A Report on Migrant Children & Child Labourers in Thailand’s Fishing and Seafood Processing Industry

Conducted by

Labour Rights Promotion Network Foundation (LPN)

Supported by

terre des hommes Germany

May 2015
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Foreword

The following report, entitled ‘Migrant Children and Child Labourers in Thailand’s Fishing and Seafood Processing Industry,’ was conducted by The Labour Rights Promotion Network Foundation (LPN). It reveals interesting and detailed findings on the lives of migrant children who accompany their parents to Thailand. In particular, the report focuses on the factors that influence migrant children to enter the workforce and become migrant child labourers, which represents a worrying trend in Thai society. The report discusses in detail the personal backgrounds of migrant children, and assesses their access to stable job markets and overall working conditions. Additionally, it provides context on worker entitlements and occupational health and safety standards in the seafood processing industry and the extent to which children are protected from workplace accidents and risks. The case studies presented help create an understanding of the poor working conditions faced by migrant child labourers, shedding light on the worst forms of child labour which should be a matter of great concern.

The research also presents comprehensive findings on the shortcomings within the framework of Thailand’s Labour Protection Act B.E. 2541; migrant children are especially vulnerable from a legal standpoint as they lack civil registration status. This leads to several difficulties, including limited access to education, unfair work hours and wage rate, and migrants aged between 15 and 18 years feeling compelled to enter the workforce. In addition, the report documents the immigration process, as experienced by migrant families, from the country of origin to Thailand, as well as subsequent living conditions in the host country. The case studies documenting the experiences of young migrants highlight a variety of working conditions ranging from inadequate to simply unacceptable. Despite the concerning findings revealed in this report, the research does suggests that most migrant child labourers are migrant youth aged 15 -17. The focus on the older age group appears to indicate that the situation has improved since previous studies but there is still more to do.

Information gathered from migrant parents is useful in understanding the reality of the migrant child labour issue. Most parents desire their children, who are 15 years or over, to work and contribute to the families earnings. If similar data could be collected from employers the issue could be more systematically understood and could potentially lead to the creation of education programs aimed at meeting the needs of migrant children and their families. As the majority of migrant child labourers are around 15 years old, there should be alternative and non-formal education programs in place, allowing them opportunities to study and gain practical training.
Overall, data from this report could contribute to the formulation of specific education policies aimed at migrant child labourers. Policy makers should consider and apply these comprehensive findings to establish an education program which caters specifically to migrant child labourers, offering better access to education opportunities. Parents, employers and education professionals from public and private sectors should also collaborate to eliminate the problems faced by migrant child labourers. Ultimately, it is hoped this research will be widely distributed in order to create understanding, foster greater awareness, and encourage cooperation in eradicating the suffering of migrant child labourers.

Professor Emeritus Dr.Supang Chanthawanitch
Asian Research Center for Migration (ARCM)
Institute of Asian Studies
June 2015
Preface

Thailand’s fishery and seafood processed products yield a great deal of revenue in international markets and become widespread in several regions around the world. These trends affect the business management and production of Thai seafood processing industry as well as fishery business which lead to the employment of a large number of migrant workers from neighbouring countries such as Myanmar, Laos and Cambodia. However, among the large scale consumption of seafood and processed seafood, buyers and consumers in many countries push forward the fairness in trade, social responsibility, labour rights protection and legal labour. In 2010 US put a spotlight on Thailand in terms of child labour of shrimp and seafood processing industry. Samut Sakhon becomes the target area which is on the alert for child labour since the province is the migrant labourer reservoir and one of the most significant manufacturing area of fishery and seafood processing industry of Thailand. Migrant labourers immigrate into Thailand and become the main workforce in Samut Sakhon generation after generation in the manner of cycle-like process.

The phenomenon begins when migrant labourers bring along their children. Some migrant children need to enter the workforce at the early age and have circulated through the primary processing industry since then. As a result, international organizations tend to seek cooperation with governmental sector in building local and national mechanisms. The key objective is to address the issue as well as collaborate with private sector and civil society organizations simultaneously. The current situation of children’s problem in Samut Sakhon leads to the development of intersectoral cooperation in a range of dimensions, aiming at protecting and promoting the access to fundamental rights and service of migrant children. In addition, there is an attempt to bring policies relating to children and employment into practices concretely and seriously. It is therefore turned into the role model for good management in promoting social protection in the entire nation. The achievement could help alleviate illegal child labour and improve migrant children’s working conditions as well as better life quality of migrant population.

Over the past five years, addressing child labourer issue in Samut Sakhon has brought the satisfying outcomes at a certain level. Nevertheless, there are insufficient concrete indicators for whether or not child labourers still exist in primary seafood processing industry. The report reveals the situation of migrant children and child labourers in Muang District, Samut Sakhon Province, focusing on the work of labourers in seafood processing industry. The findings in the research are basic data collected for understanding of living and working conditions of migrant child labourers and their parents. Meanwhile, perspectives and recommendations from various relevant sectors help widen the perception towards migrant children situation, including the expansion of good labour practices (GLP) and the increase of comprehensive activities for all migrant children without discrimination, in consideration of the maximum benefits for children.
On behalf of the LPN researchers, I wish that those who pay close attention to the situation of migrant children and child labourers in Muang District, Samut Sakhon certainly expect to see concrete and positive changes in accordance with policy structure and good labour practices implemented with all enterprises. Examining the data, the reader could be able to understand the overall situation and probably notice indicators for how the situation of migrant children and child labourers in Samut Sakhon has dynamically changed.

Sompong Srakaew

CEO and Founder of Labour Rights Promotion Network Foundation (LPN)
Preface

Terre des hommes Germany is a children’s aid agency with a mandate to work for the creation of a just and peaceful world for all children, those alive today and the generations to come. Its endeavours are based on the fundamental principles of human rights, tolerance, respect and equal rights for all people regardless of their origin, race, gender or religion. Terre des hommes works for a world in which survival is guaranteed for all children; where no child is exploited anymore; where all children have educational and development opportunities; where economic and social justice and peace prevail; and conflicts are resolved without recourse to violence.

Child protection especially for those in child labour conditions is a key long-term objective of terre des hommes. Approved by the global Delegates Conference of terre des hommes as one of its strategic goals for 2013-2018 is to create spaces or places where children and youth are resilient and are free from exploitation and violence. As terre des hommes does not implement projects directly, it partners with local organisations and cooperates with initiatives which support children and youth affected by violence and exploitation. Its partners strive for protection, prevention and awareness-raising, inform the general public about abuses and urge governments and societies to take their responsibility for the protection of children and youth.

It is in this orientational context that terre des hommes is pleased and feels privileged to work with the Labour Rights Promotion Network (LPN) of Thailand, in this research on the Shrimp Industry in Samut Sakhon, Thailand. The purpose of the research is to give a closer look at the situation of migrant children in the area, listen to their stories, and from their perspective, offer ways of improving the living conditions and general welfare of migrant children, especially those who are in child labour situations.

LPN is highly qualified to conduct this research. It has a high social acceptability in the area, and has proven for more than a decade its unwavering commitment to serve the cause and interests of migrant workers, the migrant children and their families. LPN has championed the rights of migrant workers and advocated for fair humane treatment and protection of the victims of trafficking and forced labour. LPN has undertaken projects to provide educational opportunities for migrant children, offer advice and legal assistance to victims of abuse, and raise public awareness on issues affecting migrant workers.

But this research is not about LPN or tdh. It is about the issues and conditions of child labour in Thailand’s fishing and seafood industry, particularly in Samut Sakhon province. The research highlights some findings, such as most of the migrant child labourers in the area are under 15 and should be in school instead, and
children without proper identification documents are most vulnerable to being exploited. These findings are significant, seriously alarming from a child rights perspective, and are calling for immediate and effective action from all duty-bearers.

If this research initiative could lead to the betterment of the well-being and the fulfillment of rights of even just one of these migrant child labourers, then the efforts of those involved in this project would not be in vain. Of course, the continuing challenge is to fulfill the rights of all migrant child labourers!

Alberto Cacayan
Regional Coordinator
terre des hommes Germany in Southeast Asia
Bangkok, 28 May 2015
Abstract

This report highlights the current issues of child labour in Thailand’s fishing and seafood industry, focusing especially on cases from Samut Sakhon province with the aim to examine their employment conditions, environment and working conditions. Meanwhile, the research team gathered opinions and recommendations from various sectors to promote appropriate regulations and policies in order to safeguard migrant children’s rights, provide better opportunities, lift social standards, improve working conditions, and generally protect migrant child labourers in the fishing and seafood industries. In conclusion, Labour Rights Promotion Network Foundation (LPN) employed both quantitative and qualitative methodologies to highlight basic statistics and case studies of migrant children and child labourers in seafood processing industry which reflect concerns over their current employment and working conditions as well as living conditions.

The significant findings of this research indicate that most migrant child labourers who live in the area are under the age of 15, meaning they should have had access to the nationwide nine years of compulsory primary school education. However, due to financial difficulties and expectations of their family members, the majority of migrant children are vulnerable to entering the workforce especially those who have parents or relatives working within seafood processing sector. Inexperienced migrant child labourers usually regard primary seafood processing business or peeling sheds as the place for training their skills. They also become the shelter of a significant number of migrant children while they are waiting for their employment requirements and identification document procedure to be completed as well as waiting for the large scale enterprises to call for applicants. Nevertheless, numerous migrant child labourers are forced to work as hard as adults even though they are between 15 and 18 years. Children at this age should be protected under the laws whilst their working conditions should be controlled and overseen by labour inspectors and relevant agencies. The key objective is to formulate Good Labour Practices (GLP) aimed at protecting migrant children who work within seafood processing industry or other types of business in Muang district, Samut Sakhon province.
A Report on Migrant Children & Child Labourers in Thailand’s Fishing and Seafood Processing Industry

CONTENTS

Foreword...........................................................................................................................................3
Preface...............................................................................................................................................5
Abstract...........................................................................................................................................9
Contents..........................................................................................................................................10
List of figures....................................................................................................................................12

Chapter 1 Introduction
  Background.................................................................................................................................14
  Research Methodology............................................................................................................16
  Definitions.................................................................................................................................20
  Report Contents.......................................................................................................................22

Chapter 2 Social & Economic Context of Samut Sakhon Province
  Detail & Characteristics of Samut Sakhon..................................................................................24
  Contextualising the Expansion of the Fishing & Seafood Processing Industry...........................25
  Background of Migrant Labours, Dependents and Child Labours in Seafood Processing Industry..................................................................................................................29

Chapter 3 Examining Migrant Child Issues in Thailand’s Samut Sakhon Province
  Category 1 : Migrant Children Currently Outside the Workforce..............................................33
    Sex.............................................................................................................................................33
    Age...........................................................................................................................................33
    Identification Documents.........................................................................................................33
    Educational Status....................................................................................................................35
    Parents’ Occupation................................................................................................................35
  Category 2: Migrant Children Employed Within the Workforce..................................................38
    General Information................................................................................................................38
    Sex.............................................................................................................................................38
    Age...........................................................................................................................................38
    Place of Origin..........................................................................................................................39
    Identification Documents.........................................................................................................39
    Accommodation.......................................................................................................................40
    Family Information..................................................................................................................40
    Language Skills.......................................................................................................................40
    Educational Status....................................................................................................................40
    Working Conditions & Workplace Environments......................................................................40
CONTENTS (continue)

Types of Work........................................................................................................41
Motivations for Entering the Workforce.................................................................42
Finding Work..........................................................................................................44
Work Experience.......................................................................................................44
Contract of Employment..........................................................................................45
Working Hours..........................................................................................................45
Wage..........................................................................................................................45
Overtime....................................................................................................................46
Time off & Rest days...............................................................................................46
Workplace Safety.......................................................................................................47
Workplace Risks and Accidents...............................................................................47
Welfare of Migrant Labourers..................................................................................48
Job Satisfaction.........................................................................................................49
Migration Experiences & Living Standards..............................................................51
  Immigrating to Thailand.......................................................................................51
  Living Conditions in Thailand..............................................................................52

Chapter 4 Case Studies of Migrant Child Labourers in Samut Sakhon
  Concerning Trends among Child Labourers in Samut Sakhon: Individual Cases......54
  The Life of Migrant Child Labourers in Samut Sakhon’s Seafood Industry..........65

Chapter 5 Desirable Practices and Policies to assist Migrant Labourers in the Seafood Industry
  Perspectives on the Current Situation involving Migrant Children Labourers..........72
  Recommendation of the Good Labour Practices Aimed at Protecting
    Migrant Children Labourers of Shrimp and Seafood Processing Industry............78

Chapter 6 Conclusion...............................................................................................84
References.................................................................................................................92
Appendix....................................................................................................................96
A Report on Migrant Children & Child Labourers in Thailand’s Fishing and Seafood Processing Industry

LIST OF FIGURES

Figure 1 Samut Sakhon is bordered to the north by Nakhon Pathom province, to the south by the Gulf of Thailand, to the east by Bangkok, and to the west by Ratchaburi province……………………………24

Figure 2 Migrant children currently outside the workforce are 435 male & 350 female…………………………………33

Figure 3 The majority of unemployed migrant children are under 15 years of age………………………………………………………33

Figure 4 The majority of unemployed migrant children have no access to, or knowledge of, their status in terms of official identification documentation…………………………………………………………………34

Figure 5 Registration Book of Persons without Civil Registration Status (Form 89)…………………………………………………………………34

Figure 6 56% of migrant children are either enrolled in school or have previously received some kind of education whilst 45% of them have never received any education in Thailand………………………………………………35

Figure 7 Chart displaying parents’ occupations……………………………………………………………………………………………36

Figure 8 Subgroups of the families that have parents working in the seafood processing sector………………………………………………………36

Figure 9 Most children were classified as extremely vulnerable to exploitation and rights abuse………………………………………………………………37

Figure 10 A fairly even split between male and female migrant child labourers……………………………………………………………………38

Figure 11 Most employed migrant children are either under 15 or between 15 and 18 years of age……………………………………………………………38

Figure 12, 86% of migrant child labourers were born in Myanmar………………………………………………………………………………………………………………….39

Figure 13 Participants found to possess, or have knowledge of, a variety of personal and official ID Documents……………………………………………………………39

Figure 14 Number of migrant child labourers who possess, or have knowledge of, identification documents…………………………………………………………………………………40

Figure 15 Thai Literacy of migrant child labourers……………………………………………………………………………………………………………………………41

Figure 16 Burmese Literacy of migrant child labourers………………………………………………………………………………………………………………41

Figure 17 A sizable majority of migrant child labourers seek employment in the preparatory processing of Seafood………………………………………………………………………………………………….42

Figure 18 The number of employed migrant children work with family member are 30% and 70 % of employed migrant children do not work with their family member………………………………………………………………………………………………………………42

Figure 19 The majority of migrant children enter the workforce due to their family’s financial stress………………………………………………………………………………………………………………………………………………….42

Figure 20 Most migrant child labourers find their first jobs in the fishing and seafood processing industry…………………………………………………………………………………………………………………………………………………………………….44

Figure 21 Over half of migrant child labourers are paid every 15 days………………………………………………………………………………………………………………45

Figure 22 77% of migrant child labourers have one day off per week………………………………………………………………………………………………………………47

Figure 23 92% of them see that they have sufficient leisure time…………………………………………………………………………………………………………….47

Figure 24, 79.2% of migrant child labourers voice that their jobs are risk-free and most of them say that they have never had an accident at work…………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………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A Report on Migrant Children & Child Labourers in Thailand’s Fishing
and Seafood Processing Industry

LIST OF FIGURES (continue)

Figure 25 Most migrant child labourers say that they have never had an accident at work........................48
Figure 26 Almost half of samples pointed to the lack of laboursaving devices for heavy tasks.....................48
Figure 27, 28 and 29 The majority of migrant child labourers indicate that they are provided with drinking
water and enough toilets whereas over half of them reveals that there is no factory medical room
at their workplace................................................................................................................................49
Figure 30 Graph presenting labour right information and trainings interested by migrant child labourers......50
Figure 31 Nearly half of migrant child labourers immigrated to Thailand with their parents.....................52
Figure 32 Nearly all of migrant child labourers immigrate to Thailand with help of brokers.......................52
Figure 33 Supply Chain of Fisheries and Processing Industries in Samut Sakhon Province, Thailand........69
Chapter 1
Introduction

I. Background

During the late-1980s, Thailand’s industrial and manufacturing sectors experienced unprecedented growth and development, and rapid industrial prosperity resulted in widespread social and economic changes, such as the establishment of special economic zones, aimed at assisting the country’s expansion of productivity and export markets.¹ This period of industrialisation also saw the Thai government elevate the status of smaller, geographically significant provinces, like Samut Sakhon, to serve as industrial hubs.

Today Samut Sakhon province, situated on Thailand’s inner-west coast in the central Gulf region, has become one of the most significant economic centres for Thailand’s lucrative fishing and seafood processing industry. Most of Thailand’s seafood processing facilities operate out of Samut Sakhon, making the area a massive sales and production hub.² The heavy concentration of factories means there is a huge demand for skilled and unskilled labour, as facilities are under a great deal of pressure, generated by national business interests, to sustain the province’s productivity. Samut Sakhon has been identified as being essential for Thailand’s economic structure.³

Accordingly, the production of fish and seafood products, particularly shrimp-based products, has become one of Thailand’s most important export commodities, with exporters catering to large international markets in the United States and European Union.⁴ International consumption soared in 2006, making Thailand one of world’s leading shrimp exporters. Thailand’s seafood industry has been growing steadily ever since in order to meet the challenges created by globalised industrial expansion and rising international demand.

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Research indicates that over 90 percent of those employed in Thailand’s shrimp and seafood processing industry are migrant labourers. Almost all come from neighbouring countries, such as Myanmar, Cambodia, and Laos. This migrant workforce has come to replace the more traditional sources of labour recruitment. Prior to the late-1980s, labour was sourced mainly from rural provinces in the northeast of Thailand. But in 1989, the destructive Typhoon Gay swept through the Gulf region, devastating the area and killing large numbers of Thai labourers. This event prompted Thai people to turn away from the fishing industry and look for alternative employment in more secure sectors. Thus, migrant labourers were in high demand, especially during the 1990s, when Thailand’s seafood processing and export industry experienced its most dramatic period of growth. Migrant labourers flooded into Thailand to fill the gaps in the nation’s workforce.

Studies done by the Thailand Development Research Institute (TDRI) have indicated that, from 2004 to 2006, employers in the shrimp and seafood processing sector actually preferred to hire migrant labourers rather than Thai nationals. In addition, data gained through employer and workplace surveys, carried out by the Asian Research Centre for Migration (ARCM), show that around 66% of labourers in the fishing and seafood processing industry during the early 2000s were migrants from neighbouring countries. Industry in Samut Sakhon requires the third-largest labour force in the entire country, and the province currently contains the highest concentration of employees in any industrial sector nationwide at that time. These remarkable demographics give some indication of the size and significance of the shrimp and seafood processing industry in Thailand.

Aside from economics, Thailand’s industrial development also had some major social implications. The surge of migration, caused by labour shortages and high workforce demand, began to exacerbate issues of child labour in the agricultural sector. Though migrant labourers play an integral role in Thailand’s economic structure, there has been little effort by government agencies to protect and safeguard migrant families and

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7 Thailand Development Research Institute (TDRI), A Study of an Effective Demand for and Management of Alien Workers in Agriculture, Fisheries, and Related Sectors and Construction Sectors (Bangkok: Office of Foreign Workers Administration, 2007), 3-36.


communities. Those in the shrimp and seafood processing sector have been particularly neglected by the state.

Previous studies in this area have mainly emphasised the poor working conditions, and inadequate workplace health and safety measures, however, some also reveal the prevalence of child labour practices within the industry, particularly since the mid-1990s.\textsuperscript{10} It has been difficult, however, to determine the exact number of child labourers in this sector. The issue is complicated by the fact that, whilst some child labourers can be clearly identified as migrants (they crossed a neighbouring border in order to find work), some have been born in Thailand, though they have no official citizenship status.\textsuperscript{11}

The reports cited in the above are predominately concerned with matters of human rights abuse and exploitation, with many investigations pointing to cases of human trafficking. Data from child labour investigations indicates that forms of forced labour and debt bondage are prevalent within the shrimp and seafood processing industry. A number of reports have also focused on evaluating policy and measures enacted to prevent child labour and related issues. Though some of these studies have focused on Samut Sakhon province, most are not written in English and are published in Thai language only. This means there is a lack of accessible information about migrant child issues in this area.

This report aims to highlight the current issues related to migrant child labour in Thailand’s fishing and seafood industry, focusing especially on cases from Samut Sakhon province. Considering the vital role Samut Sakhon province plays in production and export sectors, and given the absence of information in English, this report has chosen to be area specific. The key objectives are to examine the working conditions endured by child labourers, particularly in shrimp processing factories, and to appropriately identify human rights violations and child exploitation within this industry. The overall goal is to promote migrant child safeguarding and human rights standards. This report aims to urge all sectors, departments, official bodies, and civil society groups to commit themselves to implementing appropriate policies and regulations for the protection of child rights and prevention of child labour.

There are not much inclusive surveys on the situation of migrant children: dependents of migrant workers and child labourers in Muang District, Samut Sakhon which focus on the fact and various dimensions of migrant children including the qualitative studies on migrant child labourers who study and live in the area. However,

\textsuperscript{10} Asian Research Centre for Migration (ARCM), op.cit.
the research which aims at reflecting the significance of migrant children is considered essential as it could lead to improvement of employment and working conditions of migrant children and minors in the area by all relevant sectors. This is the reason why “The Report on Migrant Children & Child Labourers in Thailand’s Fishing and Seafood Processing Industry: Case Studies from Muang District, Samut Sakhon Province” has been conducted.

II. Research Methodology

This report aims to provide an examination of the current situation facing migrant children in central Samut Sakhon province. Particular emphasis will be given to children who are employed or involved in Samut Sakhon’s fishing and seafood processing industry. The report’s key objectives include,

1. To study the working condition of those migrant children who have laboured continuously in fisheries and shrimp processing facilities.
2. To study the working environment of migrant child labourers in the fishing and seafood processing industry.
3. To promote appropriate regulations and policies in order to safeguard migrant children’s rights, provide better opportunities, lift social standards, improve the working conditions, and generally protect migrant child labourers in the fishing and seafood industries.

The report’s key research questions include,

1. How do migrant child labourers in Samut Sakhon find and secure jobs in the fishing and seafood processing industry?
2. What kinds of working conditions and workplace environments are migrant child labourers experiencing? Have there been any recent changes or improvements?
3. How do private and public sectors perceive and react to the current situation facing migrant children in Samut Sakhon?
4. Do laws and regulations address the welfare and needs of migrant children and migrant child labourers effectively?

Scope of the Research

The report’s 2 key respondent sample groups include,

1. Migrant children living in Muang District, Samut Sakhon including,
   - Migrant children who are currently outside the workforce, children who receive informal education from the local civil society organization, the Labour Rights Promotion Network.
Foundation (LPN), and migrant children who are distinctly vulnerable to becoming child labourers in the fishing and seafood processing industry

- Migrant child labourers who are currently working, or have previously worked, within the workforce, especially in the seafood processing industry

2. Migrant adults including,

- Parents and teachers who have migrant children and migrant child labourers under their supervision
- Supervisors, employers, and business representatives who are involved in the worker supply chain of fishing and seafood industries in Muang District, Samut Sakhon
- Appropriate government officials from concerned agencies, ministries, and departments.

