaches are the Se-Ma Life Development Project and the UNICEF hotel skills training project. Operated by the Ministry of Education, Se-ma, targeting girls in northern Thailand at high risk of entering the commercial sex industry, has, in addition to traditional vocational training (See Appendix III, Case G), offered limited numbers of girls concessional places in two-year college nursing courses. After completing this training, it is intended these girls should return to work in or near their home villages, where their skills would be in high demand.

In the UNICEF programme a similar group of girls is offered the opportunity to undergo a specialized five-month hotel training course conducted within and in close consultation with five-star hotels in Bangkok. All of the programme’s graduates have proved readily employable, and are in high demand.

In the first year 10 girls entered the programme, a figure to be raised to 90 in 1997. This, however, illustrates the major difficulty of such programmes. On a per capita basis they are far more expensive than conventional, basic educational training, and would thus be difficult to implement on a large scale. Ideally it might be said that employers should be prepared to conduct this training at their own cost to obtain a skilled workforce, but with little tradition of such practices in Thailand, and a tradition of “poaching” trained employees from other companies, this appears unlikely to occur on a large scale.

The Non-Formal Education Department is also very important to addressing issues of child labor. It has recently adopted a pro-active approach, initially being piloted in Chiang Rai, which actively seeks all individuals who drop out of the formal education system at any level to attempt to encourage them to continue studying through the non-formal system. In northern and western Thailand, it is responsible for the primary provision of education to hill tribe groups in particular. To address some particular concerns, the Department has developed a Basic Minimum Needs Kit which, among other topics, contains information on ethical moral concerns, designed particularly to prevent the selling of daughters into the commercial sex industry. This has not clearly, however, been linked to the broader effort against child labor.

## **2. Protection and Prevention**

To work from a grassroots level in preventing child labor, volunteer child labor monitors were appointed in 22,000 villages nationwide in 1996. (See

Appendix III (Case C)). This programme, however, suffered from numerous problems which have meant it effectively ended soon after it started, and while attempts are being made to address a major problem of the lack of an annual honorarium for volunteers, for the programme to work effectively a total redesign is probably necessary.

A recently-instituted programme provides for grants of not more than 1,000 baht from the Public Welfare Department to help families keep their children in school. This relies on schools informing the district officer of children in need, but there are doubts as to how widely this programme has been publicised and utilised, and anyway the sum provided is probably not sufficient to make a real difference to family decisions about children's schooling. Discussion of official law enforcement efforts to protect children is included above. A somewhat different approach has been taken by an NGO which works directly with child workers, who may or may not fit the definitions of child labor. They seek to work if not cooperatively then at least not in oppositional terms with employers and children, including efforts to develop children's skills and knowledge which may attract employers' support. The Foundation for Child Development (FCD) conducts a child labor club in Bangkok, catering to around 200 children who attend the club on their Sunday and other holidays, to engage in recreational and educational activities. They are encouraged to become involved in further education through the non-formal education department and provided with information about their rights and entitlements as employees.

While this is obviously a valuable programme which can be very helpful to participants, it can only cater to a relatively small number of children who live and work within a reasonable vicinity of the club, and who have employers who are at least reasonably sympathetic to it. In its rescue efforts at Hua Lumphung it can again reach some children, but by no means all. This is a valuable effort, but only highlights the importance of preventative rather than curative measures to address the most intolerable forms of child labor.

Broadly it can be said that nearly all programmes at present fail to take adequate account of the views of children, and often also parents, as a target group. Children frequently feel an enormous responsibility to support their families, either their parents or often younger siblings, and simply preventing them from working may be very harmful to their emotional well-being, and may lead to their work being pushed further “underground” and thus into conditions more likely to fit the classification of “most intolerable forms of child labour”. Of course accessing children’s true views, and enabling them to develop them independently, is difficult. The Se-Ma Pattana Chewit project already discussed (See Appendix III, Case G) provides a model for achieving this, although working in a long-term, protected context.<sup>4</sup>

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<sup>4</sup> Philobiblon, Green politics, history, science, books. Always feminist, Child labor in Thailand, retrieved from [http://philobiblon.co.uk/?page\\_id=4337](http://philobiblon.co.uk/?page_id=4337), Accessed on 20-02-2017

