

# The Situation of Children on the Move in Mae Sot

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MARCH 2018

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# Research Outline

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## Introduction

- Who are children on the move in Mae Sot?
- Children on the move and their working conditions
- The changes of foreign labor law and its impacts on children on the move
- Challenges of children on the move in gaining access to primary services
- Summary
- Recommendations

# Objectives

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1. To increase understanding of the situations of children on the move in Mae Sot
2. To identify the types, and the protection methods for children on the move in Mae Sot
3. To study the perspectives and the practice of children on the move, and of relevant stakeholders working in the area of children rights
4. To analyze the impacts of the enforcement of the Emergency Decree on Administration of Alien Working, B.E. 2560 on child migrants in Mae Sot
5. To give recommendations in order to respond to the current situations of child migrants

# Research Methods

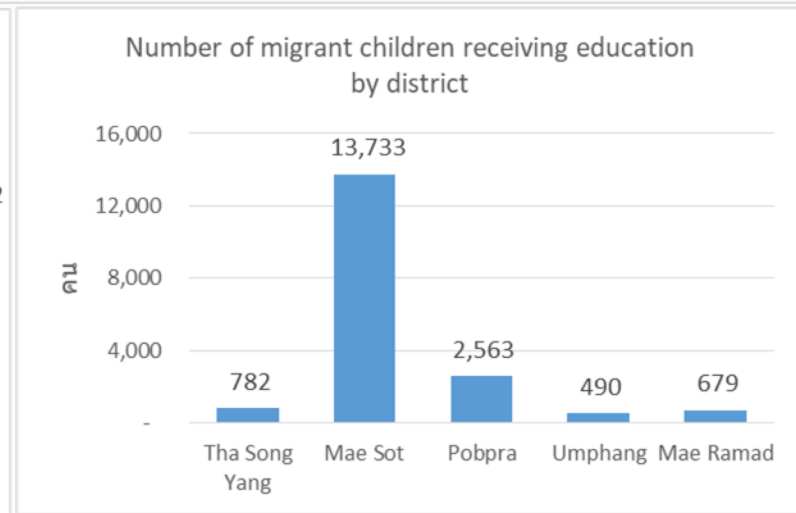
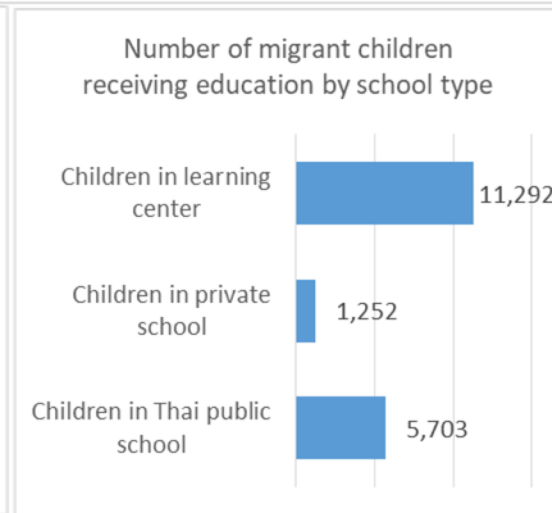
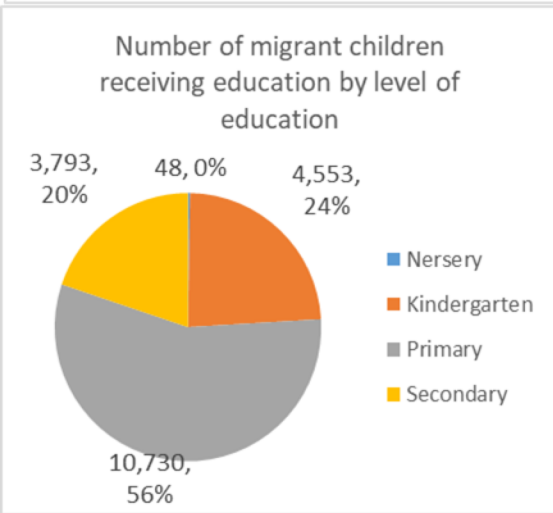
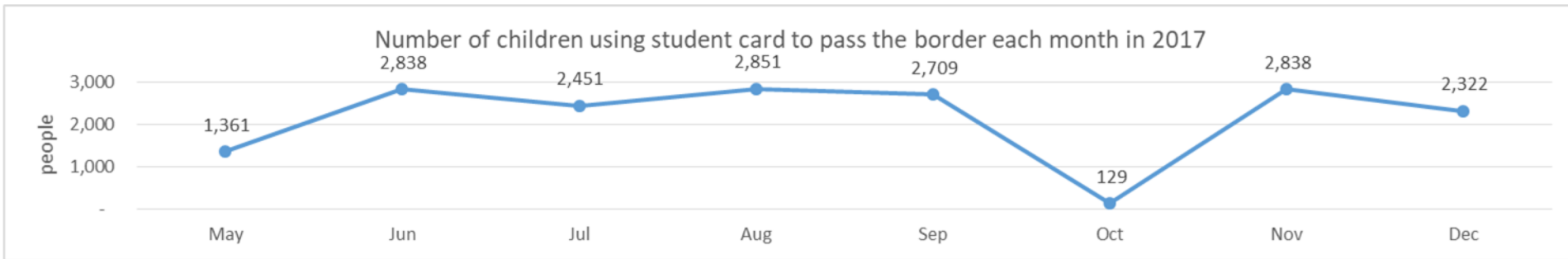
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1. Relevant document review
2. Field study research: using semi-structure interview and open-end questions
  - 1) Focus group interview: dividing boys and girls from 4 different settings, and putting them in groups of 8 to 10 participants
    - Children from Thai public school, migrant learning center, shelter, and community
    - 6 groups in total: 30 girls and 24 boys
  - 2) In-depth interview: 17 girls, and 18 boys
  - 3) Interview: 35 relevant stakeholders working with children on the move; for example, teachers, staff from migrant learning centers, parents, community leaders, officials from government agencies, and staff from non-governmental organizations

