



International
Labour
Organization

The Mekong Challenge

Working Day and Night

The Plight of Migrant Child Workers in Mae Sot, Thailand

Part of a series of studies on human trafficking and labour migration in the Greater Mekong Sub-region



The Mekong Sub-regional Project to Combat Trafficking in Children and Women

The Mekong Challenge

Working Day and Night The Plight of Migrant Child Workers in Mae Sot, Thailand

By
The Federation of Trade Unions – Burma (FTUB) Migrants Section
with
Philip S. Robertson Jr., Editor

Mekong Sub-regional Project to Combat Trafficking in
Children and Women

International Programme on the Elimination of Child Labour
International Labour Organization

Copyright © International Labour Organization 2006
First published 2006

Publications of the International Labour Office enjoy copyright under Protocol 2 of the Universal Copyright Convention. Nevertheless, short excerpts from them may be reproduced without authorization, on condition that the source is indicated. For rights of reproduction or translation, application should be made to ILO Publications (Rights and Permissions), International Labour Office, CH-1211 Geneva 22, Switzerland, or by email: pubdroit@ilo.org. The International Labour Office welcomes such applications.

Libraries, institutions and other users registered in the United Kingdom with the Copyright Licensing Agency, 90 Tottenham Court Road, London W1T 4LP [Fax: (+44) (0)20 7631 5500; email: cla@cla.co.uk], in the United States with the Copyright Clearance Center, 222 Rosewood Drive, Danvers, MA 01923 [Fax: (+1) (978) 750 4470; email: info@copyright.com] or in other countries with associated Reproduction Rights Organizations, may make photocopies in accordance with the licences issued to them for this purpose.

Mekong Sub-regional Project to Combat Trafficking in Children and Women
The Mekong Challenge – Working Day and Night: The Plight of Migrant Child Workers in Mae Sot, Thailand
Bangkok, International Labour Office, 2006

92-2-119252-0 & 978-92-2-119252-7 English (print) 92-2-819252-6 & 978-92-2-819252-0 Thai (print)
92-2-119253-9 & 978-92-2-119253-4 English (web pdf) 92-2-819253-4 & 978-92-2-819253-7 Thai (web pdf)

The designations employed in ILO publications, which are in conformity with United Nations practice, and presentation of material therein do not imply the expression of any opinion whatsoever on the part of the International Labour Office concerning the legal status of any country, area or territory or of its authorities, or concerning the delimitation of its frontiers.

The responsibility for opinions expressed in signed articles, studies and other contributions rests solely with their authors, and publication does not constitute an endorsement by the International Labour Office of the opinions expressed in them.

Reference to names of firms and commercial products and processes does not imply their endorsement by the International Labour Office, and any failure to mention a particular firm, commercial product or process is not a sign of disapproval.

ILO publications can be obtained through major booksellers or ILO local offices in many countries, or direct from ILO Publications, International Labour Office, CH-1211 Geneva 22, Switzerland. Catalogues or lists of new publications are available free of charge from the above address, or by email: pubvente@ilo.org.

Copies of this publication can be obtained at:
ILO Mekong Sub-regional Project to Combat Trafficking in Children and Women
10th Floor, United Nations Building
Rajdamnern Nok Avenue, PO Box 2-349
Bangkok 10200 Thailand
Visit our project website at: www.childtrafficking.net

Photos: Elaine Pearson. (the photos are generic and were not taken in any of the factories mentioned herein)
Printed in Thailand

* This report does not necessarily reflect the views or policies of the Government of the United Kingdom and the United States Department of Labor, nor does any mention of trade names, commercial products, or organizations imply endorsement by the Governments of the United Kingdom and the United States Department of Labor.

ACKNOWLEDGEMENTS

This action-oriented research study was made possible with the support of the International Labour Organization (ILO) and its *Mekong Sub-regional Project to Combat Trafficking in Children and Women (TICW)*, implemented under the auspices of the International Programme on the Elimination of Child Labour (IPEC).

The team, led by the Migrant Section of the Federation of Trade Unions – Burma (FTUB), conducted action oriented research on the situation of Burmese child migrants (aged between 10 to 18 years¹) who work in industrial factories and in the informal sector in Mae Sot district, Tak province, Thailand.

In Mae Sot, the team would particularly like to express its sincere appreciation and gratitude to the following, who provided useful information and strong support to the team during the process of collecting this data: the headmistresses and the school teachers of Sawthoolei and Baramee schools in Mae Sot; Dr. Cynthia Maung and her team of health workers at the Mae Tao Clinic; the Federation of Trade Unions – Kawthoolei (FTUK), representatives of the refugee communities in Mae La and Nupo refugee camps, and representatives of the Mae Sot office of the FTUB.

During the period of the study, the lead researcher was able to meet and discuss issues related to the report with the Governor of Tak province, the District Officer (*Nai Amphoe*) of Mae Sot district, the Director of the Mae Sot Immigration office, provincial officials of the Ministry of Labour, officials of the Sub-district Administrative Organisation (*Or Bor Dtor*), members of the Tak Chamber of Commerce, and the Superintendent of the Mae Sot police. The team would like to take this opportunity to thank all the various Royal Thai Government officials in Tak province who collaborated with the team.

The team would also like to express its great appreciation to Allan Dow, Anna Engblom, Thetis Mangahas, Elaine Pearson, Bijoy Raychaudhuri and Taneeya Runcharoen at the ILO TICW office in Bangkok for their continuous positive inputs to the development of this research and various drafts of this report, and for their patience, and to Raghwan Raghwan of ILO ACTRAV for his support. The team also thanks Phil Robertson, a long-time friend and collaborator on projects to assist migrant workers in Mae Sot, for his comprehensive job in the technical editing of this report.

¹ Although 19.3% of the sample stated their age as 18 years, given the Burmese cultural conception of birth years it is highly likely they are in actual fact 17 years of age (see p. 34 of the Findings chapter for more details).

Last but certainly not least, the team would like to acknowledge the cooperation of the 313 Burmese migrant child workers in Mae Sot who kindly agreed to be interviewed. They provided a wealth of information about their origins and their living and working conditions in this border town. For many of these children, this was the first time in their lives that they had participated in such a survey, answering extensive questions about their situation. Considering the daunting circumstances of repression and deprivation in Burma from which many of these children have fled, engaging in a survey of this sort demonstrates a commendable commitment to support efforts to improve their lives and the lives of others. Without their selfless contributions, the team could not have prepared this report.

Federation of Trade Unions – Burma July 2006

Case 1: Aye, 14 year old female from Mawlamyine Township, Mon State, Burma.

Aye was born into a poor family in Mawlamyine Township in one of Burma's ethnically diverse states. In order to help add to her family's small income, and like so many other children from this impoverished area, Aye toiled as a child worker at a Burmese garment factory. One day the factory was forced to close, and she lost her job.

Bad turned to worse for the family when Aye's father died. She travelled with her mother to Mae Sot, even though the family had no connections there. They crossed the Myawaddy Bridge into Thailand and entered a new and challenging period of their lives.

Aye's previous work experience in a garment factory made it easy for her to get a job soon after arriving in Mae Sot. But her new work is arduous. She spends more than 12 hours per day, 7 days per week at the factory. The long hours have taken a toll on Aye's health. She suffers from persistent headaches and back strain.

In Burma, Aye completed primary school but is not interested in continuing secondary education. Her main objective now is to help her mother earn enough money to send home to relatives in Mawlamyine who are caring for her three younger siblings.

Unfortunately, Aye reports that she cannot contribute as much as she would like to her mother because she earns only 300 Baht (US\$ 7.50) a week. As a minor, she is paid lower wages than other workers. The owner deducts between 500 and 1,800 Baht (US\$ 12.50 - 45.00) in penalties if Aye accidentally cuts the clothes she is making.

The owner also deducts money for food and shelter. Aye must also repay her new boss the fee he paid to register her as a migrant worker (for an ID card and work permit). But since Aye is below 15 years of age, and is not legally entitled to register and work, the owner falsified the new ID card to make it appear that she is older. Meantime, he has kept possession of Aye's original identification documents.

Mae Sot throws up other challenges to young migrants like Aye. She frequently encounters drug addicts in town who try to extort money from her and Aye says she does not feel safe working or living in this kind of environment.

since Aye is below 15 years of age, and is not legally entitled to register and work, the owner falsified the new ID card to make it appear that she is older. Meantime, he has kept possession of Aye's original identification documents.

Despite the hardship she faces, Aye says she continues to work in the factory because the pay in Mae Sot is higher than what she could earn in Burma. She wishes all the factories could move back to the Burmese side of the border, and that the wages would be the same as she earns in Thailand.

Aye misses her younger brother and sisters and says she dreams of a time when they can be together again as a family. She quickly adds that as soon as she can collect enough money to invest in some sort of small enterprise, she will return to Burma.

Factory “D” Mae Sot, Tak Province

Factory “D” is Thai-owned and produces garments in one of Mae Sot’s largest facilities. Approximately 3,000 people are employed by the factory. According to the workers, as many as 400 of them do not have work permits, and are therefore illegally employed. They estimate around 30 workers are under 18 years of age.

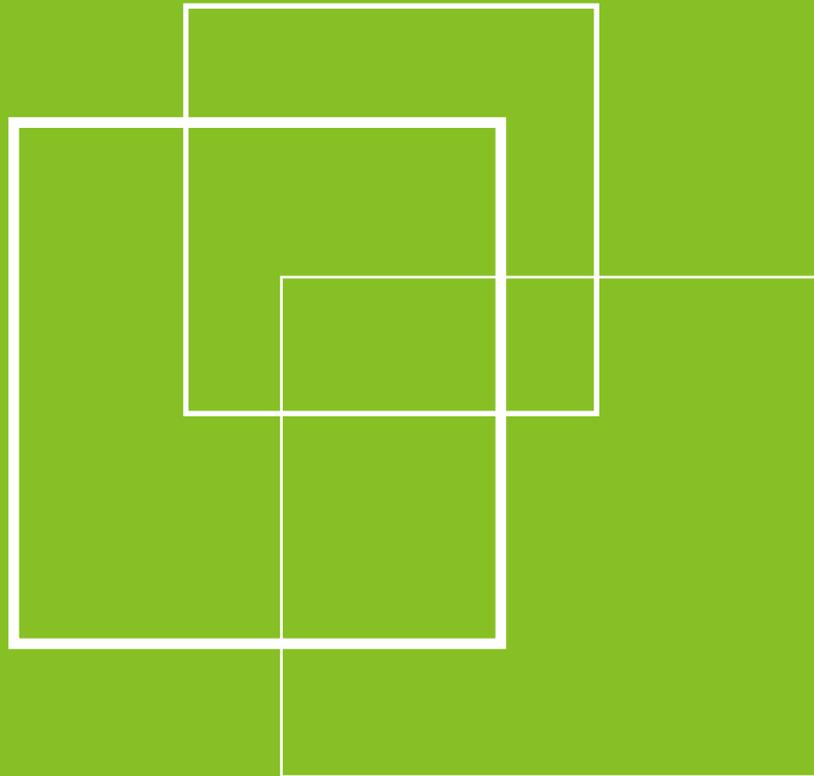
Regular shift work runs 8 hours per day and pays 70 baht (US\$ 1.75), which is slightly more than 50% of the legal minimum wage for this area of Thailand. Performing overtime is compulsory for all workers, and usually averages 3 to 4 hours per day. However overtime is paid at a rate of only 6 baht (US\$ 0.15) per hour – less than the hourly rate paid for the regular shift work. Overtime hours are extended to meet the needs of the factory and its orders. So, for instance, if there is an urgent order that must be completed, the workers are required to stay and work until the job is done. In some cases, workers have been compelled to work through the entire night and into the next morning.