The specific research areas include only the communities and workplaces of migrant children and migrant child labourers in Muang District, Samut Sakhon. These areas include,

- Bangyaphrak Sub-district Municipality: Gamprah Community, Soi Pattana, Mahachai-MuangThong village
- Khok Kham Sub-district: Benjasup Community, Mama Community, The Commercial building no. 80; Narongmit Community, Railway Community
- Samut Sakhon Municipality: Khlong Kra Jone Community, Wat Jadesadaram Community, Nam Keg Community, Krok Krak Nai Community (Soi Santi)
- Tha Chin Sub-district: Wat Noi Nang Hong Community
- Tha Chalom Sub-district: Ban Laem Community
- Tha Tsai Sub-district: Thai Union Community, Khlong Peek Nok Community
- Bang Nam Chued Sub-district: Pho Jae Community (Soi Pathrakorn)
- Bang Na Dee Sub-district: San Chao Community

**Research Procedure**

This Report is the combination of quantitative methodology, with data collection and basic statistic and information gathering, and qualitative methodology, involving the analysis of data, issues, and secondary source material, such as academic publications on children and child labour, migrant workers, and working conditions in the seafood processing industry, particularly in Samut Sakhon province. The data presented here are derived from a range of publications, electronic media, participatory observation, and field research, in which key informants participated in focus groups and in-depth interviews. The report’s information gathering methodology can be divided into three main periods; pre-data access, data collection process, and additional field research for further information and previous data correction.
In the first stage, the research team contacts those persons who have connections with the LPN Foundation in order to conduct field activities and build interactions within the communities. Later the research team assesses a group of children and parents who are likely to cooperate and thus, allowing the process of data collection to be begin. This can be a lengthy process, because research teams have to build trust with the target group. Also, researchers need to negotiate with participants on their availability for focus groups and interviews, so as not to interfere with the participant’s working schedule.

The last stage of the data collection procedure is the additional field research for further information and previous data correction. This process involves further in-depth interviews with photographs and video recording. What is more, the research team employs an ethnographic method by following up with the participants over a period of time in order to track their experiences and gain better insight into their living standards and daily struggles. This research period is also useful for fixing mistakes found in data collections. In addition, research teams may conduct more interviews and make further inquiries to attain greater detail.

For those adult respondents including teachers, entrepreneurs, and employers, the research team makes a scheduled appointment to conduct the interview and make a video recording, of those who permit it. In conclusion, both quantitative and qualitative methodologies contribute to the discussion on migrant children and migrant child labourers in Samut Sakhon’s fishing and seafood processing industry. The Report intends to propose thoughtful recommendations for the safeguarding of migrant children, as well as for improving the conditions and workplace environments experienced by migrant child labourers.

**Research Limitations & Difficulties**

Data Access: Conducting research with migrant child labourers can be a lengthy process, because the research team needs to build strong mutual trust in order to attain the most detailed and truthful information. This is usually done through field activities and events. The research team relies heavily on connection with local civil society groups as these groups have already established connections with many migrant labourer families and communities after providing assistance to them in the past.

Additionally, it can be difficult to collect solid data on conditions and practices within the processing and fishing industry itself, i.e. within factories and facilities. The research team is usually only able to observe working environments, and use information collected from labourer’s experiences to get a sense of the average workplace environment. It is also difficult to navigate around the participant’s busy working schedule, which often comprises 9 to 11 hours a day, 6 days a week. The research, therefore, is done mostly on the participant’s only day off, which is usually Sunday.
Data Collection: Data collection cannot be conducted directly with both children and parents in Thai language, as many participants are not fluent Thai speakers. This requires the research team to rely on the translators. Such language limitations also extend to the field data collection process. Interviews with migrant children are often obstructed by language comprehension and vocabulary limitations and this is likely to affect the accuracy of the data to some degree. Therefore, data received can sometimes appear inconsistent, and this requires the research team to review and carefully examine all results. Nevertheless, it was found that some target groups were able to communicate in Thai language, either because they are born in Thailand, or due to their studies at local Thai schools.

Research Ethics
The overall methodology employed by this research-based report combines quantitative research – through questionnaires and surveys intended to gather basic statistics – and qualitative, issue-based analysis based on in-depth interviews, focus groups, participatory observation and extensive case studies. Although a great deal of personal data and information is required from participants, it is all kept strictly confidential, pseudonyms are used to label photographs, and the identities of individuals are not revealed at any time.

III. Definitions

Migrant children: Foreign children, under 18 years old, who were either born in Thailand after their parents had immigrated, or born in a neighbouring country before immigrating to Thailand.

Migrant child labourers: Foreign children, under 18 years old, who work or labour in Thailand’s workforce, including child labourers who lack appropriate certificates for Thai nationality.

Youth Labourers: The labourer aged between 15 and less than 18 years who are allowed to do some jobs whilst they are prohibited from working in hazardous environment and are protected in working time and working time length, according to Thailand’s Labour Protection Act of 1998. However, youth labourers in this research mainly refer to migrant children whose age is between 15 and 18, depending on their aspect of age counting and given information.

Migrant labourers or migrant workers: Foreigners who emigrate from neighbouring countries to Thailand for work.

Registered labourers: Migrant labourers from neighbouring countries who are registered with Thai authorities and obtained necessary identification documents, usually with help from their employers.
Unregistered labourers: Migrant labourers who are not registered with Thai authorities and usually work for unregistered enterprises.

Identification documents: Documents certifying the identity of its holder that are issued by official agencies, such as temporary passport, work permit, etc.

People smuggling: To enter Thailand illegally according to the Thai government’s Immigration Act 2009.

Subcontractor: A pattern of employment where tasks assigned form one part of the entire manufacturing process and employees earn a wage according to the amount of products or lump-sum payments.

Fisheries sector: Occupations and jobs which involve fishing, aquaculture, and continuing activities carried out with aquatic creatures.

Shrimp and seafood processing industry: A business within the broader fisheries sector which works with aquatic creatures inside plants and factories, as opposed to farms and waters. Jobs may include the washing, peeling, sorting by size, and processing of aquatic creatures, and other products.

Seafood processing plants: Large plants equipped with machines used for processing seafood products for distribution.

Primary processing enterprises: Plants which conduct primary activities on the preparation and processing of fish, such as peeling, cleaving, removing fish bones and heads. These are mostly small enterprises with a small number of labourers who perform processing tasks without machinery.

Broker: Middlemen who facilitates the immigration and job application procedure for migrant labourers. Brokers also act as a mediating link between labourers and other parties, such as employers and government officials.

Social network: A network that links groups of migrant labourers in order to share information, promote opportunities, help families settle in new areas, and find employment for new comers.

Desirable practice: This refers to employment practices and regulations concerning the provision of fair pay, appropriate working conditions, and principles of good labour practice (GLP). The GLP were formulated by the Department of Fisheries Thailand, and other relevant sectors, with the aim of protecting migrant labourers, especially children, in the fish and seafood processing industry.
IV. Report Contents

Chapter 1: Introduction

An outline of the report’s approach and methods, and a list of definitions for frequently used terms. Also, a brief introduction to the research area.

I. Background
II. Research Methodology
III. Definitions

Chapter 2: Social & Economic Context of Samut Sakhon Province

This chapter aims to provide some fundamental facts and details about Samut Sakhon province. It will also contextualise the expansion and significance of the fishing and seafood processing industry in Samut Sakhon.

I. Details & Characteristics of Samut Sakhon Province
II. Contextualising the Expansion of the Fishing Industry

Chapter 3: Examining Migrant Child Issues in Thailand’s Samut Sakhon Province

This section contains the relevant statistical data that was gathered from the respondents and participants. The specific groups of participants will be discussed separately. The report’s structure will focus on 2 categories of migrant children; migrant children living outside the workforce, and migrant children employed within the workforce.

I. Migrant Children Currently Outside the Workforce

Statistical analysis and examination of issues related to family difficulties, education, and the identification of those most vulnerable to entering the workforce and encountering exploitation.

II. Migrant Children Employed Within the Workforce

Statistical analysis and examination of issues related to family difficulties, working conditions and workplace environments, and child labourer’s immigration experience and living standards in Thailand.

Chapter 4: Case Studies of Migrant Children in Muang District Samut Sakhon

This chapter will examine specific issues and case studies taken from the respondent group. It will include an analysis of living and working conditions experienced by migrant children and child labourers. Particular
focus is given to cases of rights violation, as defined by laws and regulations regarding child safeguarding. Case studies included in this chapter allow migrant children to voice their own thoughts and feelings about their workplace environment and working conditions in Samut Sakhon.

I. Concerning Trends among Child Labourers in Samut Sakhon: Individual Cases and Contextualising the Issues

II. The Life of Migrant Child Labourers in Samut Sakhon’s Seafood Industry

Chapter 5: Desirable Practices and Policies to assist Migrant Labourers in the Seafood Processing Industry

Chapter 5 will discuss various viewpoints held by individuals and organizations about labour in the manufacturing sector of the seafood processing industry, including the phenomenon of migrant child labourers in this industry as well as the proposal for desirable practices and policy implementation.

I. Perspectives on the Current Situation facing Migrant Children

II. Recommendations & Inter-agency Coordination

Chapter 6: Conclusion

The final chapter presents overall findings and conclusions on the issues facing migrant children in Samut Sakhon. In addition, the research team has compiled a list of recommendations, which target all concerned sectors. It is hoped that these recommendations will be utilised in the future, in order to provide assistance and effective protection to migrant children and migrant child labourers in Samut Sakhon.

I. Key Factors & Findings

II. Conclusion

III. Recommendations
Chapter 2
Social & Economic Context of Samut Sakhon Province

I. Detail & Characteristics of Samut Sakhon

Samut Sakhon is a lower central province of Thailand, situated around 30 km from Bangkok and connected to the metropolitan area by the Rama II highway (Route 35). The province covers an area of 872.347 km² and sprawls over 41.8km of coastline. Samut Sakhon consists of three districts: Muang, Ban Phaeo and Krathum Ban. The province is bordered by the following areas (see Figure 1).12

Figure 1 Samut Sakhon is bordered to the north by Nakhon Pathom province, to the south by the Gulf of Thailand, to the east by Bangkok, and to the west by Ratchaburi province

Geography

Samut Sakhon is located on a coastal plain, at the mouth of Tha Chin River, a distributary of the Chao Phraya River which flows through the city centre and then into the Gulf of Thailand around Bang Ya Phraek and Tha Chalom districts. The province sits about 1 or 2 meters above sea level. Its shape resembles a rectangle,

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12 Figure 1 Map of Samut Sakhon, accessed from http://www.mapsofworld.com/thailand/provinces/samut-sakhon-map.html.
bordered by the Gulf region. The lower part of the province, where mangrove forests grow, is very prone to flooding, making the area an ideal environment for salt fields.

**Climate**

Due to its coastal location, the climate in Samut Sakhon is usually humid and tropical. It is strongly affected by land and sea breezes, including the south-western summer monsoon. The average temperature is between 28 and 30 degree Celsius. Annual rainfall is approximately 1,125 mm.

**Transportation**

In the past, boats were the main method of transportation for people in Smut Sakhon. The higher parts of the province contain a maze of natural and excavated canals (Thai: *khlongs*), used for cultivation, irrigation and transportation purposes. The canal system is a vital resource for villages, and also links the Tha Chin River with the Chao Phraya River through a series of *khlongs*, namely, Khlong Phasi Charoen, Khlong Mahachai and Khlong Phittayalongkorn. Another series of canals connects the Tha Chin River with the Meakhlong River via Khlong Damnoen Saduak and Khlong Sunak Hon.

Although water transportation is now less favourable, the junction of these canals, particularly in Muang District, have become very busy docking ports for fishing vessels, which incorporate both sides of Mahachai Canal. In 1934 the construction of a railway line from Bangkok to Tha Chalom, the region’s first ever train route, helped facilitate travel between Bangkok and Samut Sakhon. Nowadays there are two train routes in Samut Sakhon, with one connecting Mahachai to Womgwian Yai, and another running between Mahachai and Maklong. For road transportation, the main routes are Rama II highway (Route 35), Phet Kasem highway (Route 4), Setthakit highway (3091 Route), Ekkachai highway (Route 3242) and Phra Pathon – Ban Phaeo highway (Route 3097).

II. Contextualising the Expansion of the Fishing & Seafood Processing Industry

During Thailand’s Ayutthaya period (1351 – 1767), Samut Sakhon was known as ‘Ban Tha Chin’ and the city centre was *Tha Chin Market* or *Tha Chalom Market*, situated at the mouth of the Gulf of Thailand. Due to the river’s crooked formation silt deposits grew around the area, and over time, these have built up to form the drop-shaped land where the community of ‘Tha Chalom’ was settled. The area later became the maritime

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trade centre of Ban Tha Chin. Its physical features made the area an appropriate stop for Chinese shipping junks and passenger ships, seeking refuge from heavy storms. Furthermore, as the area is located on a trade route linking India and China with Bangkok and Malayan provinces, many new communities expanded from the Tha Chalom side of the river, forming the Thai and Malay towns now known as Mahachai, Krok Krak, Kedah, Kelantan, Terengganu and Perlis. Aside from the local populations, a great many Chinese settlers also arrived in this area during the early 19th century.  

During the reign of King Thai Sra (around 1721), His Majesty the King had demanded that canals be excavated. The water ways spread from Bang Khun Thian District to the Tha Chin River where Wat Teuk Mahachayaram is located. The key objective of the excavation was to facilitate the transport of goods. When Khlong Mahachai canal cut through the area, a new community named “Mahachai” was settled along two sides of Khlong Mahachai. Then the emergence of new communities expanded from the Tha Chalom side to Mahachai and Krok Krak. Historical document dated from the reign of King Nungklao (Rama III, 1787 – 1851) revealed that the King demanded that Mon families be evacuated and allowed to settle down behind Wat Pom Wichian Chotikaram. Accordingly, in the old days the area was filled with people from several ethnic groups, including Thai, Chinese and Mon.

Ban Tha Chin (also known as Sakhonburi) was heavily promoted and developed whilst under the administration of the Harbour Department of Thailand during the reign of King Mongkut (Rama IV, 1851-1868). The King chose to rename the town “Samut Sakhon” and the coastal city fell under the administration of Thonburi Province until 1946, whence it constituted a province in its own right, known as Changwat Samut Sakhon. In 1946 Samut Sakhon was separated from the administration of Thonburi in 1946 to constitute a province called Changwat Samut Sakhon.

Nowadays, Samut Sakhon is a vital city for the Thai economy, especially for fisheries and shrimp and seafood processing industries. Samut Sakhon is the location of a number of jetties, private company wharfs, seafood processing industries, affiliated plants of processing enterprises and other kinds of factories. There are also

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16 Kiattisak Songsorn, “Impacts of Fishery industries on Tha Chalom Community Amphoe Muang, Samuth Sakhon Province,” (Thai Only), (Thesis for the Master’s Degree., Chulalongkorn University, 2010).
17 Phiset Chiachanphong et al., op.cit.
18 Samut Sakhon Governor’s Office, op.cit.
19 Ibid.
primary processing industries (peeling sheds) at several levels. Moreover, the city is regarded as a sales hub, with the Central Shrimp Market of Samut Sakhon and “Talad Thalae Thai” (meaning ‘Thai seafood market’) situated here.

Fisheries business in Samut Sakhon began expanding when the Thai government aimed to increase seafood production to meet the demands from Thai and international consumers. When the First National Economic and Social Development Plan (1961 – 1966) had been enacted, the government provided support by developing motorized fishing vessels, equipped with Chinese purse seine to enhance the capacity of fishing trawlers. This resulted in increased investment, especially in Phra Nakhon, Samut Songkhram, Samut Sakhon and Samut Prakan provinces. Furthermore, the experts from the Food and Agricultural Organization of the United Nations (FAO) launched training workshops to promote understanding of commercial fisheries, economic problems and techniques for maintaining agricultural resources.

The emergence of a developed economic market helped increase industry production, with fisheries producing over 200,000 tons of product in 1961, rising by 720,000 tons in 1966. As a consequence, the Thai government noticed the soaring trend in seafood manufacturing and set a goal to boost manufacturing productivity by 10 percent per year in order to meet the demand from Thai and oversea buyers. In 1967, the Fishing Market Organization constructed a jetty at the bank of the Tha Chin River, Samut Sakhon, officially opened in 1968, aiming to facilitate transfers. During the Second Economic and Social Development Plan (1967 – 1972), seafood products soared to 1,587,077 tons. The expansion of the fisheries industry stimulated a rise in fisheries related products, including fish meal, ice, cold storage, seine, vessels, packaging design for fish transportation, fish balls, salted fish, steamed fish, fish sauce, shrimp paste and processed seafood products.

As for the seafood processing sector, the cold storage industry had been developing since 1965, driving Thailand to export frozen seafood products, especially shrimp and fish. In the 1980s this type of industry

20 Chalita Banthuwong et al., Hua Thong: Developments, Characteristics and Adjustment of Local Seafarers in Andaman Sea (Bangkok: Joint Project for Andaman Natural Resource Recovery, 2000)
22 Chumpol Nakalak, Department of Fisheries and Fisheries Development on the 60th Anniversary of Department of Fisheries (21 September 1986) (Bangkok: Department of Fisheries Ministry of Agriculture and Cooperatives, 1986).
extended as reflected by the export of 100,000 to 200,000 tons of products including other types of processing industry such as processed shrimp, fish meal and canned fish.\textsuperscript{23}

In the 1980s, however, Thailand suffered the maritime resource crisis, which had serious implication for the sale and consumption of seafood, especially shrimp. Moreover, the Blue Revolution which emerged in the mid of 1980s aroused the global interest in aquaculture and pushed for the development of aquatic animals’ breeds aimed at responding to the higher demand from consumers. The findings revealed that over 90 percent of shrimp sold and consumed in Thailand over 2007 to 2008 were products from aquaculture. In 2009 Thailand produced processed more than 538,953 tons of processed shrimp.\textsuperscript{24} As products from aquaculture helped bridge the gap created by the maritime resource crisis, seafood processing and frozen seafood industries in Thailand maintained their expansion. In 2012, around 1,908,099,137 tons of processed seafood and frozen seafood was exported, tantamount to 264,449 million baht.\textsuperscript{25} Thus, Thailand has become one of the leading shrimp and seafood-exporter countries in the world.\textsuperscript{26}

In 2011 Thai shrimp export increasingly expanded due to the global shortage of shrimp and nuclear crisis in Japan.\textsuperscript{27} The fear that Japanese seafood was contaminated with radioactive materials caused the surge of Thailand’s fisheries exports.

The preliminary data revealed that Thailand could produce 217,437 tons of vannamei and tiger prawn (the figure comprises of 204,383 tons of vannamei and 13,054 tons of tiger prawn). When compared 2014 products with the previous years, it was found that the products dropped by 204,383 tons, equivalent to 15.3 percent due to the Early Mortality Syndrome (EMS) which has been found in shrimp since 2011. However, Department of Fisheries


\textsuperscript{26} Types of exported shrimp: headless shell-on (white shrimp); headless shell-on (black tiger shrimp); peeled deveined tail-on; easy peel; strength shrimp; cooked head-on shell on; cooked peeled deveined tail-on; cooked peeled deveined tail-of (Thai Frozen Foods Association: TFFA, \textit{Shrimp}, 2015 accessed from http://www.thai-frozen.or.th/product_gallery_shrimp.php)
forecasts that shrimp products likely increase by 300,000 tons as soon as the problem of EMS could have been solved by importing Vannamei breeders while the amount of Thai shrimp exports in 2014 was 164,604 tons, valued at 64,274 million baht.\textsuperscript{28}

Every day 30 percent of shrimp products from aquaculture all across the country must go through the Central Shrimp Market of Samut Sakhon before being transferred to primary processing plants (peeling sheds). Besides, shrimp processing enterprises usually buy shrimp directly from farmers via contract farming system\textsuperscript{29}. Buying shrimp through this system, large processing plants can proceed with production regularly.

III. Background of Migrant Labours, Dependents and Child Labours in Seafood Processing Industry

Nearly all workers of Thailand’s seafood processing industry, especially shrimp processing business come from neighbouring countries. These migrant workers have replaced the more traditional sources of labour, mainly from rural provinces in the northeast of Thailand since 1989 when the destructive Typhoon Gay swept through the Gulf region, devastating the area and killing large numbers of Thai labourers.\textsuperscript{27} This event prompted Thai people to turn away from the fishing industry and look for alternative employment in more secure sectors. Thus, migrant labourers were in high demand, especially during the 1990s, when Thailand’s seafood processing and export industry experienced its most dramatic period of growth. And Samut Sakhon is a part of significant labourer market for the fishery processing industry.

Nowadays migrant labourers, especially from Myanmar continuously immigrate into Thailand. These Myanmar citizens either recently immigrated or had crossed the border into Thailand since early 1990s.\textsuperscript{28} Meanwhile, the number of registered migrant children aged under 15 increases from 84,362 in 2004\textsuperscript{29} to around 92,560 in 2014.\textsuperscript{30} The figure includes 5,400\textsuperscript{31} registered migrant children in Samut Sakhon. Nevertheless, it is estimated

\textsuperscript{27}Asian Research Centre for Migration (ARCM), \textit{A Survey of Employment Practices in the Thai Tuna Processing Sector} (Bangkok: Chulalongkorn University, 2012).

\textsuperscript{28}Kritaya Archavanitkul, \textit{The State of Knowledge of Migrant Labourers in Thailand and Research Orientation}, (Nakhon Pathom: Institute for Population and Social Research Mahidol University, 2002), 28 – 33.


\textsuperscript{30}Labour Rights Promotion Network Foundation, \textit{A Survey of OSSC registration statistic carried out between 26 June – 31 October 2014}

\textsuperscript{31}Labour Rights Promotion Network Foundation, \textit{A Survey of OSSC registration statistic carried out between 26 June – 31 October 2014}
that about 13,000 to 15,000\footnote{32} children have never been registered as dependents of migrant labourers in Samut Sakhon. The trend of migrant children which rose for the first time in a decade comprises of migrant children who have just emigrated from their host countries and migrant children who were born in Thailand. Only in Samut Sakhon, more than 20,000 migrant children are child labourers.\footnote{33} It is anticipated that the current number of migrant child labourers in the province is not much different from that in the past.\footnote{34}

However, the study on child labour problem in Thailand began in 1968 when Female and Child Labourers Development Centre published the first report on “Children’s Work in Thailand or งานของเด็กในประเทศไทย” (1968).\footnote{35} In 1979 which is the world children’s year, Thailand tried to prevent and solve child labour problem by setting policies, implementing standards, developing labour law and establishing organizations for preventing child labour as well as expanding fundamental education opportunities for migrant children by extending the period of state compulsory education from six to nine years. Moreover, Thailand has enacted 1998 Labour Protection Act aimed at diminishing the exploitation of child labourers under 15 years in all forms and established subcommittee responsible for child labour prevention. When these operations were launched, the number of children entering labour market tended to decline.\footnote{36}

Even though child labourers in Thailand likely decreased in 1990s, the study “The Monitoring of the Implementation of Protection and Solution Policies for the Foreign Child Labour Problems in Thailand” (2005) points out that instead of hiring adult workers, employers tended to exploit children in domestic, agricultural and sub-contract jobs. According to a study on employment conditions, working conditions, work safety, working environment and risks of child labourers which selected a sample of 267 children from 16 provinces and chose Samut Sakhon as one of the study areas, some migrant children in seafood processing industry have been employed since they were children until they now have become adults.\footnote{37} Therefore, it shows that

\begin{footnotesize}
\begin{itemize}
\item Data collected by Labour Rights Promotion Network Foundation (LPN)
\item Sompong Srakaew, cited in Supang Chantavanich et al., Assessing the Situation of the Worst Forms of Child Labour in Samuth Sakhon (Bangkok: Asian Research Centre for Migration Chulalongkorn University, 2006), 19.
\item The number of illegal migrant child labourers working for enterprises in Samut Sakhon is very hard to estimate since the research team are unable to access the enterprises while enterprises have adjusted to employing legal workers (18 years of age or older). Nevertheless, a number of enterprises still exploit child labours. These children have legal status as they state their age higher than reality in order to gain the access to legal employment system.
\item Chantana Banpasinrichote, The Situation of Child Labour in Thailand: An Overview (Bangkok: Social Research Institute Chulalongkorn University, 1997), 2, 19.
\end{itemize}
\end{footnotesize}
1990s is the period that Thai child labourers was replaced by migrant child labourers from neighbouring countries. Where child labour problem basically relates to the principle of human rights, Thai authorities consider that it is the issue concerning merely immigration. Hence, child labour issue is still a new agenda for organizations working on child right protection.

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38 Chantana Banpasirichote, op.cit, 19.
39 Chantana Banpasirichote, op.cit, 19.
Chapter 3
Examining Migrant Child Issues in Thailand’s Samut Sakhon Province

For the last 20 to 30 years, the coastal province of Samut Sakhon, situated in the central Thai Gulf region, has undergone enormous industrial development in the processing and manufacturing sectors. This large-scale industrialisation has prompted an equally remarkable surge in labour migration from neighbouring countries, particularly from Myanmar. As of 2011, there were an estimated 300,000 migrants working in Samut Sakhon. Other research efforts, aimed specifically at examining migrant children populations in the area, suggest that the province is home to around 20,000 migrant youth.