# Who are children on the move in Mae Sot?

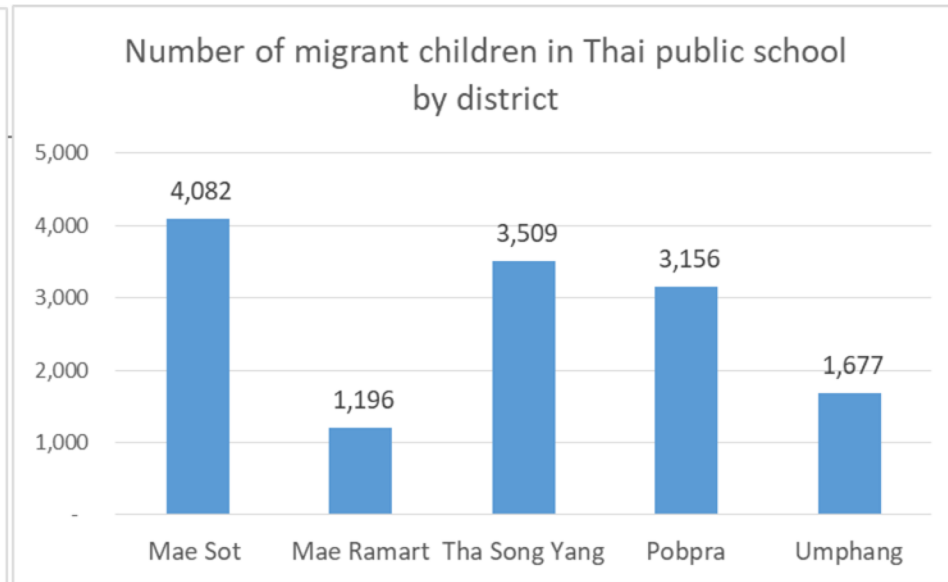
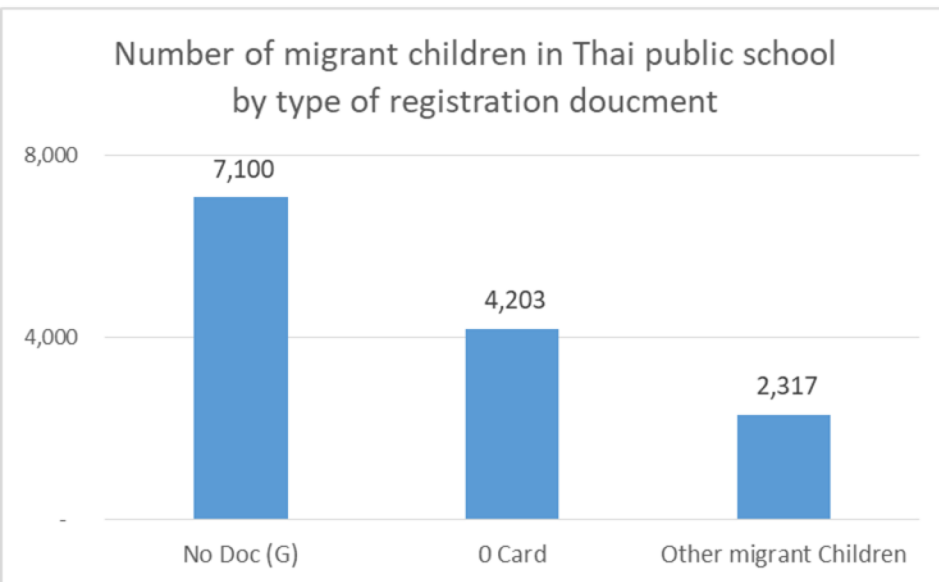
1. Children, who come to study;
2. Children, who follow their parents; and
3. Children, who are neglected, orphaned, and in need.

