

Report

*Migrant Children in Difficult Circumstances  
in Thailand*

Premjai Vungsiriphisal

Siwaporn Auasalong

Supang Chantavanich



The Asian Research Center for Migration  
Institute of Asian Studies, Chulalongkorn University

Support by



United Nations Children's Fund (UNICEF)

## **Chulalongkorn University Study on migrant child labor in Thailand, Migrant Children in Especially Difficult Circumstances in Thailand**

### **Aims of the project**

The aims of this study on "Migrant Children in Especially Difficult Circumstances in Thailand" were:

- to provide readers with the most up to date and complete status of migrant children in Thailand
- to identify and analyse the difficult circumstances which are confronting these children
- to develop some indicators to illustrate the conditions in which the migrant children are suffering

### **Structure of the project report**

The full report can be read at this Web site, or downloaded. The report includes a summary, chapters on each of the main groups of children studied (child labourers, prostitutes and street children), and an explanation of the indicators developed in the study.

- [Summary of report](#)
- [Chapter 1: Migrant Children in Thailand - a Result of Globalisation](#)
- [Chapter 2: Migrant Child Labor in Thailand](#)
- [Chapter 3: Migrant Children in Prostitution in Thailand](#)
- [Chapter 4: Migrant Street Children in Thailand](#)
- [Indicators of Migrant Children in Thailand](#)
- [Links to organisations working with Migrant Children in Thailand](#)

### **Origin of the project**

The study has its origin in the mutual interest of UNICEF (Office for Thailand) and the Asian Research Center for Migration (ARCM), based at the Institute of Asian Studies, Chulalongkorn University, Bangkok. UNICEF's interest focuses on children, while ARCM's emphasis is on migrants. Consequently, we agreed that we should jointly survey the existing data on migrant children in Thailand.

### **Convention on the Rights of the Child**

The Convention on the Rights of the Child (CRC) was used as the guideline for the analysis and the development of the indicators.

### **Next steps**

Now that the study is completed, ARCM is creating a database on migrant children in especially difficult circumstances on the ARCM Web site, using the data gathered during the study. Major statistics and indicators will be available to download, in order to disseminate the information more widely through electronic communication. This database, which we aim to update regularly, will be accessible on this Web site

### **Acknowledgments**

The Asian Research Center for Migration, Institute of Asian Studies, Chulalongkorn University, would like to thank UNICEF (Office for Thailand) for its support in carrying out this study. We would also like to thank Government Organizations and Non-Government Organizations who cooperated in providing us with their information on migrant children.

We hope that the study can help, directly or indirectly, to save migrant children from their unfortunate conditions and bring about better protection

### **Summary: Status and Indicators of Migrant Children in Especially Difficult Circumstances in Thailand**

The phenomenon of migrant children in especially difficult circumstances occurs not only in Thailand but throughout the world. Countries near to Thailand have political unrest, civil wars, economic recessions, and poor living conditions, all of which are factors pressuring people to leave their homes. Thailand's high economic growth, combined with geographical features that make it easy to cross Thailand's international borders, are factors which have attracted as many as one million people to come into Thailand. An estimated one fourth of these migrants are children. Some of these children came in with their families or with relatives or friends who came into sell their labor. Some of the children came in by themselves and others were persuaded or lured by agents to come to work in Thailand. These children are illegal migrants under Thai law.



Even though Thailand announced a policy in 1996 to permit the registration of certain illegal migrant workers for employment, no children registered. Meanwhile, field surveys and the available research about migrant labor shows that there are migrant children being hired to work in various types of jobs. Besides migrant children who came in to sell their labor, there are some children engaged in the sex trade because they were lured or forced to come to work in Thailand. In addition, there is another

group of migrant children who came in to be beggars or to sell small items in the street. Some of these migrant child beggars are controlled by beggar gang leaders and some live with their families who came in to Thailand to be beggars or laborers.

The three groups of migrant children in especially difficult circumstances are of many nationalities such as Cambodian, Burmese, Chinese, Lao, Bangladeshi, and Indian. Few have the opportunity to receive higher than a primary school education. Some of them received a primary-level education but most of them did not receive any formal education at all. Even the children who were born in Thailand of families that have been living in Thailand for a long time had little opportunity to receive education due to their status as illegal migrants.

Besides lacking adequate educational opportunities, children who sold their labor were being exploited by receiving low wages or no wages at all. Employers deducted the children's wages for agents' fees or the employers had no intention of paying these migrant child workers. These children had to do work which was too heavy for their age; e.g., in the construction and fisheries industries. They had to work in jobs which violated basic moral principles and they experienced mental health problems. They also had to work in entertainment places and indirect commercial sex establishments. Migrant child workers commonly had long working hours and no holidays. Some of them were physically and sexually abused by agents and employers. The children who worked in the sex trade, both in direct and indirect commercial sex establishments for middle and lower class clients, faced problems of being forced to perform activities against their will, assaulted, or raped by employers, customers, and others.

Even though the information available demonstrates that the sex trade is quite profitable, most of the children did not receive any remuneration except for a few who received some small per diem payments. Their wages were deducted by their employers for agents' fees and personal expenses such as housing and food. In addition, employers charged them for high "interest payments." As a result of all this, the children were forced to work for a long time to pay off their debts. They had very poor working conditions and had to serve their customers almost everyday. Some children contracted diseases, including HIV/AIDS, from sexual activities. Some of them became pregnant because they lacked knowledge of birth control methods or the birth control methods they used failed. They did not receive proper employment benefits or care from the owners of the commercial sex establishments. The fear among people of contracting sexually transmitted diseases, the belief that young children would be free of disease, and the value associated with taking a child's virginity were all factors that pushed girls as young as 12 to become child sex workers. Children of many nationalities were found in the sex trade, including Chinese, Burmese, and Vietnamese.

Furthermore, there is another group of migrant children in especially difficult circumstances in Thailand: migrant street children. They are of many nationalities such as Cambodian, Burmese, Bangladeshi, Indian, and Vietnamese. The largest number of migrant street children are Cambodian. Some migrant street children came into Thailand with their families, relatives, or friends with the intention of being beggars. However, some were lured into the begging business. Some of these beggar children were controlled by beggar gang leaders who would collect all the money that the children earned and transported them to and from various locations under close supervision. Even some children who lived with their families were forced to beg and their families became involved in begging as well. Some migrant children wandered about in the street selling small items and were sexually abused. Even

when the children lived with their families, the families were unable to protect them from such abuse. These street children were at high risk of contracting diseases and being involved in accidents due to their working conditions. The working conditions often involved wandering around in the street or near garbage dumps, staying in the sun for too long, and living in unsanitary areas.

Since migrant children were often unaware of their status as illegal migrants and lacked information about the situations in which they found themselves, they were easy targets for arrest by the Thai authorities. Linguistic and cultural differences made them unfamiliar with conditions in Thailand and they could not properly adjust to the new environment. These circumstances made it difficult to prevent the children from working and to assist them when they experienced difficulties. The information available shows clearly that many people made significant profits from bringing children into Thailand to work as laborers, sex workers, or beggars.

Examining the limited information available from surveys of a few migrant children who received help from non-governmental organizations, as well as statistics of those arrested by the Thai authorities, shows the obvious difficulties migrant children face in Thailand. This is particularly true for the three groups of migrant children who are in especially difficult circumstances, as the following reveals:

### **Child labor**

- Ages: Many children started working before they were 14 years old, the lowest age at which children can work under Thai law.
- Types of work: The migrant children worked in unsuitable jobs which adversely affected their physical and mental health. They were forced to work beyond their strength and to work in places where the conditions violated basic moral principles.
- Long working hours: Some of the children had to work more than 8 hours a day with no days off.
- Income: Most of the children received wages below the legally prescribed minimum wage. Some children did not receive any wages at all.

### **Children in Prostitution**

- Ages: There are still migrant children under 18 in the sex trade
- Gender: Most migrant child sex workers are female, though there are also male migrant child sex workers.
- Health: Migrant child sex workers risk contracting diseases from sexual activities, including HIV/AIDS. They also are in danger of becoming pregnant.
- Income: Though the customers of migrant child sex workers pay significant amounts of money, the employers exploit the children by providing little or no wages.

### **Street children**

- Access to health services: Migrant street children had no opportunity to receive basic health services.
- Health: Migrant street children are at high risk of contracting disease due to their poor living conditions and the dangerous environments in which they stay.
- Risk: Migrant street children are at high risk of being involved in accidents.

The children in all three groups face similar problems: the inability of their families to protect them; the lack of access to inoculations for preventable childhood diseases; the lack of opportunities to receive an education; and the lack of necessary skills and knowledge needed to cope with daily life and work. Migrant children are assaulted, sexually abused, detained or held captive, and generally exploited for the benefit of others.

The trend is towards worsening conditions for migrant children in especially difficult circumstances in Thailand, in part a product of the recent policy to relax the restrictions against hiring migrant workers.