This chapter will discuss the information which has been gathered on migrant children, and analyse the issues faced by child labourers, in Samut Sakhon. The research team has taken samples from a total of 887 child respondents. This number includes 101 children who are currently working a range of jobs instead of attending school. All data collected from these subjects has been obtained via a combination of questionnaire surveys and in-depth interviews. The term ‘migrant children’ is employed to mean any individual who is under 18 years old and has entered Thailand from a neighbouring country. The analysis will divide the total number of subjects into two categories.

The first category includes migrant children who are NOT currently working and are thus outside the workforce. The second will discuss issues encountered by migrant child labourers, who are currently employed within the workforce. The vast majority of respondents fall into the first category, with 786, out of the original 887, migrant children disclosing that they are not working at the moment, however, over half of them have held down jobs at some point previously. The following statistics were collected from this group of currently unemployed migrant children.

Category 1: Migrant Children Currently Outside the Workforce

Researchers have compiled statistics based on children’s sex, age, identification documents, educational status, and parents’ occupation. Determining these demographics is important for the analytical process, and the information contained here can provide valuable insight into the circumstances, motivations, and experiences of migrant children, and their families. General age and sex ratios are as follows,

**Sex:** 435 males : 350 females (see Figure 2)

**Age:** 758 children are under 15 years old : 25 aged 15 - 17 : 2 age unknown (see Figure 3)
- 415 males : 343 females under 15 years old
- 19 males : 6 females aged 15 to 17
- 1 male : 1 female age is unknown

Identification Documents: 76% of unemployed migrant children either do not possess any official identification documents, or they are not aware of any. Some parents may keep their children’s documents without the child’s knowledge. Nevertheless, this indicates that a substantial number of migrant children are undocumented (see Figure 4). For the 24% who were able to produce documentation, their identification paperwork included one or more of the following; birth certificate, non-Thai citizen card (T.R.38/1), and Registration Book of Persons without Civil Registration Status (Form 89).  

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[Form 89](#) is issued to children who are stateless, foreign, or unregistered. It acts as a temporary solution to bureaucratic delays and allows children to enrol in Thailand’s mandatory education system.
Figure 4 The majority of unemployed migrant children have no access to, or knowledge of, their status in terms of official identification documentation.

Educational Status: 56% of unemployed migrant children are either currently enrolled in school, or have previously received some kind of education whilst living in Thailand. It is common for children to leave school early, as they are often needed to help with things at home. The remaining 44% have never received any education in Thailand, despite almost all of them being under the age of 15, meaning they should have had access to the nationwide 9 years of compulsory primary school education. But instead, many say they spend most of their time at home, unsupervised, while their older relatives are at work. This is a dangerous situation for the child, because without structure and purpose in their daily lives, they may develop social and psychological problems, which could in turn lead to depression, substance abuse, and criminal activity.
Parents' Occupation: 816 migrant parents surveyed for this study
- 524 (over 64%) work for shrimp and seafood processing facilities
- 253 (31%) are engaged in other forms of work
- 39 (4-5%) work in the fishing industry

Those employed in the fishing industry usually work as crewmembers and fishermen on board boats. Migrant labourers working in the shrimp and seafood processing sector are responsible for the following duties; peeling and washing shrimp, removing unusable parts of fish, preparing fish, shrimp, cuttlefish and tuna for processing and export, and freezing and canning products. The families that have parents working in the seafood processing sector can be divided into these sub-groups (see Figure7),
- Families with mother employed in processing sector (44 families)
- Families with father employed in processing sector (27 families)
- Families with both parents employed in processing sector (431 families)
Basic data collection reveals that many children are in danger of leaving school, or other activities, in order to join the workforce. Shrimp and seafood processing facilities are prime targets for children seeking employment. Thus, if a child’s parents already work within the processing sector, it is all-too-easy for children to follow their parents into this type of job. Parents may also encourage their child to work so they can earn extra income to support the family unit. Parents’ occupation, thus, is a key factor in issues of migrant child labour.

The research team has separated children who are currently outside the workforce into two sub-categories; ‘general’ and ‘vulnerable’. A child’s place in either category is largely determined by their parents’ occupation.
(see above), and also by their educational status. Children who have been given very little, or no, education are far more vulnerable to exploitation. Furthermore, being outside the education system can mean a child is unable to develop skills that can help get them work in better regulated sectors. So, not only do children enter the workforce before they should, they are also often placed in dangerous working conditions in poorly regulated facilities. The location of the child’s home is also a contributing factor. It is very common for migrant families to live very close to the parents’ workplaces. This close proximity to factories and facilities can make children more susceptible to being recruited or coerced into the workforce.

Another important point is the lack of official documentation, which was very common among the migrant children in this study. Without proper documents and ID papers, children are in danger of having their rights violated by employers, community leaders, and government officials. Among the group of 786 unemployed migrant children, the vast majority were classified as extremely vulnerable (see Figure 9).

![Classification of Migrant Children](image)

*Figure 9* Most children were classified as extremely vulnerable to exploitation and rights abuse

After considering the data outlined in above, the research team deduced that 163 unemployed migrant children, out of the original sample of 786, in Samut Sakhon are regarded as general migrants who are not in any immediate danger of being forced or coerced into the workforce. This, however, leaves 623 children who may be considered extremely vulnerable. Without special attention, these migrant children are in danger of falling into situations of exploitation and rights violation. This group is significantly more likely to end up working in the shrimp and seafood processing industry before they are 18 years old. Concerned government agencies and organisations need to work towards providing this vulnerable group of migrant children with education opportunities and basic professional training in order to prevent them from falling into situations of illegal child labour in the seafood processing and fishing industry.
**Category 2: Migrant Children Employed Within the Workforce**

This section presents data on 101 migrant children currently employed as labourers in Samut Sakhon province. The research team has used questionnaires and semi-structured interviews to collect information from the 101 individual respondents. Data collection methods focused on three lines of questioning; general information (age, sex, family, education history, etc.), working conditions and workplace environment, and migration experience and living standards in Thailand. These areas of questioning enabled researchers to construct a broad picture of the problems and difficulties facing each participant. The following will use this questionnaire structure to present the study’s findings.

**General Information**

- **Sex:** 53 males : 47 females
- **Age:** 85 children are aged 15 – 18 years : 12 aged under 15 : 4 age unknown (see **Figure 11**)

It is important to note that the number of 15 – 18 year olds included 12 participants who claim to be over the age of 18. They produced ‘personal’ documents which indicated their age to be around 18 to 21. However, after in-depth interviews, the research team determined that their actual age is likely to be lower than they are willing to officially divulge. Overall, the data indicates the average age for migrant child labourers is around 16 – 17 years, with the youngest respondent in the study being just 10 years old.

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**Figure 10** A fairly even split between male and female migrant child labourers

**Figure 11** Most employed migrant children are either under 15 or between 15 and 18 years of age
Place of Origin: 87 children were born in Myanmar: 14 born in Thailand (see Figure 12)

Identification Documents: Participants were found to possess a range of identification documents, including temporary passports, work permits, non-Thai citizen cards (T.R. 38/1), student cards with date of birth, and birth certificates. Out of the 101 migrant child labourers surveyed, around 79% have knowledge and access to their own identification documents (see Figure 13). For the remaining children, most say their documents are in the care of their parents or employer. However, 4 participants confided that they do not have any identification documents at present (see Figure 14).
Accommodation: Most migrant child labourers in this study live with their family in rented houses or rooms. One participant was found to be living alone in a room he rented himself, and a small minority of children say they live with work colleagues, or in accommodation provided by their workplace or employer.

Family Information: This study has taken samples from many families, with sizes ranging from two to twelve family members. The average size for a migrant family in Samut Sakhon, however, is around 4 members. Out of this average, at least 3 family members were engaged in work. The eldest child in these migrant families was usually the key breadwinner, responsible for sustaining the whole family unit.

Language Skills: The level of language skills amongst this sample group vary significantly. Around 80% of migrant child labourers can read and write Burmese language sufficiently, but 20% cannot. Those who were born in Thailand are have been largely deprived of Burmese language education. The children who cannot communicate in Burmese are often members of the ethnic Mon minority group, and so their mother tongue is Mon language.

In terms of Thai language skills, 31% of this sample are fluent Thai speakers, 40% are intermediate speakers, and the remaining 29% cannot comfortably communicate in Thai at all. These figures are not vastly dissimilar to the results found in interviews with non-labouring migrant children.

Figure 14 Chart presenting the ratios of migrant child labourers who possess, or have knowledge of, identification documents
A Report on Migrant Children & Child Labourers in Thailand’s Fishing and Seafood Processing Industry

Educational Status: Upwards of 92% of migrant child labourers are not currently enrolled in any form of education. Most have received a primary school education from schools in Myanmar, but have had to leave their studies in order to work in Thailand. A few have not received any education whatsoever. Of the remaining 8%, a small number are enrolled in the official Thai education system. These individuals study either at Wat Sri Sutharam School (Wat Kamphra), Wat Sirimongkol School, or Wat Soponaram School. The remaining respondents not enrolled at these government institutions are attending informal education centres. These centres include the Non-formal Education Centre provided by the Ministry of Education, and the Knowledge Preparation Centre established and run by the Labour Rights Promotion Network Foundation (LPN).

When comparing the educational status of migrant children outside the workforce with that of migrant children within the workforce, it is clear that there is a link between education access and a limited risk of exploitation. Those unemployed children who are enrolled in formal education are in the ‘general’ or least-at-risk category (see Figure 9 above). Those unemployed children who are most at risk, in the ‘vulnerable’ category, are children who have recently left, or have never attended, formal education institutions. And in this group of migrant children already working within the workforce, it is clear that very few are engaged in any form of schooling. This demonstrates the vital role education plays in safeguarding children from labour exploitation and rights abuse.

Working Conditions & Workplace Environments

Types of Work: Out of the entire sample of migrant child labourers, around 66% were found to have worked continuously within the seafood processing industry, whilst the remaining 34% have held jobs in the industry.
at some time in the past. For a sizable majority (64%), their jobs involved washing, cleaving, scraping, and peeling the shell, and other unusable parts, off various aquatic creatures. An additional 13.4% of child labourers work in the frozen foods assembly lines, and a further 9% are responsible for other tasks, such as loading and unloading stock, carrying packages, packing products, and identifying and sorting different types of fish and seafood species (see Figure 17). In terms of their workplace, around 53% work at general fish and seafood processing factories, but 47% work in more specialised factories, such as primary processing plants, or peeling sheds, which are responsible for categorising, peeling, and freezing shrimp. After preparation at the peeling sheds the shrimps are sent on for secondary processing and export. It should be noted that, whilst a significant number of migrant children are employed in the processing sector, this research did not find any children working at fishing ports, shrimp farms, seafood wholesale markets, or cold storage facilities.

Motivations for Entering the Workforce: Researchers have found that it is extremely common in migrant families for almost all family members to work, in order to sustain the family unit. For over 80% of the migrant

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43 Migrant Child Labourers work for a range of business such as fishing vessels, rubber plantation, construction, convenience stores, shops, furniture, coffee, foam materials, powder, fruit processing factories, etc.

44 However, the local non-governmental organizations found that migrant children work on jetties or within wholesale shrimp markets, mingling with adult migrant labourers.
child labourers in this sample, the financial stress and needs of their family is the main reason for entering the workforce (see Figure 19). Around 30% of the sample are employed at the same workplace as their parents or other relatives, and 70% work for different enterprises, at different facilities. When conducting the focus group on motivations, 3 children stated that they worked in order to earn their own living, 2 wanted to help repay the family debt, 2 more said they simply followed their parents to work every day, and a further 2 children said that they were only filling in for absent workers. Note that only 3 children claimed to have started work because they did not wish to continue their studies. In almost all cases, the child’s income is managed, and their spending restricted, by their parents or relatives.

Figure 18 The number of employed migrant children who work with family member are 30% whilst 70% of employed migrant children do not work with their family member

Figure 19 The majority of migrant children enter the workforce due to their family’s financial stress
Finding Work: Most migrant children in this study, around 82%, have found their jobs without going through a broker or subcontractor. It is possible that brokers ‘reinvent’ themselves to pass as outsourcing officers for medium to large scale enterprises. Otherwise, children usually gain access to job opportunities through their family, community, or social networks. Some may even take the initiative to apply for jobs themselves. The cost of submitting a job application can be anywhere between 2,000 and 8,000 baht, as this fee also pays for the appropriate uniform, cap, gloves, etc.

Something to consider here is the safety factor. Some children do not know for what, or who, their job application fee is paying, and they are allowed very little information about the process. Those children who go through brokers to find work are often unsure as to whether their broker is registered or licenced. Some indicated that they believe their broker is unregistered. In spite of this, the children were keen to stress that they were not tricked or coerced into their jobs, and the brokers were usually able to find them work which suited their needs.

Work Experience: On average, migrant child labourers have worked for 1 or 2 years already. Most started work at 14 or 15 years old. Some were as young as 7 when they started working. For 75% of the sample group, their first job was in the fishing and seafood processing industry, doing jobs like shrimp peeling, slicing fish, and removing fish heads (see Figure 20). Some say they started after going along with their mother, and others started because they want to make money.

![Labor in Shrimp and Seafood Processing Industry](image)

Figure 20 Most migrant child labourers find their first jobs in the fishing and seafood processing industry

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45 Research teams were, however, informed of one case in which Thai men, claiming to be brokers, convinced a migrant woman to pay 9,000 baht for a job application, with the promise that her child would be employed as well. The men took the women’s money and she hasn’t been able to contact them since. It later came to light that this had happened to a number of migrant labourers from the same community.
Contract of Employment: Only 10% of migrant children confirmed they had signed a contract when they started working. 65% said their employer made no deductions from their wage. But 20% acknowledged that certain ‘fees’ valued at 200 baht, supposedly for social security and legal documentation, were being deducted from their wage on a weekly or monthly basis.

Working Hours: On average, migrant child labourers tend to work 6 days a week, for 9 ½ hours a day. Some actually work for 14-15 hours. Children usually work day shifts, but, some are also obligated to work through the night on weekends. Their hours depend mostly on how much seafood and shrimp needs to be processed. A few work from dawn to dusk, and others alternate from day to night shifts.

Children working specifically in the shrimp processing sector usually work from 06:00 – 20:00, and a night shift usually runs from 17:00 – 01:00. Those working on the production line have different working schedules, for instance, labourers responsible for removing shrimp heads typically start working before those who peel shrimp. Employees who work on quality control in small enterprises and peeling sheds begin their work earlier, whereas the time they have off work is inconsistent, as it depends on the amount of seafood delivered to the enterprise at that moment as well as the delivery schedule. The average working hours for migrant child labourers who work for this kind of enterprise is 11 hours per day. This is likely a result of subcontracting. Thus, their working hours depend on the amount of seafood and their skills for peeling and deveining shrimp, and removing fish heads and fish bones.

Wage: Migrant child labourers are paid either on a daily, fortnightly, or monthly basis according to the rate determined by employers. To illustrate, 56.4% of these children are paid every 15 days, whilst 9.9% are paid when their work is completed, or paid daily or weekly at the same rate. 4.9% are paid on a monthly basis, and 4% receive payment on a particular date determined by entrepreneurs. Most labourers earn a daily wage at the minimum rate of 300 baht, whereas those who earn a weekly wage are paid at the rate of 4,000 baht. For labourers who are paid when their tasks are completed, their wage is determined by the weight of seafood they have managed to process. If they work on shrimp processing, their wage also depends on shrimp size.
Over time: Up to half of migrant child labourers working within the shrimp and seafood processing industry work overtime between 3 and 5 hours a day. They are paid 55 baht per hour on average. 56% of migrant child labourers in this study stated that they worked overtime. Among them, 85% said that their employers paid overtime.

Time off & Rest days: Most children have one free day per week. They usually stop working on Sundays, as well as traditional holidays (see Figure 22). When they are off work, migrant child labourers either stay at home, or go shopping at market. They also play sports, and take long rests. Some migrant child labourers gather with friends at department stores and visit their friends in other communities. Meanwhile, some migrant child labourers spend time studying in non-formal education centres, learning independently, or participating in various activities arranged by non-governmental organizations.
A Report on Migrant Children & Child Labourers in Thailand’s Fishing and Seafood Processing Industry

Workplace Safety: As many as 72.5% of sampled child labourers have never undergone any safety training, such as fire drills or other severe disaster drills, or chemical safety training. A further 67% are unsure of whether there are safety signs in their workplaces. Other issues arise due to language skills; many migrant children are of Mon ethnicity, or other ethnic minorities, and are not literate in Thai. Signs written in Thai are of no use to children of other ethnicities. Even though most child labourers who work in the shrimp and seafood processing industry are provided with safety gear, including rubber gloves, rubber boots and mask, they have to pay for the equipment. Otherwise, entrepreneurs will deduct the tools’ cost from their wage. Overall, about 53.5% of migrant child labourers have gone through some form of training, and many of them pointed out that they participated in fire drills. But, the remaining children had not been given any training on machines or equipment.

Workplace Risks and Accidents: Most migrant child labourers indicate that their jobs are risk-free (79.2%) and 82.2% say that they have never had an accident at work. Nonetheless, it was revealed that part of these samples (17.8%) have had accidents caused by working conditions. They speak of slipping on constantly wet floors, suffering cuts, fingers getting pinched by steel screening, a large tray of shrimp falling on their legs, and getting splashed by hot oil. The accidents have also been caused by machinery, with some children getting their hands caught in a conveyer belt. All of these incidents highlight the risks associated with the shrimp and seafood processing industry. In addition, as many as 47.8% of samples pointed to the lack of laboursaving devices for tasks which require lifting, pushing, and carrying heavy things on their shoulders or on their back. However, 22.4% of samples indicate that the workers who perform such jobs are provided with laboursaving devices, such as conveyor belts for delivering trays of fish. Though it should be noted that around 29.8% of samples do not perform these kinds of work.

Figure 22 77% of migrant child labourers have one day off per week

Figure 23 92% of them see that they have sufficient leisure time.
Welfare of Migrant Labourers: Although the majority of enterprises provide drinking water at workplace and compound, some migrant child labourers view this as insufficient. The entrepreneurs do not offer food to labourers, while some enterprises arrange areas for eating and selling food to labourers. But, migrant workers tend to bring lunch from home in order to save their money. Several firms lack first aid and medical care rooms, but have enough toilets to meet the workers’ needs (see Figure 27.28 and 29).
As for medical welfare, the majority of migrant child labourers have never received any treatment. After having an accident or falling ill, those who need medical attention normally go to public hospitals, private clinics and pharmacies, and some may consult Burmese doctors. When the statistical data on medical welfare of migrant child labourers in shrimp and seafood processing factories and plants is compared with those in peeling sheds, the findings reveal that more labourers in processing plants have rights to health care and social security than those working in peeling sheds (ratio 8:5 and 12:2).

It turned out that migrant child labourers working in peeling sheds often do not receive medical treatment because they do not have identification documents. Additionally, they lack information on their own and their family’s health insurance. The mentioned situation suggests that migrant child labourers working for unregistered enterprises, or primary processing enterprises known as peeling sheds, - including child labourers who perform similar jobs at home - lack protective health care rights, health insurance, and social security. Hence, the child’s parents and their employers need to be responsible for the medical treatment expenses.

**Job Satisfaction:** Many respondents told researchers that they are satisfied with their jobs. Roughly 63.4% revealed that they are moderately satisfied, 12.9% are very much satisfied and 3% of the samples voiced that they are slightly satisfied. When asked what needs to be improved in terms of working conditions, the children rarely expressed strong opinions. Some said that they expected more overtime hours, whilst others proposed that there should be a separation between child and adult working zones.

**Knowledge, Information, & Complaints:** Some migrant child labourers were found to lack knowledge about their own rights and entitlements as labourers. They have never received any information or training on the topic of labour rights. In terms of numbers, 25% of respondents are interested receiving this training in order
to gain more information about labour rights, 22% are interested in the issue of labour and legal frameworks, 12% want to learn safe work procedures, and 5% seek more information on welfare, labour relations, general working conditions, and prevention of labour discrimination.

This corresponds to results in the previous section, which indicated that the sample group of migrant child labourers complain very little. However, this does not mean that migrant child labourers have never encountered labour rights problems and violations. In one case, for instance, an employer failing to pay one of the respondent’s wage. The child labourer in question did not file a complaint against his employer, because he did not want to cause trouble, or irritate his boss. He also acknowledged that he did not trust the complaint procedure, and he did not know any official complaint channels. Some respondents have never experienced labour rights violations, and rely solely on their employers, colleagues and the Thai government to convey information on labour rights.

Several issues related to migrant child labourers’ highlight job characteristics, working environment, and conditions which are inappropriate for child workers. Furthermore, when considering the situation of migrant children, including the fact that many have worked since they were under 15 years old, there is an urgent need for the implementation of legal provisions, in line with international conventions, aimed at protecting child labourers. It is clear that working conditions of child labourers in this study should be improved for the
maximum benefits of migrant children. With many children making the transition from general or vulnerable migrant children to migrant child labourers employed within the workforce, it is the responsibility of concerned organisations and agencies to build preventative and protective mechanisms, especially for those most vulnerable to exploitation, regardless of their residency status or documentation.

Migration Experiences & Living Standards

Immigrating to Thailand: The immigration trends of child labourers can be divided into two periods, the first from 2000 to 2010 (18 people), and the second from 2011 to 2014 (59 people). Between 2008 and 2013, Thailand experienced a surge in cross-border migration. Within this research sample, 9 migrant children say they were born in Thailand, whilst some cannot recall when they first immigrated here.

The majority of the migrant child labourers immigrated to Thailand along with their parents (41.6%), followed by those who crossed the borders with their relatives (23.8%) or brokers (13.9%). Some children travelled alone (6%) or accompanied their friends (4.9%) in order to work in Thailand (see Figure 31). Most migrant workers immigrated into Thailand with the help of brokers, while some samples do not know the method of travel, saying that their family members paid traveling expenses for them. Coordinating with brokers, some samples crossed the border illegally after paying anywhere between 1,000 to 10,000 baht in advance. The average cost for entries of this nature is 7,237 baht. For those who paid through deductions of their future wage, most pay around 10,000 baht.
Living Conditions in Thailand: Migrant child labourers in this study outlined their family’s average monthly expenses as follows; 3,000 baht for food, 2,000 baht for accommodation, and 300 baht for travel expenses. Many families also keep savings for sustaining their family in host countries as well as other fees. Migrant child labourers go to work intending to lessen the burden of their parents and help pay off family debt. When children feel a compelling need to earn a living and take care of other family members, there is a huge amount of responsibility and burden placed upon the child. Social and community networks play a major role...
in connecting migrant labourers, relatives, friends, employers, and migrating agents. Many rely on their social network as a key source of information, and consult sources before deciding to work in Thailand, or trust a certain person, or take up a job at a specific place. Migrating agents are considered particularly important in this social network, as they can help deliver labourers from villages and communities, to job placements in Thailand. They can also assist them in going through identification and registration procedures, and submitting job applications.
Chapter 4
Case Studies of Migrant Child Labourers in Samut Sakhon

So far, this report has provided details on the living and working conditions experienced by migrant child labourers, and migrant children more generally, in Samut Sakhon province. Research has also revealed the kinds of businesses and employment operations are attracted both migrants and local workers in the area. There seems little doubt that migrant labourers are essential for Thailand’s workforce, as they contribute significantly to maintaining the production and export of various processed seafood products. Despite their importance, however, migrants suffer from a great deal of governmental neglect.

This report has identified several major concerns involving migrant children, such as inappropriate working conditions and child exploitation. Such issues need to be examined and addressed in accordance with existing laws and conventions in order to monitor the situation and improve poor conditions and employment practices. This chapter will focus on case studies from migrant child labourers which reflect specific issues on working conditions in the seafood processing industry. The cases also provide insight into the daily difficulties and challenges experienced by migrant children in Muang District, Samut Sakhon.