# Data of children on the move in education system



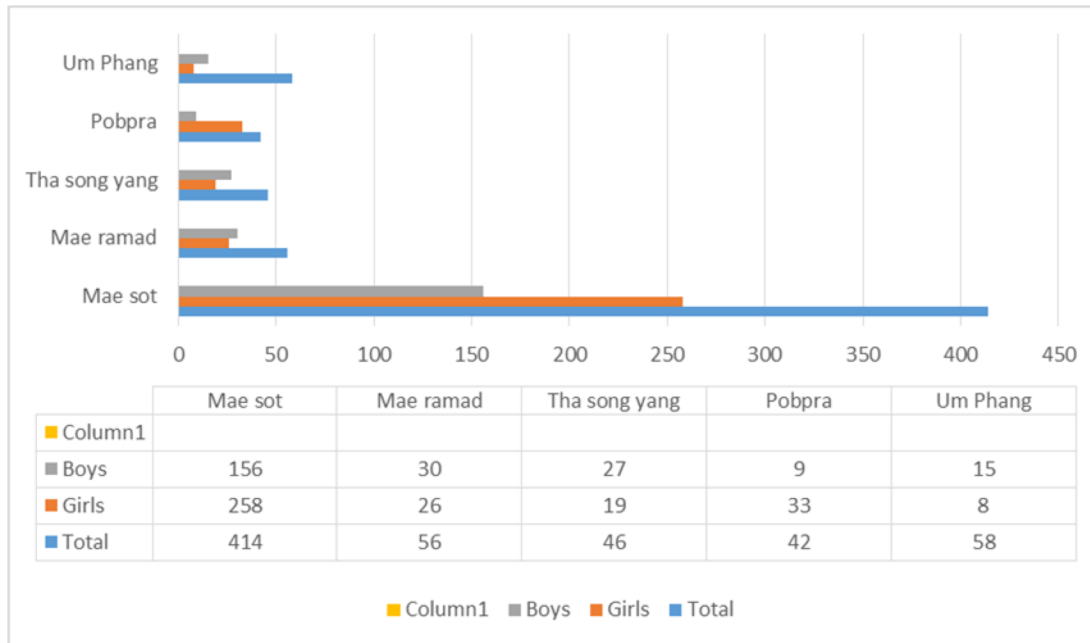
- Data from Mae Sot Immigration Office: There are avaragely 2,187 foreign children crossing border with border pass in each month .
- Data from 43 folders reveal that there are 18,247 foreign children in education system
  - 56% or 10,730 children study in primary level education
  - Most children study in learning centers, and in Mae Sot

# Data of children on the move in education system



- Data from Tak Primary Education Area Office 2 shows that there are 13,620 foreign children or 29% of total 47,736 children in Thai governmental schools in 5 border districts in Tak province.
- The data is different from the other data found in 43 folders that reveals only 5,703 of foreign children studying in Thai governmental schools.
- The data of foreign children in school system lacks clarity because children's status are varied. Some do not have evident, some hold identification card with `0` number. Others hold other document.
- There are dropped-out children. Some move to another school, however, some discontinue their education.