At the end of 1997, there was a shift in policy (with a change in government) to not allowing migrant workers to work in Thailand. This was done to assist Thai workers who were unemployed due to the economic crisis. The carrying out of official duties according to this policy still lacks clarity, and problems relating to work performance of officials have not yet been solved. When combined with the many differences between the countries of origin and Thailand, there is understandable difficulty in successfully pushing back these migrant children. Thus, contrary to the declared objectives of the new policy, the migrant child workers, who were already in difficult circumstances, have become subject to even greater intimidation, control and exploitation.

Employers hire migrant child workers because they are more cost-effective than Thai workers. Agents and others who bring migrant children into Thailand earn significant amounts of income. In addition, conditions in the children's home countries are quite different from those found in Thailand. The result of all the above factors is that Thailand now faces the problem of hosting a large number of migrant children. There must be sincere and rapid measures to cope with this problem. These measure will require seeking the coordination of all the relevant organizations. Thailand needs to take action not only because it is a member of United Nations which and a signatory to The Convention on the Rights of the Child, but to acknowledge that children are a vital human resource and a necessary foundation on which to build the future. Children must be taken care of and protected to assure they can enjoy a stable and secure life. They must be safeguarded against exploitation, assault, and violations of their rights, no matter what their nationality, language, or location.

## **Migrant Children in Especially Difficult Circumstances in Thailand**

### **Chapter 1: Migrant Children in Thailand - a Result of Globalisation**

#### **Introduction**

At present, all parts of the world are easily and quickly accessible. With advances in technology, information from one part of the world can be sent to another part of the world almost as though boundaries do not exist. However, at the same time, in the midst of material progress, there are consequences for the natural environment and impacts on human beings which are not limited to any one country. The economic, social, and cultural characteristics of one country can affect other countries. This is unavoidable and is clearly seen in the phenomenon of international population migration. This takes place because migrants want to flee danger in their own countries and seek safe haven, or to seek a better life in a third country. Population movements of these sorts occur worldwide.

Looking at Asia, political and economic push factors in Myanmar (Burma), Bangladesh, China, Laos PDR, India, and Vietnam are the main reasons behind the migration of people from these countries. Thailand's high economic growth and progressive development are the factors which attract a large number of people to migrate into Thailand, both legally and illegally. Apart from the conditions in the countries from which migrants in Thailand originate, Thailand's geography and its 5,656-kilometer long border with neighboring countries must be taken into consideration. The 2,401-kilometer border with Myanmar is the longest. The second longest border of 1,810 kilometers is with Laos. The border with Cambodia is 789 kilometers and with Malaysia 647 kilometers. There are 320 land and sea entry and exit points which facilitate migration. These points are very difficult to monitor.

Thailand now faces major problems due to an influx of people of many national and ethnic backgrounds. The problems are not limited to migrants coming in to seek employment, and the resulting debate as to whether they take away jobs from Thai workers. There are problems of national security that impel the involvement of Thailand's authorities concerned with national security issues. In addition, there are social problems caused by differences in cultures and concerns associated with the safety of Thai citizens. At the same time, looking at the situation from migrants' standpoint, there are many phenomena indicating that they have problems as well, especially the sizable number of children who are not in a position to help themselves as much as adults can.

### **Children in Especially Difficult Circumstances**

During the past two decades, more people have started to discuss the problems of children in especially difficult circumstances, problems such as children starving due to poverty, war orphans, etc. At present, these problems appear to be increasingly intense and complex. A large number of children are pressured by various factors to leave their families to become street children, sell their labor, or sell sexual services. These factors are not restricted to any one part of the world and exist everywhere. However, considering the push factors in the places from which migrant children originate and the pull factors in Thailand, Thailand is clearly the main magnet for child migration in the Asia-Pacific region.

Thailand's position in the child migration landscape stems from many factors. A large number of foreign children in especially difficult circumstances become laborers, sex workers, or street children. Consequently, they face many troubles because they do not receive any care or protection against abuse of their rights. Thailand cannot overlook the phenomenon of migrant children and has shown great interest in solving their problems.

### **United Nations Convention on the Rights of the Child**

The Thai government has attempted to encourage the development of children in all fields by joining in the ratification of United Nations Convention on the Rights of the Child in 1989. Thailand ratified the Convention to take care of and protect all children on Thai soil so they might live in safety and develop themselves according to their rights in the Convention. Article 2 contains the following:

1. States parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race,

- colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or their status.
2. States parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians or family members.

## **Implementation**

The Asian Research Center for Migration (ARCM), Institute of Asian Studies, Chulalongkorn University has compiled information and set up a database regarding the migrant children in especially difficult circumstances in Thailand. The purposes of this effort are as follows:

- to determine the nature of the foreign children who have migrated into Thailand and focus on three groups of the children who are in especially difficult circumstances; namely child laborers, child sex workers, and street children.
- to survey the countries of origin, routes used to enter Thailand, and the employment and present condition of migrant children.
- to analyze the situation of migrant children who are in especially difficult circumstances in Thailand, according to the Convention on the Rights of the Child and Thai law.
- to develop indicators and a database of migrant children in especially difficult circumstances in Thailand.

ARCM performed the research for this report by evaluating the field operations of non-government agencies, government agencies, and international organizations using the following steps:

- Survey and compile information from seven government agencies and eleven non-governmental organizations.
- Collect additional information by interviewing employers, migrant children, and officials from seven non-governmental organizations.
- Analyze the information, specify the indicators, describe the situation of migrant children, and then establish the database.

The work was carried out during September 1997 - March 1998

## **Analysis of the Situation of Migrant Children in Especially Difficult Circumstances**

To present this analysis, children are divided into three groups:

1. child laborers
2. child sex workers: and
3. street children.

## **Definitions**

A child means "every human being below the age of eighteen years" (Article 1 of the Convention on the rights of the child)



According to the National Youth Bureau, Office of the Prime Minister, "children in especially difficult circumstances" means "children who face problems and need special assistance from society in order to live happily in society."

## **The Situation**

In the past two to three years, whenever there was news of arrests of illegal migrants in Thailand, there were always children included. At the work sites of migrant workers, there were always some migrant children.

Migrant communities in Thailand include very young and teenage children. Most of Thailand's street children are foreigners. Some entertainment establishments have employees consisting mainly of migrant children.

Under a 1996 cabinet resolution, Thailand initiated a policy to relax the regulations concerning the hiring of illegal labor migrants, allowing certain migrants to register with the government and stay in Thailand for a maximum of two years. A total of 371,971 migrant workers registered but none of these migrants were under eighteens. The Asian Research Center for Migration conducted a field survey on the outcome of the registration policy and found that in locations where large numbers of migrant workers resided, there were large numbers of male and female children under the age of 18, including young children who were born in Thailand. These migrant children are considered to be illegal aliens living in Thailand without any birth certificates.

There are large numbers of migrant children in Thailand. Some children came in with their families to be laborers. Some came to Thailand voluntarily and some were lured. There are also migrant street children who sell small items and/or end up selling sexual services.

The trend is towards a continuing increase in the number of migrant children. The statistics for the number of street persons (including migrant children) arrested by the Department of Public Welfare indicate that arrests in 1996 were almost double those of 1995. Some of these children returned to Thailand after the Thai authorities had deported them.

## **Reasons for Migration of Foreign Children**

Some children migrate to Thailand because their parents desire to bring their families to live with them. Some children come in by themselves for political reasons. Some Burmese children wanted to avoid forced labor, government extortion for tax payments (a substitute for forced labor), or the loss of their liberty. Some of them come in for economic reasons, e.g. Burmese, Cambodian, Bangladeshi, and Sri Lankan children who cannot find jobs in their home countries or have families who cannot support them. Some of the children came to Thailand for social reasons. They had been in contact and visited with people they knew or with relatives who had settled down in Thailand. They wanted to see a more civilized country, having been influenced by mass media reports from Thailand received in neighboring countries.