I. Concerning Trends among Child Labourers in Samut Sakhon: Individual Cases

• The case of Mr. Pohchi, 13 year old from Dawei, Myanmar – labourer in fisheries and seafood processing sector

Pohchi, a 13-year-old boy born in the city of Dawei in southeast Myanmar, immigrated to Thailand with his father and sister eight months ago. They entered Thailand with the help of a broker, who charged the family over 10,000 baht ($300 USD). Now, they live in Samut Sakhon, in a house shared with more than ten family members, included Pohcha’s younger brother. Pohchi, his four sisters, and both his parents are currently working as labourers. Whilst living in Myanmar Pohchi studied in grade 6, meaning he can speak, read and write Burmese. On first moving to Thailand, he attended pre-elementary classes organised by the Labour Rights Promotion Network Foundation (LPN).

It wasn’t long, however, before Pohchi began to work. He started out by helping his mother peel shrimp at a processing plant in a peeling shed (Thai: Lhong) close to his residence in Wat Noi Nang Hong community.

“I can stop working whenever I want. Sometimes I am tired and ask to go to bed. I usually go to sleep after midnight.”

Pohchi, 13 years old
Because he is under 15 years of age, Pohchi did not receive his own wage (his work was added on to his mother’s), neither is he allowed to hold a record of the hours he worked like his mother and sister did. His mother paid for his equipment, such as rubber gloves, rubber boots and waterproof aprons. Pohchi peeled shrimp for three months before starting work aboard a fishing vessel with his father. After that, his employer at the peeling shed had him registered at a one-stop-service registration centre in Samut Sakhon. The registration fee is now being deducted from his wage.

Pohchi’s identification documents are kept by his mother and he is currently working both jobs, peeling shrimp and labouring abroad fishing vessel at alternating times of the week. He said that his work runs from 06.00 to 19.00, with a one hour break from 12.00 to 13.00. Pohchi eats his lunch at home since it is very close to the peeling shed. His workplace employs around 50 labourers and nobody has any days off. As Pohchi prefers to stand rather than sit while peeling shrimp, he stands for 12 hours a day. Each day he peels around 30 kilograms of shrimp, earning a wage determined by the quantity. Recently, he experienced wage cuts due to damage done to the shrimp, but he did not know how the damage occurred or any other details, suggesting suspicious and dishonest actions by his employer.

Aside from peeling shrimp, Pohchi has to assist senior male labourers in carrying baskets of seafood. On the fishing boat, his duty is pulling trawlers toward the ship before letting other crew-members use laboursaving devices to haul in the catch. Then, Pohchi helps carry the fish to the ice boxes. Pohchi says he’s not afraid of the sea because he is a good swimmer, and his father allows him to work aboard the boat and jump into the sea to help drag in the nets.

Working on the fishing vessel, Pohchi is paid 9,000 baht monthly, whilst also earning, together with his mother, between 2,000 and 3,000 baht every 15 days from peeling shrimp. Pohchi gives his entire wage to his parents and earns pocket money - between 10 and 20 baht a day. Although Pohchi has some free time when he works aboard the boat, he is no allowed to go anywhere. He said that he could not peel as much shrimp as his mother and his sister. Pohchi also voiced that he wish to study, especially to improve his Thai language, rather than go to work.

46 The work record is usually called a ‘working time account,’ and its purpose is to record the amount and weight of the shrimp peeled in a day of work. The weight of shrimp peeled is often used to determine a labourer’s wage, but for Pohchi, his efforts were recorded under his mother’s name, instead of his own.
Pohchi is an example of how migrant children can easily start working in fisheries and seafood processing businesses because they follow their parents’ example. This is a common case among migrant labourers who find they have to work to sustain their family unit. Moreover, since the workplace is close to Pohchi’s family home, the transition from student to labourer was made even easier. Parents who work all day, every day, are also more inclined to want to take their children to work with them, rather than leaving them unsupervised at home. All these factors contributed to persuading Pohchi to start working at an early age.

His parents consider both jobs appropriate for their son, although Pohchi sometimes has to work from dawn to dusk, and the inconsistent working hours on the fishing boat affects his childhood, as he has little time for study or socializing with friends his own age. It is important to acknowledge the hardships experienced by Pohchi’s family, but Pohchi is at a critical age and education is essential for his progress in the future.

The great concerns over migrant child labour in cases like Pohchi highlight 2 important issues: (1) children are able to find work even if they are under 15 years old, which is considered the minimum age by international labour law, (2) children accept working conditions, even though the terms of their employment might be inappropriate or unfair and obstruct the child’s development. Proof of the second issue is reflected by Pohchi when he states that he can “stop working whenever I want,” when, in fact, he only stops if he is exhausted. After observing how his family members work, Pohchi believes he has a duty to work as well. Furthermore, being male, his father decides to let Pohchi labour on the fishing ship with him and it is likely that Pohchi’s little brother will do the same. This is an interesting point to note, because for migrant children in Muang District, Samut Sakhon Province, sex is the factor that could designate the nature of their job in fisheries and seafood processing enterprises.

The case of Mr. Thanipo, 15 year old from Mon State, Myanmar – full time labourer

Thanipo (pseudonym), a 15 year old Mon teenager from Myanmar, came to Thailand, together with his family and relatives to find work in order to save money to sustain his aunt and grandmother living back in Myanmar. He left his school in Myanmar during Grade 6 when his father decided to relocate the family to find better work. Thanipo was 14 when his family, following his sister and uncle who had already settled in Thailand, crossed the border.

Thanipo and his brother paid a broker 7,000 baht ($215 USD), whilst others had to pay 10,000 baht per person. The broker had transferred them from their village to Thailand via Dan-Chedi-Sam-Ong, a pass in the Bilauktaung Mountain range on the Thai-Myanmar border, before travelling to Kanchanaburi province, and on to Mahachai district, Samut Sakhon province. Working in Thailand, brought Thanipo’s family a decent salary. They regard their jobs in Thailand as a better choice than anything they can find in their homeland.
A Report on Migrant Children & Child Labourers in Thailand’s Fishing and Seafood Processing Industry

“Is it worth it? I can’t tell you whether it’s worth or not, but living here my children are provided with enough food. We do not have much saving because we need to buy food, pay rent, pay for water and electricity. We send a little saving to our family in the homeland though.

Before coming here, we didn’t have any set goals, but we wanted to take our children with us. If any child can work, we (are) gonna let them work, but it’s ok if any of them cannot work.”

Thanipo’s father

“We did not advise or encourage our children to work but they volunteered. They insisted that they would lend a hand.”

Thanipo’s mother

After having lived in a rented house for a month, Thanipo and his mother started peeling shrimp in a peeling shed, where his uncle also worked. His uncle taught him how to peel shrimp, then Thanipo thought that he was capable of performing the job himself. He insisted that his father and his mother had never forced him to work; it was his own decision. His mother said that she did not encourage her child to labour but he voluntarily decided to work to help sustain his family.

Thanipo stated that the entrepreneur paid them lump sum payments. They work from 08.00 to 17.00 and regularly take Sundays off. Peeling shrimp, he and his mother are paid together, 500 baht per day collectively. His little brother sometimes helps them peel shrimp at the plant on school holidays. He, his father and his sister give their wage to Thanipo’s mother who is currently between jobs. Her task is managing the family’s income and expenses, such as housing rent, cost of utilities, food, and her children’s pocket money. Thanipo’s family plan to work for one more year before returning to Myanmar.

Thanipo voices that he does not wish to live in Thailand forever, because he has never felt “at home” here and he misses his relatives in Myanmar. Thanipo is slightly satisfied with his working conditions and the employment conditions of his enterprise. He conceives that his objective on entering Thailand is to assist their family in working and he believes that he is now mature enough to do this.

Although his current life is more difficult than the one he had while studying, Thanipo hopes to be ordained as a monk so he can continue his study in Myanmar. Aside from lessening his family’s burden, Thanipo also hopes to financially support his little brother’s education so that his sibling will not have to work like him. Their father also believes that education is essential for them no matter what jobs they perform. Thanipo’s father is
ready to support their education but he points out that this depends on the children’s and family’s capacity as well.

The case of Thanipo reflects the sensitivity surrounding migrant child labour and the dimensions of family responsibility, which is a central characteristic of many Southeast Asian cultures. This sentiment is particularly strong among rural populations. Children are taught from a very young age to show gratitude to their family. The particular kind of Buddhism most widely practised by the Mon and Burmese also play a role in influencing children in these circumstances, because Buddhists believe that a son must go through ordination to pay gratitude to his parents whereas a daughter has to take care of her father and her mother.

The concern over migrant children in Thanipo’s position is that perhaps they are shouldering more responsibility than is healthy for them. Particularly worrying is the expectation that the eldest child needs to sustain their younger sisters or brothers. There are also cases where a migrant child needs to become a labourer in order to pay off family debt, partially arising from the cost of his sibling’s ordination (into monkhood) in Myanmar. Another issue which is considered a consequence of cultural traditions is that migrant child labourers consider working to sustain the family as a way of paying gratitude to their parents. This can result in the neglecting of other aspects of life are equally important.

Many labourers wish to work as much as possible in order to earn income and save enough money. Some migrant child labourers said that they wish to work overtime so that they gain extra income. The majority of the migrant worker families consider the minimum age for performing tasks in peeling sheds, including cracking shells, deveining shrimp and removing fish bones, lower than the minimum age of employment under international law. Holding onto traditional value systems which place work at the centre of family life, superior to other activities such as education, can have detrimental impacts. Child are likely to accept their working conditions, and may be unable to express their own feelings or desires since it may contradict their family’s wishes and needs.

The case of Ms. Nimu, 15 year old from Myanmar – works part time and also attends a local school

Nimu (pseudonym), a 15-year-old girl from Myanmar, studied up to grade 6 at a Burmese school before switching to grade 2 at a Thai educational institute after she immigrated to Thailand seven years ago. She currently lives with her mother, two sisters, brother-in-law and her niece in a residential community attached to a seafood processing facility. Nimu’s working life began when she simply started following her mother to the processing plant. She started working when she was only ten years old. Her mother said that she let her daughter try the work, as Nimu’s
father is absent and her mother needs all the help she can get to raise a living. Nimu’s mother would like to support her daughter’s education, but at the moment, the family’s impoverished situations provides very few opportunities or choices. This situation led Nimu to decide to help her mother save money in order to buy a house in Myanmar, where she can continue her studies in non-formal education. Her goal is to one day earn a bachelor degree.

Nimu currently goes to her Thai school from Monday to Friday, and goes to work on weekends. Her job is to peel shrimp in a peeling shed which supplies peeled shrimp to processing factories. There are around 100 workers in Nimu’s peeling shed, most working under a subcontract. Their wage is paid every 15 days, and is determined the amount and the size of the shrimp they process. At the peeling shed, Nimu and her sisters need to wear uniforms comprising of a hair net, short-sleeve shirt and rubber boots. The employer pays her wage together with her sisters’ every 15 days. Collectively they made approximately 9,000 baht. As the plant opens every day, Nimu can go to work on weekends.

The work is all based on the amount of shrimp there is to get through. If the employer requires extra shrimp to be process, employees are expected to finish late. To illustrate, if there is not a huge amount of shrimp, workers can finish up at 15.00. But, if there is a lot of shrimp, they might clock off at dusk. Inconsistent hours are common in this industry. Labourers usually start working from 04.00 in the morning. Nimu said it is better to start at 04.00 because there is more work at this time (more shrimp). Some workers quit jobs due to the inconsistent work schedule. They prefer working in the plant where hours are fixed and overtime is paid.

As Nimu can speak Thai, the peeling sheds and factories wish to hire her as an interpreter to communicate with other migrant workers. She often helps her mother by translating Thai to Mon. She also acts as an interpreter when her mother travels and needs to read important documents. Nimu has a temporary passport and work permit which states the name of the enterprise she currently works for. Both these documents identify Nimu as a 20 years old, contradicting her student card which reveals her actual age.

This case study provides an example that applies to many migrant children in Samut Sakhon. Though it is possible for a migrant child to enrol in Thai school and gain access to other forms of education, their opportunities are often limited by their family’s financial situation. A child is severely restricted when his or her parents encounter economic or social hardships of the kind experienced by migrant labourers in Samut Sakhon. This raises issues and questions for all sectors who need to cooperate in protecting and promoting the needs and rights of children by supporting parents, public education institutes, alternative institutes, business
enterprises, official agencies who have authority and local non-governmental organisations. Being both a student and a worker, Nimu compromises between her needs and wishes, and the needs of her family, and she needs to allocate time for both duties.

A key concern here is that when migrant children have entered the labour force, they may find it very difficult to leave and pursue other things. Also, this case points to issues involving the identification documents issued by Thai officials, such as non-Thai citizen cars (t.r.38/1), temporary passports, work permits, the government’s labour card (t.t.2/1), and migrant dependent card (t.t.2/1). Given Nimu’s story, it seems fairly easy to procure documents with incorrect information. Even though regulations on labour registration are implemented, the data presented on migrant labourer documentation deviates from government policy significantly. Whilst the law requires both employers and labourers to go through documentation procedures, in reality they seldom do, and brokers undergo the process instead.

Data previously presented in this report pointed to issues regarding migrant children’s identification documents. Too often, children’s papers have not been properly verified. Both brokers and officials are prone to corruption in this area, with some authorities choosing to exploit migrants and their families by implicating them in fine-print loopholes. By allowing migrants under 18 years old to boost their age on their official documents exposes the young person to poorly regulated employment and working conditions unsuitable for a person of their actual age.

The issues involved with migrant child documentation can cause difficulties for law enforcement bodies. The problem also complicates the implementation of the ‘Good Labour Practices 2’ guidelines, which are aimed at protecting migrant child labourers from exploitative employment situations. Employers and migrant child labourers probably agree on document forgery as a good way for getting around employment restrictions. Other measures may be taken by employers to ensure their child workforce does not arouse suspicion from rights groups of the authorities. These may include, covering up the physical characteristics of child labourers by making them wear uniforms identical to those worn by adult workers, not allowing child labourers to open a log for their working hours or their pay, and failing to inform the labour office of employed children (those aged between 15 and 18). The unofficial, unregulated nature of children employment in these cases can easily lead to inappropriate and illegal working conditions.

47 ‘The Good Labour Practices : GLP were formulated by the Department of Fisheries, Thailand, with the aim of protecting migrant labourers, particularly children aged 15 to 17, from exploitation within the fishing and seafood processing industry under Thailand’s labour protecting acts and international labour convention. Another key objective of GLP is to raise awareness and concerns among shrimp and seafood processing business including supply chains so that entrepreneurs would take actions for protecting these minors. (Department of Fisheries, 2013)’
The case of Mr. Kae-Sa, 17 year old from Myanmar – preparing to join the seafood processing workforce

Kae-Sa (pseudonym) is 17 years old. His relatives entered Thailand in 2004 using the services of a broker. Most of his family has immigrated to Thailand to find work, except of his who can no longer work. Last year, Kae-Sa’s employer had him registered at the one-stop-service registration centre for migrant labourers. Upon registering, Kae-Sa told officials he was 19 years old, as it is quicker and easier for over 18 year olds to obtain temporary passports and work permits.

Kae-Sa has worked for a seafood processing plant for 5 months now. He is among the 75% of migrant children sampled in the above who started work in a peeling shed. Labourers in these sheds usually work from 04.00 – 20.00 every day. Kae-Sa is granted one day off a week (which he can choose himself) because the employees are under a subcontract. Their work schedule and wage depend on the amount of shrimp they can process in a day. Kae-Sa tries to always peel big, heavy shrimp so that he and his sister, who works for the same peeling shed, gain a higher wage. On average, Kae-Sa can peel 10-kilogrammes shrimp in three hours and he earns approximately 6,000 baht each month. Kae-Sa wishes to work for an industrial plant where wage is paid more systematically. He plans to save around 1,000 baht to pay for his passport processing expenses. Then, he will change his job.

Kae-Sa’s case highlights the working conditions set by two categories of fisheries enterprise; peeling sheds and seafood processing facilities. Both have certain characteristics that are passable by some and undesirable to others. The peeling sheds are small enterprises where employees work basic tasks without machinery or much in the way of equipment. They employ large numbers of migrant children in Samut Sakhon’s Muang district. When a young person, like Kae-Sa, is preparing to enter the more regulated, formal workforce, Peeling sheds merely serve as work practice; parents send their children here to learn “tasks” before they step into the fulltime labouring roles.

In this research area, peeling sheds (Thai: Lhongs) can be divided into three categories: Lhongs which supply raw aquatic materials for bigger enterprises, affiliated sheds, or plants where processed products are manufactured and distributed; disaffiliated Lhongs which supply primary processing of raw aquatic materials for a range of companies not limited to any seafood processing factory whilst also providing cold storage facilities for seafood and other products; and finally, ‘daughter peeling sheds’ or subsidiary firms which carry out primary-processing activities with aquatic creatures before supplying raw materials to seafood processing enterprises who are their parent companies.
Child labourers and newly-arrived migrants who are unregistered or undocumented are likely to be employed in unregistered *Lhongs* rather than registered enterprises. Workers in this group are not usually detected by formal investigation processes. Overall, peeling sheds often fail to provide appropriate employee welfare, with only a small group of child labourers claiming to have received medical treatment entitled to them though social security funds, for which their employers are partially responsible. The case of Kae-Sa and previous case studies shed light on the situation where migrant adolescent labourers fail to be recognized as legal child labourers. Sometimes, they are regarded as adult workers since they hold identification documents presenting their ages higher than they actually are.

- The case of Ms. Pla, 18 year old girl born in Thailand – full time labourer

Pla (pseudonym) is around 16\(^{48}\) years of age. She was born in Thailand and her family consists of father, mother, brother, and a slightly older sister. She also has extended relatives. Pla studied up to grade 4 before leaving school to help her parents peel shrimp at a primary processing enterprise. Then, she switched jobs to work for a larger seafood processing enterprise, where she now earns permanent and regular income. Applying for this job, Pla needed to pay 3,500 baht. She was assigned the task of weighing sauce products as she can read and note Thai language.

Every two weeks, Pla has to alternate from day to night shifts and she is paid on the fortnightly basis. Pla offers her entire wage to her mother, who allocates travel and other every day expenses. Pla, however, believes that she should be able to choose her own way of life since she earns her own income. She often has a quarrel with her brother and her sister who want their parents to be stricter with Pla. They think that their father and mother should warn her about her expenses, as she spends time socializing with her Thai and Burmese friends. Pla once left her family in order to live with her boyfriend, but she ended up returning to her family again.

Pla’s situation reflects concerns over the lifestyle in some urban areas, especially among migrant families with children born in Thailand. Foreign children who were born in Thailand are mostly fully integrated into Thai society, and thus show a greater desire to become independent. As Pla tried to prove that she was an adult who could cope perfectly fine outside the strict confines of her family’s traditional values, she ended up alienating herself from them. Presently, Pla usually gives priority to her friends, and once set out to raise her own family, though she was still under 18 years of age and therefore vulnerable to medical issues relating to reproductive problems.

\(^{48}\) On official record, Pla claimed to be 18 years of age, however, some researchers have reason to believe she may be only 17
The self-alienation of migrant child labourers who choose to live apart from their families is partly due to modern customs among younger generations of migrant youth. Adolescents in Samut Sakhon like to form small gangs and stick together. For example, a group of several young Mon teenagers living in Mahachai (a sub-district of Muang district) often gather together for social activities, and some of them live together as well. Some gangs form social networks which migrant children rely on for various pieces of information. Migrant teenagers are likely to ask for help from their social network, rather than their family or the Thai state. These young migrants likely recognise themselves as being looked at as second-class Thai citizens. Neglected by mainstream society, and leading lives of uncertainty and hardship, they stick together and share experiences among themselves.

- The case of Bee, 17 year old girl from Myanmar – full time labourer adjusting to life in Thailand

Bee (pseudonym) is now 17 year old. She immigrated to Thailand along with her relatives three years ago. She and her sister work for a seafood fritter manufacturer. Bee said that her shift runs from 08.00 to 17.00. Working overtime, Bee gains 56 baht per hour. Her employers paid her wage every 15 days. On average, Bee’s earns 10,000 baht a month. Bee started working when she was 15 years old. She voices that she has never signed a contract of employment. She holds only the labourer card granted by a one-stop-service registration centre in 2004.

Bee reveals that she entered Thailand with the goal of assisting her family by working and saving money. Apart from performing her job from Monday to Saturday, Bee also studies at an informal educational institute. Her key objective is to learn Thai language, hoping that an improved Thai skill will help her gain access to better careers, such as a Thai-Burmese interpreter. For the most part, Bee speaks Thai fluently. While Bee was working and studying simultaneously, her sister got married and gave birth to a child. Her sister is unable to speak Thai at all. The sisters share a rented room. Bee observes that her sister barely leaves the room accept to go to work. In contrast, Bee often visits her friends in other communities. She has a wider worldview and she has adjusted to Thai society better than many.

The differences between migrant labourers who have an education and those who do not is partially reflected in the case of Bee and her sister. Education can help influence and shape a young person’s fundamental socialising skills and interpersonal knowledge. Bee gained a sense of self-worth and acceptance, making her determined not to spend her life in working on the manufacture line of Thailand’s seafood processing industry. She expects to use her language skills as a working tool. At school, Bee is surrounded with friends and teachers, and as Bee does not have boyfriend, she does not have to bear the same burdens as her married sister.
Also, developing her language skills helps ease a lot of difficulties usually encountered by migrant workers. Bee has become a key support mechanism for her sister, assisting her whenever she needs to communicate in Thai. It is gravely concerning that more migrant youth don’t have the opportunity or the right circumstances to take up education like Bee. The statistical data indicates that around 44% of migrant children are denied access to education. This group of children is much more vulnerable to being recruited into the migrant child workforce. 92% of migrant child labourers are full-time workers. Most of them do not study, even though migrant children have the right to education under Thai law, regardless of nationality. It is undoubtedly essential for a child’s self-development to receive some kind of education. Professional training and specialised vocational classes would also be hugely beneficial for migrant youth, as it could give them the practical skills necessary to seek better regulated employment outside the fishing industry. It is up to all concerned sectors and agencies to provide migrant children with these kinds of educational opportunities. To not do so is technically a criminal act.

- The case of Ms. Wae-Pa, 16 years old from Myanmar – full time labourer, working solely to sustain her family

Wae-Pa, aged 16, entered Thailand via the Three Pagoda Pass (Dan-Chedi-Sam-Ong) when she was nine years old. She needed to pay 7,000 baht to the broker for the journey. She crossed the border after her mother and brother had immigrated to Thailand. Wae-Pa’s identification documents comprises of a temporary passport and student card. Wae-Pa currently lives with, and takes care of her mother, since her father has left them. Her brother has moved to Mae Sot, in Tak province, to find other work.

Wae-Pa started working at a canvas sewing factory when she turned 14, before switching to a job in a canned fish factory, where she needed to pay an application fee of 5,900 baht. At the new workplace, she is provided with a uniform, hair net and mask. She worked in the quality control section before being assigned to take care of product checking in the warehouse. She works from 07.00 to 15.30, with a break from 10.30 to 11.00, plus some occasional overtime. She earns 300 baht per day which is the minimum wage according to Thai law.

Wae-Pa used to study Thai language, and she can read and write at an intermediate level. She stopped going to school in order to work full time. Wae-Pa needs to sustain her family and gives her entire wage to her mother. Her mother allocates 1,000 baht for her personal expenses each week. Wae-Pa admitted that she wished to leave her mother to move in with her friends.

Wae-Pa is an example of a daughter who spends all her time looking after her family, conforming to the values of family tradition which dictate that daughters are to take care of the parents, and sons should be ordained
into the monkhood. Wae-Pa did not only migrate from her homeland to perform this role, she also became a migrant labourer and began working at a very young age. The gender dimension of this case becomes more explicitly influential when she is assigned to take care of her mother. She realizes that it is a duty which she cannot reject. In contrast, her brother can choose to work outside Samut Sakhon. This suggests that he is somehow superior to Wae-Pa in terms of decision-making power. He can choose his own life. This case study makes the research team aware that the gender dimension is definitely influential in immigration and labourer situations.

It is concerning because female migrant children and female child labourers can fall victim to several specific types of rights violations; they are particularly vulnerable to forms of sexual harassment. Data collected from some female participants reveals details about female labourers being put in dangerous situations. For example, one girl worked for an enterprise all by herself, with no friends or relatives nearby. Night shifts can also be dangerous. Female workers need to be able to refuse to work in potentially dangerous situations.