# Foreign children staying in dormitories



- Data from Tak PSDHS: Learning centers in 5 districts provide 32 dormitories that accommodate 1,982 children
- There are 24 dormitories in Mae Sot accommodating 1,203 children
- There is no significant differences between the number of girls and boys.



# Characteristics of children coming to study

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- Their relatives, siblings persuade them to come to study in Mae Sot. Some are children of migrant workers who have lived in Thailand for long period. Most of these children study in Thai school and can speak Thai fluently.
- Children in learning centers cannot communicate well in Thai language
- In terms of commuting, some commute without any accompany, another commute with friends or use bus transfer services. For those who rarely return home, their parents would come to pick them up after they cross the border.
- Their family economic status is better than those children who do not attend school.
- Most children studying in Thai schools tend to expect that they will be able to find a job in Thailand. However, half proportion of children in learning centers plan to return to Myanmar.

# Risks, challenges, and opportunities of children on the move coming to study in Mae Sot

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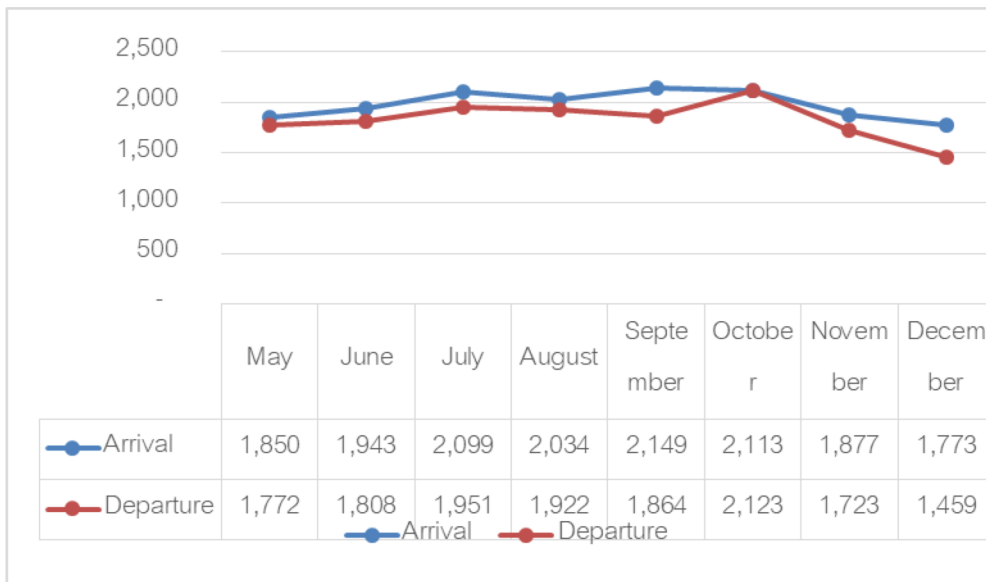
## Risks and challenges

- Safe travel
  - This group of children cross border regularly. They use both official and unofficial routes. The awareness of possible risks during the cross-border is essential.
- Unclear information
  - The information for the following groups of children is unclear: children crossing the border on daily basis, children in public schools, children in learning centers, and children dropping in and out.

## Opportunities

- Foreign children studying in Thai public schools can communicate well in Thai. They can be a good factor in terms of human resource development between Thai and Myanmar.
- Thai government give little interest in improving quality of education in learning centers.
- Learning centers cooperate with schools in Myanmar regarding the referral. However, it is in initial phase.

# Children accompanying their parents



- Data from Mae Sot Immigration Office: Per month, there are averagely 1,904 foreign children accompanying their parents using border pass.
- Data of this group of children lacks clarity.