## **The Routes and Means of Entering Thailand**

Most migrant children travel by car, motorcycle, or walk from their place origin to the Thai border. Some children come with agents. If they come in a large group, they usually travel by truck to the border. If they come in small groups, they travel by foot

or by car to the border. They pass through the border checkpoint legally or they bribe the Thai border officials. Some enter Thailand by evading border guards and sneaking across the long and porous land border. Some points of entry are by sea

Some of the Thailand-Cambodia border crossing points are:

- Kap Choeng District, Prasat District and Ban Kok District, Surin Province
- Ta Praya District and Aranyaprathet District, Sakaew Province
- Klong Yai District and Koh Kong, Trat Province

Some of the Thailand-Laos PDR border crossing points are:

- Chiengsaen district, Chiengkong district, Viengkarn district - Chiangrai province.
- Chiangkham district - Payao province
- Chalearmprakiat district - Nan province
- Thatphanom District and Ta-Uten, Nakorn Phanom Province
- Sri Chiang Mai District and Ta-Bo District, Nong Khai Province
- Kemmarat District and Phibun Mangsahan District, Ubon Ratchatani Province
- Dontan District and Sompoy District, Mukdahan Province
- Chanuman District, Amnat-Charoen Province

The Thailand-Myanmar border has many border crossing points in Thailand's northern and western provinces:

- Mae Sai District and Chiang Kong District, Chiang Rai Province
- Fang District, Chiang Mai Province
- Khunyuam District, Mae Hong Son Province
- Ta Song Yang District and Mae Sot District, Tak Province
- Sangklaburi District and Tongpaphum District, Kanchanaburi Province(12)(13)(14)((15)

Migrant children from Thailand's neighbors enter Thailand by crossing the border using the various crossing points. The children from other more distant countries enter Thailand by passing through Thailand's neighboring countries. For instance, Vietnamese children pass through Cambodia or and Chinese children pass through Myanmar before entering Thailand.

## **Chapter Two: Migrant Child Labor in Thailand**

**The definition of "child labor" is "children who work to get income to support themselves or their families."**

There are non-governmental organizations in Thailand which give assistance to children who are mistreated, exploited for their labor, or sexually abused. Some of these organizations provide aid for migrant children. Starting in 1990, the Foundation for Child Development found migrant children selling labor along with Thai children. In 1991, the Center for the Protection of Children's Rights began giving assistance to migrant child workers who were sexually and physically abused. Nevertheless, from interviews of migrant child workers in Samut Prakan Province by one non-governmental organization, it was found that a Bangladeshi child who is now 15 years old had started working when he was 5 years old. This shows that migrant child workers have been in Thailand for many years. However, it was only in the past three to four years that this issue began garner stronger interest after a large number

of migrant child workers were found working along with adult migrant workers. An estimated one-fourth of Thailand's total migrant labor force consists of migrant children.

### **Means of Entering**

There are four major means by which migrant child workers enters Thailand:

1. Coming in with their family to sell their labor or sneaking into Thailand for other reasons
2. Coming in with their relatives or someone they knew who had already come to settle down in Thailand
3. Coming in by themselves or with their friends. Most in this group are grown up children who had entered Thailand many times
4. Coming in with brokers, being persuaded, lured by brokers or someone they knew. These brokers and the people who knew the children were of the same nationality as the children, of different nationality, or were Thai brokers.

### **Agents**

Agents bring in children to sell labor. In some cases, foreign agents bring in the children on their own, based on these agents' previous work experience in Thailand and acquaintance with Thai employers and Thai agents. These people go to villages in their home countries and persuade children to come to work in Thailand. They bring the children into Thailand and send them directly to the Thai employers or Thai agents. In other cases, foreign and Thai agents cooperate directly. They contact the children in their home areas and bring the children to the Thai employer, thereby earning an agent's fee. If a child pays the agent in advance before securing employment in Thailand, the payments range from 200-6,000 baht. If a child pays later, the agent takes payment directly from Thai employer and charges twice the amount the child would pay in advance. Later, the employer deducts the payment made to the agent from the wages of the child worker. The agent's fees sometimes include transportation costs but do not include money that has to be paid to Thai officials as bribes during the trip. The agent's fees for Burmese workers are higher than others, ranging from 1,500-5,000 baht or 3.75 - 15 grams of gold. This fee does not include the money that has to be paid to Burmese officials for crossing the border check points, ranging from 1,000-1,500 baht. It also does not include payments that must be made when the migrant workers are arrested by Thai officials for entering Thailand illegally; or when the workers already in Thailand travel to seek employment in other provinces.

### **Types of Child Workers**

Migrant Child Workers can be differentiated by the duration of their stay . There are two types of migrant child workers:

1. Temporary or short time type - Those who came in during the rice cultivation season for short periods ranging from ten days to three months were found at the Thai - Lao border at Mukdahan province. Some who came work for 2-3 months during the school vacation were found at the Thai-Burmese border at Kanchanabury and Tak province.
2. Long term type - Those who came in to work for long periods in the border provinces and in the big cities in Thailand, including Bangkok.

Beside the above, there are other means of entering into Thailand of migrant child labor, especially Burmese and Mon children. They come in under the cover of being novices, by being ordained in Myanmar and crossing into Thailand. Sometimes, the children are ordained as novices at the Mon temple in the area of Kanchanaburi Province, after which they go to reside at the Mon temple in Bangkok, or to Pathum Thani Province where there are many Mon temples. Later on, they disrobe and sell their labor. The largest number of child migrant workers in Thailand are of Burmese ethnicity (including ethnic minorities such as Mon, Karen, Tai Yai, etc.). Overall, Burmese child migrant workers make up more than half of the total number of child migrant workers in Thailand. The next largest group of child migrant workers consists of Cambodian and Lao children. There are also children of Chinese, Vietnamese, Bangladeshi, Pakistani, and Indian nationality.

### **Types of Work**

The work that involves using migrant child labor can be separated into four levels:

1. General service jobs (including: domestic work, such as cleaning, doing laundry, cooking, dishwashing; jobs in restaurants such as buying food at the market, cooking, serving food, dishwashing; Baby sitting; car washing; gas attendant at a gas station)
2. Use of Labor Jobs - work as porters in many types of jobs such as fishery work in the agriculture sector, transportation, tourism and construction
3. Jobs in factories and in the industrial sector such as textile factories, garment factories, food canning factories, Thai vermicelli production factories, water boiler production factories, bottling water factories, tobacco curing factories, steel factories.
4. Others jobs, such as small item vendors, packing charcoal, chili and garlic pickers, fish grading.

### **The United Nations Convention on the Rights of the Child and the Thailand's Child Labor Laws**

Article 32 of the Convention on the Rights of the Child (promulgated in 1989) states that:

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:

- Provide for a minimum age or minimum ages for admissions to employment;
- Provide for appropriate regulation of the hours and conditions of employment;
- Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

For Thailand, there are regulations to protect children workers as regards age and types of work according to Ministry of Interior announcement on January 18, 1990 as follows:

- Prohibited children under age of 13 to work
- Work permitted for children age of 13-15: messenger; commercial service job where liquor is prohibited; collection and selling of flowers, fruits, groceries, beverages without alcohol; and manual labor involving weights of no more than 10 kilograms
- Prohibited children under age of 15 to work from 10:00 P.M. to 6:00 A.M. or work on holidays or overtime
- Types of work prohibited for children under age of 18: iron smelting; steel molding; work related to heat and cold, vibration and light which are not normal and can be hazardous; work related to toxic materials, inflammable material; jobs underground and under water; and jobs in tunnels.
- Working locations prohibited are slaughter houses; dance halls; Thai traditional dancing places; places that sell food, alcohol and other beverages and have female waitresses

Therefore, even though the cabinet resolution in 1996(19) designed to control migrant workers did not include children, Thailand, as a member of the United Nations, must carry out measures to protect and provide the fullest benefits to children according to the Convention on the Rights of the Children. All children in Thailand should use the Thai law that protects child workers as the standard when assessing the situation and problems of migrant child labor.

### **The Situation of Migrant Child Labor**

The information from 15 documents and 3 interviews indicates that the situation faced by migrant child labor - including ages, wages, working hours, and problems children experienced - can be described as follows:

#### **Age of Children**

Children can be found from age 3-18 working in various types of jobs.

1. Service jobs
  - Domestic work: Laos children, age 12-17, and a Khmer child, age 16, were found in household jobs
  - Jobs in restaurants: a Burmese child, age 7, was found working as a dishwasher; Lao children, age 12 - 18, and a Khmer child, age 15, were found working as cooks, cleaners, serving food
  - Babysitter: a Burmese child, age 7, and a Lao child, age 16, were found working as babysitters.
  - Car washer: a Lao child, age 16, were found working as car washer
  - Gas attendant: Lao children, age 13 - 18, were found working as gas attendants.
2. Use of labor job:
  - Fishery sector: Khmer and Burmese male children, age 10 - 18, were found
  - Agriculture sector: Lao female children, age 11 - 13, were found working in a tree seed germination mill
  - Transportation sector: a Lao, male child, age 17, was found.
  - Construction work: Khmer, Lao, and Burmese male children, age 10 - 16, were found.
  - Coolie labor in a shop: a Lao male child age 14, was found and a Khmer female child, age 13 worked as a porter at the border checkpoint.

3. Jobs in factories and in the industrial sector:
  - Food canning factory : a Burmese child, age 12, was found
  - Textile factory, garment factory: Lao female children, age 12-16, were found
  - Thai vermicelli production factory : Lao male children, age 13-18, were found
  - Water boiler factory: Lao male children, age 12-15 were found
  - Bottling water factory : a Lao female child, age 14, was found
  - Steel factory: Lao female children, age 12-16, were found
  - Furniture factory : a Lao male child, age 17, was found
4. Other jobs: there were children, age 3-17, of Khmer, Bangladesh, and Burmese nationalities working as shrimp and fish waste collectors, packing charcoal, cart pushers, selling small items, fish slicers, guards, shoeshiners.