- The case of Ms. Jam, 17 year old from Myanmar – full time labourer working under poor conditions

Jam (pseudonym) is 17 years old. She entered Thailand with her mother and father in 2005 with the help of a broker who charged them 3,000 baht. Jam had graduated from a primary school in Myanmar but she did not continue her studies in Thailand. She can speak Thai but cannot write. When Jam was 14 years old, she started working at a primary processing enterprise, peeling shrimp with her parents. However, eventually the shrimp peeling shed closed down and her parents returned to Myanmar, leading Jam to apply for another job at a larger seafood processing plant. She worked in the production line for Saba (Japanese mackerel). Her task is to remove fish bones from slices of fish.

Each labourer is expected to debone 8 trays of Saba per day (one tray is equal to 24 half-pieces of fish). Jam says the work is hard and she has not yet managed to meet the 8 tray requirement. Jam also says labourers who do not meet this daily requirement are sometimes not allowed to go home until all 8 trays are completed. Additionally, Jam also works night shifts from 17:00 to 01:00. After a while, she finally decided to quit this job. Jam currently works at another seafood processing facility and stays with her aunt in Samut Sakhon province.

The case of Jam highlights a common violation of labour practices and laws, both local and international, relating to child labour including the employment of children under 15 years of age, and the business allow child labourers to work night shifts and enforce long overtime. Labourer health concerns are also an issues,

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49 See Labour Protection Act B.E.2541, Convention concerning Minimum Age for Admission to Employment No.138, and ILO Recommendation No. 146 concerning Minimum Age for Admission to Employment

50 See Labour Protection Act B.E. 2551, section 12, Labour Protection Act, section 47
as the fish or seafood products used in the production line must be kept at a certain temperature, exposing employees to very low temperatures. Some enterprises have been found to not supply their workers with any protection against the cold. Indeed, even some more general job requirements in businesses like the one Jam worked for, demand skills or equipment which are beyond child labourers’ capacity, do not provide labourers with safety gear.

Jam insists that there are many cases where migrant child labourers suffer child and labour right violation, but there is no attempt to file complaints or report the situation. Working and employment conditions are not aimed at protecting the rights of migrant child. The level of rights violation endured by migrant children working in seafood production facilities in Samut Sakhon is a very serious concern, especially when workers lack identification document or are not legally employed, as these workers are more vulnerable to situations of forced labour. The research team has received information about some cases where migrant child labourers, with no identification documents, were refused the pay they were entitled to. These migrants dared not file a complaint as they were afraid of being turned in to the police.

Many migrants do not know the proper complaint channels or the correct procedures for claiming rights. Registered workers may not recognize the function of identification document which entitles migrants to full rights and welfare services. A significant number of labourers included in this research do not have access to enough information on their rights and benefits.

It is clear that working conditions for migrant child labours in this study should be improved. The government’s Children’s Act mentions the right to education for every child, regardless of nationality. To illustrate, the law requires that children be provided with thorough and equal rights and given access to 12 years of basic education which terminates when children turn 15 years, the minimum age that they are allowed to perform some jobs under appropriate working conditions. Therefore, child who are aged between 15 and 18 can be considered child labourers and need to be protected under labour laws.

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51 Prepared/ ready seafood products are made for responding to the demand for convenience of customers and for adding value to the products. Meanwhile, the products are made by migrant child labourers in the same working conditions including wage, welfare, working hours, shifts and job characteristics as adults.

52 Most migrant labourers who lack identification documents immigrate into Thailand illegally. They are considered extremely vulnerable to labour right violation and are probably forced to work too long or halt payment.

53 The Labour Rights Promotion Network Foundation (LPN) acts as a channel for migrant’s complaints and concerns by setting up the Labour Center for giving labour and legal advice, and also works to protect and uphold migrants’ rights and entitlements.

54 The term minor labourers or youth labourers in this research refer to Myanmar children who work within shrimp and seafood processing industry as well as other kinds of business. Although their ages could range from 15 to 18 years, they usually state
Contextualising the Issues

One significant characteristic of the fishing and seafood processing industry is that factories and facilities need to be highly productive in order to keep up with the massive global demand for seafood products, the enormous pressure to produce, in order to sustain Thailand’s profitable export markets. This has had detrimental implications for workplace condition in processing factories. Wages are unregulated, and workers are continuously exploited and forced to work long hours in unhealthy and unsafe environments.

In 2014, the LPN research team counted 619 registered seafood processing enterprises scattered around the six sub-districts of Samut Sakhon province. It is thought that 65 of these concentrate only on shrimp processing, and hire up to 13,483 labourers. This number, however, is relatively small when one considers the estimated number of unregistered enterprises also operating in the area. These unofficial businesses hire significant numbers of migrant labourers, and are actually considered the primary source of employment for many foreign workers, including migrant children between 15 and 18 years of age. It is often found that children without proper identification documents enter into employment in unregistered factories and unofficial businesses through a network of brokers and subcontractors.

In order for migrants to comply with government policies related to foreign workers, individuals must undergo a ‘nationality verification process’ before they can be granted a work permit. This can be a lengthy and complicated procedure, and migrants often experience long delays in receiving their permits. Such bureaucratic difficulties can discourage people from registering themselves and their families through official mechanisms.

Last July, Thailand set up a number of one-stop registration service centres for migrant workers, which granted identification documents to migrant labourers and their dependants. This approach enables Thai authorities to keep detailed records of registered migrant workers, whilst also granting migrants the appropriate documents to apply for work at officially registered businesses. For some migrant families, however, this system has failed to be of use, as their originally unregistered status technically classifies them as illegal immigrants, and the Thai authorities have no record of their verified nationality on the national database. Migrant children who migrate into Thailand during the period choose not to wait for official that they turn 18 years old. As some children physical characteristics are not in line with the ages they state, research team try to ask their families about their children’s age, birthday and how long they have immigrated into Thailand. The researchers also keep in mind that unlike westerners, Myanmar children already turn 18 upon their 17th birthday. (Myanmar National Committee on the Rights of the Child. Child Protection Research Project., Migrant Children and Inferiority in Other Countries: the Situation of Myanmar Children in Maesod District, Thailand. (Tak: Child Protection Research Project, Myanmar National Committee on the Rights of the Child, 2011, 17)
verification, and are recruited to join Thailand’s ‘unregistered workforce’. For many migrants, this appears to be a relatively good option, as work aboard a fishing boat, or in a processing factory, is generally regarded as good, honest work. The reality, however, is often very different.

Overall, there can be little doubt that the situation of child labour in the fishing and seafood processing industry is a serious one. It should be acknowledged that some aspects of the issue have improved in recent years. Thailand’s previous government managed to establish an official minimum wage in 2013, set at 300 baht a day. This step towards better regulation of employment and working conditions prompted a large surge in labour migration from neighbouring Myanmar, Cambodia, and Laos, and many were drawn to the fishing and seafood processing industry. With so many labourers entering the workforce, problems of child exploitation and child labour have become more pronounced, which in turn has encouraged concerned agencies to do more to address the issue.

Thailand’s fishing industry has been put under significant pressure to improve its employment standards and address issues of human rights abuse, labour exploitation, child labour use, and cases of forced labour and slavery. The conducted field surveys demonstrate that all parties involved in the management of fisheries and seafood processing, such as employers, adult labourers, and migrant child labourers, are reluctant to acknowledge the detrimental effect child labouring can have on the livelihoods and general wellbeing of children. Some even deny the existence of child labour altogether. However, the LPN research team was able to gain the trust of several key respondents during this project, and their testimonies and shared experiences reveal that some enterprises actually specifically recruit migrant children.
A Report on Migrant Children & Child Labourers in Thailand's Fishing and Seafood Processing Industry
II. The Life of Migrant Child Labourers in Samut Sakhon’s Seafood Industry

Among all of conditions which drive migrant labourers to migrate from the neighbouring countries to Samut Sakhon is the cycle-like process involving children, family, and social networks of migrant workers. Migrant children follow their family and their relatives or cross the borders with the help of brokers and head towards industrial hubs to seek job opportunities. Motivations for entering the workforce at a young age are usually concerned with family matters. Most of the child labourer samples in this research made the decision to work in order to sustain their family, contribute to the family’s savings, and help pay off debt and other expenses.

Some children follow their parents to fill in for absent workers. Some become labourers as they do not have a chance to study. Migrant families consider working as simply the way to pay gratitude to their parents, support their family, and fulfil their family’s expectations. The cultural context cannot be ignored here. Relatives have a great influence on the livelihoods of migrant children, equal to that of the environment and economic factors. In one interview a migrant child revealed that he travelled to Mahachai sub-district because his sister asks him to. His sister was working and saving money to sustain their family in their homeland.

The migrant children whose parents and siblings already work within the fisheries and processing sector tend to follow their family members into this type of job. Parents may also encourage their child to work so they can earn extra income to support the family unit. Parents’ occupation, thus, is a key factor in issues of migrant child labour. Adult migrant labourers may choose to stop working in seafood processing industry if their eldest child is mature enough to carry on for them. If they view that their child is not mature enough for performing some tasks, they will continue working. If migrant workers have financial security and their children have grown up, they are likely to stop labouring. Moreover, migrant parents’ attitude is a significant factor which can determine the age their children enter the workforce. To sustain the family, most migrant child labourers choose to replace their parents in the workforce.

Social and community networks play a major role in connecting migrant labourers with relatives, friends and employers. Many rely on their social network as a key source of information, which they may consult before deciding to work in Thailand or take up a job at a specific place. The research carried out by LPN reveals that some migrant workers have been employed in an industrial plant since the age of 14 with the help of insiders. They might be familiar with the facility’s human resource officers or foreman. Social networks also help facilitate a migrant family’s living arrangements.

Migrating agents are considered particularly important in this social network, as they can help transport labourers from villages and communities, to job placements in Thailand. They can also assist them in going
through identification and registration procedures, and submitting job applications. These agents are an essential element which enables the cycle of labour migration to Samut Sakhon to continue. In this sense, agents and broker are also the mechanisms sustaining the seafood processing industry, which is essential for Thailand’s economic structure.
Chapter 5
Desirable Practices and Policies to assist Migrant Labourers in the Seafood Industry

This chapter discusses the perspectives of various individual and official stakeholders on Thailand’s manufacturing sector and seafood industry. The objective is to examine the phenomenon of migrant children within the context of these industries. Moreover, this chapter proposes guidelines for practices and policies that could assist migrant workers employed in Samut Sakhon’s fishing and seafood processing industry. The proposed guidelines include measures for youth labourers aged between 15 and 18 years, and who are considered legitimate labourers according to the Labour Protection Act AD 1998. The guidelines were developed through consecutive interviews held with key stakeholders and research groups. The stakeholders in question include the parents of migrant children, teachers working in both state and informal education, government officials concerned with welfare and labour protection in Samut Sakhon, representatives from the Department of Employment, Thailand’s business sector, and from civil society organization such as Labour Rights Promotion Network Foundation (LPN).

I. Perspectives on the Current Situation involving Migrant Children

The phenomenon of child labour, particularly in Thailand’s fishing and seafood industry, has been rising in significance and scale since the late 1990s, when migrant child labour began to be used to fill gaps left by a shortage of willing Thai labourers. According to Ms. Dawan Khonthong, a prominent member of LPN’s staff, in the past, unregulated and forced child labour in fishing and seafood sectors was notably more pronounced. Khonthong adds that, since international governments and organisations have applied pressure to Thailand’s industries, there has been significant improvement in migrant child welfare and labour practices. Thailand’s own government sector and civil society organisations have made attempts to develop more concrete policies on employment aimed at decreasing the number of child labourers, however, these have been largely ineffective. Mr. Prasarn Sarawong, a local educator and school principal, believes the number of child labourers has actually seen a recent increase.

56 Dawan Khonthong, LPN staff, Interview 27 March 2015.
57 Prasarn Sarawong, principal of Wat Srisutharam School, Samut Sakhon, Interview 1 March 2015.
LPN’s research findings indicate that there are child labourers working in the fishing sector and related industries, particularly in primary processing factories (Lhongs). However, most are already experienced labourers, and some appear very adult in appearance (i.e. height, face, strength) and some carry documents with a forged age. Migrant youth labourers have also been found to work longer hours than is allowed under the Labour Protection Act (1998), with some working from 10 p.m. to 6 a.m., or working overtime. Their incomes are often subjected to deductions to repay broker’s fees or job application fees. Youth labourers are also likely to display behavioural issues, such as drug addiction, underage sexual activity, and teenage pregnancy, all of which can cause social and family related problems. This chapter will discuss separate viewpoints from parents, teachers, government officials, business sector representatives and civil society groups to get a broad sense of migrant child labour issues.

○ Parents

Through interviews conducted with parents of the migrant child labourers, LPN found that most parents would like their children to work, particularly when their child has reached legal working age (15 years and up). Some of them depend on the willingness of their children to go to work for their family.  

Migrant families are keen for their children to work mainly for the following reasons,

- Secure finances will eventually allow the family to repatriate (land purchase and house construction).
- The family may have large debts incurred during the child’s upbringing (e.g. education costs, ordaining ceremonies, naming ceremonies, etc.).
- The family may have relatives in Myanmar who need help to pay for medical care.
- The family has to provide for very young children or members who cannot work. In some cases, children as young as 10 years old have had to enter the workforce because their parents chose to retire. The family’s cultural tradition dictates that children need to work to show gratitude to their parents.
- Some parents choose to bring their children to work with them, as there is no one at home to supervise them during the day and the children are not enrolled in schools.

○ Teachers

Teachers from schools attended by migrant children argue that the number of child labourers has decreased after employers and businesses received more information on child rights. However, local educators also state that almost every migrant child has either dropped or cut back on their primary education because they need to attend to family responsibilities. Some children are only enrolled until they can find work.

The children immigrating (to Thailand) with their parents are mostly young adults. This means we can see 17-year-old children studying in P.3 (grade 3), or 14-year-old children studying in P.2

58 Migrant parent, Interview 2 March 2015.
(grade 2). These children enter into school while they are waiting for their job. When they learn enough Thai language (to get by in the workforce), they go to work with their parents…

Migrant children between 15 and 18 years old can work legally, but those under 15 are regarded as illegal child labourers according to Article 44 in the Labour Protection Act (Council of the State, 1998). Children who lack certain knowledge and practical skills have little to no opportunity to seek better employment. For the teachers interviewed, this is why education is such a critical tool for migrant children, because it gives them choice and agency to find safe, regulated employment.

○ Government Representatives

● Child Labour Situation

Currently, there does not appear to be any cases of forced child labour in Samut Sakhon’s fishing and seafood industry. However, the large proportions of young migrants employed in poorly regulated enterprises is still concerning and it is important for government agencies to address child labour issues. For government officials tasked with issuing work permits for migrant youth aged between 15 and 18, working conditions endured by employed youth is a matter for the employer and the labourer themselves. One government official said,

The number of entrepreneurs who employ youth labourers has dropped. It is the intention of the labourer and their family... Some children aged between 15 to 18 years old have the physical appearance of an adult and are ready to enter into workforce.

To explain the child labour phenomenon, government officials pointed to the presence of a labour shortage in Thailand, and the fact that the government has set no limit for migrant labour numbers. The fishing industry is hugely affected by this labour shortage, since Thai people are not willing to do these kinds of jobs. These are jobs that cannot easily be done by machines, and require large amounts of human capital. All these factors contribute to the heavy emphasis on recruitment of migrant labourers.

● Youth Labour Employment

Migrant youth labourers aged between 15 to 18 years can be divided into 2 categories; (1) youth labourers who come to Thailand with their relatives and receive no education in Thailand, and (2) youth labourers who were born in Thailand and received some basic education. The former group is significantly larger than the latter. Due to the massive demand for labour in Thailand’s manufacturing sector, the Royal Thai Government

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59 Prasarn Sarawong, principal of Wat Srisutharam School, Interview 1 March 2015.
60 Narongwit Seeharat, teacher at the Foundation for Rural Youth Education Centre, Interview 22 February 2015.
A Report on Migrant Children & Child Labourers in Thailand’s Fishing and Seafood Processing Industry

implements a ‘soft’ policy for dealing with migrant workers who enter or work in Thailand illegally. The government allows migrants to go through the registration process and obtain legal status following a verification of their nationality and the submission of a work permit request. This soft policy has led to an increasing number of illegal crossings along the Thai – Myanmar border. However, youth labourers have to indicate their wish to work in Thailand with the Office of Labour Protection and Welfare, and provide details on their working conditions and wage. According to Article 45 of the Labour Protection Act (1998) and other child rights protection laws, their requests should be submitted to the Department of Employment in order to issue them with a work permit.

When used in official laws, the term “youth” is used for those between 15 and 18 years old. However, some labour laws still describe under 18 year olds as “children” which can exclude them from particular types of jobs depending on working hours, health condition, working environment and job security. In some cases, the Office of Labour Protection does not allow a youth to work. Failure to register as a youth labourer can result in a one month prison sentence and a 2,000 baht fine.

- **Labour Discrimination**
  The Office of Labour Protection and Welfare in Samut Sakhon indicates that there are no known cases of forced child labour or slavery of migrant youth, though they acknowledge that this has been a problem in the past. The Office is, however, familiar with cases concerning inequitable wages and other bad labour practice, such as arbitrary firing, irregular hours, and failure to make wage payment. The Office of Labour Protection and Welfare needs to have functional mechanisms set up to address issues concerning youth labour rights.

- **Migrants Registered under a False Age**
  The Office of Labour Protection and Welfare points out that the government sector, particularly the Interior Ministry, needs to use evidence from their register to properly determine the age of migrant youth applying for work permits. When children whose physical appearance is not in accordance with their age indicated in the register documents, it is necessary to ask the original affiliation, such as Identification Section of Ministry of Interior. If willing, the migrant may have to undergo medical tests aimed at determining their true age. The Office of Labour Protection and Welfare sees this as a complicated problem with a large margin of error, verification can be easily forged.

- **Risks Involved with Child Labour**
  From the government’s perspective, it is risky to push children into the workforce. Firstly, the family needs to take care to ensure all members are not exposed to risky situations, such as an unregulated workforce. All
stakeholders, including families and employers, need to follow the rules and regulations set by the
government.

Those employers who intentionally recruit children who are registered under a false age should be
punished. However, I think that using regulations is not the correct way to solve this problem. What
we need to do is to protect these children so they don’t get involved in the employment system.
And this must start with the family and community in which they live.61

Another risk is that when children are residing in Thailand illegally, they can actually become stateless, and
their parents may be afraid to send them to school. These cases would likely lead to employment in a poorly
regulated enterprise.

- Business Sector Representatives

Similar to the government sector, business entrepreneurs believe that child labour is no longer such a serious
issue. They acknowledge that primary processing factories (Lhongs) and small fish ports may not have the
high standards of labour management, employee welfare, working environment conditions, or sanitary
knowledge.

One business representative who runs a shrimp processing factory indicates that the more shrimps arrive, the
more labourers are needed. Therefore, youth labourers are employed legally, and factories follow the Good
Labour Practice (GLP) as set out by the ILO in collaboration with the Department of Fisheries and
Department of Labour Protection and Welfare. Nowadays, the seafood processing sector is apparently
starting to lay off younger labourers and hire over 18 year olds instead.

- Civil Society Groups

- Current Situation facing Labourers in Seafood Processing Industries

The key distinction between child and adult labourers is that children are not as physically mature as adults,
and long working hours, heavy lifting, working with chemicals or on board fishing boats can all be dangerous
for the physical health of young workers. An illegal child labourer is any worker under the age of 15. Anyone
who hires an under 15 years old is subject to penalties under Thai law. Regardless of classification, all
migrant child labourers are vulnerable to exploitation, forced labour and human trafficking.

Over the years, more than 250,000 migrant labourers have been registered as living and working in Samut
Sakhon. This number includes an estimated 10,000 registered migrant child labourers. When the one-stop

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61 Kasem Suthirak, former acting chief of Samut Sakhon Provincial Employment Office and chief of Srakaew Provincial
registration service was first established, labourers were required to have a work permit and two other pieces of identification. However, the Royal Thai Government now encourages migrant workers to register for a nationality verification and temporary passport.

In 2010, a report by the United States Department of Labour revealed that there were a large number of child labourers in Thailand’s shrimp and food processing industries and export manufacturing sector. Surveys conducted by LPN confirm the presence of child labourers in these industries in Samut Sakhon. Primary processing factories are the most likely to employ children. Migrants working in these factories rarely receive an education. Some of the children see the factories as a safe environment, as no one except other staff is allowed to enter. Researchers found workers between 8 and 12 years old working in these processing plants.

Since the U.S. report in 2010, many more international organisations have been getting involved with Thailand’s child labour issues, and LPN has been contributing and working continuously in this field for the last 10 years. From 2008 to 2010, some shrimp processing plants were accused of forcing migrant children to work in their factories. Some of the factory owners were suspected of being involved in human trafficking operations. However, when the Thai government’s Anti-trafficking in Persons Act BE 2551 was put into practice, both migrant adults and children received more inclusive protection.

The average age of migrant youth who register through the Provincial Office of Labour Protection and Welfare is quite low. For civil society groups, this suggests that youth are being pressured by employers to register with a falsified age, and the migrant child picks a low age in an effort to avoid raising suspicion. Also, when youth labourers enter the workforce they often lose interest in their studies. They begin to have different lifestyles and get used to their work routine. As a result, they may find it difficult to break out of their routine. Both these phenomenon can have negative repercussions for migrant youth later in life.

The Good Labour Practices program, initiated by the International Labour Organisation in collaboration with Thailand’s Ministry of Labour, puts forward guidelines aimed at preventing child labour, forced labour, and human trafficking. All factories and business need to take steps towards implementing all the Good Labour Practices specified in the guidelines.

- Current Information on Working Conditions

Many migrant child labourers in Samut Sakhon claim to be aged 18 or over. But when LPN’s research team started to interview and question individuals, most turned out to be aged between 16 and 17. LPN interviewed the youth labourers about conditions in their workplace in an attempt to ascertain whether their employers provided education, training, safety equipment, as well as what kinds of work they were expected to do. Most of the youth interviewed has stopped attending school, but they still had good Thai language skills which
helped some of them secure better jobs than usual, working as clerks, quality control officers, and stock take managers. Many others, however, were less fortunate and worked on manufacturing lines, where the work is especially hard and arduous.

- **Common Risks Migrant Youth Labourers (15 – 18 years old)**

Out of all surveyed migrant youth aged 15 to 18, most were born in Thailand and have the skills and knowledge to adapt and integrate into the Thai workforce relatively easily. This group had the opportunity to choose from a range of workplaces, comparing wage, provided welfare, and other benefits to select the best possible option. Some of these migrant youth are able to progress from food processing jobs to careers in electronics and furniture manufacturing.

The biggest risk facing this group is the susceptibility to substance addiction, behavioural issues, or other vices. Most of the young people surveyed identified themselves as members of a ‘gang.’ This is likely just a close group of friends with shared experiences of being from migrant families and starting work at a young age. But it could also lead to drug and alcohol abuse. Also, their lack of formal education puts limitations on their future progress. If for whatever reason they become unable to work in manufacturing, it may become very difficult to find other sources of income. As a result, there should be preliminary observatory on the situation of child migrant labourers. In case of noticing any inappropriate behaviour, the activities should be arranged as tools for improving child behavior and efforts to create readiness for protecting and safeguarding these minors.

II. **Recommendation of the Good Labour Practices Aimed at Protecting Migrant Labourers of Shrimp and Seafood Processing Industry**

- **Proposals for a pathway leading to better education for migrant children**

- **Mandatory completion of basic schooling for migrant youth**

All civil society groups working on migrant child labour issues have agreed that setting up a mandatory schooling system for migrant children would be extremely beneficial. Organisations believe that this would be one way of preventing children from entering the workforce at an inappropriate age. Government and business sectors should cooperate with communities in order to support education initiatives.
A Report on Migrant Children & Child Labourers in Thailand’s Fishing and Seafood Processing Industry

Good Practices for Migrant Children and Child Labourers

Case Study: Basic Education Management for Migrant Children in Samut Sakhon

The Project on “Child Labour Prevention Studies” or Education is the Right Respond to Child Labour which selects Samut Sakhon as its model city was launched in 2005. The key objective is to promote and help migrant children gain access to basic education as well as study together with Thai students. The project officers have designed the co-learning process and promote public education for migrant children who are vulnerable to “child labour” when brought along to their parents’ workplace. The project leads to “pilot schools and extended schools.” In Muang district, Samut Sakhon, there are five pilot schools including Sirimongkhol School, Wat Srisutharam School (Wat Kamphra School), Luang Pat Kosol Uppatham School and Wat Koh School.

