



Meeting the Challenge

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



International Labour Organization

THAILAND

REACHING OUT TO MIGRANT CHILDREN

How an NGO helped put a national policy on education into practice

THE PROVEN PRACTICE:

Finding sustainable ways in one province for previously neglected documented and undocumented migrant children to enrol in public schools.

Providing education and other social services for children of migrant workers in Thailand

THE INITIAL CHALLENGE:

The Government of Thailand made a policy commitment to implement free, universal education for all children in its territory. This was supported by a cabinet resolution in July 2005 that provided for access to the public school system for stateless and migrant children, regardless of registration status.

However, only a fraction of all migrant children has engaged this opportunity.

The province of Samut Sakhon is one of the biggest seafood-processing industrial areas in Thailand. Because of a large need for low-skilled (and consequently low-paid) workers, it is among the top four coastal provinces attracting migrants. The registration process in 2004 identified 103,426 foreign migrants in the province, including 2,800 children younger than 15 years. Some 77,409 foreign migrants aged 15–59 applied for work permits in 2004. Around 95 per cent of them were from Myanmar. While the actual



Map courtesy of UNLAP



THAILAND



© JPHulme

number of migrants living and working in Samut Sakhon is not known, it is likely to be more than three times higher than the official number.

Discrimination towards migrant workers and their children – registered as well as un-registered – has been a serious problem in the province. While a survey conducted by the Area Education Office in 2004 found that almost 500 migrant children, including 95 without registration documents, were enrolled in 36 different schools, migrant children in general weren't accessing schools or other social services, neither before the July 2005 cabinet resolution nor after its adoption. Many are children whose parents fear deportation for lack of legal documentation if they seek out government services. But there also are

others who have proper registration documents and don't know that they have the right to access school or, if they know, are refused access by the school management.

THE RESPONSE:

Wanting to address migrant labour-related problems in Samut Sakhon province, the International Labour Organization through its Mekong Sub-regional Project to Combat Trafficking in Children and Women (ILO-TICW) collaborated with the Labour Rights Promotion Network (LPN) in 2005 to develop a curriculum for preparing migrant children to enrol in public schools, cultivate cooperation and positive attitudes among educators and provide enabling assistance and other relevant services to migrant families.

The LPN is an NGO based in Samut Sakhon and primarily addresses the issues of human trafficking, child labour and exploitation of migrant workers. The LPN works with partner groups in several coastal provinces in central Thailand where the largest number of migrant workers and migrant children are living.

To begin, the LPN, in collaboration with the Provincial Labour Protection and Welfare Office, the Provincial Social Development and Human Security, the Non-Formal Education Office and the Area Education Office, organized a forum in mid 2005 for local authorities, school teachers and civil society groups to talk about the 2005 cabinet resolution and to identify ways for how it could be implemented in Samut Sakhon. The participants agreed on a collaborative framework that covered the development of: 1) an information base on migrant children in the province and a monitoring centre (with database) that would follow the education progress of the migrant children, 2) an appropriate curriculum that would include both formal and informal education for migrant children, along with interventions as a pilot project to provide direct assistance in terms of education to migrant children, and 3) an inventory on related organizations, clearly defined roles for each sector, and collaboration and collective planning among these sectors.

THE PROCESS:

The LPN organized meetings among relevant agency officials to make them aware of the national policy to provide stateless children the opportunity to attend school. Those early meetings emphasized the principle that everyone attending had some responsibility in addressing the situation of child labour, proper law enforcement and compliance. This includes parents, who can be part of the pressure pushing children to work and who need sensitizing on their roles and the rights of children to be taken care of, educated and helped to develop properly.

The meetings had impact, helping to reduce negative attitudes among the general public and encouraging the enrolment of migrant children in both formal and informal education. The positive attitude among the provincial authorities towards the education of migrant children contributed significantly to the performance of relevant labour and education agencies. Schools that were beginning to enrol migrant children became more confident to continue the practice.

To prepare migrant children for enrolment in a formal school, the LPN and its volunteers met with working and nonworking child migrants and their parents to:

- Talk about the transition and what would be expected.
- Record information on the family situation and household problems for entry into a research database for use in analysing their readiness and monitoring their well-being.