Workers report that the machines in the factory are quite old, and have received no appreciable maintenance for a long time. The machines lack safety guards, and there is no other safety equipment provided, nor safety measures taken, by the factory.

While there is supposedly health care provided at the factory for the workers, in fact, there is a doctor ‘on duty’ in name only. The manager must agree for the worker to consult with the factory doctor who does not actually provide any services to the sick worker but will instead write a referral letter to the hospital, seeking admission for the worker to that hospital.

overtime is paid at a rate of only 6 baht (US\$ 0.15) per hour – less than the hourly rate paid for the regular shift work.

EXECUTIVE SUMMARY



EXECUTIVE SUMMARY

The relative wealth of Thailand, with its significant demand for employment in industrial, service and agricultural sectors, continues to draw workers from impoverished neighbouring countries, especially Burma.² The political, economic and human rights crisis in Burma, which has undermined basic considerations of human security and reduced the margins of survival for both urban and rural populations, has created a wave of migration to Thailand – a wave that carries with it both adults and children – some accompanied and some not.

Perched on the Thai side of the Thai-Burma border sits the industrial town of Mae Sot. It is a major crossing point between Thailand and Burma, and is what some consider to be the high-water mark of this wave of labour migration. The economic desperation of these Burmese migrants has made it relatively easy for both adult and child migrant workers to be exploited in both the formal and informal industries of Mae Sot. But with approximately 42% of Burma's population aged 18 years or less, there is a large and steady supply of potential child workers – their youth and inexperience accompanied by increased vulnerability to exploitation.³

The Royal Thai Government's policy of encouraging inward investment has opened Mae Sot to the rapid development of light industry, especially garment and textiles. This rapid development has increased demand for an easily accessible and flexible work force, thus the demand for nearby cross-border migrant workers. Unfortunately, the level of regulation for labour protection has not kept pace. Virtually every factory from which child migrant workers were interviewed for this study was found to be systematically violating provisions of the Labour Protection Act of 1998 (LPA 1998). The LPA 1998 is Thailand's core labour law which offers workers protection and oversees their wages and conditions of employment.

Mae Sot has perfected a system where children are literally working day and night, week after week, for wages that are far below the legal minimum wage, to the point of absolute exhaustion.

Migrant children in Mae Sot are faced with excessive working hours, lack of time off, and unhealthy proximity to dangerous machines and chemicals. They also endure the practice of debt bondage and the systematic seizure of their identification documents. Indeed many of these children in Mae Sot can most accurately be described as enduring the “worst forms of child labour,” prohibited by the International

² In 1989 the English name of the country was changed from Burma to Myanmar by the ruling State Law and Order Restoration Council (SLORC). Although the ILO now generally refers to the country as Myanmar, in this report – and in accordance with FTUB's wishes the country is referred to as Burma.

³ Grumiau, Samuel, *Growing Up Under the Burmese Dictatorship: The Situation Facing Children after 41 Years of Military Rule in Burma*

Labour Organization's Convention No. 182 – a Convention that the Royal Thai Government ratified in February, 2001.

These child workers reported that they were virtually forced to remain at the factory due to restrictions placed on their movements by factory owners, and by threats of arrest and harassment by police and other officials if they were stopped outside the factory gates. Put succinctly, Mae Sot has perfected a system where children are literally working day and night, week after week, for wages that are far below the legal minimum wage, to the point of absolute exhaustion.

With the support of the ILO's Mekong Project to Combat Trafficking in Children and Women (ILO-TICW), the Federation of Trade Unions – Burma (FTUB) conducted an action-oriented research project, focusing on Burmese children working in factories as well as more informal enterprises, such as shop-houses, in Mae Sot district, Tak province, Thailand. The survey period was just under two months in duration, beginning February 22, 2005 and ending on April 22, 2005.

As indicated above, and for the purpose of this research, a child is defined as someone “below the age of 18 years.” This definition is now internationally accepted and is widely used by both the ILO (e.g. Convention 182) and is found in the UN Convention on the Rights of the Child (CRC) to which Thailand is also a signatory. It should be mentioned here that some child respondents stated they were 18 years old, however due to the different Burmese cultural conception of age (dated from conception rather than from date of birth) the assumption is that they are still children. The labour law of Thailand recognises the age of 15 as the legal age for work, pursuant to the Labour Protection Act of 1998 (LPA 1998) and is in line with ILO Convention 138 on Minimum Age for Employment. The Ministry of Labour (MOL) permits foreign migrant children who are 15 years or older entering Thailand to register as documented migrant workers. According to the Royal Thai Government's policy and regulations, all migrant workers legally registered with the MOL are fully covered by all key labour laws.

A total of 313 Burmese child respondents were interviewed. The vast majority were girls – or 242 of the interviewees, accounting for 77.3% of the total sample. Boys accounted for 22.7% of the respondents, or 71 individuals. The youngest child interviewed was 12 years old, and was operating a machine 8 hours per day, 7 days a week at Factory “I”⁴ (see Appendix 2 for factory profiles).

Slightly less than half (47.9%) of the respondents interviewed claimed they were 17 years old. From the view point of relative vulnerability, it is telling that a significant majority of the parents of these youngsters remained behind in Burma, sending their children to cross the border, and become income providers for their family at a young age. 70.9% of the respondents reported that their mothers remained behind in Burma, and 65.5% stated that their fathers were still in Burma. The overwhelming majority of workers represented fairly new arrivals, with 61% stating that they had only been in Mae Sot for a year or less.

⁴ A full list of the names and addresses of the factories surveyed as a part of this research is on file at the ILO Office in Bangkok.

Migrant child workers came from all areas of Burma, reflecting the level of crisis in all parts of that country – with only two states or divisions (Karenni and Sagaing) not represented. Most (38.8%) came from Mon State, while 22.8% were from the central heartland of Pegu and the former capital, Rangoon. Another 18.6% came from the Karen state. The fact that the migrants came from almost all regions of Burma can be seen as a reflection of the drawing power of jobs in Mae Sot and the political and economic push factors they felt at home.

Most of these children (98.7%) had attended school in Burma, achieving either primary or secondary education – but very few were able to continue their studies in Thailand because of their need to work, the costs associated with education or a lack of access to schools.

In terms of work, the respondents were primarily employed in the knitting (41.5%) and garment (37.7%) sectors, reflecting the fact that the researchers were focusing heavily on these two areas. These child workers performed a number of closely related and potentially dangerous jobs operating sewing machines (25.6%), linking machines (16.6%) or knitting machines (15.3%). Researchers also found child workers in other types of production, including ceramics, canning of food, and assembling small motors.

While 73.3% of the respondents indicated they were registered to work, 56.9% added that their MOL issued work permit and/or migrant worker identification cards were retained by the employer, who provided only photocopies of these critically important documents for workers to carry. Since local officials do not accept photocopies as conclusive evidence of their legal presence in Thailand, the workers become targets of exploitation by factory security guards, police, immigration, and other local officials. A total of 30% of the child workers reported that they were required to live at the factory as a condition of employment, further underling the absolute control exerted over their lives by factory owners.

These children worked almost all the time, toiling very long hours (82.7% worked for 11 to 12 hours a day) in a work-week that was usually 7 days long. The Labour Protection Act (LPA) of 1998 places restrictions on overtime hours and night work for children but these were being routinely violated. In reality, there was little time for these child migrant workers to do anything other than work. Despite the long hours, nearly half of the respondents (48.9%) stated that they were not entitled to paid days off – not even once per month. The LPA 1998 requires that workers be given 1 day off in every 7. The exhaustion factor is particularly troubling when compounded by the fact that nearly half of the respondents (45.8%) reported that their work environment was unsafe and/or environmentally unhealthy, and that they felt at risk of injury or ill health.

These employers paid migrant workers wages far below the legal minimum. The majority of the respondents (64.2%) reported being paid an average weekly wage of just 300 to 500 Baht (US\$ 7.50 to 12.50)⁵. Another 16.4% reported making only 200 to 300 baht (US\$ 5 to 7.50) per week. Despite these meagre wages, employers then deducted costs for food, shelter, reimbursement of work permit application costs, and repayment of any loans the worker may have taken. Furthermore, 15.3% of the child migrant workers reported

⁵ For the purpose of this report, the US dollar-Thai baht exchange rate is computed at US\$ 1 = 40 Thai Baht.

that they received no additional pay for their long overtime hours. More than 1 in 4 (28.1%) workers also reported they were subject to arbitrary and sometimes unfounded pay deductions because of alleged mistakes in production. These workers were largely powerless to object to such deductions.

As a point of comparison, a migrant working under the above conditions would need to work three or even four days to receive the same amount of money as a ‘regular’ worker in Tak province earns in just one day by receiving the legal daily minimum wage of 135 Baht (US\$ 3.37). Working 7 days a week, that ‘regular’ worker would earn a base minimum wage of 945 Baht (US\$ 23.62) – but this does not include the 25.3 baht an hour the worker would receive for each hour worked beyond 8 hours per day, and the fact that the worker would also receive double pay for working on Sunday. Assuming this individual is on the job working the same hours as the above-mentioned migrant child workers – for example, 7 days a week, 11 hours a day – that ‘regular’ worker would receive a minimum 1,586 baht (US\$ 39.65) a week, which is 3 to 5 times more than the overall wages paid to a Burmese migrant child labourer.

During the interviews, 64.2% of the child workers cited economic reasons for coming to work in Thailand. Given the paltry wages they earned, it is difficult to see how migrant children could support their families with their income, but many reported that they were saving some money and were able to send some back to their parents in Burma.

Among all the children working, those who were most likely to save money were child migrant workers who had travelled with their parents, or those who lived with ‘relatives’ or adults who otherwise served as guardians. Those without such protectors had to live with friends or in employer-provided lodgings at their work place.