In 2013 there were approximately 1,932 migrant children gaining access to public education system in Samut Sakhon. Among them 1,214 are Myanmar children, 49 are Laotians, 9 are Cambodians and 633 are stateless children who belong to various ethnic groups such as hmong, akha, wa, palong. Although only a part of migrant children could gain access to education at certain level, they are considered a small number when compared with the total population of migrant children. In other words, there are a significant number of migrant children in Thailand lacking access to education. The project for migrant children’s education has cooperated with various sectors especially business sector including Thai frozen food association (TFFA) and Thai Union Frozen Products Public Company Limited.

Cooperation with Thai Frozen Food Association (TFFA)

In 2009 Thai Frozen Food Association supported the activities of Labour Rights Promotion Network Foundation (LPN) where migrant children are provided with pre-elementary classes at learning centre. Meanwhile TFFA also cooperated with Wat Srisutharam School (Wat Kamphra), the public school that offers educational opportunities to migrant children. TFFA supplied LPN with two teachers and provide Wat Srisutharam School with two teachers as well as granted 100 migrant students with scholarship at 1,000 baht per each.

In 2010 TFFA donated 500 uniforms to migrant students at Wat Srisutharam School, Luang Pat Kosol Uppatham School and Wat Koh School.
Cooperation with Thai Union Frozen Products Public Company Limited (TUF)

In 2013 Thai Union Frozen Products Public Company Limited realized the importance of hygienic conditions, sanitation and safety of migrant children who had followed their parents into Thailand and migrant children who were born in Thailand. The enterprise views that education is really significant to migrant children as it could lead them to fundamental rights and peaceful living in Thai society.

Thus, the company launched pilot projects which provided migrant children with pre-elementary classes so that they would develop necessary skills before entering Thai educational system. The five-year projects were designed to benefit children and to promote peaceful living in Thailand. These projects which raise total 1,800,000 THB on their platforms are as follows:

- The Project on Thai Education Preparation for Migrant Children
- TUF CARE Center
- Thai language and basic knowledge preparation for migrant children

The obstacles derive from children’s parents, their relatives and departments of local administration, who adhere to policies that obstruct migrant children from education due to their non-Thai status. In addition, problems arise from the lack of understanding of systematical integration among social security offices, labour management units, educational service and health right offices. Co-learning management therefore is developed for bridging the education gap between Thai and migrant children in Samut Sakhon. The pilot project aims to expand into the adjacent areas and other provinces where there are migrant children.

- **Informal education**

Informal education programs can offer migrant children the flexibility and extra care they need to boost their knowledge and understanding on a range of important topics, from living in Thailand to migrant law and labour rights. There are currently several informal education centres in Samut Sakhon sponsored by the Department of Informal Education and supported by civil society groups, such as LPN. They have proven very effective in reaching and connecting with Samut Sakhon’s young migrant population.
A Report on Migrant Children & Child Labourers in Thailand's Fishing and Seafood Processing Industry

Case Study: Local Workplace Supporting Education for Child Labourers

One particular factory in Samut Sakhon, which prepared and processed shrimp products for export, actively supported education programs for migrant child labourers. The workplace made a considerable effort to help migrant children employees to enhance their reading, writing and communication skills so some were able to work as clerks, managers, and quality inspection officers. These jobs offer secure employment, regular hours and a fixed wage of 300 baht per day. The employers at this factory saw that education was not only beneficial for the labourers, but also brought significant benefits to the workplace, as migrant youth were more at ease and had a greater understanding of the environment around them.

Mr. Gaochan is 17 years old. He started working three years ago, at the age of 14, in order to help his parents. He was able to complete grade 4 at Watsrisutaram School and he can read, write and speak Thai language well. This language skill meant his employer promoted him to a clerk position, giving him a stable wage and regular hours. Every Sunday, when the factory is closed, Gaochan will take the bus to the informal education centre where he has continued to learn, despite his demanding job. He is now studying at the middle school level and aims to complete a bachelor degree. Gaochan says,

*Because my boss saw that I am enthusiastic student and that I can write and read, he wanted to see my future be even better so I would not have to stand all day peeling shrimp… I think that studying at the informal education centre is a huge advantage for getting a better career. I will study here until my bachelor degree. If I get the degree I can use it to find jobs in Myanmar also. It is my dream… to study as high as I wish. I'd love to study until I get a bachelor degree and would love to be a singer.*

*If we want them (child labourers) to have a better future we need to provide them (with) education. If they never have this opportunity, then they will stay peeling shrimp for a long time… They may never go back to Myanmar… it is not easy. Because standing and peeling shrimp shells is extremely exhausted and you get paid just a little… it would be even harder for those children who have physical problems.*

*If I get a bachelor in Thailand, I could bring this degree back to Myanmar in order to find a career and it does not matter if the certificate is in a different language. I think I could be an interpreter, because recently many Thai (people) go to Myanmar for working, If I can be an interpreter then I think I would probably get paid quite well.*

Gaochan 17 years old
- **Technical school**
  Representatives from the business sector expressed concerns that establishing a mandatory education system for migrant children may not specifically address the fundamental issues, particularly when children have a very powerful desire to join the workforce. An alternative option is to enhance cooperative social responsibility (CSR) and promote the need for more professional training to assist migrant youth gain important skills for their futures.

- **Parent Information Seminars**
  Representatives from the government sector put forward a recommendation for parent seminars, which would provide information on children’s rights, labour law, migration law, and working conditions in factories, among other things. The seminars should emphasise the damage that can be caused by violating children’s rights in order to help parents realise the extent and serious nature of child exploitation and the risks involved in allowing their children to work in factories. Healthcare should also be promoted, as parents may not be aware of the danger of some chemicals which are commonly encountered in food processing facilities but which can also cause serious harm to young children (i.e. chlorine).

- **Leadership development**
  Civil society groups have suggested that more could be done to develop leadership skills among migrant youth groups in Samut Sakhon, thereby encouraging self-development and enhancing their social skills. Through leadership building activities, games, and sports migrant children can gain important pieces of knowledge which they can then spread within their communities and families. The development of leadership-focused programs could be another mechanism to help disseminate information about human rights, the importance of education, healthcare, and child rights. A lack of knowledge in these crucial areas will only exacerbate the current child labour situation in Samut Sakhon.

- **Regular inspections**
  Both private and public sectors have urged the government to introduce mechanisms for monitoring and inspecting the standards in the manufacturing industry, which would apply to every level of business, from the small to the very large. Government bodies can use laws to enforce these mechanisms. It is recommended that manufacturing facilities be inspected more than once a year. This will give the owners incentives to legitimise their operations.
○ Improve working conditions and workplace sanitation

Improving the working conditions and workplace sanitation of factories will increase the quality of products and employee safety. Clean areas, a sufficient number of restrooms, provision of lockers for employees, and running water can go a long way in making workplaces safer, healthier, and more productive.

Basic infrastructural improvements will help labourers in all areas of their working life. For the seafood processing sector, some labourers have to stand in wet areas all day and this can spread disease and make surfaces dangerously slippery. A renovation to the water pipes around the factory should solve these problems and create a much better working environment.

The provision of appropriate infrastructure would also include the establishment of services for workers’ children who are too young to attend school. All employers consulted for this research project have agreed to collaborate with government sectors in order to provide the communal areas and nurseries in the vicinity of their workplaces.

○ Recommendations & Inter-agency Coordination

LPN believes that the Thai government should be the key mechanism in solving issues of child labour. It should construct policies for the protection and safeguarding of migrant children and their rights. In the past, external bodies, international governments and ministries have given a lot of assistance to Thailand in trying to combat child labour and exploitation. External forces are hugely influential. In fact, if the Thai government was not being constantly reminded of these issues by the United States and other countries, it would be in danger of forgetting about them all together. Between the years 2009 - 2010 several international organisations and related NGOs tried to impress upon the Thai government the serious nature of labour rights protection and child labour issues, yet Thai officials did not appear to take the issues any more seriously than before increased international intervention.

○ Recommendation for government sector: collaboration among stakeholders and strategies for building migrant children’s right protection mechanisms

LPN believes that the Thai government should be the key mechanism in solving issues of child labour. It should construct policies for the protection and safeguarding of migrant children and their rights. In the past, external bodies, international governments and ministries have given a lot of assistance to Thailand in trying to combat child labour and exploitation. External forces are hugely influential. In fact, if the Thai government was not being constantly reminded of these issues by the United States and other countries, it would be in danger of forgetting about them all together. Between the years 2009 - 2010 several international organisations and
related NGOs tried to impress upon the Thai government the serious nature of labour rights protection and child labour issues, yet Thai officials did not appear to take the issues any more seriously than before increased international intervention.

In 2013 and 2014, efforts to combat child labour issues were spearheaded by international organisations and NGOs. The Labour Rights Promotion Network Foundation in turn attempted to promote these as national and regional issues which affect all of Thailand and her neighbours. Particular emphasis was placed on the problems child labour presents for the Thai economy. Promoting knowledge and understanding of Samut Sakhon province has been moderately success, and some business representatives have joined to help eliminate the issue. Now, however, it is crucial that the Thai government step up and take responsibility for these debilitating humanitarian issues.

Thailand’s civil society groups are calling on the Thai government to push for effective solutions to issues of chronic labour rights abuse and child rights abuse, particularly as Thailand is one of the world’s largest seafood exporters and has a duty to respect international laws prohibiting the using of child labour.

- The action plan for child labour reduction and social protection of vulnerable migrant children in host and destination countries consists of three following approaches:
  1. Promoting all forms of education to migrant children
  2. Establishing social protection system at all levels
  3. Promoting cooperation among governmental, private, civil society and local sectors including volunteer network for child protection.

Short term plan
- Observe living conditions of migrant children in host and destination countries as well as study their real needs In accordance with age classification:
  - 0-4 years
  - 6-12 years
  - 13-17 years
  - 18-25 years
  - 26 years or higher
- Create database of migrant children and their family in the target areas
- Launch mobile units to publicize and promote education to migrant children and their families
A Report on Migrant Children & Child Labourers in Thailand’s Fishing and Seafood Processing Industry

- Design activities which meet conditions and demands from migrant children

**Medium term action**

- Provide safe areas for children such as drop-in centres for assisting and protecting migrant children in the area and migrant children in trouble

- Conduct meetings among interdisciplinary team and relevant organizations for children’s case management

- Raise awareness child care and protection among parents, communities and local people

- Conduct meetings with task network in host and destination countries in order to share information on the subject of migrant children who are vulnerable and in trouble as well as to provide them with appropriate protection

**Long term plan**

- Build social protection mechanisms in host and destination countries through task networks of governmental, civil society, and non-governmental organizations to help vulnerable migrant children and promote migrant child protection

- Push forward policies which lead to local administration action plans including indiscriminate protection of migrant children (pilot project)

- Raise awareness of child protection among ASEAN community
Chapter 6
Conclusion

This report intended to highlight the current issues of child labour in Thailand’s fishing and seafood industry, focusing especially on cases from Samut Sakhon province. The research contained in the previous chapters consisted of information and data collected from migrant children living in Samut Sakhon. The report demonstrates a wide usage of different research tools and method with the central aim being to expose and examine the significant issues encountered by migrant children and child labourers in the seafood processing industry. These are important issues with grave, far-reaching implications, particularly for the children themselves, but also for their parents, their communities, and Thailand as a nation.

I. Key Factors & Findings

The report’s findings are divided into two main parts; the first concerns migrant child issues in Samut Sakhon, and the second discusses working dynamics within the province’s seafood processing industry. All findings reflect the process of being migrant children and child labourers as well as environment, working conditions and the phenomenon of migrant children in shrimp and seafood processing industry and a range of business in Muang District, Samut Sakhon.

1. The Situation of migrant children in Muang District, Samut Sakhon Province

In an effort to present a concise summary of the report’s findings, this section focuses on major migrant child issues in Samut Sakhon. All findings reflect the difficulties associated with being a migrant child or labourer in Samut Sakhon. Surveys carried out with a sample of migrant children in Samut Sakhon province indicate that the majority of migrant children do not hold any identification or official documents, perhaps because their parents keep their documentation without the child’s knowledge. But, a significant number of migrant dependents might never undergo the registration process, despite some being born in Thailand or immigrating to the kingdom at a young age.

Figures also indicate that nearly all migrant children are under the age of 15, meaning they should still have access to national primary school education. Half of the samples were receiving education in their home country before coming to Thailand. Migrant children whose parents are working in seafood processing
industry and/or have not had any access to the Thai education system (79.3%) are the most at risk of entering the workforce at a young age. Some form of education or practical and vocational skills training reduces the child’s susceptibility to situations of labour exploitation significantly, as knowledge and training can open up many more opportunities for young people.

Comparing the ages of migrant children with those of migrant child labourers shows that 97% of migrant children are under 15 years old, where as 65% of migrant child labourers are aged 15 to 18 years. Most children in the latter group have had to quit school due to their demanding work schedule. One concern is that these children may find it difficult to re-enter the education system if they ever want to pick up where they left off.

The report has found that migrant children living in Samut Sakhon usually start working when they turn 15. Most child labourers in this report have been employed for somewhere between 1 and 2 years, and over 75% of them got their first job in seafood processing factories after following their parents or working in the school holidays. Up to 69% of the sample group are still working in seafood processing. Their jobs include shelling, washing, and preparing seafood, producing frozen food products and canned food, and lifting, loading and unloading stock.

The children surveyed say they work 9 ½ hours a day, 6 days a week on average, not including long overtime periods. These conditions contradict child protection laws, but migrant child labourers are persuaded to work longer overtime for the extra pay. Some migrant children work under subcontractors in primary processing plants, or peeling sheds, and they are expected to work 11 hours a day, from dawn until dusk. Overall, there appears to be no difference between conditions endured by child or adult labourers. Both are subjected to the same employment terms and working environments, and expected to do the same tasks.

Key motivations for entering the workforce revolve around family responsibility and the need to pay off various debts migrant incur whilst making their way from Myanmar to Thailand. Traditional values and family culture play a big role here. Concepts of family duty have been instilled in children from a young age and working to support their family unit seems only natural. The environment in which migrant children live is also a major factor. Samut Sakhon is a huge industrial hub and there are job opportunities everywhere. Also, a lot of residential areas are in close vicinity to factories and other workplaces, making it all too easy for children to join the workforce whenever they feel the need to.
2. The Working Dynamics of the Seafood Processing Industry in Samut Sakhon

In addition to identifying migrant child labour issues, this report is also concerned with highlighting the dynamics of the fishing and seafood processing industry in Samut Sakhon province. The detail of seafood processing enterprises in the research area be revealed include information on immigration, labour process and social network of migrant labourers which link together as a cycle as well as concerns over migrant child labourers in seafood processing industry. Apart from foreign children who were born in Thailand, the migrant child labourers in the research area had immigrated into Thailand between 2000 and 2004. Migrant children usually cross the borders with their parents and relatives. However, it appears that some migrant child labourers travel alone or accompany their friends. Migrant labourers and their dependents mostly enter Thailand with the help of broker who charge them in advance or deduct brokerage fee from their wage later or collect fee via the third party. Even though brokers are essential for the labour process of some migrant children, the element of social network which obviously influences the decision to work and choosing a workplace is families of migrant workers. Like economic and environment dimensions, socio-cultural and gender dimensions of migrant workers are not only influential to the way of life of migrant children who try to fulfill the expectations of their family members but also push for the decision to work as migrant children view that it is an approach for paying gratitude to their parents.

It is often found that children with or without proper identification documents enter into employment in unregistered factories and unofficial businesses. Although they are illegal labourers, these children choose to become labourers, aiming to replace their parents’ workforce and sustain their family. However, these migrant child labourers have to encounter working and employment conditions as well as the situation where they have to accept a range of values, customs and traditions which could bar migrant child labourers from the access to child and labour protection including safeguarding. The first concern here is how family context encourages migrant children to performing jobs chosen for them. Many children are likely to start working after following their parents or their sibling to workplace. For migrant labourers who are the eldest child, they cannot avoid becoming the main workforce for their family. The second concern is that in spite of available access to Thai education institutes, migrant children in Samut Sakhon cannot continue their studies until the highest level due to several factors. It is necessary to create understanding among migrant parents of the right to education for children, focusing on migrant children who are under 15. The sample of migrant child labourers who enter educational system and keep on studying at formal or non-formal institutes have accumulated knowledge, idea and experience which will yield fruitful results in their work and way of life in the future.
Finally, lingering on is another concern. Migrant child labours probably work within unregistered enterprises which fail the official inspection of environment, labour protection, and child labour. The industrial inspection is regarded as significant mechanism for eradicating unfair child employment and for probing failure to comply with laws. Nevertheless, informal enterprises and some unregistered firms which have never undergone strict investigation could be the place where migrant children perform tasks under inappropriate working conditions and employment conditions. In particular, there is a case that migrant children hold identification document presenting false age. As a result, the children are forced to work as hard as adult labourers under the working conditions or employment conditions which are inappropriate for children. In that case the issue of force labour should be taken into consideration. Working conditions and employment conditions which fail to protect and/or violate the rights of employees who have two statuses: children and labourers are a subject matter under the great concern.

Female migrant child labourers should be given special attention and protected from right violation in a range of contexts. Also, every migrant child labour should be informed of rights and welfare, they should have basic understanding of their rights and complaint channel in case of troubles such as unfair payment. Accordingly, all sectors concerned must promote understanding of rights and benefits thoroughly and approach the target groups, especially migrant children. This could be achieved by conducting training on rights, labour protection and labour relation for all migrant children before they start working as well as establishing consultant agencies for migrant labourers with interpreters. This reflects the working dynamics of the seafood processing industry and other types of business which should be investigated, inspected and implemented with efficient protection standards for migrant child labour.

II. Conclusion

Overall, this report indicates that relevant government agencies and organisations need to act fast in order to address issues of migrant child neglect and child labour in Samut Sakhon. New or reformed procedures should be implemented to protect vulnerable children, promote the benefits of education, and dissuade migrant children from entering the workforce. The key to safeguarding migrant children lies in education, training and skill development. Additionally, for those migrant youth who choose to labour for the sake of their family or to sustain themselves, working conditions and terms of employment needs to conform to child protection laws and international labour standards and the Good Labour Practices (GLP). Those working conditions identified as inappropriate for child labourers need to be improved for health, safety and general
quality of life of child labourers. Such improvements would also boost Thailand’s international reputation and facilitate better trading partnerships.

III. Recommendation

Recommendation for All Sectors

1. The authorities responsible for setting and implementing policies, and monitoring practices, need to have proactive views towards issues of migrant children and child labourers.

2. Organizations which play an essential role in providing services to migrant children need to have knowledge, understanding and awareness of laws and practices relating to child safeguarding.

3. Agencies working on issues associated with child migration must introduce child safeguarding systems and perform their duties at full capacity in order to benefit the children.

4. The situation of migrant children and child labourer must become a public issue as promotion and public attention can create widespread change. It is necessary to establish a task force to monitor the situation and set a budget for projects leading to effective change and improvement.

Policy Recommendation for the Royal Thai Government

1. Thailand should develop specific policy aimed at protecting underage migrant populations.

2. Thailand should introduce a registration system capable of indicating the legal status of migrant children. The system will enhance follow-up and monitoring practices aimed at protecting migrant populations. It will also help address issues of incorrect information, such as, name, age, nationality.

3. Official agencies should create a registration system especially for migrant children aged between 15 and 18 years, as many are not registered and Thailand has no record of them being in the country.

4. Foreign children who were born in Thailand should obtain registered certificates to ensure their rights are protected in the future, especially the right to education which is guaranteed by a 13-digit number certifying legal Thai residence status.

5. Thailand need to set the policy which conforms to every dimensions including granting legal status, protecting and guarding rights which migrant children and child labourers should indiscriminately
obtain. Migrant children must be considered the strategic centre of designating and putting policy into practice at all levels.

6. In cases where migrant children and child labourers suffer a violation of their rights, organisations need to offer the same standard of protection as they would to a Thai citizen. Governments sectors have to introduce mechanisms for supporting these kinds of operations, for example, by providing interpreters.

7. Official agencies need to play an active role in safeguarding all children and emphasising proactive methods in order to be aware of a range of child rights issues. Capacity building in areas of labour rights and law enforcement are particularly relevant.

8. The establishment of committees and subcommittees that have overlapping duties, complicated regulations and procedure make it very difficult to address urgent issues. It is essential that this pattern be adjusted to make sure official policy benefits the target group effectively and sustainably.

9. Official agencies, including departments of local administration, should create mechanisms to engage migrant children in discussions so that they can express their opinion in accordance with the 2003 Child Protection Act.

10. When examining the long term implication of Thailand migrant labour dependency it seems likely that the country to experience a significant labour shortage in the near future. As a consequence, if the Thai nation views migrant children as a potential workforce vital for Thailand’s economic stability and progress, rather than a problem to be fixed, perhaps some of the issues surrounding migrant labour rights would be more easily improved.

11. Official agencies should designate a specific approach for gaining access to information on migrant populations, including migrant children and child labourers aged between 15 and 18 years, who are currently mostly hidden from the registration system. Samut Sakhon’s migrant child population must be acknowledged and accepted in order to push forward education and skill development, and minor labourer protection in accordance with international labour standards.

12. Workplaces should be subjected to regular government inspection to ensure their health and safety procedures are satisfactory. If any workplace is found to have poorly working facilities or unsafe environments, immediate steps should be taken to fix them.
Recommendations for the Business Sector

1. Employers and enterprises need ensure they check the ages of their employees. If the age on a young person’s document looks suspicious, the matter should be reported to official agencies concerned. This is the responsibility of entrepreneurs who employ the labourers.

2. When enterprises employee migrant children aged between 15 and 18 years or youth labours, entrepreneurs and employers must provide appropriate conditions, job characteristics and working conditions in the enterprises.

3. The seafood processing business must abide by principles of good corporate governance in manufacturing products for local and international distribution. The production supply chain must undergo examinations at all levels of operation. Primary seafood processing factories should also launch their own investigations, independent of parent companies and other stakeholders. The investigation should be carried out in areas of public consumerism in order to create standardised, transparent industries.

4. Enterprises in this business sector should arrange activities and offer facilities to promote the livelihoods of migrant labourers and their family. This could translate into the provision of indirect welfare for migrant families. For example, the companies could offer scholarships to create a more positive image for businesses.

5. Fisheries business including shrimp and seafood processing industry at all levels should take social responsibility by promoting life quality of labourers who live in communities around the enterprises. This could be achieved by promoting learning development in association with the age of migrant children in surrounding communities.

Recommendation for Buyers and Consumers

1. The civil society sector (trade unions, non-governmental organisations and consumers) should be granted opportunities at least twice a year to cooperate with auditors in examining enterprises in order to guarantee the standard of enterprises and ensure Good Labour Practices. Business partners who export and distribute products should consult with civil society sector and other sectors.

2. Buyers and consumers have the power to campaign and pressure enterprises in the seafood processing industry to uphold the Good Labour Practices. They can also directly support those who do choose to implement GLPs and provide migrant welfare by buying specific products.
Recommendations for Organisations

1. Organisations should campaign to create awareness of responsibility parenting. This could result in parents encouraging their children to continue with their education. Parents already realise the importance of education, but they may not fully comprehend the implications that can come from having no educational background. Organisations can help disseminate this information.

2. Migrant families with children to protect should be able to cooperate with local organisations to help them keep their children away from danger.

3. The guidelines on migrant children, which highlight the cases of migrant child labourers and apply standards for eliminating the worst forms of child labour, are issued with the intention of implementing all relevant laws such as 2003 Labour Protection Act.

Recommendations for Researchers

1. Research teams propose that protection and registration of legal status of child labourers needs to be expanded. Although children aged between 15 and 18 years labour under legal working conditions and employment, child protection is required because their working context and conditions are not appropriate for children. It could be concluded that their employment conditions are unjust.

2. There some good examples of migrant child protection and child labour prevention from various international and local organisations. A greater effort should be made to collaborate and encourage cross-organisational cooperate.

3. The GLPs should be widely promoted and implemented at all levels. Organisations play a key role in this process. GLPs need to be disseminated, not just around industries in Samut Sakhon, but across the all provinces in Thailand.