THAILAND

- Raise awareness among child and adult workers on the worst forms of child labour.
- Create a labour rights protection volunteer network.
- Rescue any child from an abusive labour situation.
- Advocate policy changes to facilitate access to rights among migrant labours and their families.

Working with educators, LPN developed a preparatory education model for migrant children. Essentially, children were given access to six-month preparatory classes that included Thai language basics as well as social etiquette, Thai law and life skills.

Two public schools attached to Buddhist temples (Wat Sirimongkol School and Wat Srisuddharam School) agreed to participate in the ILO-TICW project as pilots, and the children who had completed the preparatory classes were enrolled.

The Samut Sakhon Area Education Office promoted the national policy and accompanying guidelines among school educators as well as encouraged a positive attitude among local school administrators by supporting schools that enrolled migrant children.

Some of the initial project activities had to be adjusted due to an increase of target size, with a lot of extra volunteers needed for teaching in the preparatory classes. Thus, the project length was extended to provide for qualitative services to cover the number of children in need. Additional funding also was obtained for child protection activities, empowerment of school staff on teaching techniques, curriculum design and for workshops to strengthen anti-human trafficking efforts among state agency officials and staff. In efforts to address rights-abuses, the Lawyers Council of Thailand (LCT) and the National Human Rights Commission (NHRC) collaborated with the ILO-TICW project on such cases as withholding of wages and following up on suspicious deaths.

Other components in the project in terms of social services were covered by the following:

- The LCT subcommittee on human rights of the ethnic groups, stateless people, migrant workers and migrants speaks with officials among state agencies concerning the appropriate legal foundation and practice that provides for the enrolment of migrant children into formal school or

other forms of education.

- The NHRC subcommittee on labour rights receives complaints concerning any abuse of labour rights and helps workers access their rights; they also organize workshops and discussion forums for state and private agency officials, aiming to minimize the unjust treatment of the workers. This has led to the investigation of wage withholding and deaths among fishing boats as well as other abuse cases including child labour and human trafficking in a factory.
- Mahidol and Chulalongkorn universities conducted research that helped to publicize problems and support policy advocacy; studies covered the exploitation and trafficking of migrants in the fishing sector in Samut Sakhon and domestic work, agriculture and small scale manufacturing in other parts of Thailand.
- The ILO-TICW project also worked closely with various provincial level government agencies to move towards improved service delivery to migrant workers. This included:
 - The Provincial Labour Protection and Welfare Office to address labour rights protection in cases for both child and adult workers.
 - The Provincial Employment Office to help workers who are not allowed to change their jobs (based on reports of abuse) and help them obtain a copy of their work permit.
 - The Office of Civil Registration of Illegal Aliens (district and municipal) to help workers restore lost or damaged registration documents.
 - The Provincial Public Health Office and Samut Sakhon Hospital to promote good health and disease prevention among workers; this includes health examinations for children and subsidized medical expenses of destitute migrant workers who have no relatives but need treatment.
 - The Samut Sakhon subcommittee for child protection and anti-human trafficking to provide for protection of migrant children and promotes positive advocacy, coordinate referral services and help affected workers.
 - The Samut Sakhon Provincial Social Development and Human Security Office, which is a member of the subcommittee for child protection and anti-human trafficking, to rescue victims of human trafficking, make referral and safe repatriation and provide training to increase understanding on the prevention of human trafficking among state and private agencies and local NGOs.