While clearly many of these children were working in conditions that one could define as the worst forms of child labour, trying to determine which, if any, were victims of child trafficking was another matter. Child trafficking is a sensitive issue to discuss, especially with children themselves. Based on the answers received, a significant majority – 89.1% of the respondents stated that they did not know of persons who had been victimized by practices that could constitute a situation of human trafficking.

However, the remaining 10.9%, or 33 persons of the sample who answered the question, did reply that they knew about such situations, and reported that 21 young people had been trafficked into Bangkok. Many of the respondents were unable to provide further details. However those who did know more of the specifics indicated that most cases involved domestic labour (13 cases), followed by work in restaurants (5 cases). Only 1 person was reported to have been trafficked to another country.

As a point of comparison, a migrant working under the above conditions would need to work three or even four days to receive the same amount of money as a ‘regular’ worker in Tak province earns in just one day

In terms of their own experiences, 10 child migrant workers (3% of the total) indicated that they were denied the right to choose where they wanted to work when they arrived in Mae Sot. A total of 5 respondents indicated they were 'forced' to come to the job, and 7 described themselves as 'bonded' labourers (all had been bonded to work in their current job for the duration of one year).

However, the perception of bonded labour may not be fully understood by these workers. A total of 178 respondents (accounting for 56%) also indicated that they were unable to change their job because their employers were holding their work permits. Children under the age of 15 faced the extra complication that management, brokers, or worker/foreman leaders falsified documents to make the children appear older thus allowing their registration. This made it that much more difficult for them to move to another job. Another reason commonly cited was that factory owners paid the registration fee in advance, and were then withholding the permits as a guarantee that the child workers would not leave the factory before they had fully paid back the registration costs.

Given the findings of this study, some of the key recommendations for further consideration are:⁶

Key Recommendations:

Advocacy for Policy Reform and Improved Implementation of Labour Laws

- The MOL should consider leading an intensive collaborative effort with the Ministry of Education, other relevant Ministries, the Federation of Thai Industries (FTI), and trade union and migrant workers and offer support to relevant NGOs to ensure that migrant child workers who are below the legal minimum age to work (those younger than fifteen years) are moved out of the factories, and provided access to free, quality education within the Thai state school system.
- The MOL should consider developing an advocacy strategy (with ILO technical support, as needed) to support strict enforcement of all relevant sections of the LPA 1998 in Mae Sot, especially those concerning child labour, conditions and hours of work, and minimum wage laws.
- The MOL, with support from the ILO and other international agencies, should consider seeking Royal Thai Police support at the highest levels in Bangkok and Mae Sot for formal political commitment to address the serious problem of the seizure and retention of migrant worker identification cards and work permits by employers. An action plan should be negotiated and agreed by these two agencies to address this problem in Mae Sot and other areas of Thailand where significant numbers of migrants live and work.
 - An advocacy campaign should also be developed and implemented by the MOL, targeting Mae Sot employers and informing them that seizure and retention of identity documents issued to migrants by the Royal Thai Government is illegal, and violations will be consistently and strictly punished.

⁶ For the full list of recommendations please refer to Chapter 5 of this report.

- The MOL should consider engaging with the Thai Board of Investment (BOI) to ensure that all factories in Mae Sot which receive BOI investment preferences make factual applications (especially regarding number of non-Thai staff to be hired), and that these factories comply with all Thai labour laws.
- The MOL should consider undertaking a series of round-table discussions with Mae Sot employers, emphasizing the importance of eradicating worst forms of child labour and ending abusive practices in garment sector in Mae Sot.
- The ILO should consider monitoring and publicly reporting on Royal Thai Government efforts to enforce the law and effectively prosecute non-compliant employers in Mae Sot. Reviews conducted on at least a bi-annual basis between the ILO and the MOL could be undertaken to evaluate progress in improving enforcement in Mae Sot.
- The Thai labour movement should consider giving priority to efforts to amend articles 88 and 101 of the LRA 1975 to allow non-Thai workers to form trade unions, and to serve as a committee or sub-committee member of a trade union, thereby bringing these articles of the law into compliance with ILO Convention No. 87 on Freedom of Association. In the interim, before the law is amended, Thai unions should actively organize migrant workers, enable them to join existing Thai unions, and support their efforts to collectively bargain.
- A coalition of migrant worker support organizations – NGOs, the Mae Tao Clinic, the Labour Law Clinic, and trade unions – should set up a 24 hour hotline and referral system, with counsellors capable of speaking Burmese and Thai, to receive information on human trafficking, violations of the labour law, health emergencies, and other issues affecting migrant workers in Mae Sot.

Capacity Building for Partners

- The ILO should consider supporting an appropriate mix of activities to build the understanding of migrant workers in Mae Sot about the connection between the worst forms of child labour and human trafficking.
- The ILO should conduct a training needs assessment for the MOL office in Mae Sot, and the MOL Tak provincial office, examining what skills and knowledge these inspectors need to better perform their duties.
- Migrant workers' support organizations and trade unions should increase participatory training for nascent 'worker-leaders' at the factory level, focusing on awareness raising of the core ILO conventions, legal literacy in the provisions of the LPA 1998 and LRA 1975, and other relevant human rights standards.

Building Social Dialogue in Mae Sot

- As an impartial international organization, the ILO should promote social dialogue in Mae Sot through the establishment of a multi-party committee at provincial level comprising representatives of employers, migrant workers, trade unions, NGOs, the Law Society of Thailand, relevant government offices in Mae Sot, and the NHRC to seek common ground in finding sustainable solutions to solve the problem of child labour in factories, and the culture of impunity that results in systematic violation of migrant workers' rights in Mae Sot.
- The MOL, working with other relevant Royal Thai Government Ministries and representatives of employers and workers, should consider undertaking a study of migrant living quarters within Mae Sot factory compounds, with specific focus on access to potable water, size and suitability of rooms, sanitation, and building safety. This report should serve as the basis of a multi-agency conference to develop recommendation to significantly improve worker housing in Mae Sot.
- To the greatest extent possible, these recommendations (and activities which result from them) should be implemented in close, continuing collaboration with migrant support organizations and trade unions knowledgeable about Mae Sot. All materials to be used must be translated and presented into the major languages of the migrants (Burmese at a minimum, preferably also Karen and Mon).

CONTENTS

ACKNOWLEDGEMENTS	iii
EXECUTIVE SUMMARY	vii
LIST OF TABLES	xvii
LIST OF ABBREVIATIONS	xviii
CHAPTER 1: INTRODUCTION	1
1.1 Background to the study	2
1.2 Definitions	2
CHAPTER 2: METHODOLOGY OF THE REPORT	5
2.1 Research Objective	6
2.2 Research Methods	6
2.3 Research timeline	7
2.4 Research team	7
2.5 Target group	7
2.6 Sampling selection & survey area	7
2.7 Challenges and obstacles in the research process	8
CHAPTER 3: BACKGROUND ON THE SITUATION OF CHILD MIGRANT WORKERS IN MAE SOT, AND IN THAILAND	11
3.1 International Legal Framework for Child Migrants in Thailand	12
3.1.1 ILO Convention No. 182 on the Worst Forms of Child Labour and ILO Recommendation No. 190 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour	12
3.1.2 ILO Convention No. 138 on Minimum Age	13
3.1.3 ILO Convention No. 29 on Forced Labour and Convention No. 105 on the Abolition of Forced Labour	13
3.2 National Legal Framework for Child Migrants in Thailand	13
3.2.1 Constitution of the Kingdom of Thailand, 1997	13
3.2.2 Labour Protection Act of 1998 (LPA 1998)	14
3.2.3 Labour Relations Act of 1975 (LRA 1975)	15
3.3 National Labour Law Enforcement	15
3.4 Migrant Labour Registration Policy and Practice	16
3.4.1 Migrant Labour Policy	16
3.4.2 Specifics of the Migrant Registration Process	17
3.5 Burmese Migrant Situation in Thailand and Mae Sot	19

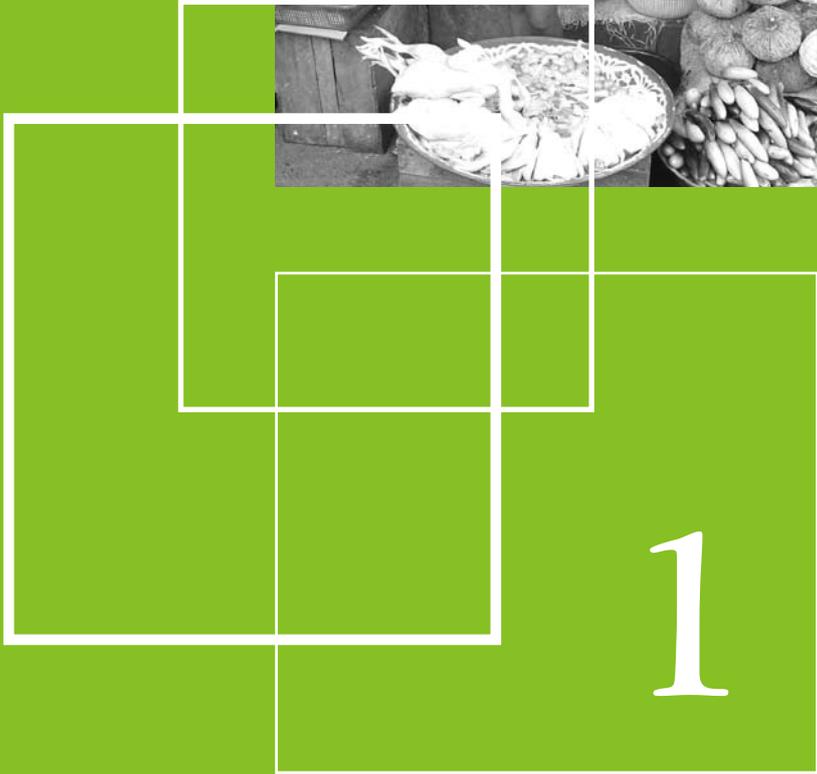
3.5.1	Health/Safety issues	20
3.5.2	Organising and awareness of rights at work	20
3.5.3	Access to justice	21
3.5.4	Retention of migrants' documents by employers and related problems	22
3.5.5	Difficulties in accessing medical care	23
3.5.6	Difficulties in accessing education services	24
3.6	Reasons for Movement to Mae Sot	26
3.6.1	Push factors – Burma in political and economic crisis	26
3.6.2	Pull factors – Thailand border economic development policies	28
CHAPTER 4 FINDINGS FROM RESEARCH ON CHILD MIGRANT WORKERS IN MAE SOT		33
4.1	Profile of Burmese child migrant workers	34
4.2	Education background of Burmese child migrant workers	39
4.3	Data on families of Burmese child migrants	40
4.4	Living conditions of Burmese child migrant workers	41
4.5	Characteristics of work done by child migrant workers	42
4.6	Wages and conditions of work for Burmese child migrant workers	44
4.6.1	Wages	44
4.6.2	Salary deductions and/or 'in-kind payments' for salary equivalents	47
4.6.3	Working hours	49
4.6.4	Rest days	50
4.6.5	Fines/penalties levied by employers	51
4.6.6	Freedom of movement and visits	51
4.7	Hazards in the work environment	52
4.8	Abuse, punishment, and 'bad experiences' at work	53
4.9	Failure of migration registration process to protect workers	54
4.10	Reasons for migration – why migrants keep coming to Mae Sot	56
4.11	The Future for Child Migrant Workers	57
4.12	Child trafficking	59
CHAPTER 5 RECOMMENDATIONS		61
5.1	Recommendations to the Royal Thai Government	62
5.2	Recommendations to the ILO	64
5.3	Recommendations to the Thai labour movement	64
5.4	Recommendations to migrant workers advocates in Mae Sot (labour unions and NGOs)	65
CHAPTER 6 ANNEXES		67
6.1	Annex 1: Case studies	68
6.2	Annex 2: Profiles of Factories Operating in Mae Sot	74
6.3	Annex 3: Community Profiles	80
6.4	Annex 4: Questionnaire used by FTUB research team in Mae Sot	82
BIBLIOGRAPHY		95

