



Meeting the Challenge

Proven Practices for Human Trafficking Prevention
in the Greater Mekong Sub-region

International Labour Organization

THAILAND

HOUSEWORK IS A JOB

Opening the door on the trouble with domestic labour

THE PROVEN PRACTICE:

A destination-side initiative that concentrates on legislative and social advocacy to bring about official regulations regarding the employment of children (and adults) as domestic workers and public responsibility for protecting their welfare.

Promoting the rights of child domestic workers in Thailand

THE INITIAL CHALLENGE:

Because Thailand enjoys relative economic advantage and stability within the Mekong sub-region, adults and children from neighbouring countries often migrate there in search of a better economic opportunity. A large portion of the women and children find their way into domestic work. In recent years, due largely to the improved economic situation within Thailand, better work opportunities and the effective expansion of compulsory education in remote areas, the number of Thai domestic workers has declined.

However, non-government organizations estimate that more than 100,000 females from Myanmar, Lao PDR and Cambodia are employed as domestic workers, based on the recent registration of migrants.

Because domestic work is regarded as in the informal sector, it is not protected by labour laws. This can mean that several thousand teenagers work as household servants, without a clear guarantee of their wages, their holidays or their welfare.



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NGOs in Thailand estimate that girls younger than 18 years are the largest group of live-in servants and that many of them work in exploitative conditions. Both child and women domestic workers often labour for long hours and sometimes in hazardous conditions; many of them suffer physical or mental abuse. A Mahidol University survey in 2004 found that working conditions of Burmese domestic workers (including children) in Chiang Mai and Mae Sot were virtually slave-like, with more than half reporting verbal abuse, and more than 14 per cent were victims of sexual abuse.

Domestic work is often used as an entry point of traffickers easily because migrant children must contact informal job brokers and informal employment agencies to find employment.

Isolated within the confines of private residences, domestic workers have limited opportunities to receive or reach out for assistance from authorities, NGOs and other voluntary groups. This is especially the case of illegal migrant workers who are too scared to escape and ask for assistance from the police or other authorities. Working child migrants without legal status are in an especially precarious condition for exploitation because they are ineligible for recourse to legal redress through the labour courts.

A general policy is lacking that would require employers and receiving countries of domestic labour to provide for skill development, reasonable salaries, quality of life and living standards, and protection from exploitation.

THE RESPONSE:

The Foundation for Child Development (FCD), with support from the International Labour Organization's Mekong Sub-regional Project to Combat Trafficking in Children and Women (ILO-TICW) offered to lead a project that would build up a network of government and non-government agencies concerned with the protection of domestic workers and focus on changing public attitudes through a multimedia campaign and rallying for legislative reform. Through data collection and public sensitization, they would make the link between the exploitation of domestic labour and the need for legal protection and attitude change.

The FCD, established in 1981, has served on many national committees for advising and reviewing policies related to children and identifying measures to solve child-related problems, including child health, child labour and child trafficking.

The FCD first facilitated the establishment of a core working group, led by the Ministry of Labour (MOL) and in particular its Department of Labour Protection and Welfare, and with participants from the Ministry of Social Development and Human Security (MSDHS), concerned legal and academic institutes and NGOs. They then developed a Ministerial Regulation administering the employment of domestic workers and then advocated for Cabinet approval of it.

The FCD also facilitated a study-tour for the members of the working group to Hong Kong to learn from the comprehensive protective legal framework extended to foreigners employed as domestic workers there.

The draft Ministerial Regulation sets the minimum standards for domestic workers and relates to Thailand's Labour Protection Act and its Child Protection Act for working age, basic salary, working hours, weekly rest days, food, conditions of accommodation and medical coverage. It also calls for a system of registration and the use of standard written contracts for domestic workers, similar to policies currently in force in for example Hong Kong. A public hearing followed. If everything goes according to plan, the Ministerial



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Regulation will be signed by the Minister of Labour before the end of 2008 and then annexed to the Labour Protection Act.

To compile baseline data on the working conditions and the number of child domestic workers, which was needed to complement the advocacy for minimum standards and respect for domestic workers, the FCD sought the support of the Ministry of Labour to include these issues in the regular labour force surveys of the National Statistics Office. The analysis would also integrate other existing population data, such as the public health surveys conducted by the Ministry of Public Health and the child-monitoring surveys conducted by the Ministry of Social Development and Human Security.