## **Working Hours**

The working hours of migrant children consisted of many different time periods.

1. Service jobs:
  - Domestic work has different time periods 05.00-18.00, 04.00-20.00, 07.00-23.00
  - Serving food jobs: 03.00-23.00, 05.00-24.00, 16.00-23.00
  - Car washer: 06.00 - 17.00, Gas attendant - uncertain working hours depending on customers.
2. Use of labor jobs
  - Working hour period: 07.00-18.00, 08.00-17.00, 08.00-18.00
  - Fishery jobs: children have to stay in the boat for the entire working period; therefore, it is difficult to estimate the working hours.
  - Industrial factory jobs: most of them worked during the factory's regular working time : 08.00-17.00, 08.00-18.00, for Thai vermicelli production factory 03.00-12.00.
3. Others: uncertain working hours - Khmer children who pushed carts transporting goods, collected chili and garlic and sold small items came in after the border checkpoint opened at 07.00 and returned back when the checkpoint closed at 16.30 p.m. Burmese children who collected shrimp and fish waste, graded fish, worked from dawn until the afternoon. Bangladeshi children who sold cough drops, chewing gum and flowers worked from 16.00-22.00 p.m. Khmer children who worked as shoeshiners for the tourists worked from 19.00-24.00 a.m.

Some of the migrant child laborers worked without any days off such as in housework, restaurant jobs, as car washers, guards, gas attendants, bottling water in factories and Thai vermicelli production factories. Some have 1-4 holidays per month such as those working in restaurants, as vendors, working in steel mills, in water boiler factories, or who quit working when there was no work to do such as working in furniture factories or selling small items.

## **Income**

The available information indicates that some of the migrant child workers did not receive their wages for many months because the agents had already taken the wages of the children from their employer as agents' fees or the employer did not intend to pay at all.

- Service jobs: domestic work, the income ranged from 500-3,000 baht per month. For baby-sitters, the income ranged from 100-1,000 baht per month. Most children received wages from 1,000-1,500 baht per month.
- Manual labor: the income ranged from 50-180 baht per day.
- Industrial jobs in factories: the income ranged from 50-170 baht per day, mostly 80-135 baht.
- Others: the income ranged from 10-120 baht per day. For peeling shrimp and removing fish scales, 10-70 baht per day; for tearing off grasshoppers' wings and collecting chili peppers 15-20 baht per day; for selling flowers, 100-120 per day; and for collecting garbage(3) 10-30 baht per day.

### **Working conditions**

Child and adult migrant workers do many of the same kinds of work. Therefore, there are many jobs that are not suitable for children, especially jobs that can adversely affect their physical or mental development or are hazardous to their health.

- Service jobs: Domestic work, restaurant work, gas station work, have more than 10 working hours per day. Some children worked at night at places that serve alcohol beverage and provided surreptitious sexual services.
- Manual labor: for industrial factory jobs where children have to do heavy duty jobs and had long working hours. Construction jobs and fishery related jobs could be dangerous.
- Others: Peeling shrimp peelers and collecting fish require the children to soak their hands and feet in filthy water for long periods. To collect chili peppers, children are exposed to heat. Children who tear off grasshopper wings can be hurt because the wings are quite abrasive. Children who pack charcoal must breathe dust for extended periods. Children who collect garbage can be injured by glass fragments.

### **Welfare benefits**

There are some types of jobs where child workers receive housing benefits such as domestic work, restaurants, and some of the factories. As for construction jobs, the workers can stay in the area of the construction site.

### **Health**

Some work places have first aid kits with medicines such as pain killers and anti-fever pills. However, the children normally must pay themselves if they must seek medical care. In some working places, the employers paid a part of the medical care fees.

### **Exploitation, Abuse and Other Problems**

Some Burmese and Cambodian children work with their parents or live with their families at construction sites, fisheries industry areas. However, the majority of children work by themselves or are separated from their families. Therefore, they face problems such as a lack of family support, wage exploitation, or abuse.

- Do not receive wages: the children who did not receive their wages included 16 of the 28 child workers who received assistance from two of the non-governmental organizations, and 8 out of 19 children who were arrested and detained at the Immigration Detention Center. There were twelve Laotian, one

Burmese, one Mon, and one Akha children who worked without getting any wages. The employers never intended to pay these children or they were arrested before their wages were due.

- Physical abuse: one Mon, one Tai Yai, one Karen and six Laotian female children, as well as one Laotian male child, were physically assaulted by their employers.
- Threatening and Intimidation: a non-governmental organization assisted one Burmese child (Mon) who was raped by someone she knew. A child worker in the Immigration Detention Center told the interviewer that she was raped by an agent.
- Arrest: Those arrested had to pay fines. There are reports that Burmese migrant workers, including child laborers, had to bribe Thai police officials every month in order not to be arrested.
- Heavy duty jobs: some child migrant workers had heavy duty jobs in industrial factories and positions requiring hard manual labor. They received days off depending on the characteristics of the jobs. In some cases, the children had to work overtime. However, employers often favored work that paid a daily instead of hourly wage. Other employers paid by the piece, an indirect way to spur the children to work harder in order to receive greater income. Some children in service jobs, housework or jobs involving serving food worked without any holidays.
- Lack of educational development: some of the migrant child workers did not receive any education or attend any primary school (grade 4-5). Few had higher education than that of the primary level. Some of the child workers who worked at the border province received education in Thai school.

### **Indicators of Migrant Child Labor**

The information above provides some idea about the situation faced by migrant child labor. There are many measures that can serve as indicators of the condition of migrant child labor. These include:

1. Ages: using Thai law as the standard, there are rules permitting only children above the age of thirteen to be hired for jobs. However there are many migrant child workers under the age permitted by law. There were migrant children from the age 13 down to 3 working in various jobs. Children aged 3-12, worked in service jobs; children aged 10 worked in construction jobs; and children aged 12 worked in industrial factories.
2. Types of work: children should not work beyond their strength in jobs that pose risks to their physical and mental health, or prevent them from developing normally. Many types of jobs that migrant children do require manual labor. There were children under ten years old in construction work and fishery jobs. They had to carry heavy items that put them at risk for injury. These jobs involved heavy work, work beyond what is permitted by Thai law, under which children aged 13-15 can work only in light duty jobs. Some of the children worked in textile factory jobs, a form of employment which is not permitted under Thai laws to protect child labor, or even under the 1996 cabinet resolution that allowed registered migrant workers to be employed in certain sectors.
3. Work location: many migrant children were found working at places prohibited to children, such as restaurants that serve alcohol or karaoke bars which have female waitresses.
4. Working hours: children are prohibited from working after 10 p.m., though many do. Working overtime, working on holidays, or not even having holidays



is normal for migrant children in service jobs, domestic work, and jobs involving serving food. Some of the child migrant workers had to work all night. Working overtime, working on holidays and working without any days off are all violations of the Child Labor Protection Act in Thailand.

5. Wages: whether children receive a daily wage, get paid by piece, or receive a monthly salary, some children earn very little. Some children were being exploited by agents or by employers who never intended to pay their wages. At present, the Thai government still has no effective measures to deal with the income problems faced by migrant child workers. This problem needs greater attention and appropriate measures as much for children as adults. Many migrant children who started working while they were under the legal age were forced to work too hard, received intentionally low wages from their employers, or had agents' fees deducted from their wages. Even though some children said that they received good wages, they had to work excessively hard to earn this amount and had no opportunity to receive any education or enrich themselves outside of the workplace.

Migrant child workers are constantly at risk of being sexually exploited, assaulted and intimidated. Some of the children do not even receive a primary-level education because of their status as illegal migrants. Furthermore, whenever migrant children face problems, they cannot ask for protection from Thai officials or other government agencies. They are constantly at risk of arrest on the charge of illegal entry into Thailand. Migrant child labor creates problems and the Thai government must sincerely undertake measures to solve these problems for the benefit of the children. Children have the right to be protected no matter where they are.

### **Chapter Three: Migrant Children in Prostitution in Thailand**

**The definition of children in prostitution is "female or male children who provide sexual service with or without remuneration."**

#### **The United Nations Convention on the Rights of the Child and The Prevention and Suppression of Prostitution Act of Thailand**

Children in prostitution is a violation of the Convention on the Rights of the Child, Article 34:

- States parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:
  1. The inducement or coercion of a child to engage in any unlawful sexual activity;
  2. The exploitative use of children in prostitution or other unlawful sexual practices;
  3. The exploitative use of children in pornographic performances and materials.

Thailand recently passed a law directed at solving the problem of child sex work; namely, The Prevention and Suppression of Prostitution Act of 1996.