List of Tables

Table 1:	Official Migrant Worker Registration Figures	17
Table 2:	Percentage of child migrant workers in Mae Sot by age and sex	34
Table 3:	Percentage of child migrant workers by State/Division of origin in Burma, and by sex	36
Table 4:	Time spent in Thailand since arrival, by percentage	36
Table 5:	Accompanying migrant children travel to Thailand, by percentage	37
Table 6:	Assistance classified by person/source for child migrant workers crossing border, by percentage	37
Table 7:	Border crossing costs, by amounts – in percentages	38
Table 8:	Percentage of child migrant workers by education level and sex	39
Table 9:	Percentage -- reasons given for not continuing education	39
Table 10:	Location of mothers of child migrant workers, by percentage	40
Table 11:	Location of fathers of child migrant workers, by percentage	40
Table 12:	Number of siblings claimed by respondents, by percentage	41
Table 13:	Different economic sectors employing child migrant workers, by percentage	43
Table 14:	Specific occupational positions of migrant worker children, by percentage	44
Table 15:	Numbers and percentage of child migrant workers legally registered to work in Thailand	44
Table 16:	Amount of salary per week, by percentage	45
Table 17:	Length of time at factory, by percentage	47
Table 18:	Types of deductions from salaries of child migrant workers, by actual numbers, and percentage of occurrence	47
Table 19:	Number of hours of work/day, by percentage	50
Table 20:	Number of paid leave days per month given to child migrant workers, by percentage	51
Table 21:	Percentage of Burmese child migrant workers taking monthly unpaid leave	51
Table 22:	Workers' ability to visits to relatives and friends, by percentage	52
Table 23:	Migrant child workers perceptions of hazards at work	52
Table 24:	Child migrant workers who experienced abuses, punishments, or 'bad experiences' at work, by percentage	53
Table 25:	Number and percentage of legally registered child migrant workers holding their original migrant registration documentation	55
Table 26:	Reasons given by child migrant workers for coming to work in Thailand	56
Table 27:	Child migrant workers wishing to change their present job, by percentage	58
Table 28:	Reasons expressed by child migrant workers for wanting to change job, by percentage	58
Table 29:	Numbers and percentage of Burmese child migrant workers having knowledge about a case of human trafficking	59

LIST OF ABBREVIATIONS

AI	Amnesty International
AMC	Asian Migrant Centre
BLSO	Burma Labour Solidarity Organization
BOI	Board of Investment, RTG
DOE	Department of Employment, Ministry of Labour, RTG
FTI	Federation of Thai Industries, Tak Province Branch
FTUB	Federation of Trade Unions – Burma
FTUK	Federation of Trade Unions – Kawthoolei
ILO	International Labour Organization
IPEC	International Programme on the Elimination of Child Labour
KEWU	Karen Education Workers Union
LPA 1998	Labour Protection Act of 1998
LRA 1975	Labour Relations Act of 1975
MAP	Migrant Assistance Project
MOE	Ministry of Education, RTG
MOI	Ministry of Interior, RTG
MOL	Ministry of Labour, RTG
MOPH	Ministry of Public Health, RTG
MSDHS	Ministry of Social Development & Human Security, RTG
NHRC	National Human Rights Commission, RTG
NLD	National League for Democracy
NPA	National Plan of Action
PHAMIT	Prevention of HIV/AIDS Among Migrant Workers in Thailand
RTG	Royal Thai Government
SCUK	Save the Children – United Kingdom
SLORC	State Law and Order Restoration Council (predecessor to SPDC)
SPDC	State Peace and Development Council
UNCRC	UN Convention on the Rights of the Child
UNIAP	UN Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region
WFCL	Worst Forms of Child Labour
YCOWA	Yaung Chi Oo Workers Association



1. INTRODUCTION

1.1 Background to the study

This study was conducted to provide a clearer picture on the conditions of Burmese child labourers working in Mae Sot District of Thailand's Tak Province situated next to the Thai-Burma border.

Questions focused on the children's background and origin, education, family data, their living/housing arrangements, type of work and workplaces, wages, benefits, conditions of work, process of migration and recruitment into the workplace, including rationales for travelling to Mae Sot, and information on relative knowledge about human trafficking.

A total of 313 child migrant workers were interviewed, revealing information on what are arguably the worst forms of child labour occurring in Mae Sot. It is hoped that this study will help guide interventions for international and national organisations to improve the lives of these children, and mitigate or end the abuses to which they are being subjected. The study also indicates the key changes to law and policy in Thailand and its implementation in order to ensure migrant children of legal working age (e.g. 15 years +) can adequately access their basic labour rights.

The report is broken down into 5 chapters, with the first providing the rationale for the report and some important definitions, and the second outlining the methodology used to conduct the research and the serious obstacles faced by the researchers.

Chapter 3 details the background. It outlines key legal frameworks to be used when considering the situation in Mae Sot, including international conventions, national labour laws, and Thailand's migrant worker registration policies. The chapter

provides an overview of the situation facing migrant workers in Mae Sot and other parts of Thailand, drawing on the extensive investigations and research that has been previously done. Finally, it seeks to provide some answers to the question of 'why Mae Sot?' in terms of why migrants choose to go there, the 'push' factors that cause child and adult migrant workers to leave Burma in the first place, and the 'pull' or attraction factors, and the other factors encouraging industry to locate there as opposed to other parts of the country.

Chapter 4 takes an in-depth look analysing the responses of the 313 child migrant workers to the questionnaire administered by the FTUB survey team, complete with tables and explanatory observations.

Chapter 5 provides a set of recommendations for stakeholders, particularly the ILO, to consider as a way to move forward and solve the problems faced by child migrant workers in Mae Sot.

1.2 Definitions

Burman: A person who is a member of the largest ethnic group of the country of Burma (Myanmar), especially as distinguished from the Shan, Karen, Mon, Kachin, Karenni, and other ethnic peoples.

Burmese: A term referring to any person originating from the country of Burma (Myanmar), without reference to ethnic origin of that person.

Child – Article 1 of the Convention on the Rights of the Child (1990) defines a child as "every human being below the age of eighteen years unless under the law applicable to the child, majority is attained

earlier.”

Debt bondage: Article 1 of UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956) defines debt bondage as “the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined.”

Documented/Regular Migrants or Workers: Article 5 (a) of the UN Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (1990) states in relation to migrant workers that they are “considered as documented or in a regular situation if they are authorized to enter, to stay and to engage in a remunerated activity in the State of employment pursuant to the law of that State and to international agreements to which that State is a party.”

Forced or compulsory labour: Article 2 of ILO Convention Number 29 on Forced Labour (1930), forced labour means “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”

Irregular or Undocumented Migrants or Workers: Conversely, Article 5 (b) of the UN Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (1990) states migrants are “considered as non-documented or in an irregular situation if they do not comply with the conditions provided for in subparagraph 5(a) of the present article (note: Article 5).”

Smuggling (Humans): The Migrant Smuggling Protocol defines the smuggling of migrants as “the procurement, in order to obtain, directly or indirectly, a financial or

other material benefits, of the illegal entry of a person into a country of which the person is not a national or a permanent resident” (Article 3a). Smuggling, unlike trafficking, always requires the crossing of a border illegally for profit, whereas trafficking involves movement for exploitation.

Registered migrant: A registered migrant is a migrant worker who has registered their presence with the Royal Thai Government during one of the organized registration periods, and therefore is legally entitled to stay and work in Thailand. See ‘Registration’.

Registration: A process whereby undocumented migrant workers from Burma, Cambodia and Lao PDR have periodically been able to legalise their status in Thailand by registering their presence with local authorities (organized by the Ministry of Interior and the Ministry of Labour). This operates like an ‘amnesty’ for migrant workers. According to the Immigration Regulations, when the Royal Thai Government permits registration (usually for a period of 30 days) then undocumented migrants should report first for a residence card, undergo a health examination and finally register for a work permit with a specific employer. The most significant registration of migrants took place in July 2004, where more than 1.2 million migrants registered for residence documents. Of this number, 814,000 individuals applied for work permits. In the most recent registration period in 2005, migrants who had previously registered (e.g. already registered and legally working in Thailand) were permitted to extend their work permits by one year until June 30, 2006. Approximately 630,000 workers and their dependents registered. The Royal Thai Government also allowed a further registration to take place in July 2006, which was to enable new migrants to register alongside those who were renewing registrations.

Trafficking in Persons: The definition of trafficking employed in this report is contained in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo

Protocol) which states:

“Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or the use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or of other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

The Protocol further notes that “recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered trafficking in persons even if it does not involve any of the means set forth” in the above-mentioned definition.

Worst forms of child labour: Article 3 of ILO Convention Number 182 on the Worst Forms of Child Labour (1999) defines the worst forms of child labour as comprising the following:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.



2

2. METHODOLOGY OF THE REPORT

2.1 Research objective

The objective of the research is to study the situation of Burmese migrant children between 10-18 years of age employed in informal workplaces and factories in the Mae Sot district of Tak province, and to provide recommendations for needed support in the area(s) where the migrant children live and work.