4. Those researching migrant children and child labourer cases in the future should consider focuses their time and resources on the more vulnerable children around 15 years old. Research on age-specific groups can emphasise long term implications of different phenomena, and also enables those involved to better track the progression of their issues. Indicators should be designed to help researchers follow up and monitor the situation as it progresses. This type of research will allow researchers to notice developments and life paths of migrant children and child labourers.
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Dawan Khonthong, LPN staff, Interview 27 March 2015.

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Migrant parents, interviewed on 2 March 2015.

Narongwit Seeharat, teacher at the Foundation for Rural Youth Education Centre, Interview 22 February 2015.

Prasarn Sarawong, principal of Wat Srisutharam School, Interview 1 March 2015.
Appendix

Appendix I : Relevant Laws

- Laws on Labour Protection
- Laws on Children’s Fundamental Rights
- Laws Governing Petition Circulators and Anti-Discrimination

Appendix II : Questionnaire
Appendix I

Laws on Labour Protection

  
  - Part 6  Rights and Liberties in Occupation
    
    Section 44. A person shall enjoy the right to work safety and welfare and to living security irrespective of whether he is employed or unemployed in accordance with the provisions of the law.

  
  - Chapter 1  General Provisions
    
    Section 11/1. Where an entrepreneur has entrusted any individual to recruit persons to work, which is not a business of employment services, and such work is any part of manufacturing process or business operation under the entrepreneur’s responsibility, and regardless of whether such person is the supervisor or takes the responsibility for paying wages to the persons who perform work, the entrepreneur shall be deemed as an Employer of such workers. The entrepreneur shall provide contract employees, who perform work in the same manner as employees under the employment contract, to enjoy fair benefits and welfare without discrimination.

    Section 14/1. A contract of employment between an Employer and an employee, work rule, regulation or order of an Employer result in the Employer being in exploitation of the Employee, the Court shall have a power to order such contract of employment, work rule, regulation or order being enforceable only to the extent as it is fair and reasonable.

    Section 15. An Employer shall treat male and female Employees equally in employment unless the description or nature of work prevents such treatment.

    Section 16. An Employer or a person who is a chief, supervisor, or inspector shall be prohibited from performing an act of sexual harassment against an Employee who is a woman or a child.
Chapter 4 Employment of Young Workers

Section 44. An Employer shall not employ a child under fifteen years of age as an Employee.

Section 45. In the case of employment of a young worker under eighteen years of age, the Employer shall comply with the following:

(1) notify a Labour Inspector regarding the employment of a young worker within fifteen days of the young worker commencing work; (2) prepare a record of employment conditions in case of a change, taken place to be kept at the place of business or at the office of the Employer available for inspection by a Labour Inspector during working hours; and (3) notify the Labour Inspector regarding the termination of employment of a young worker within seven days from the date of young worker being dismissed. The notification or the record under paragraph one shall be in accordance with the forms prescribed by the Director-General.

Section 46. An Employer shall provide a rest period for a young worker or not less than one consecutive hour after the Employee has worked for not more than four hours; and during the period of such four hours, the young worker shall have rest periods as fixed by the Employer.

Section 47. An Employer shall not require a young worker under eighteen years of age to work between 22.00 hours and 6.00 hours unless written permission is granted by the Director-General or a person entrusted by the Director-General.

Section 48. An Employer shall not require a young worker under eighteen years of age to work overtime or to work on a Holiday.

Section 49. An Employer shall not require a young worker under eighteen years of age to perform any of the following work: (1) metal smelting, blowing, casting or rolling; (2) metal pressing; (3) work involving heat, cold, vibration, noise and light of an abnormal level which may be hazardous as prescribed in the Ministerial Regulations; (4) work involving hazardous chemical substances as prescribed in the Ministerial Regulations; (5) work involving poisonous microorganism which may be a virus, bacterium, fungus, or any other germs as prescribed in the Ministerial Regulations; (6) work involving poisonous substances, explosive or inflammable material, other than work in a fuel service station as prescribed in the Ministerial Regulations; (7) driving or controlling a forklift or a crane as prescribed in the Ministerial Regulations; (8) work using an electric or motor saw; (9) work that must be done underground, underwater, in a cave, tunnel or mountain shaft; (10) work involving...
radioactivity as prescribed in the Ministerial Regulations;  (11) cleaning of machinery or engines while in operation;  (12) work which must be done on scaffolding ten metres or more above the ground; or (13) other work as prescribed in the Ministerial Regulations.

Section 50.  An Employer shall not require a young worker under eighteen years of age to work in following places: (1) a slaughterhouse; (2) a gambling place; (3) a recreation place in accordance with the law governing recreation places; (4) other places as prescribed in the Ministerial Regulations.

Section 51.  An Employer shall be prohibited from demanding or receiving a security deposit for any purpose from a young employee. The Employer shall be prohibited to pay wages of the young employee to any other person. Where the Employer pays money and any other benefit to the young employee, the parent or guardian of the young employee or other persons before employment, at the commencement of employment, or before the due time of wage payment in each period, that payment shall not be deemed as the payment or receipt of wages for the young employee. The Employer shall be prohibited to deduct such money or such benefit from the wages to be paid to the young employee in the specified time.

Section 52.  For the purpose of the development and promotion of the quality of life and employment of young people, a young worker under eighteen years of age shall be entitled to take Leave for attending meeting or seminars, obtaining education or training; or Leave for another matter, which is organized by an academic institute, or a government or private agency approved by the Director-General; provided that the young worker shall notify the Employer in advance stating clearly the reason for the Leave and presenting relevant evidence.


Part 2  Work Permit

Section 14.  The alien having place of residence in, and being of nationality of, the country having common boundary with Thailand who enters into the Kingdom with travel document under the law on immigration may be permitted to engage in specific categories of works or in works with specific nature in the Kingdom temporarily through the specified period or season within the area which is adjacent to boundary or the area which is contiguous therewith. An alien who desires to engage in the work under paragraph one shall submit the application, together with travel document, for temporary work permit to the registrar and shall pay fee in the amount as prescribed by the
Ministerial Regulation. In granting of the permit, the registrar shall specify the permitted working area or work place, working period, category or nature of work and the employer to work with in accordance with the form and procedure as prescribed by the Ministerial Regulation. The provisions of this section may come into force in any area, to the alien of any nationality, for any category or nature of work, during any period or season and with any condition upon the Notification of the Council of Ministers as prescribed in the Government Gazette.

Section 24. A holder of permit shall keep the permit on himself or at the place of work during work in order that it may be readily shown to the competent official or registrar.

Section 25. If the permit is lost or damaged, a holder of permit shall apply for its substitution to the registrar within fifteen days as from the date that loss or damage has known to him. The application for and the granting of the substitution of the permit shall be in accordance with the rules and procedure as prescribed by the Ministerial Regulation.

Section 26. A holder of permit shall engage in work of the category or nature and with the employer and at the area or place and conditions as permitted. The holder of permit who desires to change or add category or nature of work, employer, working area or work place or conditions shall be permitted by the registrar. The application for and the granting of the permission shall be in accordance with the rules and procedure as prescribed by the Ministerial Regulation.

Section 27. No person shall engage an alien to work for him other than the holder of permit and in the work of the category or nature and at the working area or work place as specified in the permit.

Section 28. If the holder of permit violates or fails to comply with the specified conditions, the registrar shall have the power to revoke the permit.
A Report on Migrant Children & Child Labourers in Thailand’s Fishing and Seafood Processing Industry

Ministerial Regulation No. 2 B.E. 2541 (1998) Issued under the Labour Protection Act

B.E. 2541 (1998)
A Report on Migrant Children & Child Labourers in Thailand’s Fishing and Seafood Processing Industry

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สืบเนื่อง而来และการกุมยุกติ ที่จะเป็นอันขาดออกต่อสุขภาพและความปลอดภัยของลูกจ้างที่ก้าหนไปในปัจจุบันจะมีอัน ที่จะเป็นอันขาดออกต่อสุขภาพและความปลอดภัยของลูกจ้างที่ก้าหนไปในปัจจุบันจะมีอัน ที่จะเป็นอันขาดออกต่อสุขภาพและความปลอดภัยของลูกจ้างที่ก้าหนไปในปัจจุบันจะมีอัน ที่จะเป็นอันขาดออกต่อสุขภาพและความปลอดภัยของลูกจ้าง จึงจำเป็นต้องทำการพิจารณา

[วท.๒๕๕๖/๔๙กท./๒๖/๐๓ สิ่งพิมพ์ ๒๕๕๖]

พิมพ์ครั้งที่ ๒๕ ก.ค.

๒๕๕๖

ประกาศกรมสวัสดิการและคุ้มครองแรงงาน ร.re: แบบแจ้งการจ้าง แบบบันทึกการเปลี่ยนแปลงสภาพการทำงาน และแบบสั่งสุดสุดการจางลูกจ้างซึ่งเป็นเด็กอายุต่ำกว่าสิบแปดปี

อาศัยอำนาจตามความในมาตรา ๔๕ วรรคสอง แห่งพระราชบัญญัติคุ้มครองแรงงาน

พ.ศ. ๒๕๔๑ อธิบายกรมสวัสดิการและคุ้มครองแรงงานจึงกำหนดแบบแจ้งการจ้าง แบบบันทึกการเปลี่ยนแปลงสภาพการทำงาน และแบบสั่งสุดสุดการจางลูกจ้างซึ่งเป็นเด็กอายุต่ำกว่าสิบแปดปีให้ถ้าต้องเป็นไปตามความใน

(๑) แบบแจ้งการจ้างลูกจ้างซึ่งเป็นเด็กอายุต่ำกว่าสิบแปดปีตามมาตรา ๔๕ ให้เป็นไปตามแบบ คร.๒ ท้ายประกาศนี้

(๒) แบบบันทึกการเปลี่ยนแปลงสภาพการทำงานข้างต้นตามมาตรา ๔๕ ให้เป็นไปตามแบบ คร.๓ ท้ายประกาศนี้

(๓) แบบสั่งสุดสุดการจางลูกจ้างซึ่งเป็นเด็กอายุต่ำกว่าสิบแปดปีตามมาตรา ๔๕ (๓) ให้เป็นไปตามแบบ คร.๕ ท้ายประกาศนี้

ประกาศณ วันที่ ๓๗ สิงหาคม พ.ศ. ๒๕๔๑

คัดลอก คัดลอกลงต้น

อธิบายกรมสวัสดิการและคุ้มครองแรงงาน

[สุนิธิพัฒน์พิทยานุสรณ์]

[รก.บ.ก.๕๙/พ.ก.๒๖/๒๕๔๑ สิงหาคม ๒๕๔๑]
Notification of the Labour Protection and Welfare Department Re: Forms of Request and Form of Permission to have Child Employees to Work in Normal Working Hours during 22.00 to 06.00 hrs. B.E.2541 (1998)
• Convention on the Rights of the Child

**Article 32** 1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular: a) Provide for a minimum age or minimum ages for admission to employment; b) Provide for appropriate regulation of the hours and conditions of employment; c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

• Convention concerning Minimum Age for Admission to Employment (ILO no.138)

**Article 1**

Each Member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.

**Article 2**

1. Each Member which ratifies this Convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and on means of transport registered in its territory; subject to Articles 4 to 8 of this Convention, no one under that age shall be admitted to employment or work in any occupation.

2. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by further declarations, that it specifies a minimum age higher than that previously specified.

3. The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.

4. Notwithstanding the provisions of paragraph 3 of this Article, a Member whose economy and educational facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.
5. Each Member which has specified a minimum age of 14 years in pursuance of the provisions of the preceding paragraph shall include in its reports on the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation a statement -- (a) that its reason for doing so subsists; or (b) that it renounces its right to avail itself of the provisions in question as from a stated date.

**Article 3**

1. The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.

2. The types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws or regulations or by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist.

3. Notwithstanding the provisions of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organisations of employers and workers concerned, where such exist, authorise employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.

**Article 4**

1. In so far as necessary, the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, may exclude from the application of this Convention limited categories of employment or work in respect of which special and substantial problems of application arise.

2. Each Member which ratifies this Convention shall list in its first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation any categories which may have been excluded in pursuance of paragraph 1 of this Article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the categories excluded and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories.

3. Employment or work covered by Article 3 of this Convention shall not be excluded from the application of the Convention in pursuance of this Article.
Article 5

1. A Member whose economy and administrative facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially limit the scope of application of this Convention.

2. Each Member which avails itself of the provisions of paragraph 1 of this Article shall specify, in a declaration appended to its ratification, the branches of economic activity or types of undertakings to which it will apply the provisions of the Convention.

3. The provisions of the Convention shall be applicable as a minimum to the following: mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers.

4. Any Member which has limited the scope of application of this Convention in pursuance of this Article -- (a) shall indicate in its reports under Article 22 of the Constitution of the International Labour Organisation the general position as regards the employment or work of young persons and children in the branches of activity which are excluded from the scope of application of this Convention and any progress which may have been made towards wider application of the provisions of the Convention; (b) may at any time formally extend the scope of application by a declaration addressed to the Director-General of the International Labour Office.

Article 6

This Convention does not apply to work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or to work done by persons at least 14 years of age in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, and is an integral part of -- (a) a course of education or training for which a school or training institution is primarily responsible; (b) a programme of training mainly or entirely in an undertaking, which programme has been approved by the competent authority; or (c) a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.

Article 7

1. National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is -- (a) not likely to be harmful to their health or development; and (b) not such as to
prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.

2. National laws or regulations may also permit the employment or work of persons who are at least 15 years of age but have not yet completed their compulsory schooling on work which meets the requirements set forth in sub-paragraphs (a) and (b) of paragraph 1 of this Article.

3. The competent authority shall determine the activities in which employment or work may be permitted under paragraphs 1 and 2 of this Article and shall prescribe the number of hours during which and the conditions in which such employment or work may be undertaken.

4. Notwithstanding the provisions of paragraphs 1 and 2 of this Article, a Member which has availed itself of the provisions of paragraph 4 of Article 2 may, for as long as it continues to do so, substitute the ages 12 and 14 for the ages 13 and 15 in paragraph 1 and the age 14 for the age 15 in paragraph 2 of this Article.

Article 8

1. After consultation with the organisations of employers and workers concerned, where such exist, the competent authority may, by permits granted in individual cases, allow exceptions to the prohibition of employment or work provided for in Article 2 of this Convention, for such purposes as participation in artistic performances.

2. Permits so granted shall limit the number of hours during which and prescribe the conditions in which employment or work is allowed.

Article 9

1. All necessary measures, including the provision of appropriate penalties, shall be taken by the competent authority to ensure the effective enforcement of the provisions of this Convention.

2. National laws or regulations or the competent authority shall define the persons responsible for compliance with the provisions giving effect to the Convention.

3. National laws or regulations or the competent authority shall prescribe the registers or other documents which shall be kept and made available by the employer; such registers or documents shall contain the names and ages or dates of birth, duly certified wherever possible, of persons whom he employs or who work for him and who are less than 18 years of age.
1. This Convention revises, on the terms set forth in this Article, the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, and the Minimum Age (Underground Work) Convention, 1965.

2. The coming into force of this Convention shall not close the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, or the Minimum Age (Underground Work) Convention, 1965, to further ratification.

3. The Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, and the Minimum Age (Trimmers and Stokers) Convention, 1921, shall be closed to further ratification when all the parties thereto have consented to such closing by ratification of this Convention or by a declaration communicated to the Director-General of the International Labour Office.

4. When the obligations of this Convention are accepted—

(a) by a Member which is a party to the Minimum Age (Industry) Convention (Revised), 1937, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention,

(b) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention, 1932, by a Member which is a party to that Convention, this shall ipso jure involve the immediate denunciation of that Convention,

(c) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, by a Member which is a party to that Convention, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention,

(d) in respect of maritime employment, by a Member which is a party to the Minimum Age (Sea) Convention (Revised), 1936, and a minimum age of not less than 15 years is specified in pursuance of
Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to maritime employment, this shall ipso jure involve the immediate denunciation of that Convention,

(e) in respect of employment in maritime fishing, by a Member which is a party to the Minimum Age (Fishermen) Convention, 1959, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to employment in maritime fishing, this shall ipso jure involve the immediate denunciation of that Convention,

(f) by a Member which is a party to the Minimum Age (Underground Work) Convention, 1965, and a minimum age of not less than the age specified in pursuance of that Convention is specified in pursuance of Article 2 of this Convention or the Member specifies that such an age applies to employment underground in mines in virtue of Article 3 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention,

if and when this Convention shall have come into force.

5. Acceptance of the obligations of this Convention--

(a) shall involve the denunciation of the Minimum Age (Industry) Convention, 1919, in accordance with Article 12 thereof,

(b) in respect of agriculture shall involve the denunciation of the Minimum Age (Agriculture) Convention, 1921, in accordance with Article 9 thereof,

(c) in respect of maritime employment shall involve the denunciation of the Minimum Age (Sea) Convention, 1920, in accordance with Article 10 thereof, and of the Minimum Age (Trimmers and Stokers) Convention, 1921, in accordance with Article 12 thereof,

if and when this Convention shall have come into force.

Article 11

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 12

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratifications has been registered.

**Article 13**

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

**Article 14**

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

**Article 15**

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

**Article 16**

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.
Article 17

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides: (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13 above, if and when the new revising Convention shall have come into force; (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 18

The English and French versions of the text of this Convention are equally authoritative.

- Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO no.182)

  Article 1

Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.

  Article 2

For the purposes of this Convention, the term child shall apply to all persons under the age of 18.

  Article 3

For the purposes of this Convention, the term the worst forms of child labour comprises:

(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 labour, 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 the relevant international treaties;
(d) 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.

**Article 4**

1. The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999.

2. The competent authority, after consultation with the organizations of employers and workers concerned, shall identify where the types of work so determined exist.

3. The list of the types of work determined under paragraph 1 of this Article shall be periodically examined and revised as necessary, in consultation with the organizations of employers and workers concerned.

**Article 5**

Each Member shall, after consultation with employers’ and workers’ organizations, establish or designate appropriate mechanisms to monitor the implementation of the provisions giving effect to this Convention.

**Article 6**

1. Each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.

2. Such programmes of action shall be designed and implemented in consultation with relevant government institutions and employers’ and workers’ organizations, taking into consideration the views of other concerned groups as appropriate.

**Article 7**

1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.

2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to: (a) prevent the engagement of children in the worst forms of child labour; (b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration; (c) ensure access to free
basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour; (d) identify and reach out to children at special risk; and (e) take account of the special situation of girls.

3. Each Member shall designate the competent authority responsible for the implementation of the provisions giving effect to this Convention.

**Article 8**

Members shall take appropriate steps to assist one another in giving effect to the provisions of this Convention through enhanced international cooperation and/or assistance including support for social and economic development, poverty eradication programmes and universal education.

**Article 9**

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

**Article 10**

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.

2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

**Article 11**

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may
denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

**Article 12**

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and acts of denunciation communicated by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention shall come into force.

**Article 13**

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

**Article 14**

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

**Article 15**

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides -- (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force; (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

**Article 16**

The English and French versions of the text of this Convention are equally authoritative.
Recommendation concerning Minimum Age for Admission to Employment Adoption (ILO no.146)

II. Minimum Age

6. The minimum age should be fixed at the same level for all sectors of economic activity.

7. (1) Members should take as their objective the progressive raising to 16 years of the minimum age for admission to employment or work specified in pursuance of Article 2 of the Minimum Age Convention, 1973.

(2) Where the minimum age for employment or work covered by Article 2 of the Minimum Age Convention, 1973, is still below 15 years, urgent steps should be taken to raise it to that level.

8. Where it is not immediately feasible to fix a minimum age for all employment in agriculture and in related activities in rural areas, a minimum age should be fixed at least for employment on plantations and in the other agricultural undertakings referred to in Article 5, paragraph 3, of the Minimum Age Convention, 1973.

III. Hazardous Employment or Work

9. Where the minimum age for admission to types of employment or work which are likely to jeopardise the health, safety or morals of young persons is still below 18 years, immediate steps should be taken to raise it to that level.

10. (1) In determining the types of employment or work to which Article 3 of the Minimum Age Convention, 1973, applies, full account should be taken of relevant international labour standards, such as those concerning dangerous substances, agents or processes (including ionising radiations), the lifting of heavy weights and underground work.

(2) The list of the types of employment or work in question should be re-examined periodically and revised as necessary, particularly in the light of advancing scientific and technological knowledge.

11. Where, by reference to Article 5 of the Minimum Age Convention, 1973, a minimum age is not immediately fixed for certain branches of economic activity or types of undertakings, appropriate minimum age provisions should be made applicable therein to types of employment or work presenting hazards for young persons.
IV. Conditions of Employment

12. (1) Measures should be taken to ensure that the conditions in which children and young persons under the age of 18 years are employed or work reach and are maintained at a satisfactory standard. These conditions should be supervised closely.

(2) Measures should likewise be taken to safeguard and supervise the conditions in which children and young persons undergo vocational orientation and training within undertakings, training institutions and schools for vocational or technical education and to formulate standards for their protection and development.

13. (1) In connection with the application of the preceding Paragraph, as well as in giving effect to Article 7, paragraph 3, of the Minimum Age Convention, 1973, special attention should be given to -- (a) the provision of fair remuneration and its protection, bearing in mind the principle of equal pay for equal work; (b) the strict limitation of the hours spent at work in a day and in a week, and the prohibition of overtime, so as to allow enough time for education and training (including the time needed for homework related thereto), for rest during the day and for leisure activities; (c) the granting, without possibility of exception save in genuine emergency, of a minimum consecutive period of 12 hours' night rest, and of customary weekly rest days; (d) the granting of an annual holiday with pay of at least four weeks and, in any case, not shorter than that granted to adults; (e) coverage by social security schemes, including employment injury, medical care and sickness benefit schemes, whatever the conditions of employment or work may be; (f) the maintenance of satisfactory standards of safety and health and appropriate instruction and supervision.

(2) Subparagraph (1) of this Paragraph applies to young seafarers in so far as they are not covered in respect of the matters dealt with therein by international labour Conventions or Recommendations specifically concerned with maritime employment.

V. Enforcement

14. (1) Measures to ensure the effective application of the Minimum Age Convention, 1973, and of this Recommendation should include -- (a) the strengthening as necessary of labour inspection and related services, for instance by the special training of inspectors to detect abuses in the employment or work of children and young persons and to correct such abuses; and (b) the strengthening of services for the improvement and inspection of training in undertakings.
(2) Emphasis should be placed on the role which can be played by inspectors in supplying information and advice on effective means of complying with relevant provisions as well as in securing their enforcement.

(3) Labour inspection and inspection of training in undertakings should be closely co-ordinated to provide the greatest economic efficiency and, generally, the labour administration services should work in close co-operation with the services responsible for the education, training, welfare and guidance of children and young persons.

15. Special attention should be paid-- (a) to the enforcement of provisions concerning employment in hazardous types of employment or work; and (b) in so far as education or training is compulsory, to the prevention of the employment or work of children and young persons during the hours when instruction is available.

16. The following measures should be taken to facilitate the verification of ages:

(a) the public authorities should maintain an effective system of birth registration, which should include the issue of birth certificates;

(b) employers should be required to keep and to make available to the competent authority registers or other documents indicating the names and ages or dates of birth, duly certified wherever possible, not only of children and young persons employed by them but also of those receiving vocational orientation or training in their undertakings;

(c) children and young persons working in the streets, in outside stalls, in public places, in itinerant occupations or in other circumstances which make the checking of employers' records impracticable should be issued licences or other documents indicating their eligibility for such work.

Recommendation concerning the prohibition and immediate action for the elimination of the worst forms of child labour (ILO no.146)

1. The provisions of this Recommendation supplement those of the Worst Forms of Child Labour Convention, 1999 (hereafter referred to as "the Convention"), and should be applied in conjunction with them.
I. Programmes of action

2. The programmes of action referred to in Article 6 of the Convention should be designed and implemented as a matter of urgency, in consultation with relevant government institutions and employers’ and workers’ organizations, taking into consideration the views of the children directly affected by the worst forms of child labour, their families and, as appropriate, other concerned groups committed to the aims of the Convention and this Recommendation. Such programmes should aim at, inter alia:

(a) identifying and denouncing the worst forms of child labour;

(b) preventing the engagement of children in or removing them from the worst forms of child labour, protecting them from reprisals and providing for their rehabilitation and social integration through measures which address their educational, physical and psychological needs;

(c) giving special attention to: (i) younger children; (ii) the girl child; (iii) the problem of hidden work situations, in which girls are at special risk; (iv) other groups of children with special vulnerabilities or needs;

(d) identifying, reaching out to and working with communities where children are at special risk;

(e) informing, sensitizing and mobilizing public opinion and concerned groups, including children and their families.