# Characteristics of children accompanying their parents

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- Children accompanying their parents and living in Thailand over 10 years
- Newly arrived children
- Children accompanying their parents during their entry, but currently separate with their parents

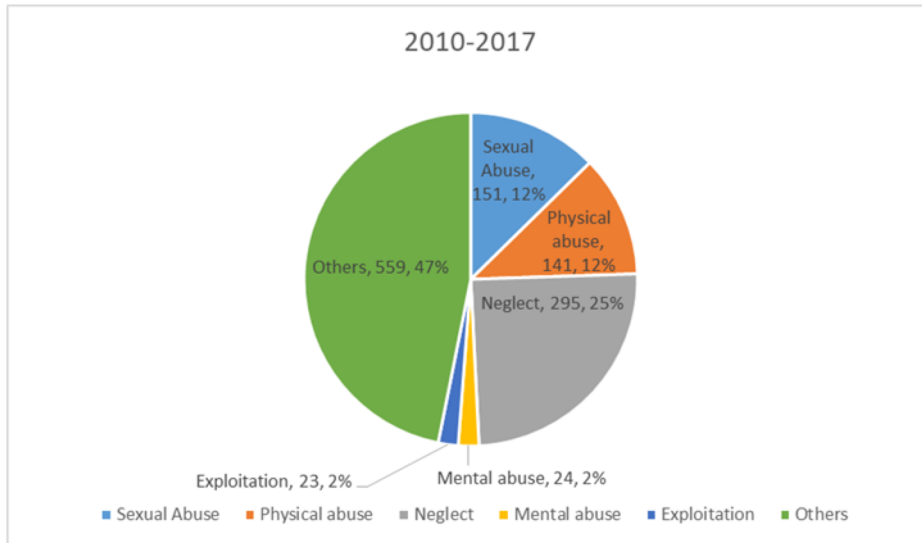
# The causes of migration of children accompanying their parents

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- Parents searching for job opportunities
- Parents having economic problem, and debt in the country of origin.
- Single-parent
- Children wanting to live with their siblings or other relatives
- Family previously living in refugee camps
- Family having problems living in Myanmar due to their religious faith

# Neglected children, orphans, and children in need

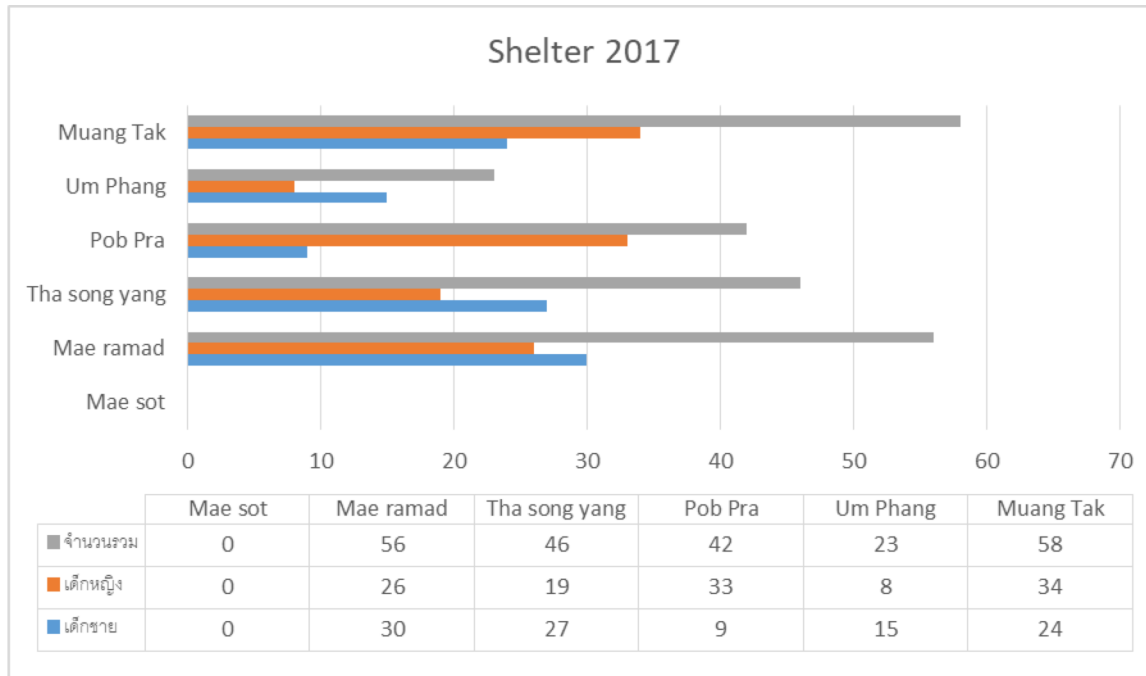
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- Data from CPPCR: Neglected children held the highest proportion of 25%.
- There is 47% of children whose problems are not identified, but categorized in 'Others' group.
- Tak PSDHS states that, in 5 districts near the border, there are totally 19 foster homes. Mae Sot is home for 10 foster homes which is the highest of all districts. Nevertheless, there is only 1 foster home, called Life Impact, that is officially registered.