The assumption guiding the selection of sectors to research (industrial activities in informal workplaces) is that most of the Burmese migrant children can be found working in these sectors. In Mae Sot, there is almost total lack of regulation in both factories and enterprises. Many factories in Mae Sot are not legally registered as enterprises, and therefore lack the usual regulations imposed on formal sector workplaces. The 'factory' may be in the employer's home, converted shop-house or dual-purpose residence building hence the 'informal' nature of the sector. Examples of industries covered by the study include garments, knitting, footwear and socks, ceramics, canning of food, and small metallic manufacturing.

Key findings and recommendations will serve as a guide for international and national organizations and agencies – especially the ILO-IPEC Mekong Project to Combat Trafficking in Children and Women (TICW) – to formulate policy-oriented and direct assistance programs that will provide benefits and help improve the situation of child migrants, and advance national regulations that better protect the rights of the children, especially those who are working under substandard conditions in irregular employment and the informal sector.

2.2 Research methods

The field research was conducted through the use of a questionnaire administered individually to each respondent, in a one-on-one session with trained interviewers on the assessment team. These interviews were conducted in the language of the respondent. A total of 313 questionnaires were completed in this fashion. The data was compiled by the research team and entered into a database management system (SPSS) to assist with analysis.

Supplemental background information was sought through qualitative interviews with key knowledgeable local persons, including administrators and teachers at Burmese migrant schools, health officials servicing migrants, local and provincial officials of the Royal Thai Government, and Burmese migrant support organizations and trade unions operating in the Mae Sot area.

A desk review was conducted by the Federation of Trade Unions – Burma (FTUB) which examined publicly available research studies on the situation of migrants living in Mae Sot. Prior unpublished FTUB studies, including primary source interviews, on Mae Sot factories, migrant workers, and violations of their human rights were also examined. Information was also gleaned from internal documents and discussions between the FTUB and other migrant support organisations during campaigns and joint work on behalf of Mae Sot migrant workers. Finally, contemporary and past media reports, primarily composed of articles in the Bangkok newspapers, were reviewed.

2.3 Research timeline

Starting at a meeting organized in Bangkok on January 7, 2005, the ILO-IPEC team and particularly the IPEC/SIMPOC statistician worked with the research team to develop the research approach and were instrumental in the drafting, field-test and finalization of the questionnaire. The Migrant Secretary of the FTUB, as the lead researcher, developed the initial questionnaire, which was modified with input from field tests, and observations of all key stakeholders. The questionnaire was also revised to include questions developed by the ILO TICW project for destination-side research. The questionnaire was finalized on February 1, 2005.

The ILO/SIMPOC statistician also acted as a resource person in the training of the enumerators, and undertook a field mission to Mae Sot on February 21 to provide technical assistance to the research team on methods of conducting the survey.

The interviewing process started on 22 February, 2005 and was completed on 22 April, 2005. All 313 respondents were interviewed during this two month period.

2.4 Research team

The lead researcher, the Migrant Secretary of the FTUB, supervised the interviewers. The rapid assessment team was composed of eight Burmese (2 men, 6 women) who reside in Mae Sot and have years of experience working with migrant workers in the area. The composition of the research team represented most of the key ethnic groups that comprise the migrant workers in Mae Sot: there were three Burmans, one Shan, one Karenni-Burman, and three Karens. Administrative support was provided for the team by the FTUB's Mae Sot office.

The interviewers had all previously attended training courses on the topics of "Trade Union Rights", "Migrant Rights", and "International Labour Standards." Two of the team received training on these topics in Bangkok, provided by trainers from the ILO Training Centre from Turin, Italy (supported by ILO ACTRAV). The remaining six had received training from FTUB trainers and senior FTUB staff, all of whom had been trained by either the ILO or international trade unionists. All 8 research team members had prior experience in collection of data from migrants working in Thailand. Seven of the eight researchers had formerly been workers in Mae Sot factories themselves, and therefore had practical experience with the worker recruitment process, working conditions, and employment relations.

2.5 Target group

The action-oriented research focused on migrant children from Burma (below 18 years of age) and working in irregular and informal industrial activities in Mae Sot district, Tak province, Thailand. A priority was placed on children working in the garment and knitting sectors, and children in these two sectors accounted for 79.2% of the 313 children surveyed.

2.6 Sampling selection & survey area

The sample size was determined in part by the need to have sufficient coverage of the migrant child work force, based on an estimation of the number of factories that are at present in Mae Sot. During a survey of factories in Mae Sot in 2004, the FTUB found that there were 124 officially registered factories in the district.⁷ However, this number did not account for unregistered factories, and other authors have estimated that as many as 200 factories

⁷ Federation of Trade Unions – Burma (FTUB), *Overview of Mae Sot Report*, unpublished report based on interviews with 305 workers from 56 factories, February-April 2004.

could be operating in Mae Sot.⁸ Child workers were found in a wide variety of ‘factories’, ranging from stand-alone factory buildings, to floors or lofts in shop-houses or dual-use residential buildings.

The six person research team divided up Mae Sot geographically, with each researcher responsible for a separate area. A total of 313 children were interviewed for the study. 239 of the interviewees, accounting for 76% of the total sample, were girls, and 74 respondents, equal to 24%, were boys.

Face to face interviews were conducted by a researcher with each child, employing the questionnaire which is attached as appendix 3 to this report.

Separate qualitative interviews were conducted by the researchers with other knowledgeable stakeholders, including parents of the children, headmistresses and teachers of schools providing education to migrant children, adult migrant workers working in the same factories as the children, leaders of local Burmese and Karen organizations supporting migrant workers, and health workers connected with the Mae Tao Clinic.

2.7 Challenges and obstacles in the research process

The research team faced many difficulties throughout the two months of conducting the interviews. The biggest problem was encountered in accessing the working children, and ensuring there was enough time to conduct the interviews, which were time-consuming because of the lengthy and detailed survey being used. The interviewers found that it was almost impossible for them to enter the factory premises, meaning that alternative arrangements needed to be found. Moreover, the child migrant workers must work long hours during the week, leaving them very limited free time to spare for an interview.

One barrier that had to be overcome was that supervisory figures (factory owners, managing supervisors) were understood to be generally unsympathetic to these research efforts targeting their workers, and child migrant workers feared punishment if it was learned that they had provided information about the factory to outsiders. The significant risk of retaliation against the workers or the interviewers by the factory management, or external authorities (such as police) who might be called by them to investigate if the research was found out, resulted in the research being done in a way that avoided these authority figures. Some co-workers of the migrant child workers were also not supportive of the research efforts, largely because they feared being implicated in the research effort if it was discovered by the factory management, and therefore (largely reasons of perceived self-preservation) tried to block access by the interviewers.

The threat of potential violence to a researcher was real if they were exposed. In the case of at least one factory, workers reported that the Taiwanese owner threatened workers with a gun, which he fired into the air when they brought complaints to him. He also reportedly told workers that he would pay a 5,000 baht reward to any worker who informed him about “insurgents or NGOs” contacting or attempting to contact his workforce. (See case study Factory F in Annex 2 for additional details)

A mixture of strategies and tactics were used by the researchers to overcome this dual problem of lack of access to the worksites, and lack of time of the interviewees.

The most effective method was for the interviewers to remove the migrant child workers from the factory, usually by organizing a small gathering on their one day off, usually Sunday, at a safe and secure location. The interview team provided transport

⁸ Dennis Arnold, *The Situation of Burmese Migrant Workers in Mae Sot, Thailand*, Working Papers Series no. 71, Southeast Asia Research Centre of City University of Hong Kong, September 2004.

costs to and from the venue, and provided food, and the opportunity to undertake amusements/games and/or watch television for the children. They then worked as a team to conduct as many interviews as possible during the day. This was done on each of the Sundays during the eight week research period, but it was not sufficient to interview all the migrant child workers.

Therefore, other more risky methods had to be used. These included interviewers sneaking into a factory (usually with the support of a sympathetic senior worker/leader of the factory community) and hiding until the factory management went home for the evening. Then interviews could be conducted at night in the worker housing at the factory. The

interviewer would then sleep over at the factory, and slip out in the early morning.

In some factories, migrant workers were allowed to leave the factory for a one hour lunch break, and interviewers waited for them outside the factory and conducted the interview during that time. Similarly, when workers were permitted to leave the factory for dinner, between normal working hours and shifts of mandatory overtime that stretched into the evening, again the interviewers could meet them.

In all cases, the assistance of either the parents or sympathetic senior migrant workers was critical for making arrangements to conduct the interviews.



3. BACKGROUND ON THE SITUATION OF CHILD MIGRANT WORKERS IN MAE SOT, AND IN THAILAND

3.1 International Legal Framework for Child Migrants in Thailand

3.1.1 ILO Convention No. 182 on the Worst Forms of Child Labour and ILO Recommendation No. 190 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour

Thailand ratified ILO Convention No. 182 on February 16, 2001. This convention enjoys nearly universal ratification by ILO Member States (at publication time 160 of a total of 178 member countries had ratified). Convention No. 182 (C 182) requires ratifying countries to “take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency” and requires that states “shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.”

In 1996, a national plan of action was developed to deal with specific issue of human trafficking in Thailand, but there has yet to emerge a specific plan of action developed to implement C 182. A National Committee on C 182 was appointed by the Cabinet on February 28, 2006. The Committee, chaired by the Minister of Labour, has the following core duties: (1) Considering the National Plan of Action on the Worst Forms of Child Labour; (2) providing policy recommendations in accordance to C 182; (3) providing oversight, advice and monitoring of the implementation of the NPA on WFCL; (4) promoting research work in support of the elimination of WFCL; (5) coordinating with concerned agencies both inside and outside of the country to eliminate WFCL; (6) and considering ways and efforts for reporting on the implementation of Thailand’s C 182 obligations.

In performing this work, the National Committee has the right to appoint sub-committees or working groups as deemed appropriate, and may also be assigned by the Government to perform other related appropriate duties. The Committee held its first meeting on July 3, 2006, in Bangkok.

ILO Recommendation No. 190, which supplements Convention 182, states that the “programmes of action should be designed and implemented as a matter of urgency...” and that such programs should among other things seek to prevent “the engagement of children in or removing them from the worst forms of child labour” and involve “identifying, reaching out to and working with communities where children are at special risk.” The Recommendation also calls for “informing, sensitizing and mobilizing public opinion and concerned groups, including children and their families.” Critically, the Recommendation provides that States shall further identify the worst forms of child labour that “harm the health, safety or morals of children” in their plan. To date, Thailand has not yet done this.

ILO Recommendation No. 190 gives a more detailed description of what types of work that countries should consider as ‘hazardous’ to a child. Several of the specific categories recommended for consideration appear clearly applicable to the types of work carried out by migrant children in Mae Sot. They include:

- “work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
- work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;

- work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.”

3.1.2 ILO Convention No. 138 on Minimum Age

Thailand ratified ILO Convention No. 138 (C 138) on 11 May, 2004, which sets the minimum age of employment at 15 years of age.