- Section 8. A person who engages in sexual acts or performs other acts for the sexual satisfaction of himself or another person who is aged over fifteen years

but not yet eighteen years of age, in a commercial sex establishment, whether with consent of that person or not, shall be penalized with a term of imprisonment from one year to three years and a fine from twenty thousand baht to sixty thousand baht. If the offense under paragraph one is against a child of not more than fifteen years, he shall be penalized with a term of imprisonment from two years to six years and a fine from forty thousand baht to one hundred and twenty thousand baht.

- Section 11. Whoever is the owner of a commercial sex establishment, the manager of a commercial sex establishment, or the organizer of commercial sex activities shall be penalized with a term of imprisonment from five years to fifteen years and a fine from one hundred thousand baht to three hundred thousand baht. If the commercial sex activities or commercial sex establishment under paragraph one involves or employs a child of not more than fifteen year for the purpose of commercial sex, the term of imprisonment is from ten years to twenty years and the fine from two hundred thousand baht to four hundred thousand baht.

[Note: this is an unofficial translation of the Act]

The problem of children in prostitution in Thailand is undeniable, though there is still debate as to the number of people involved and its magnitude. The Thai government has been concerned about this problem for some period of time, especially during Prime Minister Chuan Leekpai's administration from 1992-1995. During that period, the government announced that it would eliminate children in prostitution. Nevertheless, as of mid-1997, child sex workers under the age of 18 still practice their trade in Thailand. They are not only Thai children but other nationalities as well. The non-Thai child sex workers come from countries neighboring Thailand or are children who live in Thailand without Thai nationality.

The presence of migrant children in the sexual trade received great attention after Thai police officials, in coordination with non-governmental organizations, raided a brothel in 1991 and found 15 Burmese highland children, as well as four Chinese children who had previously escaped from another brothel. In the same year, there were 117 migrant children rescued from brothels. These non-governmental organizations continue to find and rescue migrant child sex workers.

The information in this report regarding migrant children in prostitution comes from academic institutions, non-governmental organizations, and international human rights organizations.

According to the information available, there were not many child sex workers in 1996, even though in 1993, 167 migrant children were rescued from the sex trade by just one of the non-governmental organizations. This gives the impression that the number of migrant child sex workers is decreasing. However, what has changed is the development of more complex methods for entering the sex trade. Having sex with young sex workers is still popular and is on the rise due to the HIV/AIDS crisis. Many men believe that sleeping with young children, especially females, puts these men at less risk for contracting HIV/AIDS. Based on these observations, the number of children in the sex trade should not have decreased. In addition, when child sex workers are arrested by Thai officials, they tend to give false information about their ages, saying that they are older than they actually are. They do this to avoid being found guilty under Thai laws designed to penalize the owners and customers of commercial sex establishments which employ underage children. Researchers at

Mahidol University have pointed out that the children who give information that they are 18 years old actually look much younger, as young as 14-15 years old.

### **The Situation of Migrant Children in Prostitution in Thailand**

The following analysis is drawn from 14 documents and 2 interviews according to reference documents. From the available information, the situation of the migrant children in the sex trade is as follows:

- **Nationality/Ethnicity:** there are migrant child sex workers of many nationalities such as Burmese (including minorities in Myanmar such as the Tai Yai, Leu, Akha, and Mon), Indian, Cambodian, Chinese, Lao, Vietnamese and some highland children who live in border areas but do not have Thai nationality. Also, there were some children of South Asian ethnicity who were born or raised in Thailand. The largest number of migrant children in prostitution are Burmese. The second largest group consists of Chinese and highland people of Chinese ethnicity.
- **Ages:** the youngest child rescued by a non-governmental organization from a commercial sex establishment was a 12 year-old Chinese national who said that she met other children age 12-16 of various ethnic origins in her work place. According researchers at Mahidol University, the youngest child sex workers found were aged 16 and of Chinese and Indian ethnic background. Most of these children had been in the sex trade for one to three years and therefore, they must have become sex workers at the ages of 10-12 [sic].

### **Means of Entering Thailand**

There were 3 means of entering Thailand for migrants:

1. They came in through the persuasion of agents. These agents usually worked as part of a network in cooperation with agents of the same nationality as the children, other foreign agents or Thai agents.
2. They came in by themselves. Most of these children had no intention of coming to work in the sex trade but due to circumstances beyond their control or their will, they ended up as sex workers. A few came in with the intention of becoming sex workers without knowing what the real situation was inside Thailand.
3. They came in with their families to sell their labor or to do others jobs without intending to enter the sex trade.

The children who were persuaded by agents to come to work in Thailand, without knowing the working condition beforehand, had to pay agents' fees that included the transportation costs. Many of them were sold to the owner of sexual service establishments by the agents or the people who accompanied them into Thailand. The selling prices varied, with a Chinese child fetching 10,000-20,000 baht and a Burmese child fetching 10,000-25,000 baht. The amount of money that the business owner paid then became a debt that the children were obligated to pay off later to the business owner.

### **Routes Used to Enter Thailand**

The migrant child sex workers in Thailand came from the countries bordering Thailand and some other countries more distant. They used the same routes to come in as other groups of migrants.

- Children of Burmese nationality, as well as the ethnic minorities in Burma, came in from various places. Most of them were from Shan State near the Thai border and Kachin State near the Chinese border. They came in through northern provinces of Thailand at Mae Sai District, Chiang Rai Province; Mae Sot District, Tak Province; and Khunyuam District, Mae Hong Son Province. In Thailand's western provinces, they came in through the Three Pagodas Pass in Kanchanaburi Province, as well as through Ranong Province.
- Cambodian children were from various provinces such as Phnom Penh, Kampong Cham, Kampot, Battambang, Banteay Meanchey. They entered Thailand through Aranyaprathet District, Sakaew Province or Klong Yai District, Trat Province.
- Chinese children were from Yunnan Province and they entered Thailand through Thailand's northern provinces by passing through Shan State in Myanmar. Lao children were from Bokeo, Khammouan, Savannakhet, Champassack, Oudomxay Provinces. These Lao children entered Thailand through Sangkom District, Nong Khai Province, Chiang Kong District, Chiang Rai Province; Khemmarat District, Xanouman District, and Pibun Mangsahan District, Ubon Ratchathani Province; and Mukdahan Province.
- Vietnamese children were from An Giang, Ho Chi Minh City, and Ho Giang. They went first to Cambodia and then to Thailand through Aranyaprathet and Klong Yai.

There are also reports from a non-governmental organization that Bangladeshi children who sold small items in the streets in Bangkok became sex workers at the age of 13-14.

## **Work Locations**

Commercial sex establishments which employ migrant children are of 2 types. First, there are direct commercial sex establishments (brothels, restaurant brothels, teahouses, and hotels). [editor's note: the term "direct" implies that selling sexual services is the establishment's primary purpose and that rooms for having sex are located on the premises] Second, there are indirect commercial sex establishments such as cafes and karaoke bars. Commercial sex establishments which employ migrant children are located in border provinces, near the border, in big cities that attract tourists, and in Bangkok.

## **Working Conditions**

The direct commercial sex establishments employing migrant children were mostly for middle and lower class people. Most of these places had small rooms and were quite dirty. Only a few places had proper amenities. Most of the children lived where they worked, but a few of them had a place to live outside the work place.

The working conditions of the children varied depending on the type of establishment, the people managing the establishment, the number of customers, the working hours, the days services were available, the kinds of sexual services available, and the level of income.

According to two non-governmental organizations which acquired information after they had rescued and interviewed migrant child sex workers, the overall picture of the working conditions of these children indicates that they could not improve their working conditions or choose their customers.

According to research from Mahidol University, some migrant children who had been working for sometime could bargain for better working conditions and even refuse to give service to customers.

### **Duration of Work**

There were many different working periods; e.g., 10.00-2.00, 11.00-04.00, 12.00-24.00, and 19.00-02.00.

### **Days of Service**

The children usually worked without any holidays, except for 2-3 days during their menstrual period. Some of the children had more holidays because they worked at indirect commercial sex establishments where they had more independence and looser conditions.

### **Number of Customers**

The children had 1-3 customers per day in the middle class commercial sex establishments and 3-10 customers per day in the lower class commercial sex establishments. The number of customers depended on the particular time period. For example, during holidays or festivals, there were more customers than on normal working days. The number of customers also depended on the popularity of the establishments.

### **Wages**

Wages varied depending on the types of establishments though there were some similarities. The sex workers received a relatively higher fee when they first started, especially virgin children who earned the highest price of 3,000-15,000 baht. After this initial period, the price decreased as the number of clients already serviced increased until it leveled out to 100-1,200 baht for each service.

The prices quoted above were amounts which most of the children never received in full. Some received half of the price quoted and some received only one fourth of it. A few only earned a small per diem or did not acquire any money at all. The owners of the commercial sex establishments deducted from the children's earnings the amounts paid to agents or for the purchase price of the children. The owners also charged the children for personal expenses such as housing, clothes, food, etc. at higher than the actual cost, or deducted for "interest" payments.