# Neglected children, orphans, and children in need

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Data from Tak PSDHS: There are 639 children altogether in 19 foster homes.

There are 414 children live in 9 foster homes in Mae Sot.

The number of girls are higher than boys.

## Children in the community and not enroll in school

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- There are number of children who are not enrolled in schools and unexpectedly quit schools due to their families' economic condition that does not allow them to live their own life and study.
- Some children entered into labor market by doing mechanic tasks, work in the market, etc. This group of children cannot communicate well in Thai, some of them hardly speak Thai.
- Some families have difficulties in getting a job due to their lack of skills at work and not able to communicate. They are usually lack of understanding in the area of hygiene and child rights--rights to access to education.



## Children in the community and not enroll in school (Continued)

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Some of children who follow their parents are not enrolled in school or any types of education. It is hard to document the exact number of this group of children. It has been told by various sectors that these children came with their parents to work in agriculture field, or they are residing out of Mae Sot and cannot access to education.

- This group of children have limitation to access to child rights and high risk of exploitation.

## Children on the move's workforce

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- The exact age of children who entered into the workforce can not be identified, it depends on each child's context and the situation that bring them to these types of jobs.
- Parents make the decision--not the child.
- Basically, children on the move prefer to find a job in Thailand than going back to Myanmar, only few of them wanted to live in Myanmar.

## Jobs that are interested by children on the move

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- 1.) Work as a seller in department stores or shops
- 2.) Work as a vendor in the market
- 3.) Work in the factory
- 4.) Work in their own businesses
- 5.) Work as a labor in the market, garage, construction site and work as a scavenger
- 6.) Work in casino
- 7.) Work in clinic or hospital
- 8.) Work in school or student center
- 9.) Work in agriculture field
- 10.) Work at countryside

# Child Protection Process

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- There is a cooperation amongst governmental agencies, private agencies, non-governmental agencies, and community-based agencies in case referral when children are found to be exposed to any forms of violence.
- In governmental agencies, there is One-Stop Crisis Center in Mae Sot Hospital. PSDHS manages case through multidisciplinary team work.
- Cases will referred to responding agencies such as shelters, or foster homes. However, they are run by non-governmental agencies that are not officially registered.

# Limitations in child protection work

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- Each agency is aware of the problems only on their scope of work.
- The understanding about child protection mechanism within the area is still limited.

The participation from people in community and parents is successfully established only in some areas, i.e. they have awareness, and know how to report about incident.

- Even though the issue of children's rights is given to people in some communities, it is impossible to protect children on the move if there is no guideline and knowledge on prevention work given to children and communities.

# Children on the move and their work

- In 2017, there are 615 children aged between 15 to 18 who registered with Office of Labour Protection and Welfare: 615 boys, and 417 girls.
- In 2018, there are additional 52 children getting registered: 16 boys, and 36 girls.
- The most significant problem is Mae Sot is about informal labour such as employees working in agricultural field, and house maids. It is difficult to monitor because the area is spacious, and employers can hardly be reached.
- During the field study, it is found that children enter to various forms of employment. Most of them engage in informal kinds of labour such as working in chicken farms, sorting out chicken feathers, sorting out beans, and collecting garbages, etc.
- The types of work that children engage in can be the work that their parents have been doing. Children have to help their parents because of economic reason. Nonetheless, some children reveal that it's their own need to engage in labour activities.