The Convention provides that this age limitation must apply, at a minimum, to the following sectors of work: “...mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers” In ratifying C 138, Thailand has indicated that it will abide by these provisions which are contained in Article 5 of the Convention.⁹

Finally, the Convention specifically calls for effective enforcement, demanding that “All necessary measures, including the provision of appropriate penalties, shall be taken by the competent authority to ensure the effective enforcement of the provisions of this Convention.”

3.1.3 ILO Convention No. 29 on Forced Labour and Convention No. 105 on the Abolition of Forced Labour

Thailand formally ratified ILO Convention No. 105 in 1957 and Convention No. 29 in 1969. Thailand is required to “to suppress the use of forced or compulsory labour in all its forms within the shortest possible period...” ILO Convention No.

105 obligates all signatory states to “suppress, and not to make use of, any form of forced or compulsory labour

- as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;
- as a method of mobilising and using labour for purposes of economic development;
- as a means of labour discipline;
- as a punishment for having participated in strikes;
- as a means of racial, social, national or religious discrimination.”

Since industrial development in Mae Sot is eligible to receive investor preferences from the Royal Thai Government’s Board of Investment (BOI),¹⁰ and therefore can be arguably considered to be contributing to “economic development”, instances of forced or compulsory labour among the migrant work force in Mae Sot could be considered to constitute a violation of ILO C 105.

3.2 National Legal Framework for Child Migrants in Thailand

3.2.1 Constitution of the Kingdom of Thailand, 1997

The supreme law of the land is the Constitution, and it proclaims in Article 4 that the “human dignity, right and liberty of the people shall be protected.” There is no indication of nationality in this Article and, when considered from a human rights perspective, can be interpreted as applying to all persons present in Thailand, regardless of status.

⁹ <http://www.ilo.org/ilolex/english/>

¹⁰ The BOI “spearheads the Thai Government’s drive to attract foreign investment into the Kingdom” by “promoting the country actively at home and abroad as a premier investment destination, and by providing incentives to stimulate such investment.” A Guide to the Board of Investment, written by the Office of the Board of Investment, Ministry of Industry, Updated June 2005.

Article 45 provides for freedom of association, while Article 51 of the Constitution states clearly that “Forced labour shall not be imposed [...]”¹¹ Meanwhile, Article 53 provides that “children, youth [...] shall have the right to be protected by the State against violence and unfair treatment.” However, in the Constitution, these rights are described as “Rights and Freedoms of the Thai People”, raising the question of nationality, and applicability to migrant workers.

3.2.2 Labour Protection Act of 1998 (LPA 1998)

Thailand promulgated the Labour Protection Act in January 1998, which prohibits employers from hiring workers under the age of 15 years, thereby bringing the country into compliance with ILO Convention No. 138 on Minimum Age. A number of key provisions were included that provide additional protection to child workers. When a child under the age of 18 years is hired, an employer must abide by all the following regulations:

- 1) A child worker must be provided at least a one hour break after he/she has continuously worked for four hours.
- 2) It is prohibited to cause a child worker to work from 10 p.m. to 6 a.m., unless the employer has received prior permission from the Ministry of Labour.
- 3) It is prohibited to cause a child worker to work overtime, or on holidays.
- 4) Employers are prohibited to cause child workers to perform any of the following types of work: smelting, blowing, casting or rolling metal; stamping metal; work involving dangerous chemicals, radioactive materials, bio-hazards like bacteria and viruses, poisonous, flammable or explosive materials, or consists of driving/transport, work that is underground, underwater, or

in a cave or tunnel, machine cleaning while that machine is operating, working at heights higher than 10 meters, or being involved in work characterized by extremes of heat, cold, noise, vibrations.

- 5) Employers are prohibited from causing child workers to perform work in the following types of establishments: slaughterhouses, gambling houses, dance halls, and establishments where food and beverages are served, and where the services of prostitutes, sleeping areas, or massage are offered.
- 6) Employers are prohibited from collecting deposits of any type from child workers, and are prohibited from paying a child worker’s remuneration to any person other than the child worker.

The LPA 1998 provides that an employer who hires a child worker must notify the relevant labour inspection official from the Ministry of Labour within fifteen days of the date that the child begins working.

The LPA 1998 also provides important protections for workers including an 8 hour work day (Article 23); overtime work only with prior consent of employee (Article 24); prohibition on requiring work on public holidays (Article 25); requirement to provide one day off in seven (Article 28); paid annual leave after one year of work (Article 30); paid sick leave (Article 32); overtime and holiday pay (Articles 61, 62, and 63); protections against types of hazardous work that can be done by females (Article 38); maternity leave (Article 41) and prohibition on terminating a female employee because of her pregnancy (Article 43); requirement to pay not less than the minimum wage (Article 90); creation of an employee complaint/grievance procedure in establishments with more than 10 workers (Article 109); and payment of severance pay in cases of termination (Article 118).¹²

¹¹ Except in cases to “avert...imminent public calamity”, or during a state of war or emergency.

¹² Natee International Law Office Limited, *Labour Protection Act B.E. 2541 (A.D. 1998)*

3.2.3 Labour Relations Act of 1975 (LRA 1975)

According to the LRA 1975, the ability to serve as a 'founder' of a labour union¹³ (one of the ten persons who can join together to file an application to establish a union) or serve as an elected representative of the workers on the labour union committee or subcommittee is reserved for those with Thai nationality.¹⁴ However, there is no nationality requirement to join a labour union as an ordinary member. An ordinary member must be older than 15 years old, and work for "the same employer as that of the applicants for the registration of the labour union, or employees engaging in the same category of work as that of the applicants..."¹⁵ Since Royal Thai Government policy states that legally registered migrants are covered by all applicable Thai labour laws, it is possible for Burmese child workers aged above 15 years to join a labour union headed by Thais if there is such a union at the factory where they work, or in the same industry in which they are employed.

3.3 National Labour Law Enforcement

Labour law enforcement in Thailand suffers from a number of difficulties that are immediately evident to most observers. The Mae Sot office of the MOL has only a handful of officers, and has the status of a provincial sub-office connected to the main office in the Tak Muang district. None of these MOL staff have fluency in Burmese languages. Like their colleagues from the MOL in other parts of the country, they also face an overwhelming challenge in terms of labour inspection. This challenge is based on the proliferation

of small, hard to monitor establishments, a lack of resources, and the fact that informal sectors such as agriculture and domestic work are not covered by the LPA. There is also an apparent unwillingness by MOL officers in the field to dedicate any significant amount of resources to monitoring and seeking to improve the working conditions of undocumented workers.

In 2000, MOL statistics indicated that small enterprises, with only 1-9 workers employed, accounted for approximately 70% of all commercial 'industry' enterprises in the country.¹⁶ In Mae Sot, small enterprises of this size tend to be either home-based or operate out of shop-houses, and are often well-hidden and hard to regulate.

During this same year, 41% of workplaces inspected were found to be in violation of various labour laws - some 12,000 workplaces were found to have violated the laws, however only 14 cases were sent to court. Only 721 inspectors of various sorts¹⁷ were employed by the Ministry of Labour in that year, yet there were a total of 343,576 registered workplaces for which they had responsibility. Since responsibilities were divided into sectors, with general labour inspection, safety and health, and labour relations/trade unions, the burden on these inspectors for monitoring is actually higher in terms of an inspector/factory ratio. On average, a general labour inspector faced an impossible task of monitoring more than 1,000 factories per year, while safety inspectors were responsible for approximately 1,680 factories, and labour relations officers covered approximately 1,840 factories.¹⁸

¹³ Section 88 of the LRA states "Persons entitled to form a labour union shall be employees working for the same employer or employees working in the same category of work, regardless of the number of employees, *sui juris*, and of Thai nationality."

¹⁴ Section 101 of the LRA requires committee or sub-committee members to be "a Thai national by birth."

¹⁵ Section 95, LRA 1975.

¹⁶ A total of 240,300 enterprises employed 1-9 persons, and 103,276 employed more than 10 persons. In the North, which includes Mae Sot, the percentage was even more skewed towards these micro-enterprises employing 1-9 persons, with 73.3%, or 23,919 enterprises falling into this category out of a total of 32,621. For the purposes of this discussion, informal sector workers, such as those in agriculture, are not included. Brown, Thonachaisetavut, and Hewison, p. 7.

¹⁷ The MOL inspectors in 2000 were composed of 336 general labour inspectors, 201 health and safety inspectors, and 184 labour relations officers. Brown, Thonachaisetavut, and Hewison, p. 30

¹⁸ Brown, Thonachaisetavut, and Hewison, p. 30

3.4 Migrant Labour Registration Policy and Practice

3.4.1 Migrant Labour Policy

Recent Thai migrant labour policy dates to 1992, when the Cabinet first permitted employers located in ten border provinces to register migrant workers. Registration for migrant workers is only open to nationals of Burma, Cambodia, and Lao PDR. Critically, from the view point of labour protection, it is important to note that legally registered workers are to be covered by all provisions of the Thai labour laws, including those relating to wages and benefits.¹⁹

The policy can be characterized by a few general trends, including a continuing expansion of the provinces where migrant labour can be used; increase in the number of economic sectors where migrants are allowed to work; and augmented set of requirements on migrants and employers; and continued crackdowns by authorities on irregular migrants to persuade them to register.

The most significant migrant worker registration period was implemented in 2004 to help RTG determine how many undocumented migrants from three countries (Burma, Laos, and Cambodia) were actually residing in Thailand. The migrant worker policy has several different, inter-locking objectives that need to be examined. The first is to ensure national security by enabling the Royal Thai Government to better gauge the number of migrant workers present in the Kingdom at any given time, know what they are doing, and from which country they have arrived.²⁰

By separating out a large group of legally-registered and employed migrant workers, the registration policy ostensibly makes it easier to identify the remaining illegal migrants in Thailand, and the people smuggling networks who facilitate their movements.

A second objective, to which the Prime Minister alludes in his reference to ‘national development’, is the desire of employers to use migrant labourers. This demand arises when it is claimed there is a shortage of available Thai workers (which varies from time to time and also depending on sector). This demand also originates because, in practice, migrant workers can often be employed for much lower costs (e.g. wages) than Thais, and are often a more flexible work force (e.g. will work longer hours, weekends, holidays, with fewer breaks). This is a set of circumstances valued by employers seeking to fill orders, or respond to seasonal peaks in the work schedule.²¹ The registration process compels employers to register demand for workers, and provide clear information on their commercial enterprises. This in turn helps the MOL set more precise registration criteria, and also assess and analyze present employer demand for foreign migrant workers.