To mobilize wider public respect for the rights of domestic workers, both children and adults, the FCD with its partners initiated a media campaign and school-based events. They produced and replicated advocacy materials as well as short documentary films, a website, comic books and other printed materials designed to provide information on the protection of groups of children at risk and on public participation in child domestic worker protection.

A radio campaign, information materials (stickers, posters, pocket cards) and a mobile exhibition were produced and distributed along the Lao-Thai border to raise awareness on safe migration, how migrating youth can protect themselves and how to get help if necessary. They also encouraged the public to report cases of exploitation of child domestic workers. The distribution of the material was closely coordinated with partners involved in other ILO-TICW anti-trafficking projects designed for Lao PDR, in particular the provincial government of Savannakhet and the Child Labour Office of the Ministry of Labour of Lao PDR.



As part of the radio campaign, the FCD organized two community-based and school-based workshops with young members of community-radio networks to create local media participation in providing awareness on migration-related risks and self-protection. Ten short radio public service spots were produced, along with scripts for child DJs in the community-radio network in the northeast of Thailand and along the targeted Thai-Lao border. The radio spots relayed information regarding the rights of domestic workers and informed the public how they can contribute and which agencies and hotlines can be contacted to help potential or exploited victims. The radio spots were first produced in Thai and then translated into other languages for airing in neighbouring countries.

Although the project primarily focused on legislative and social advocacy, it also included provision for strengthening the network of agencies involved in preventing exploitation and trafficking in domestic work, protecting the rights of the victims and prosecuting abusive employers and traffickers. This involved government and non-government agencies and the media, with the FCD acting as a coordinating unit. The objective was to create more cohesiveness in case reporting, withdrawal, referral, assistance, repatriation and reintegration. This included compiling data and evidence on the problems of child and adult domestic workers in order to provide protection and retribution. The FCD collaborated with lawyers and judiciaries to reclaim wage and related compensations for child domestic workers.



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In responding to complaints and information from the public through the telephone reporting of cases and cooperation with related agencies, the FCD conducted a preliminary investigation. This involved collaboration with the relevant public agencies in order to arrange entry into houses to talk with a domestic worker to check if there are problems and need for further action. The project established a rapid response referral system for reported cases. The FCD continues to coordinate the rescue of child domestic workers from exploitation with the Office of Labour Protection and Welfare, the Royal Thai Police, the Department of Social Development and Welfare, and other organizations for inspections and further assistance.

Partners included government agencies, academic departments, the National Human Rights Commission, embassies, women's and children's welfare organizations and media.

OUTCOMES:

- A draft Ministerial Regulation on the employment of domestic workers and their welfare protection, based on the Labour Protection Act, has been produced by a working group led by the MOL. The current draft contains provisions related to the minimum working age, basic salary, working hours, weekly rest days, food, accommodation (including some degree of privacy) and medical coverage. It also calls for a system of registration and the use of standard employment contracts.
- A range of informational materials developed for distribution and campaign activities organized to bring more understanding and awareness to the general public regarding the rights and dignity of child domestic workers and for reporting suspected cases of abuse.
- 81 exploited child domestic workers have been rescued.
- 1,700 children and adolescents at risk in northeastern Thailand's and in Samut Sakorn province (central region) received information on domestic workers' rights and how to prepare themselves before entering the workforce, the duties and responsibilities of domestic workers and how to protect themselves from the tricks of traffickers. The information was made available through printed material, trainings, workshops, recreation activities and community radio programmes.
- Information and data sets on child domestic workers was systematically analysed and disseminated.



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The community radio network in Thailand's northeastern region now engages in awareness and prevention efforts by integrating the information into its regular programming.

A large pool of experts and academics now participate in the data gathering processes to maintain an adequate level of understanding of the domestic worker and trafficking situation.

ONGOING CHALLENGE:

- Domestic worker protection needs a well-timed social movement and channel to cope with the political, bureaucratic and education obstacles. Public attitudes continue to regard domestic workers as low class and without rights equal to other workers.

LESSONS LEARNED:

- Domestic worker protection involves social as well as bureaucratic and legal change; having good data supports the momentum for all three types of needed change.
- Becoming a member of the non-formal sector labour network helped strengthen the request for domestic worker protection with the Ministry of Labour.



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