### **Problems Children Faced**

Some of the migrant children were forced into the sex trade against their will. Some were directly forced by physical abuse and others were frightened through threats. An indirect way was for the owner of the business to pay the children's parents in advance and later make the children work at the establishment until this advance fee was repaid, including interest and other expenses incurred by the children. This resulted in the children being unable, in the short run, to escape from the sex trade.

Agents and owners of commercial sex establishments still use assault, physical beatings and abuse to force migrant children to work as sex workers.

There were cases of rape by customers when the children refused to give service. The owners of the establishments and agents also raped some children. Children have even been raped by police officials during detention.

To prevent the children from fleeing and to avert the children being arrested by authorities, the establishment owners never allowed some of the children to leave the establishments without an escort. All the children endured wage exploitation. The amount of money that the children received from the owners was much less than what the customers paid for the services. The owners sometimes deducted the children's personal expenses, including agents' fees or money the owner had to pay to other people, from the children's earnings.

The children were at significant risk of contracting disease from their sexual activities. Only a few of the children working in the direct commercial sex establishments had regular health checks. Most of the children were believed to have little chance of contracting diseases and were not sent for health checks, thereby reducing the chances of arrest by the Thai authorities. No one taught the children how to protect themselves from contracting disease or provided them with health care. There were many children who contracted disease from sexual activities, including HIV. Some of them were encouraged to require customers to use condoms. However, whether condoms were used properly depended on their ability to persuade the customers.

Even though it was obviously disadvantageous to the owners for the children to become pregnant at work, some of the children became pregnant by providing sexual services without using birth control methods. This was due to the lack of knowledge how to prevent pregnancy or being unable to do so.

There are various reasons to believe that the number of migrant child sex workers is greater than it initially appears. Some owners have switched from the provision of direct sexual services to indirect sexual services in establishments such as karaoke bars and cafes. Children are being lured into the sex trade by indirect force or because of the children's own necessity. It is also difficult to prove the true nationalities and ages of the children since they do not want to incriminate themselves with law enforcement officials.

Even from the limited information available, it is still clear that there are many migrant children in the sex trade. They entered the business both voluntarily and involuntarily. They were pushed into the trade by economic and social factors, including their families, agents, and the owners of commercial sex establishments. They have a poor quality of life and poor working conditions. They are overworked at risk of contracting diseases. They have no proper medical knowledge and no job benefits except for housing. The people around them threaten or force them to work. They also face the problem of being rejected by their local communities when they return home because of the existing social and moral values against their activities.

### **Indicators of Migrant Children in Prostitution**

According to the above analysis, it is possible to designate the following indicators as measures of the difficult circumstances faced by the children in the sex trade.

- Ages: there were children age 12-16 in the sex trade, a violation of the Convention on the Rights of the Child and Thai law. To solve this problem will require excluding children of all nationalities from the sex trade.

- Gender: there are no official reports of male child migrants being sex workers. However, there is evidence for this from interviews with migrant children and occasional media reports.
- Risks of contracting disease and pregnancy: the children had a high probability of contracting venereal disease and HIV. No one provided them with information about sexually transmitted diseases and birth control. They rarely used condoms and some children had to provide sexual service to customers who refused to use condoms. Some children received regular health checks but most of them did not receive any such health benefits and had to pay for health care at private clinics. According to reports from organizations providing assistance to migrant children, there were children infected with HIV from the sex trade who also became pregnant.
- Income: even though the sex trade is quite profitable, some child sex workers did not receive any money. Some children only received small per diems and a few children received a little money deducted from each customer fee, about 100-200 baht.
- Force, intimidation, abuse. The children endured both direct and indirect force, intimidation and abuse from the owners, agents, and others. They suffered these acts while being brought into the sex trade and after they had already started working in the trade.

The number of migrant child sex workers is not enormous but this does not mean that the number of the children entering the sex trade is decreasing. On the contrary, there are many reasons to worry that the number of migrant children coming into the trade is increasing since the number of commercial sex establishments is not on the decline. In addition, there is an increasing number of new indirect commercial sex establishments.

At some of Thailand's commercial sex establishments, the majority of the workers are female migrants. The efforts of various organizations in Thailand directed at preventing Thai children from entering into the sex trade have made it more difficult to lure or force these children into the trade. Even though there are still some Thai children who become sex workers, the trend seems to be more towards adults entering into the sex trade. Yet compared with Thai children, it is easier to force or lure children from foreign countries into the sex trade because migrant children do not know the reality of the situation they will face. To prevent migrant children from coming into Thailand might be a difficult task, particularly if the push factors in the migrant children's home countries still remain.

Children in prostitution, no matter of what the nationality of the child, is a clear violation of Convention on the Rights of the Child and Thai law. It is especially against the moral sense of people to bring children into this business to be sexually abused since these children are too young to make informed decisions as to their way of life. To engage in commercial sex with children of any nationality is a severe crime that should not be allowed in any country.

The children are at risk of contracting diseases and being stigmatized. These factors strongly affect them physically and emotionally and they lack confidence in themselves and trust in others. The longer they remain in the trade, the harder it is to solve their problems

#### **Chapter Four: Migrant Street Children in Thailand**

**The definition of street children is "children who spend most of their time wandering around their local areas earning a living by begging or doing small jobs, staying with either their families or living by themselves."**

In Thailand's major urban areas, it is quite common to find street children. Attempts to speak with them elicit no response. This is not because they are afraid but because these children are not Thai and do not understand the language. The issue of migrant street children became more prominent in the news media starting in 1996 after government officials arrested significant numbers of street children. Half of the street people in Thailand are migrants and this includes child migrants. In 1996, arrests of street persons always included both adults and child migrants.

This part of the report is based on information from 12 documents and 5 interviews.

### **The Situation of Migrant Street Children**

A significant number of Thai and migrant children can be found in the streets of Thailand. The trend will be towards an increasing number of street children if there are no effective measures to solve this problem. Some of the migrant street children stay with their families who are migrant workers and cannot easily return back to their countries. Some of these children have returned to Thailand many times after being deported. There is a new type of migrant child who comes to Thailand with the intention of begging.

### **Means of entering Thailand**

Migrant street children enter Thailand using the same routes as migrant child workers. A few travel by themselves but most of them come in with someone they know, an agent, or with their families. There are 3 basic ways in which migrant street children enter Thailand:

1. They initially come to sell their labor and later join with Thai street children.
2. They come with their families who enter Thailand to work. The children who are too young to get a job or cannot find a job become street children while their parents are working.
3. They are forced, lured, or willingly come to Thailand to become beggars.

### **Nationality and ethnicity**

The migrant street children found in Thailand are of many nationalities and ethnic backgrounds, according to information from non-governmental organizations. During 1996, the Immigration Detention Center in Bangkok had children of Cambodian, Burmese, Mon, Tai Yai, Lao, Vietnamese, Bangladeshi, and Sri Lankan nationality/ethnicity who were arrested with their families or while they were in the streets by themselves. A non-governmental organization located in Samut Prakan Province found children from South Asia (Bangladeshi, Sri Lankan or Indian) who could not prove their nationality but who were born in Thailand and have been staying in Thailand with their families who came to live in Thailand many years ago. One non-governmental organization assisted a Vietnamese child whose mother was a street person. Another non-governmental organization in Phuket found Cambodian and Vietnamese children wandering around tourist locations.

### **Ages and gender**



The children found included infants, small children and teenagers. The youngest child found was a new born baby and the oldest was 16 years old. The number of female and male children found was almost equal.

### **Location**

Migrant street children were found in many locations: the residences of adult migrant workers; at border areas characterized by easy cross-border movement; and in areas that attracted tourists (including Bangkok). More specifically, migrant street children have been found in shopping malls, weekend markets, train stations, bus stations, slums, under bridges, and night entertainment establishments. Some of these places are used for housing and some locations are for earning a living. However, migrant street children are always on the move.

### **Family**

The migrant street children who stayed with their families can be divided into 2 groups: those who stayed with their parents or relatives who worked; and those whose parents or relatives were street people. Some street children did not stay with their families.

### **Earning a living**

Some of the migrant street children earned a living by begging, earning 50-300 baht per day. Some of them worked as vendors of small items such tissues, cough drops, and chewing gum. Some of them collected garbage or were hired to do small jobs. The income of this last group was uncertain, approximately 10-30 baht per day. Some street children were persuaded to become sex workers at major tourist areas.

### **Beggar Gangs**

There were two groups of street children who earned a living by begging:

1. Independent beggars: they are usually older children who had entered Thailand numerous times and had experience as beggars. Some of the children came in by themselves and were familiar with the routes to the big cities and with places to work as beggars. They always were on the move when they worked. Most of them worked in the vicinity of shopping malls, overpasses, markets, and tourist spots. Some of these children stayed together with other street children and lived in public places such as bus stations, train stations, under bridges, or in public parks.
2. Members of beggar gangs: problem gangs which had a leader or persons who controlled everyone in the gang. They might be forced by brokers or their relatives who were also working as beggars to do the same work. The children in the beggar gangs were forced, threatened, assaulted or beaten if they earned too little income. The controller would collect all the money that these children earned and sometimes might share some money with the children.