The third objective is to manage public health which the Royal Thai Government believes is challenged by the presence of migrant workers from these three poorer countries. The Ministry of Public Health (MOPH) conducts screening for seven ‘excludable’ diseases through annual check-ups for labour migrants who are legally registered, and provides treatment coverage under the national “30 baht” health care scheme. MOPH also conducts public health awareness-raising for migrant workers and Thai nationals, and monitors to prevent the spread of dangerous diseases.²²

¹⁹ The commitment for equal national treatment for registered migrant workers was reiterated in a communication from the MOL to UNIAP cited and explicitly commended by AI, which stated “...the organization welcomes the provision for migrant workers to receive the same labour rights as Thai workers...” (AI, 2004)

²⁰ This focus on national security in migrant policy is reflected in Prime Minister Thaksin Shinawatra’s policy statement to the Parliament on March 23, 2005: “To solve the problem of illegal immigrants and workers, the Government will aim to check and prevent new entries, set regulations on foreign workers, and strictly suppress illegal immigration, especially movements that have the backing of influential persons, to minimize the size of the problem and its long-term impact on security, together with managing the status and rights of persons with no clear legal status, and appropriately contributing to national development, striking a balance between protection of fundamental rights and protection of national security.”

²¹ Professor Virit Muntarbhorn remarks that “...there has been a tendency on the part of employers to pay lower than minimum wage, especially as many employers view migrant workers as easier candidates for exploitation.” (The Mekong Challenge: Employment and Protection of Migrant Workers in Thailand: National Laws/Practices versus International Labour Standards, p.5) In its interviews with migrant workers, AI reported that workers consistently complained about a “...lack of recognition by the Thai government of their basic labour rights, including mandatory long working hours without overtime payment; being paid far less than the already inadequate Thai minimum wage; lack of safe working and living conditions; and inability to collectively organize themselves.” (AI, 2004, p.11)

²² Ministry of Public Health, Measures and Means for Health Inspections of Alien Labor – Ministry of Public Health, Ministry of Public Health, 2004.

A fourth objective is to move to a better system of management in the future. The MOL has been charged with leading the effort to devise methods to better manage and regulate migrant workers, ranging from application of relevant laws and regulations to efforts to move towards a ‘migrant management’ approach, that will base future legal migration on government-to-government channels set up through Thailand’s bilateral employment MOUs with Cambodia, Burma and Lao PDR. In this way, migrants can be encouraged with promises of better treatment and a guaranteed length of stay if they use legal channels, while demand for illegal migrant labour can theoretically be reduced.

However, these efforts are still only in the early stages of implementation and are based on the experiences of the MOU between Thailand and Lao PDR. According to the numbers included in the Royal Thai Government’s Cabinet decision of 16 May, 2006, approximately 70,000 foreign workers been identified by the sending countries as their own nationals (a pre-condition under the MOUs), and were included in the developing government-to-government collaboration. However, the process of

implementation of the MOUs between Thailand and Cambodia, and Thailand and Burma/Myanmar has yet to see significant progress. From the perspective of labour protection, full implementation of these MOUs offers one of the few clear paths to leverage increased protection for migrant worker, because each of the signed MOUs contains a provision that obligates Thailand to fully apply its labour laws to migrants recruited through the MOU channel.²³

3.4.2 Specifics of the Migrant Registration Process

The 2005 re-registration of migrant workers was a significant step in this migrant registration process. However, the number of migrant workers actually residing in Thailand were generally considered to be much higher than the official figures, ranging between two to three million persons. Still, even these estimates are only ‘best guesses’, given Thailand’s porous borders with its neighbours and the clandestine nature of migrant smuggling, the Royal Thai Government, international organizations and other agencies simply lack the ability to provide more precise estimates.

Table 1: Official Migrant Worker Registration Figures²⁴

Year of registration	Total registered	Burmese registered	Coverage by eco. sectors	Coverage by provinces
Sept-Nov. 1996	323,123	293,652	7	39
Sept-Oct 2001	568,249	451,000	10	All
Feb-Mar. 2002	430,074	349,000	10	All
June-Nov 2004	1,280,053	921,482	All	All

²³ Article 17 of the Memorandum of Understanding between the Government of the Kingdom of Thailand and the Government of the Union of Myanmar on Cooperation in the Employment of Workers says “The parties in the employing country shall ensure that the workers enjoy protection in accordance with provisions of the domestic laws in their respective country.” Article 18 commits both Governments to the principle that “Workers of both Parties are entitled to wage and other benefits due for local workers based on the principles of non-discrimination...”

²⁴ Information in this table comes from a variety of sources, including the Office of Administration Commission on Irregular Immigrant Workers, Ministry of Labour and Social Welfare - as of Dec. 15, 2004, as quoted in “Thailand’s Migrant Policy”, on-line at www.phamit.org; Vitit Muntarbhorn Employment and Protection of Migrant Workers in Thailand (ILO, Bangkok)

Registration in July 2004 for illegal migrant workers included a waiver (using the Minister of Interior's authority under Section 17 of the Immigration Act of 1979) on prosecution for illegally entering Thailand. For these migrants, the registration process in 2004 consisted of several key steps. Unlike previous registration processes in 2003 and earlier, registration included all illegal migrant workers and their dependents (spouses, children over one year old), recognizing at last that there are also other family members involved, and not just the individual 'workers'. Tak province was second only to Bangkok for reporting the highest number of migrant registrations in 2004 – with a total of 124,618 migrants registrants.²⁵

First and foremost, the process required registration with the authorities. To do so, the migrant had to be accompanied to the registration office by the owner of the domicile where the migrant worker lived. For those not desiring to work, after they registered, their involvement with the process ended, and they had secured one year's authorisation to live in Thailand (e.g. for family members, dependents, etc). After successful registration, migrants were allowed to stay in Thailand, and they received a migrant residence identification card which served as legal proof of registration. As can be seen in the chart above, over 1.2 million people applied and went through at least this first step in the process. Persons from Burma accounted for 71.9% of those who registered in 2004.

However, this residence card is only a stepping stone to obtaining a work permit. After acquiring the residence card, the migrant, often accompanied by a representative of the employer, goes to a government hospital to undergo a medical check-up to ensure that s/he is not pregnant and does not have any diseases that would exclude them from remaining in Thailand. They must then pay for the check-up

and medical insurance for the year. If deemed healthy and fit for work, the hospital would issue a medical report that the migrant would take together with the registration document to apply for a work permit. This would require the support of the employer and would be done at the Department of Employment office (DOE). In Tak in 2004, a total of 52,184 migrant workers took the health exam, accounting for approximately 41.8% of the total number who initially registered for the residence card in Tak.²⁶

For migrants seeking to work, they had to locate an employer who had met with the requirement to register their demands for quota for the number of migrant labourers needed. Employers requested a quota for approximately 1.6 million work permits, but the number of migrants who actually applied – and made it all the way through the process to request a work permit – amounted to only 814,247. A total of 610,106 people, or 74.9%, of these workers were from Burma.

Since the garment and textile industry is not specifically listed as a category of work, it is classified with other non-specified industrial work in the "Other" category by the MOL – and in this category, a total of 243,374 workers (183,155 of these were from Burma) received work permits.²⁷ Children under 15 years of age are not legally permitted to apply for work permits, in line with the LPA 1998's prohibition on child labour.

Once issued with the work permit, they became fully documented workers. The total cost for registration was 3,800 baht, divided between 1,900 for registration and work permit renewal fees, and 1,900 for health check-up and insurance coverage under the "30 baht" health scheme. In 2004, 50,961 migrant workers received their work permit in Tak province.²⁸

²⁵ Office of Administration Commission on Irregular Immigrant Workers, www.phamit.org

²⁶ *Ibid.*

²⁷ Huguët and Punpuing, *International Migration in Thailand*, p. 31

²⁸ *Ibid.*

The MOL hopes that sometime in the future, all documented migrant workers will enter the country with a legal visa in their national passport, and the expiration of the work permit can be harmonized with the expiry of the visa in the passport. Migrant labour would then be imported in accordance with the bilateral Memorandum of Understanding between the Government of the Kingdom of Thailand and the Government of the Union of Myanmar on Cooperation in the Employment of Workers, which states that “Employment of workers requires prior permission of the authorized agencies in the respective countries. Permission may be granted upon completion of the procedures required by the laws and regulations in the respective countries.”²⁹

In 2005, only those who went through the entire process were eligible to re-register and a total of 705,293 did so.³⁰ The costs were the same – 3,800 baht per year for full registration. Those who had registered for residence in 2004, but not secured a work permit, were deemed immediately deportable if caught by the Thai authorities.

3.5 Burmese Migrant Situation in Thailand and Mae Sot

According to MOL 2004 registration figures, of the more than 1.2 million workers that came forward for documentation, nearly three-quarters, or 71.9%, were from Burma. However, many researchers believe the actual number of Burmese workers in Thailand is much higher than the number registered, with estimates frequently made in the range of 2 million. However, as mentioned in the previous section, there is no plausible way to actually determine the number of undocumented Burmese migrants presently in Thailand. Moreover, in addition to migrant workers, there are more than another 140,000 UNHCR-

recognized refugees (e.g. ethnic Karen, Karenni), residing in refugee camps on the Thai side of the border with Burma.³¹

Save the Children UK (SCUK) conducted one of the first comprehensive research studies focusing on the situation of Burmese children living in these countries along Burma’s borders with China and Thailand. In the study, researchers found that the majority of migrants from Burma were young people, and that “there is significant demand for female labour and a disproportionate number of female migrants without documentation.” In most cases, the report found that at the age of 13 children from Burma migrate either on their own, or with parents or relatives, to search for work in neighbouring countries. Critically, the report found that all of these children were highly vulnerable to exploitation, and lacked avenues to seek protection from abuse, or to seek redress for the injustices they suffered. Specifically, the report found these children faced “...extensive debt-bondage, sexual abuse, illegal confinement, confiscation of documents, arrest and extortion, forced overtime, few basic resources and poor living conditions that were overcrowded, insecure and often violent.”³²

Migrant child workers are perhaps best characterized by their vulnerability, including a lack of documented presence/registration documents, low pay and resulting lack of financial resources, frequent inability to access basic services (such as education and health care), and a lack of rights and inability to access mechanisms for legal redress.

A round table of migrant workers in Mae Sot, convened prior to a consultation on workers’ problems, identified the following major issues, listed in terms of priority:

²⁹ Article 4, MOU between the Government of Kingdom of Thailand and the Government of the Union of Myanmar on Cooperation in the Employment of Workers

³⁰ Phamit News, “New Cabinet Resolution on Migrant Labour Threatens to Deteriorate Migrants’ Rights”, February 7, 2006.