# The changes of alien working law, and its impacts on children on the move in Mae Sot

- Immigration Act, B.E. 2522 and Alien Working Act, B.E. 2551 giving 2 conditions for foreign workers:
  - 1) Receiving permission to enter the country lawfully in line with Immigration Act, entering the country through designated check-points, and holding valid passport and visa
  - 2) Receiving permission to certain type of work in certain area within designated time frame, and holding valid work permit
- Emergency Decree on Recruitment of Foreigners, B.E. 2559
  - Prescribing regulations on the recruitment of foreign workers
- Emergency Decree on Administration of Alien Workers, B.E. 2560
  - This Emergency Decree attaches to Alien Working Act, B.E. 2551, and Emergency Decree on Recruitment of Foreigners, B.E. 2559
  - The amendment has been made to increase level of penalty on employers of unlawful foreign workers

# Comparison on the penalty under Alien Working Act, B.E. 2551 and Emergency Decree on Administration of Alien Workers, B.E. 2560

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| Penalty        | Alien Working Act, B.E. 2551                                                                                                                                                                                                                                                                  | Emergency Decree on Administration of Alien Workers, B.E. 2560                                                                                                                                                                                                                                                                                      |
|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Employer       | <p>Section 54: Anyone violating Section 27 shall <u>be liable to the payment of fine, not exceeding 10,000 Thai Bath. When their foreign workers have no valid work permit, the employer shall be subjected to pay for fine between 10,000 to 100,000 Thai Baht per 1 foreign worker.</u></p> | <p>Section 102: Anyone employing foreign worker and violoating Section 102 <u>shall be imposed to pay for fine from 400.000 to 800,000 Thai Baht per 1 foreign worker.</u></p>                                                                                                                                                                      |
| Foreign worker | <p>Section 51: Foreign worker working without work permit <u>shall be punished by imprisonment not exceeding to 5 years, or shall be subjected to pay for fine between 2,000 to 100,000 Thai Baht, or shall be punished by imprisonment and payment of fine.</u></p>                          | <p>Section 101: Foreign worker who are not victims of human trafficking under Prevention and Suppression of Human Trafficking Act in Section 8 <u>shall be punished by imprisonment not exceeting 5 years, or shall be imposed to pay for fine between 2,000 to 100,000 Thai Baht, or shall be punished by imprisonmen and payment of fine.</u></p> |



# The change of law regarding foreign workers and its impacts on children on the move in Mae Sot

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## Impacts on parents

- In labour market of foreign workers, employers have more bargaining power than employees. Especially in Mae Sot, employers can cancel the employment and recruit new workers easily.
- Parents of children are temporary workers. They do no job security to guarantee their livelihoods . They have to look for new jobs, and migrate regularly.
- Children's livelihoods are not stable nor secured.
  - They cannot have continuing education.
  - They have to migrate with their parents.
  - They can be exposed to risks of travelling and living in Thailand.

## Impacts on others relating to children

- For example: teachers, staff at learning centers, staff working under public health agencies
- 791 teachers and staff at learning center
- Staff working in public health agencies such as Mae Tao Clinic
- Staff from non-governmental agencies who work on child protection
- Wrong doers under this emergency decree, and supporting agencies and their staff are at risk of being penalized under this law.
- Impacts on access to primary services, child protection, rights of children on the move in Mae Sot

# Challenges: Access to primary services for children on the move

1. Birth registration and citizenship
2. Healthcare service
3. Minimum standard of child rearing, and child development
4. Access to education
5. Prevention and protection of children on the move

# Challenges: Birth registration and citizenship

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- The understanding about birth registration procedure, and the differences between delivery certificate and birth certificate
- Neglected children and orphans have problem to gain access to birth registration.
- Delivery certificate and birth certificate issued in Thailand are not recognized in Myanmar.
- Right to healthcare is not related to birth registration
- Some mothers enter Thailand unlawfully, they are afraid to report to officials. Consequently, their children have not been registered. These problems may expose them to other risks, for example, hygiene, safe delivery, and child's immunization.
- Gaining access to Thai public schools becomes a channel for children on the move to seek for their identification verification.