II. Hazardous work

3. In determining the types of work referred to under Article 3(d) of the Convention, and in identifying where they exist, consideration should be given, inter alia, to: (a) work which exposes children to physical, psychological or sexual abuse; (b) work underground, under water, at dangerous heights or in confined spaces; (c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads; (d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health; (e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.

4. For the types of work referred to under Article 3(d) of the Convention and Paragraph 3 above, national laws or regulations or the competent authority could, after consultation with the workers’ and
employers’ organizations concerned, authorize employment or work as from the age of 16 on condition that the health, safety and morals of the children concerned are fully protected, and that the children have received adequate specific instruction or vocational training in the relevant branch of activity.

III. Implementation

5. (1) Detailed information and statistical data on the nature and extent of child labour should be compiled and kept up to date to serve as a basis for determining priorities for national action for the abolition of child labour, in particular for the prohibition and elimination of its worst forms as a matter of urgency.

(2) As far as possible, such information and statistical data should include data disaggregated by sex, age group, occupation, branch of economic activity, status in employment, school attendance and geographical location. The importance of an effective system of birth registration, including the issuing of birth certificates, should be taken into account.

(3) Relevant data concerning violations of national provisions for the prohibition and elimination of the worst forms of child labour should be compiled and kept up to date.

6. The compilation and processing of the information and data referred to in Paragraph 5 above should be carried out with due regard for the right to privacy.

7. The information compiled under Paragraph 5 above should be communicated to the International Labour Office on a regular basis.

8. Members should establish or designate appropriate national mechanisms to monitor the implementation of national provisions for the prohibition and elimination of the worst forms of child labour, after consultation with employers’ and workers’ organizations.

9. Members should ensure that the competent authorities which have responsibilities for implementing national provisions for the prohibition and elimination of the worst forms of child labour cooperate with each other and coordinate their activities.

10. National laws or regulations or the competent authority should determine the persons to be held responsible in the event of non-compliance with national provisions for the prohibition and elimination of the worst forms of child labour.

11. Members should, in so far as it is compatible with national law, cooperate with international efforts aimed at the prohibition and elimination of the worst forms of child labour as a matter of urgency by:
(a) gathering and exchanging information concerning criminal offences, including those involving international networks;

(b) detecting and prosecuting those involved in the sale and trafficking of children, or in the use, procuring or offering of children for illicit activities, for prostitution, for the production of pornography or for pornographic performances;

(c) registering perpetrators of such offences.

12. Members should provide that the following worst forms of child labour are criminal offences:

(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 labour, 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; and

(c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties, or for activities which involve the unlawful carrying or use of firearms or other weapons.

13. Members should ensure that penalties including, where appropriate, criminal penalties are applied for violations of the national provisions for the prohibition and elimination of any type of work referred to in Article 3(d) of the Convention.

14. Members should also provide as a matter of urgency for other criminal, civil or administrative remedies, where appropriate, to ensure the effective enforcement of national provisions for the prohibition and elimination of the worst forms of child labour, such as special supervision of enterprises which have used the worst forms of child labour, and, in cases of persistent violation, consideration of temporary or permanent revoking of permits to operate.

15. Other measures aimed at the prohibition and elimination of the worst forms of child labour might include the following:

(a) informing, sensitizing and mobilizing the general public, including national and local political leaders, parliamentarians and the judiciary;

(b) involving and training employers’ and workers’ organizations and civic organizations;
(c) providing appropriate training for the government officials concerned, especially inspectors and law enforcement officials, and for other relevant professionals;

(d) providing for the prosecution in their own country of the Member’s nationals who commit offences under its national provisions for the prohibition and immediate elimination of the worst forms of child labour even when these offences are committed in another country;

(e) simplifying legal and administrative procedures and ensuring that they are appropriate and prompt;

(f) encouraging the development of policies by undertakings to promote the aims of the Convention;

(g) monitoring and giving publicity to best practices on the elimination of child labour;

(h) giving publicity to legal or other provisions on child labour in the different languages or dialects;

(i) establishing special complaints procedures and making provisions to protect from discrimination and reprisals those who legitimately expose violations of the provisions of the Convention, as well as establishing helplines or points of contact and ombudspersons;

(j) adopting appropriate measures to improve the educational infrastructure and the training of teachers to meet the needs of boys and girls;

(k) as far as possible, taking into account in national programmes of action: (i) the need for job creation and vocational training for the parents and adults in the families of children working in the conditions covered by the Convention; and (ii) the need for sensitizing parents to the problem of children working in such conditions.

16. Enhanced international cooperation and/or assistance among Members for the prohibition and effective elimination of the worst forms of child labour should complement national efforts and may, as appropriate, be developed and implemented in consultation with employers’ and workers’ organizations. Such international cooperation and/or assistance should include: (a) mobilizing resources for national or international programmes; (b) mutual legal assistance; (c) technical assistance including the exchange of information; (d) support for social and economic development, poverty eradication programmes and universal education.
Laws on Children’s Fundamental Rights

  
  - **Part 8  Rights and Liberties in Education**
    
    Section 49. A person shall enjoy an equal right to receive education for the duration of not less than twelve years which shall be provided by State thoroughly, up to the quality, and without charge. The indigent, disabled or handicapped, or destitute person shall enjoy an equal right under paragraph one and shall be supported by State to receive equal education with other persons. The education and training provided by professional or private organisation, alternative education of the public, self-directed learning and lifelong learning shall get appropriate protection and promotion from State.

  - **Part 9  Rights to Public Health Services and Welfare**
    
    Section 52. Children and youth shall enjoy the right to survive and to receive physical, mental and intellectual development potentially in suitable environment with due regard to their participation. Children, youth, women and family members shall have the right to be protected by State against violence and unfair treatment and shall have the right to medical treatment or rehabilitation upon the occurrence thereof. An interference and imposition of rights of children, youth and family members shall not be made except by virtue of the law specially enacted for the maintenance of family institution or utmost benefit of such person. Children and youth with no guardian shall have the right to receive appropriate care and education from the State.

- **National Education Act, B.E.2542 (1999)**
  
  - **Chapter 2  Educational Rights and Duties**
    
    Section 11. Parents or guardians shall arrange for their children or those under their care to receive compulsory education as provided by section 17 and as provided by relevant laws, as well as further education according to the families’ capabilities.

    Section 12. Other than the State, private persons and local administration organizations, individuals, families, community organizations, private organizations, professional bodies, religious institutions, enterprises, and other social institutions shall have the right to provide basic education as prescribed in the ministerial regulations.
Chapter 3 Educational System

Section 15. There shall be three types of education: formal, non-formal, and informal. (1) Formal education shall specify the aims, methods, curricula, duration, assessment, and evaluation conditional to its completion. (2) Non-formal education shall have flexibility in determining the aims, modalities, management procedures, duration, assessment and evaluation conditional to its completion. (3) Informal education shall enable learners to learn by themselves according to their interests, potentialities, readiness and opportunities available from persons, society, environment, media, or other sources of knowledge. Educational institutions are authorized to provide any one or all of the three types of education. Credits accumulated by learners shall be transferable within the same type or between different types of education, regardless of whether the credits have been accumulated from the same or from different educational institutions, including learning from non-formal or informal education, vocational training, or from work experience.

Section 16. Formal education is divided into two levels: basic education and higher education. Basic education is that provided for the 12 years before higher education. Differentiation of the levels and types of basic education shall be as prescribed in the ministerial regulations. Higher education is divided into two levels: lower-than-degree level and degree level. Differentiation or equivalence of the various levels of non-formal or informal education shall be as stipulated in the ministerial regulations.

Section 17. Compulsory education shall be for nine years, requiring children aged seven to enrol in basic education institutions until the age of 16 with the exception of those who have already completed grade 9. Criteria and methods of calculating children’s age shall be as stipulated in the ministerial regulations.

Chapter 4 National Education Guidelines

Section 22. Education shall be based on the principle that all learners are capable of learning and self-development, and are regarded as being most important. The teaching-learning process shall aim at enabling the learners to develop themselves at their own pace and to the best of their potentiality.

Section 28. Curricula at all levels of education and those for the persons referred to in the second, third, and fourth paragraphs of section 10 shall be diversified and commensurate with each level, with the aim of improving the quality of life suitable for individual’s age and potentiality.
substance of the curricula, both academic and professional, shall aim at human development with desirable balance regarding knowledge, critical thinking, capability, virtue and social responsibility. Apart from the characteristics referred to in the first and second paragraphs, higher education curricula shall emphasize academic development, with priority given to higher professions and research for development of the bodies of knowledge and society.

- **Convention on the Rights of the Child**

  **Article 5** States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

  **Article 18** 1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

  2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

  3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.
Article 26 1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27 1. States Parties recognize the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child’s development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28 1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
   a) Make primary education compulsory and available free to all;
   b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
   c) Make higher education accessible to all on the basis of capacity by every appropriate means;
   d) Make educational and
vocational information and guidance available and accessible to all children; e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child’s human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 30 In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31 1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Laws Governing Petition Circulators and Anti-Discrimination

  
  ▶ Part 10  Rights to Information and Petition

  Section 56. A person shall have the right to receive and to get access to public information in possession of a government agency, State agency, State enterprise or local government organisation, unless the disclosure of such information shall affect Constitution of The Kingdom of
Thailand B.E. 2550 (2007) Page 15 the security of State, public safety, interests of other persons which shall be protected, or personal data of other persons as provided by law.

Section 58. A person shall have the right to participate in the decision-making process of State official in the performance of administrative functions which affect or may affect his rights and liberties, as provided by law.

Section 59. A person shall have the right to present a petition and to be informed of the result of its consideration within the appropriate time.

Section 60. A person shall have the right to sue a government agency, State agency, State enterprise, local government organisation or other State authority which is a juristic person to be liable for an act or omission done by its government official, official or employee.

- International Convention on the Elimination of all Forms of Racial Discrimination

   Article 5 In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: (e) Economic, social and cultural rights, in particular: (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration; (ii) The right to form and join trade unions; (iii) The right to housing; (iv) The right to public health, medical care, social security and social services; (v) The right to education and training; (vi) The right to equal participation in cultural activities
Appendix II

Questionnaire

This questionnaire is carried out by Labour Rights Promotion Network Foundation (LPN) with the contribution of Terres des Hommes, Germany for supplementing the report on the situation of migrant child labors in continuous shrimp fishery industries in Muang District, Samut Sakhon, Thailand.

The information revealed in this questionnaire will be kept confidential. The data is collected for overall academic research only. Therefore, we need the facts from respondents and expect everybody to respond to our questionnaire. On behalf of the research team, we would like to thank for taking the time to cooperate with us.

Interviewer’s name

Date of Interview

Interviewee’s name

*Following questions are marked as optional.

Telephone number

Address

Community

Sub-district

Province
Instruction: Please place a tick (✓) in the box next to the answer that most closely matches your own experience.

Part 1: General Information of the Respondent

1.1 Sex  
1. □ Male  2. □ Female

1.2 Age ..........years old

 ..........years old (If the child seem to state their age higher than reality, the interviewer could estimate his or her age)

Date of Birth ................................ (If available)

1.3 Place of Birth

1. □ Myanmar  2. □ Thailand  3. □ Other ............................................

1.4 What identification documents do you possess (More than one answer possible)

1. □ Temporary Passport  2. □ Work permit

3. □ Application for Applying a Work Permit on Behalf of Alien According to Section 8

4. □ Certificate of Identity

5. □ Registration Book of Migrant Workers (t.r.38/1)

□ 6. □ Birth certificate (Issued by homeland)

7. □ Student card or any school documents which providing date of birth

8. □ Medical certificate/ Medical record

9. □ Other document .................................................................

10. □ No documents (Cross to No. 1.6)
1.5 Who collect your original identification documents?

1. □ Yourself  
2. □ Employer  
3. □ Broker  
4. □ Parents  
5. □ Other ........................................

1.6 Residence types

1. □ Residence in space of industry  
2. □ Rented house/ Rented room  
3. □ Parents’ / Relatives’ house  
4. □ Employer’s house  
5. □ Friend’s house  
6. □ Other (Please state).................

1.7 How many people are there in your family? ............. Who?

1. ........................................................................................................................................
2. ........................................................................................................................................
3. ........................................................................................................................................
4. ........................................................................................................................................

Do all of your family members have occupations? What do they do?

........................................................................................................................................
........................................................................................................................................
........................................................................................................................................

Education

1.8 Can you read and write Burmese?

1. □ Able  
2. □ Unable  

1.9 Are you studying?

1. □ No (Cross to No. 1.12)  
2. □ Yes  

2.1 □ Name of public education institute .................................................................

2.2 □ Name of private education institute ..................................................................


1.10 Have you missed the class last month / the last month of this semester? How many days?

   1. □ Never  2. □ 1 - 4 days  3. □ More than 5 days

1.11 Was student absent due to working? (Besides helping with housework)

   1. □ Yes  2. □ No

1.12 What is your level of education?

   1. □ Primary school  2. □ High school  3. □ Non-Formal Education

   4. □ Other ...........................................................

1.13 Before immigrating into Thailand, have you ever studied at school in Myanmar?

   1. □ Yes (Please state the education level completed) ................................. 2. □ No

1.14 Thai language competence

   1. □ Fluently  2. □ Good  3. □ Poor


Part 2: Working Conditions

2.1 Where do you work?

   1. □ Jetty  2. □ Close to pier (Fish pier)  3. □ Processing industry

   4. □ Shrimp farm / Shrimp pond  5. □ Peeling shed

   6. □ Cold storage  7. □ At home  8. □ Other..............................................
2.2 How long have you worked for the industry……………………year(s)

2.3 At what age did you start working? ……………………………..years

2.4 Location and name of the enterprise

Enterprise’s name (known to children and family) ……………………………………………………..

Formal enterprise’s name…………………………………………………………………………………………..

Location of the enterprise (If the precise address is unknown, please state the landmark nearby)……………………………………………………………………………………………..

2.5 Your job description

1. □ Frozen food manufacturing
2. □ dissecting, peeling, washing, shelling seafood
3. □ Canned food manufacturing
4. □ Other (Please state)

……………………………………………………………………………………………………………………………

2.6 Do you work at the company as your father or mother?

1. □ Yes
2. □ No
3. □ Other (Please state) ……………………………..

2.7 Work hours (days per week / hours per day)

…… days per week …… hours per day

Do you have day-off (Please state if there are any)…………………………………………………………..

2.8 At what time do you start and finish working? (not included overtime)

From……………………… to …………………………….

2.9 Work schedule

1. □ Day shift
2. □ Night shift
3. □ While studying
4. □ After your study
5. □ Weekend 6. □ Other (Please state) .................................................................

2.10 During working day, do you get enough rest?

1. □ Enough  2. □ Not enough

2.11 When do you get paid?

1. □ Daily  2. □ Weekly
5. □ Every 15 days  6. □ Completed contract / Lump sum payment
7. □ Other (Please state) .................................................................

2.12 Do you work overtime?

1. □ Yes/ for ............... hours/day/week  2. □ No

2.13 Are you paid overtime?

1. □ Yes  2. □ No  3. □ Other..........................

How do you receive overtime pay? Please explain ..........................................................

.................................................................

2.14 How much is your salary? _________ baht

2.15 Did you sign any contract of employment?

1. □ Yes  2. □ No

2.16 Do you need to pay for broker fee by deducting from your income?

1. □ Yes  2. □ No (Cross to No. 2.18)
2.17 Do you know what fees are deducted from your wage?

1. □ No

2. □ Yes

2.1. □ Food and drink

2.2. □ Debt / Advance payment

2.3. □ Residence

2.4. □ Uniform

2.5. □ Social security / Compensation fund

2.6. □ Other

Deducting amount □□□□□□□ baht per day/week/month or package deal

2.18 The reason to work

1. □ Sustain family

2. □ Help family pay debt

3. □ Support family business

4. □ Earn a living

5. □ Following parents or relatives to Thailand

6. □ Replacing absent workers

7. □ Other (Please state) ........................................................................................................................................

Risk and Healthcare Welfare

2.19 Is your job risky?

1. □ No

2. □ Yes

(Please state the type of risk) ...................................................................................................................................

2.2 Do you have to lift or drag or push or carry heavy things on your back or your shoulder or your head or with laboursaving device?

1. □ No

2. □ Yes

3. □ I do not perform this kind of job.
2.21 Have you ever had an accident at work?

1. ☐ Yes 2. ☐ No

What type of accident was it? .................................................................................................................................

2.22 In case that you have an accident, how do you get help with medical cost?

1. ☐ Welfare 2. ☐ Compensation fund

3. ☐ Your employer pays for treatment 4. ☐ Other............................

2.23 Where do you receive medical treatment?

1. ☐ Medical room at the enterprise 2. ☐ Clinic 3. ☐ Public hospital

4. ☐ Private hospital 5. ☐ Other (Please state) ..........................

2.24 What health insurance or benefits are you entitled to? (More than one answer possible)

1. ☐ Health insurance card 2. ☐ Social security card or card certifying health right

4. ☐ Compensation fund 5. ☐ Other (Please state) ...............................

2.25 Did employer provide you with following health insurance for labors? (Read each one out loud. More than one answer possible)

1. ☐ Health check service for employees

2. ☐ Vaccination

3. ☐ Hygiene promotion activities (e.g. sports, recreation, disease prevention training)

4. ☐ Activities promoting knowledge and creating awareness of AIDS and other communicable diseases

5. ☐ Drug-free school project

6. ☐ Other ............................................................................................................
Environment and Safety at workplace

2.26 Did your enterprise offers security drills such as fire or earthquake drills or other severe disaster drill or chemical safety training?

1. ☐ Yes (Please state the type of training) ................................. 2. ☐ No

2.27 Did you know whether the plant equipped with emergency alert system or safety signs?

1. ☐ Yes 2. ☐ No

2.28 Have you undergone training on tools or machine or equipment at workplace?

1. ☐ Yes (Please state) ................................. 2. ☐ No

2.29 Has your employer arranged education promotion activities/ professional or skills training for self-development?

1. ☐ No 2. ☐ Yes (Read each one out loud. More than one answer possible)

2.1 ☐ Promoting education together with working

2.2 ☐ Arrange knowledge training at workplace

Please state .................................

2.3 ☐ Create a book corner at the enterprise

2.4 ☐ Arrange a class at the enterprise

2.5 ☐ Promote after-work study

2.6 ☐ Other (Please state) .................................

2.30 Do you wear safety gear such as rubber gloves, rubber boots and mask to protect yourself from danger at work?

1. ☐ Yes

1.1 ☐ You paid for the equipment.

1.2 ☐ The equipment is provided for free.

2. ☐ No
2.31 Are you provided with free drinking water?
   1. ☐ Yes   2. ☐ No

2.32 Is there any medical room at your workplace?
   1. ☐ Yes   2. ☐ No

2.33 Are you provided with free food?
   1. ☐ Yes   2. ☐ No

2.34 Did entrepreneurs provide enough toilets to meet labors’ needs?
   1. ☐ No   2. ☐ Yes

2.35 Are you satisfied with policies and procedures the entrepreneurs manage for labors such as working conditions, welfare, rights and protection?
   1. ☐ Most   2. ☐ Very much   3. ☐ Moderate

2.36 Why are you not satisfied? (More than one answer possible)
   4. ☐ Bonded labour
   5. ☐ Involuntary work   6. ☐ Insufficient rest
   7. ☐ Unpaid overtime   8. ☐ Unsafe/ Hazardous work
   9. ☐ Want to live with family   10. ☐ Other

2.37 What do you want entrepreneurs to improve?
   1. ☐ Wage   2. ☐ Overtime payment   3. ☐ Day-off
   7. ☐ Chiefs training
   8. ☐ Other
Labor Rights

2.38 Have entrepreneurs arranged any training or created understanding of the labor rights?

1. □ Yes, the topic of training is ..............................................

Is knowledge gain from the training sufficient?

1.1 □ Yes  1.2 □ No

2. □ No, never.

3. □ I do not know.

2.39 What information do you need to know about labor rights? (More than one answer possible)

1. □ Work safety  2. □ Occupational health (Physical and Mental)

3. □ Positive work environment  4. □ Sufficient welfare

5. □ Labour relations

6. □ Appropriate employment conditions e.g. fair employment

7. □ Safe working conditions  8. □ Fair wage including overtime payment

9. □ Equal treatment  10. □ Legal working

11. □ Day-off and leave  12. □ Complaint channel

13. □ Other ..............................................................................

2.40 How do you access the information on labour rights? (More than one answer possible)

1. □ Employer / Enterprise  2. □ Colleagues

3. □ Non-governmental organizations  4. □ Labour unions

5. □ Migrant labors  6. □ Thai state officials

7. □ Media  8. □ Other ............................................................

9. □ I do not know.
2.41 What issues have you complained about? (More than one answer possible)

1. Wage  2. Overtime payment  3. Day-off
4. Working hours  5. Other

2.42 With whom did you file a complaint?

1. Employer/ Manager  2. Associations
5. Labour unions  6. Non-governmental organizations
7. Embassy  8. Other

2.43 Did filing a complaint help solving your problems?


2.44 What are the reasons why you have never filed a complaint (More than one answer possible)

1. Never suffer right violation
2. Do not want to cause problems/ Fear employer
3. Do not trust complaint procedures
4. Do not know whom to file a complaint with
5. Language barrier  6. Fear of detention/ Extortion
7. Lack of knowledge  8. Other

Job Application

2.45 Did you apply for the industrial job through broker?

1. Yes  2. No

2.46 What types of broker who facilitated employment for you?
1. □ Registered brokers  
   2. □ Unregistered brokers  
   3. □ Other

2.47 How do you pay brokerage?

1. □ Cash
   1.1 □ From your saving  
   1.2 □ Loan

2. □ Deducted from your wage

3. □ Employer paid in advance and then deducted fee from your wage for............. months.

4. □ Employer paid off brokerage but did not deducted fee from your wage

5. □ Other

2.48 Do your job characteristics match of which the broker promised?

1. □ Yes  
   2. □ No

3. □ The job characteristics do not match your expectation

4. □ Lured into job. How?

2.49 By whom are you lured into job?

1. □ Broker in your host country  
   2. □ Friends in the host country

3. □ Broker in Thailand  
   4. □ Friends in Thailand

5. □ Acquaintance introduced by...
   6. □ Employer

7. □ Other

8. □ Never be tricked

2.50 If you have paid application fee, how much does it cost?

What does the fee cover?

.................................................................................................................................

.................................................................................................................................

.................................................................................................................................
Part 3: Immigration into Thailand

3.1 In what year did you come to Thailand for the first time? ___ | ___ | ___ | ___ B.E.

3.2 Whom did you come with?

1. □ Father and mother
2. □ Friends
3. □ Relatives
4. □ Brokers
5. □ Alone
6. □ Other ..........................................................

3.3 How did you come to Thailand?

1. □ Brokers
2. □ Smuggling
3. □ Memorandum of Understanding (MOU)
4. □ Other ..........................................................

3.4 Is your current job the first one you perform in Thailand?

1. □ Yes
2. □ No

Types of job you have performed before

1. ....................................................................................
2. ....................................................................................
3. ....................................................................................
4. ....................................................................................

3.5 If you or your family come to Thailand with the help of broker? How do you pay?

1. □ Pay in advance for ___ | ___ | ___ | ___ baht
2. □ Brokerage is deducted from my wage on the monthly basis.
3. □ 100 percent of my wage goes to brokerage until it is paid off.
4. □ Other ..........................................................
3.6 Major monthly expenses

<table>
<thead>
<tr>
<th>Expense</th>
<th>Amount (Baht)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food expense</td>
<td></td>
</tr>
<tr>
<td>Housing rent</td>
<td></td>
</tr>
<tr>
<td>Travel expense</td>
<td></td>
</tr>
<tr>
<td>Saving</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
</tr>
</tbody>
</table>

Do you need to earn a living?

Thank you