### **Problems Faced by Migrant Street Children**

Wandering in the street put the children at risk for health problems, difficulties in earning an adequate income, assault ,and arrest.

- **Health:** most of the street children lived and stayed in inappropriate living conditions and environments such as under bridges, in small crowded rented houses, on overpasses, etc. they were at risk of contracting disease or having an accident. Even though these street children might be living within a family, as they spent their time wandering in the street they did not have either enough or sufficiently nutritious food. Therefore, they suffered from intestinal diseases. According to statistics of migrant workers and families who were ill diarrhea for the past four years, the largest number of those who were ill were children under five years old. According the research of Mahidol University, there were three infants who died from diarrhea in only a seven-day period.

Even though the Ministry of Health has a policy to prevent diseases from spreading in migrant families, in practice migrant children have little access to health services and their families often have no time to take care of them or lack knowledge of how to prevent some diseases. Vaccinating migrant street children from early childhood is a problem as these children are constantly on the move.

Children earning a living by collecting garbage or packing charcoal put the children at risk of contracting disease or having an accident. The children who were forced to be beggars, working day and night, were not getting enough rest.

- **No Education:** most of the migrant street children received little or no education.
- **Intimidation, Assault:** migrant street children have no one to protect or care for them. Even where there were migrant adults around, they could not to help the children. These children could not care for themselves and were forced to do whatever those controlling them ordered.
- **Sexual Abuse:** some migrant street children were lured by money to perform sexual services or were sexually abused.
- **Arrest:** migrant street children are an easy target for arrest by the Thai authorities.

### **The United Nations Convention on the Rights of the Child**

To engage in activities that cause children to become street children or beggars is in violation of the Convention on the Rights of the Child:

- **Article 36:** States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.
- **Article 37:** State Parties shall ensure that:
  1. No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offenses committed by persons below eighteen years of age;
  2. No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
  3. Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from

adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

4. Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

### **Detention conditions**

In practice, the Thai authorities treat the migrant children they arrest as adults, according to the Immigration Act 1979. The detention process is as follows:

1. The authorities arrest the migrant children
2. The authorities send the street children to the Immigration Detention Center
3. The children are assessed a fine. If they cannot pay the fine, they remain in detention

Children were not separated from adults. During the time when there were many inmates awaiting to be deported, the cells were overcrowded and filthy. Usually, the inmates would receive two meals a day from the detention authorities. However, children and pregnant women would receive an additional meal from private development agencies. The children were permitted to come out of their cells for exercise and recreation for 3-4 hours per day. Generally, the women and children who were arrested and sent to be detained in Bangkok would then be sent to the border after 10-14 days. However, according to the reports of interviews with some children, some were detained for over a month. Besides this, the children had no clear evidence to prove their nationalities and misinformed the Thai authorities. This caused difficulties and mistakes in sending them back to their places of origin. There were still no measures to prevent the children from returning back after they had been deported. Many children returned back more than two times after they had been deported.

### **Problems of deportation**

The children typically had no clear evidence to prove their nationalities which made it difficult to deport them back to their home countries. In addition, there are no effective measures to prevent them from returning to Thailand after they have been deported.

### **Indicators of the Situation of Migrant Street Children**

There are several measures of the situation of migrant street children:

- Health: migrant street children are at significant risk of contracting diseases because they live in inappropriate environments. They earn a living in work that endangers their health. They do not consume enough nutritious food, fail to get enough rest, and do not receive the protection needed to prevent their contracting some illnesses.
- Access to health services: migrant street children have little access to health services due to their lack of language skills and knowledge of health matters.

- Other risks: migrant street children tend to have a relatively high probability of being physically abused, addicted to drugs, sexually abused, and forced to take inappropriate jobs.

The reasons that migrant children roam the streets are sometimes different from those of Thai street children. Thai street children often choose the streets to escape from family problems. For migrant children, being on the street is more an issue of economic necessity than of family difficulties. However, the situation that street children face is the same no matter what their nationality. Adults take advantage of them, they are assaulted, and they are sexually abused. They tend to live in an environment that is not beneficial to their physical and mental health. It is essential to find measures quickly to prevent these children from earning their living on the streets.

## **1 - Thai Government Organisations: Child Labor**

### **Child Rights Protection Committee**

Office of the Attorney General Rajchadapisek Road, Lardyao, Jatujak, Bangkok  
10900 Tel : 5412940, Fax : 5412940  
Activities: Advocacy, Compiling data and information, Legal counselling, Research

### **Child Welfare Protection Division**

Department of Public Welfare, Ministry of Labor and Social Welfare Rajvithi Road, Rajthevee, Bangkok 10400 Tel : 2468652, Fax : 2468654  
Activities: Medical and psychological rehabilitation, Rescue, Shelter, Vocational training

### **Immigration Office**

507 Soi Suan-phlu, Sathorn-tai Bangkok 10120 Tel : 28731001-10, Fax : 2871516  
Activities: Compiling data and information ,Investigation

### **International Program for the Elimination of Child Labor**

Ministry of Labor and Social Welfare Mitmitri Road, Dindang, Bangkok 10320 Tel : 6434471, Fax : 6434470  
Activities: Compiling data and information

### **National Youth Bureau**

Office of the Prime Minister, 618/1 Nikhom-makkasan Road, Rajthevee, Bangkok 10400 Tel : 2539116, 2539120, 2555850-7, Fax : 2539113  
Activities: Advocacy, Compiling data and information

### **Police Department**

Ministry of Interior, Phraram I Road, Patumwan, Bangkok 10330 Tel : 2528151-8  
Activities: Investigation

### **Women and Child Labor Division**

Department of Labor Protection and Welfare, Asdang Road, Rajborpit, Bangkok  
10200 Tel : 2231686, Fax : 2266892  
Activities: Compiling data and information, Investigation, Rescue

---

## **2 - Non-Government Organisations: Child Labor**

### **Arrom Pongpangan Foundation**

246/57-58 Suksawat 13, Rajburana, Bangkok 10140 Tel : 4284358, Fax : 4276967  
Activities: Advocacy, Compiling data and information, Research

### **Child Workers in Asia**

P.O. Box 29, Chankasem, Rajchadapisek Road, Bangkok 10400 Tel : 9300855, Fax : 9300856  
Activities: Advocacy, Compiling data and information, Research

### **Child Rights Asia Net**

C/O Faculty of Law, Chulalongkorn University, Phyathai Road Bangkok 10330 Tel : 2182065, Fax : 2153604  
Activities: Advocacy, Compiling data and information

### **Commitment for Social Activity Group**

158/176 Soi Srisuppakej, Sukhumvit Road, Samrong Nua Samutprakarn, Tel : 7568156  
Activities: Shelter, Vocational training

### **Foundation for Children Development**

143/109-111 Mu Baan, Pinklao Pattana, Bangkok Noi, Bangkok 10700 Tel : 4336292, 8846603, Fax : 4355281  
Activities: Advocacy, Compiling data and information, Legal counseling, Medical Rehabilitation, Public campaign, Rescue, Shelter

### **Foundation for the Center for the Protection of Children's Rights**

185/16 Soi Watdeedua, Charansanitwong 12, Bangkok Yai Bangkok 10600 Tel : 4121196, 4120739, Fax : 4129833  
Activities: Advocacy, Compiling data and information, Legal counseling, Medical and Psychological Rehabilitation, Public Campaign, Rescue, Shelter

### **Images Asia**

P.O. Box 2 Prasingha, Post Office, Chiangmai 50200 Tel : (053) 221282, Fax (66-53) 277419  
Activities: Advocacy, Compiling data and information, Rescue

### **World Vision Foundation (Thailand)**

582/18-22 Sukhumvit 63, Bangkok 10110 Tel : 3902012-4, Fax : 3812034  
Activities: Advocacy, AIDS Education, Compiling data and information, Research

---

### **3 - International Organisations: Child Labor**

#### **International Labor Organisation**

UN Building, Rajdamneon, Road, Bangkok 10200 Tel : 2881234, Fax : 2801735  
Activities: Advocacy, Funding GOs/NGOs Programs, Technical Assistance, Training

#### **International Organisation for Migration**

120 Silom Road, 3rd Floor, Kasemkit Building, Bangkok 10500 Tel : 2353538-9, Fax : 2367128  
Activities: Advocacy, Research, Assistance

#### **UNICEF**

19 Phra Atit Road, Bangkok 10200 Tel: 2805931-8, Fax: 2803563, 2803564  
Activities: Advocacy, Capacity Building, Training, Funding Programs  
GOs/NGOs/CBDs, Fund Raising, Promotion of Child Rights Principles, Technical Assistance