# Access to medical services

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- Health insurance: In case of children accompanying parents, they have to buy the insurance during the time of their parents doing labour registration, which is quite restrictive.
  - The insurance has to be purchased during the labour registration. As a result, it increase greater financial burden to families with many dependants.
  - In case of parents working in unformal labour system, they do not go through formal labour registration process. Therefore, their children cannot gain access to healthcare services.
- Insurance from school covers only the cases of accident.
- Receiving healthcare service at Mae Tao clinic
- Buying health insurance from non-governmental agencies
- Receiving services from Community Primary Health Promotion Hospitals

# Proper child rearing and promotion of child development

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- Being neglected in unsafe environment such as playing by the road side, or in the area where there are a lot of stray dogs and cats
- Malnutrition
- Hygiene in family
- Lack access to vaccination service
- Living in slum area
- There are higher number of children with special needs, but there is no approach taken to provide appropriate service in respondent to their development.
- Lacking public safe space for children to play

# Education

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- There are many children who cannot gain access to education in communities, particularly children living in remoted communities or children following their parents' work to agricultural fields.
- There are many reasons for children dropping out of schools; for example, moving with parents, family problems, economic problems, etc.
- Children cannot continue higher education because of economic problems, their responsibility to family, etc.

# Prevention and protection for children on the move

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- Children studying in schools have better access to information regarding their rights than children who cannot go to school.
- Children cannot understand the way to protect themselves.
- There is no awareness on safe border-crossing issue for children.
- Parents lack awareness on violence, or child protection.

# Summary

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## 1. Types of children on the move

- There are many types of children on the move. There are children who migrate for the purpose of education, children who migrate with their parents, and children who are neglected and become orphans.
- The data about children on the move is unclear. Most of quantitative data of children can be found in school system. Nevertheless, there are gaps, for instance, dropped-out children, children relocating to new schools, and children in learning centers, etc.
- Child dependents or their parents and neglected children need assistance. There is no proper data collection process, database, and systematic cooperation to work with these groups.
- Regarding neglected children and children in need, it is found that there are limitations in child protection work. For instance, the cooperation amongst non-governmental agencies, the cooperation between governmental agencies and non-governmental agencies, and the knowledge and understanding on mechanism within communities.



# Summary

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## 2. Children on the move and their work

- There are different kinds of children's work. Some case, children help their parents work due to economic reasons. Some decide to work on their own. However, the types of work they engage in can be risky for their health, and they are compensated less wage than minimum standard.
- Unformal labour: agricultural work, housemaid, temporary porter job care the kinds of work that can hardly be monitored.

## 3. The change in law to regulate foreign workers

- The change has impact on parents and other people relating to children. It also has an impact on their living, their development, their access to primary services and their rights.

# Recommendations

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1. There should be a support in the development of curriculum, and education development within learning centers. The finding shows that children in public schools can communicate well in Thai language. However, children in learning center cannot. In terms of development, qualitative children are beneficial to future workforce in Thailand. They can better connect Thailand and Myanmar in economic and social level. Development support on education within learning center can become an important factor that Thai government should pay attention.
2. There should be development of database, and data collection. Now, data collection relies on other systems such as education, and dependents of migrant workers. It is impossible to see the overview of child's migration, and this data cannot relate to proactive child protection work. Thus, data collection system on child's migration should be developed systematically.

# Recommendations (continuing)

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3. Awareness raising work is essential and should be done in family and community levels, particularly on the topics of violence within family and community, access to rights and primary services, safe border-crossing, and unharmed working environment for children that will not have impact on development of children.

4. There should be an establishment of community mechanism in order to provide protection to children on the move. It is found that people in communities do not have an understanding about child protection. Parents should be aware of this issue and participate in child protection work including knowing how to report about the incident. This community mechanism development should be implemented along with the promotion of children's rights in community so that children can gain access to protection.