## **B. Cooperating in International Agreement with ASEAN**

In line with the relevant ASEAN instruments and Roadmap for an ASEAN Community relating to trafficking in persons, there is a need to have strong international cooperation and a comprehensive regional approach to prevent, suppress, and punish trafficking in persons, especially women and children, in all forms of sexual, labor, and organ trafficking. This ASEAN Plan of Action, which complements the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP), aims to provide specific action plans within ASEAN Member States' domestic laws and policies, as well as relevant international obligations, to effectively address regional challenges common to all ASEAN Member States in the identified major concerns, to wit: (1) Prevention of trafficking in persons; (2) Protection of victims; (3) Law enforcement and prosecution of crimes of trafficking in persons; and (4) Regional and International cooperation and coordination.

In undertaking this ASEAN Plan of Action, ASEAN Member States are mindful of the equal rights and inherent human dignity of women, and men, as well as the rights of children, as reflected in the following international and regional instruments, among others:

1. Charter of the Association of Southeast Asian Nations (ASEAN Charter).
2. United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.
3. Convention on the Rights of the Child.

4. Convention on the Elimination of All Forms of Discrimination Against Women.
5. United Nations Global Plan of Action to Combat Trafficking in Persons.
6. ASEAN Human Rights Declaration.
7. ASEAN Declaration Against Trafficking in Persons Particularly Women and Children adopted in 2004.
8. Criminal Justice Responses to Trafficking in Persons: Ending Impunity for Traffickers and Securing Justice for Victims in 2007 (“ASEAN Practitioner Guidelines”)
9. ASEAN Leaders’ Joint Statement in Enhancing Cooperation against Trafficking in Persons in South East Asia in 2011, and
10. ASEAN Plan of Action to Combat Transnational Crime.<sup>5</sup>

## **Conclusion**

Thailand is the one country that has many human trafficking a case study of child labor. It is a country where there are a lot of child labor. For centuries, everything has been changing around but one thing never changes until nowadays. It is the child labor as human trafficking. Thailand has a problem with child labor that is hard to solve. Thailand is still on Tier 3 in the latest US Trafficking in Persons (TIP) report, by the US state department. In Thailand, a lot of human trafficking cases have included children as labor. Children are willing to work to help their family to be better than the previous condition. Children have

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<sup>5</sup> ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children

encountered because their family are in a poor condition. Some of them follow their parents in human trafficking, which has been part of their culture. Children have no bargaining power. Their parents make decisions that serve their own interests, without regard for the impact on the child.

Therefore, the Government's National Policy Strategies and Measures to Prevent and Suppress Trafficking in Persons 2011-2016 is a comprehensive Anti-Trafficking in Persons Policy. The Policy contains five strategies to be operationalized in annual action plans. The strategies are: prevention; prosecution; protection and assistance; development of policy and promotion mechanisms; and development and management of information. However, enforcement of child labor laws continues to be weak and the Government lacks current nationwide data on child labor. Children continue to be engaged in the worst forms of child labor, including in hazardous activities in agriculture, and shrimp and seafood processing. In 2015, Thailand made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government approved the second phase of the National Policy and Plan to Eliminate the Worst Forms of Child Labor, which aims to eradicate child labor in Thailand by 2020, and includes a 3-year action plan toward the achievement of this goal. Some trafficked children are forced to sell flowers and candy, beg on the streets, or work as domestic servants in Bangkok and other area.

The government worked really hard to solve this issue, because it is a national problem that has given bad effects to the country. Human Trafficking increases the country's income; however it is against human right, because some

children are forced by others to be labor. Their life is their own decision to be what they want. They should not be threatened by others. Therefore, the government should be responsible to solve this problem, no matter how hard it is. The government should try to find solutions whether they will be effective or not. When solving a problem, not all solutions will be effective. However, doing something is better than doing nothing. Nowadays, this problem still on Tier 3, but the government did not stop doing their job. It just takes time, the important thing to make it a success is the cooperation between government and the society.



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ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children

## **Biography**



Asama Lamun was born in Satun, Thailand on April 21, 1994. In 2013, she started to study in International Program for International Relations Department, Faculty of Social and Political Sciences, Universitas Muhammadiyah Yogyakarta and finished (graduated) the study in July, 2017. She lives in Jl. Khuankalong, Satun, Thailand, 91130.