---

### **4 - Non-Government Organisations: Children in Prostitution**

#### **Association for the Promotion of Status of Women**

501/1 Techa-tungka Road, Duanmuang, Bangkok 10210 Tel : 5661744, 5662288,  
Fax : 5663481  
Activities: Advocacy, Rehabilitation, Public Campaign, Shelter, Vocational training

#### **Development And Education Program for Daughter & Community**

186 Moo 4 ,Wiang Pang Knorn,District,Amphur Maesai Chieng Rai Tel (053)733186  
Activities: Compiling data and information, Non-Formal Education and Vocational training, Rehabilitation, Shelter

#### **End Child Prostitution, Child Abuse and Trafficking of Children for Sexula Purposes (ECPAT)**

328 Phyathai Road, Rajthevee, Bangkok 10400 Tel : 2153388  
Activities: Advocacy, Compiling data and information

#### **Foundation for the Center for the Protection of Children's Rights**

185/16 Soi Watdeeduaad, Charansanitwong 12, Bangkok Yai, Bangkok 10600 Tel : 4121196, 4120739  
Activities: Advocacy, Compiling data and information, Legal Counselling, Rescue, Shelter

#### **Foundation for Women**

35/267 Jaransanitwong 62, Bangkok Noi, Bangkok 10700 Tel: 4351246, 4335149,  
Fax: 4346774  
Activities: Compiling data and information, Lobbying, Research

### **Global Alliance Against Trafficking in Women**

191 Sivalai Condo, Isaraparp Road, Bangkok Yai, Bangkok 10600 Tel: 8641428,  
Fax: 8641637  
Activities: Advocacy, Public Campaign, Research

### **Images Asia**

P.O. Box 2 Prasingha Post Office, Chiangmai 50200 Tel (053) 221282, Fax : (66-53)  
277419  
Activities: Advocacy, Compiling data and information, Rescue

### **New Life Center Chiang Mai**

9/57 Moo 3, Suthep Road, Tambon Suthep, Amphur, Muang Chiang Mai 50200 Tel :  
(053) 808233  
Activities: Compiling data and information, Shelter

### **Task Force to End Child Sexploitation (TECST)**

P.O. Box 8, Mae Ping, Chiang Mai 50300 Tel : (053) 810957  
Activities: Advocacy, Compiling data and information

### **Task Force to Fight Against Child Exploitation (FACE)**

P.O. Box 178, Klong Chan, Bangkok 10240 Tel : 5095782  
Activities: Advocacy, Investigation, Legal Counselling, Rescue

---

## **5 - International Organisations: Children in Prostitution**

### **International Labor Organisation**

UN Building, Rajdamneon, Road, Bangkok 10200 Tel: 2881232, Fax: 2801735  
Activities: Advocacy, Funding GOs/NGOs Programs, Technical Assistance, Training

### **International Organisation for Migration**

120 Silom Road, 3rd Floor, Kasemkit Building, Bangkok 10500 Tel: 2353538-9, Fax:  
2367128  
Activities: Advocacy, Research, Assistance

### **UNICEF**

19 Phra Atit Road, Bangkok 10200 Tel: 2805931-8, Fax: 2803563, 2803564  
Activities: Advocacy, Capacity Building, Training, Funding Programs  
GOs/NGOs/CBDs, Fund Raising, Promotion of Child Rights Principles, Technical  
Assistance

---

## **6 - Thai Government Organisations: Children in Prostitution**

### **Child Welfare Protection Division, Department of Public Welfare**

Rajvithi Road, Rajthevee, Bangkok 10400 Tel : 2468652, Fax : 2468654  
Activities: Investigation, Medical and psychological rehabilitation, Rescue and Shelter, Vocational training

### **Co-ordination Centre for the Prevention and Suppression of Child labor and Commercial and Commercial Sexual Exploitation**

Crime Suppression Division, Phaholyothin Road, Lardyao, Bangkok 10900 Tel : 5120606, 5122198, Fax : 9392646  
Activities: Compiling data and information, Investigation, Rescue

### **Immigration Office**

507 Soi Suan-phlu, Sathorn-tai Bangkok 10120 Tel : 2873101-10, Fax : 2871516  
Activities: Compiling data and information, Detention, Investigation

### **National Commission on Women's Affairs**

Office of the Prime Minister, Phitsanulok Road, Dusit, Bangkok 10300 Tel : 2825296, 2822690, Fax : 2822707  
Activities: Advocacy, Compiling data and information, Legal Amendment, Public Campaign

### **National Youth Bureau**

Office of the Prime Minister, 618/1 Nikhom-makkasan, Road, Rajthevee, Bangkok, 10400 Tel : 2539116, 2539120, 2555850-7, Fax : 2539113  
Activities: Advocacy, Compiling data and information

### **Occupational Assistance Division**

Department of Public Welfare, Ministry of Labor and Social Welfare, Larnluang Road, Phranakorn, Bangkok 10200 Tel : 2810969, 2828883, Fax : 2828883  
Activities: Shelter, Rehabilitation

---

## **7 - Thai Government Organisations: Street Children**

### **Child Welfare Protection Division**

Department of Public Welfare, Rajvithi Road, Rajthavee, Bangkok 10400 Tel: 2469652, Fax: 2468654  
Activities: Shelter, Medical and psychological rehabilitation, Vocational training

### **Immigration Office**

Soi Suan-phlu, Sathorn-tai, Bangkok 10120 Tel: 2871001-10, Fax: 2871516  
Activities: Detention, Investigation



### **National Youth Bureau**

Office of the Prime Minister, 618/1 Nikhom-makkasan Road, Rajthevee, Bangkok 10400 Tel: 2539116, 253-120, 2555850-7, Fax: 2539113  
Activities: Advocacy, Compiling data and information

### **Police Department**

Ministry of Interior, Phraram I, Patumwan, Bangkok 10330 Tel : 2528151-8  
Activities: Investigation

### **Welfare Assistant Division**

Department of Public Welfare, Larnluang Road, Phranakorn, Bangkok 10200 Tel: 2814157, 2824817, Fax: 2815407  
Activities: Compiling data and information, Rescue, Vocational training

### **Juvenile Aid Sub-division**

Metropolitan Police Bureau, Rajdamneon, Pormparb, Bangkok 10200 Tel : 2812035, Fax : 2811449 Activities: Investigation

---

## **8 - Non-Government Organisations: Street Children**

### **Associate for the Promotion of Status of Women**

501/1 Techatungka Road, Duanmuang, Bangkok 10210 Tel : 5661744, 5662288, Fax : 5663481  
Activities: Lobbying, Shelter, Vocational training

### **Child Watch**

Phuket Songklanakarin University, Phuket Campus, Phuket 83120 Tel : (076) 202554  
Activities: Lobbying, Vocational training

### **Commitment for Social Activity Group**

158/176 Soi Srisuppakij, Sukhumvit Road, Samrong Nua, Samutprakarn Tel : 7568156  
Activities: Shelter, Vocational training

### **Foundation for Better Life of Children**

100/475 Jaengwattana 10, Tungsongheng, Bangkok 10210 Tel : 5743753, 5741381  
Activities: Vocational training

### **Holt Sahathai Foundation**

850/33 Sukhumvit 71, Klongtan, Bangkok 10110 Tel : 3818834-6, 3929397-8  
Activities: Advocacy, Rehabilitation, Shelter

**Jesuit Refugee Services**

43 Phaholyothin Road, Bangkok 10400 Tel : 2460047, 2461445, Fax : 6449962  
Activities: Medical Assistance

**The Project for the Street Children**

435/27 Soi Kasemsuk, Prachasajbampen Road, Bangkok 10310 Tel : 6910084  
Activities: Vocational training

**Vieng Ping Group for Better Life of Children**

6/12-13 Suriyavong Road, Haiya, Amphur Muang, Chiang Mai 50100 Tel : (053) 201695, 205441  
Activities: Vocational training, Shelter

**Young Womens Christian Association**

13 Sathorn tai, Yannava, Bangkok 10210 Tel : 2865764, 2866858

---

**9 - International Organisations: Street Children****International Labor Organisation**

UN Building, Rajdamneon, Road, Bangkok 10200 Tel: 2881234, Fax: 2801735  
Activities: Advocacy, Funding GOs /NGOs Programs, Technical Assistance, Training

**International Organisation for Migration**

120 Silom Road, 3rd Floor, Kasemkit Building, Bangkok 10500 Tel: 2353538-9, Fax: 2367128  
Activities: Advocacy, Research, Assistance

**UNICEF**

19 Phra Atit Road, Bangkok 10200 Tel: 2805931-8, Fax: 2803563, 2803564  
Activities: Advocacy, Capacity Building Training, Funding Programs  
GOs/NGOs/CBDs, Fund Raising, Promotion of Child Rights Principles, Technical Assistance