ONGOING CHALLENGES:

- Despite the Government's attempts to formalize a system of cross-border employment agreements with its neighbours, the demand by Thai employers for migrant workers – documented or undocumented – is continuing. However, the formal systems of recruitment are not working. The reasons vary: a slow and expensive migrant registration system, a breakdown in the sending countries' abilities to provide the initial documentation required and legitimate concerns of migrants who are worried that they will not be able to change employers, even if they suffer abuse. Within such an environment, trafficking for labour exploitation is bound to flourish.
- LPN records indicate that the latest figures of registered migrants (2007) in Samut Sakhon were 74,531 but that an estimated 170,000–250,000 were working unregistered (illegally) in some 10,000 factories (around half of them are licensed businesses). Of the migrant workers, 90 percent are from Myanmar; 15,000 are younger than 15 years, with an estimated 40,000 aged 15–18.
- The attitudes of employers towards migrant workers in Samut Sakhon as well as elsewhere in Thailand continue to be negative. Researchers found that more than half of the Thai employers interviewed thought locking up their migrant employees so they “couldn't escape” was appropriate.
- While the content of the 2005 cabinet resolution is more known today, it is still not being implemented on a large scale. Migrant children's access to education remains constrained by multiple reasons, ranging from limited educational budgets and too few schools, negative attitudes towards migrant children by school management and parents' fears of being arrested for illegal entry into the country.

OUTCOMES:

- 300 migrant children and migrant child workers aged 10–14 years were enrolled into the two pilot schools; 200 of them received preparatory and life skills training. These schools now manage these students on their own financially and LPN has directed its financial support to schools in other communities.
- 100 migrant child workers received non-formal education at the LPN Learning Centre.
- A research database contains information for every migrant child and family participating in the project, including analysis of children's issues, lack of access to social, education and state services and rights protection.

- 30 teachers from the two pilot schools participated in training on the specific needs of migrant children.
- 200 parents and custodians of migrant children participated in the project.
- Thai language instruction continues to be provided to 250 migrant children every Sunday and special training for 100 children aged 15–18.
- 50 labour rights protection volunteers were recruited to work with LPN.
- 1,000 people sought legal counselling.
- More than 10 people were recruited to monitor situations in their communities
- More than 10 local state agencies collaborate to resolve migrant labour issues, including the provision of education for migrant children and the prevention of human trafficking.

"I had always wanted my daughter to go to school, but I have no money. So when the school received her, I couldn't explain how glad I was," said "Sri", a Burmese migrant worker, in a 2006 story about the project in Thailand's Nation newspaper four months after her daughter enrolled in a Thai school. She also said that migrants were always deceived and cheated because they didn't understand Thai or know Thai law, but now she could rely on her daughter.

LESSONS LEARNED:

- While the Thai Government cannot be held accountable for the reasons desperate young adults and children leave Myanmar and other neighbouring countries to search for work in Thailand, it is obliged to prevent the exploitation of those migrants inside the country, regardless of the documentation they may or may not have. That means holding employers and recruiters accountable for the treatment of migrants – legally registered to work or otherwise – and punishing those employers, recruiters and sub-contractors who abuse both the system and the migrants. NGOs can be extremely powerful as catalysts when it comes to ensuring that labour and trafficking cases are prosecuted and that the perpetrators are given proper sentences. NGOs can provide various support services to victims making it possible for them to claim their rights including access to lawyers, interpretation services, shelter, etc.
- Clarity of the national policies can contribute to concrete operation at the local level. The provincial authorities must be aware of the issues of child labour or discrimination or maltreatment of children, abandoned children, and children who have no legal status even though their parents have obtained legal permits to work in Thailand.



THAILAND

- Sustainability of the project relies on concerned state agencies on child labour understanding their mandates clearly and actively perform their duties in favour of cooperation with local and central NGOs and other related networks.
- To develop appropriate measures to provide effective protection for migrant children may take five to ten years.
- Research and publicizing results can highlight issues and contribute to more confidence and credibility among partner organizations inside and outside the country. The in-depth studies have earned a reputation for the project among various partners and have stimulated many agencies to come and study problems in Samut Sakhon.

"If they don't go to school, the children will become migrant child labourers," LPN director Sompong Srakaew told the *Nation* newspaper reporter in 2006. That same reporter talked with one of the migrant children attending the school through the ILO-TICW project: Said Songwin, a 7-year-old Mon boy whose parents are from Myanmar and who is now called by the Thai name of Assawin (because it is similar to his Mon name), "I love to come to the school. I have many friends, and I like the Thai-language class the most." After four months attending his first-grade class, he had become good at reading and writing Thai.