³¹ UNHCR Briefing Notes, <http://www.unhcr.org/cgi-bin/texis/vtx/news/opendoc.htm?tbl=NEWS&id=4472ded14&page=news>, checked on June 17, 2006

³² Caouette, Therese M; Small Dreams Beyond Reach: The Lives of Migrant Children Along the Borders of China, Myanmar, and Thailand, Save the Children UK and Department for International Development, 2003

(1) Low wages and no or very low overtime wage; (2) excessive working hours; (3) are not allowed to hold their ID/work permit (management keeps it and gives workers a photocopy); (3) various indiscriminate deductions by employer; (4) health assistance (almost none); (5) no clean water; (6) no social care; (7) no electricity at night in the dorms; (8) electric shocks while working (OSH issue); (8) sexual harassment on the part of management or authorities; (9) food provided by the factories is not adequate, no food or water is provided on workers' days off; (10) no collective bargaining is allowed; and (11) the MOL is not effective.³³

SCUK researchers found "...exploitation by employers without recourse was frequently reported" and the biggest problem could be summarized as too many hours for too little pay. At all study sites, the "vast majority" of migrants were "forced to work for long hours with no acknowledgement of the national labour laws or recourse for [...] abuses." SCUK also found "living and working conditions [...] were deplorable with very basic resources, occupational hazards, overcrowding, and insecure, often violent, environments."³⁴

3.5.1 Health/Safety issues

Workers in factories report that there are many injuries that occur and that workers rarely receive any compensation for work related accidents or deaths. For agricultural workers, on fruit and vegetable farms along the Thai-Burma border, many suffer from respiratory or other problems as a result of extended exposure during the spraying of chemical pesticides. These agricultural workers typically are not given masks, gloves or other protective gear even when they are in contact with chemicals that are known to be harmful.³⁵ In factories surveyed for their 2004 migrant labour report, the FTUB found no instances

in which migrant workers were issued any sort of safety equipment.³⁶ Research done by the Asian Migrant Centre confirmed these findings, with AMC reporting in its chapter on Thailand in its annual survey that "no migrant workers have reported that they have received training on occupational health hazards, nor were any safety officers available for consultation. No migrant workers were issued safety equipment in their workplace..."³⁷

3.5.2 Organising and awareness of rights at work

Migrant workers are also handicapped by their lack of knowledge and understanding about labour rights, trade unions, freedom of association, and right to collective bargaining. In Burma, there is little knowledge of these matters because trade unions are effectively banned by implementation of SLORC Order 6/88, which states that organizations must apply to the Ministry of Home Affairs to form, and that organizations without permission may not continue to exist. Unions are specifically covered by name in the types of organizations under this Order, and to date, no trade union has been allowed to operate legally in Burma since SLORC took power in September 1988.³⁸

In Mae Sot, researchers have found that employers actively discourage workers from forming associations and asserting their rights, and go to great lengths – including termination, black-listing, working with local authorities to ensure migrant workers are deported, and in some case, resorting to intimidation and physical harm. Amnesty International found that workers "were often punished by their employers if they attempted to organize for better working conditions and rates of pay. Punishments have ranged from beatings by local gangs hired by the employer; to mass arrests and deportation to Myanmar by local Thai authorities."³⁹

³³ Arnold, Dennis ; "Capital Expansion and Migrant Workers: Flexible Labour in the Thai-Burma Border Economy, p. 52

³⁴ Caouette, Therese, *Small Dreams beyond Reach*, p. 72, 77.

³⁵ Amnesty International, "Myanmar: Lack of Security in Counter-Insurgency Areas", July 2002

³⁶ FTUB, "Migration from Burma", p. 13

³⁷ Asian Migrant Centre, *Asian Migrant Yearbook 2004*, p. 290-291

³⁸ ILO Committee on Freedom of Association, Case no. 2268, 333rd Report of the Committee on Freedom of Association, p. 249

³⁹ Amnesty International, 2004, p. 11

When workers at the Nut Knitting factory conducted a strike (after some of their colleagues were arrested by the police) they were attacked and savagely beaten by a gang hired by the employer. The victims were later fired. The migrant workers filed a complaint at the MOL office, and continued the case into the Labour Court, winning the first-ever settlement against an employer.⁴⁰

Others were not so lucky. The following cases have been documented.

1. Over 420 workers at King Body Concept factory in Mae Sot were fired after filing a complaint with the provincial MOL office, and immediately thereafter were arrested by police and deported.⁴¹
2. When 75 workers at Siriwat Garment protested being forced to work 41 hours straight, they were fired and deported.⁴²
3. At Nasawat Apparel, where 269 women workers organized themselves and demanded management pay the Thai minimum wage. Management agreed, then reneged on the agreement, and arranged for the police to arrest the workers while they were meeting at a local Buddhist temple, and deport them.⁴³

Arnold summarizes the situation succinctly by noting that it “[...] seems clear that sacking Burmese migrant workers who demand their rights has become a management strategy adopted by Mae Sot-based companies.”⁴⁴

Unfortunately, this strategy is not limited to Mae Sot

– in September 2005, Burmese migrant workers at the Daechapanich Factory in Khon Kaen province in Thailand’s northeast region bargained with the employer for shorter working days, better wages, and public holidays off. The next day, the employer called the police to arrest the leaders of the group of workers and other sympathizers and followers (in total 232 workers), all of whom were legally registered. The migrants were packed on to buses, driven hundreds of kilometers to the Thai-Burma border, and summarily deported.⁴⁵

Burmese staff at YCOWA and BLSO have been harassed and beaten by hired thugs,⁴⁶ a Danish volunteer at YCOWA was stabbed with a knife while walking with the YCOWA coordinator, and a Burmese interpreter with a Thai residency card was arrested by police on charges of violating the terms of residency by working in an unauthorized field of work.⁴⁷

3.5.3 Access to justice

Access to justice for labour cases is also made more difficult for Burmese migrants in Mae Sot because all labour cases must be heard at Labour Court 6, which is located in Nakhorn Sawan province, several hundred kilometers away from Mae Sot. However, under the terms of their migrant worker registration, migrant workers are not allowed to leave the district or province where they are registered to work, without prior permission from local MOI district chief, or other appropriately high-level local RTG official and this permission is rarely granted for migrants filing labour complaints.

⁴⁰ Asian Labour News, “Burma: The Price of Exploitation”, November 10, 2004.

⁴¹ Asian Human Rights Commission, UA-23-2003: THAILAND: 420 Burmese workers fired and deported for demanding their legal rights”, July 3, 2003

⁴² Yaung Chi Oo Workers Association, “Situation of Burmese migrant workers at Siriwat Garment, September 23, 2003 and Asian Human Rights Commission, “UA-54-2003: THAILAND: Abuse of workers rights by the Siriwat Garment Factory in Mae Sot, September 26, 2003.

⁴³ Action Network for Migrants, December 19, 2003, and Naw Seng, “Compensation Set for Burmese Workers, Apr.5, 2004

⁴⁴ Arnold, Dennis; “The Situation of Burmese Migrant Workers in Mae Sot, Thailand”, pp. 12-15

⁴⁵ Asian Human Rights Commission, “THAILAND: Illegal detention and deportation of 232 Burmese migrant workers”, September 7, 2005, posted on www.ahrchk.net

⁴⁶ Shah Paung; “Burmese Labor Group Targeted by Police”, *The Irrawaddy*, September 8, 2005.

⁴⁷ Asian Human Rights Commission, “UA-178-2004: THAILAND: Migrant workers’ rights activist facing legal prosecution and death threats”, December 21, 2004

Unfortunately, in Mae Sot and elsewhere, the impunity of employers to fire workers and systematically violate the labour laws are directly connected to their relationship to state officials prepared to do their bidding. The SCUK researchers found “fear of arrest and extortion by government officials” among migrant workers at every study site.⁴⁸ Arnold discovered that this was certainly the situation in Mae Sot, and noted that as a result “NGOs and workers in Mae Sot are reluctant to seek police assistance as they often consider the police complicit in human rights violations. Workers report that police and immigration officials are a principal source of rights violations. Police and immigration officials are accused of taking bribes from employers and regularly extort money from workers, particularly workers without a work or residence permit, or only a copy of their permit.”⁴⁹

3.5.4 Retention of migrants' documents by employers and related problems

The problem of impunity (of employers, government authorities, and in some cases, local toughs and criminals) in meting out abusive treatment to migrant workers is a continuous issue that has so far defied solutions. Numerous international organizations and researchers have documented these abuses. Amnesty International (AI) noted that workers were often subject to “shakedowns and arrests by Thai police” if they did not have the original migrant worker ID card in their possession. Police would find other violations or reasons for holding a migrant, and AI noted reports that “once the focus of police attention, migrants run the risk of being threatened with arrest in order to extract a bribe.”⁵⁰ AI recommended that “the [Thai] government [...] ensure that migrant workers are protected from harassment and extortion carried out by the Royal Thai Police, and to ensure

that the fundamental human rights of all migrant workers are respected during routine document checks by local police authorities.”⁵¹

Leading human rights organizations examining the situation of Burmese migrant workers in Thailand came to similar conclusions. Physicians for Human Rights prominently recommended in their report, “The Government of Thailand must investigate, prosecute and punish the collusion or involvement of members of the Thai police, and immigration and military intelligence agencies in human trafficking, crimes against migrants and exploitative labour practices. This must include genuine and immediate efforts to eradicate the endemic corruption that allows human traffickers and smugglers to operate with impunity and to the financial benefit of both rank-and-file and commanding law enforcement officials.”⁵²

Since migrant workers in Mae Sot are frequently not allowed to hold their original migrant registration card, they face a constant fear that they could be arrested, and ultimately deported, any time they are moving around in the district. When this fear keeps migrants from moving freely, it also impedes their access to health care and other social services that may be available. For this reason migrants suffer in silence from easily treatable diseases. The spread of communicable diseases is facilitated by lack of access to health care facilities and medicine, cramped living conditions and poor sanitation. Lack of knowledge of the local language also prevents migrants from seeking help when they face unhealthy or dangerous situations. This combination of fear of arrest and lack of knowledge about the laws, customs and language of their host country means that migrants are easily exploited and abused by their employers, Thai officials and others.

⁴⁸ Caouette, *Small Dreams beyond Reach*, p. 70.

⁴⁹ Arnold, Dennis; “Capital Expansion and Migrant Workers: Flexible Labour in the Thai-Burma Border Economy”, p. 70

⁵⁰ Amnesty International, 2002, p. 12

⁵¹ Amnesty International, 2004, p. 20.

⁵² Physicians for Human Rights, *No Status*, p. 4

3.5.5 Difficulties in accessing medical care

SCUK researchers found a lack of access to medical services was pervasive, and even when services were available, migrants often lacked resources to pay for them. The plight of many migrants is summed up by the account of a Shan man sick from malaria, who told researchers “I am afraid to go to the hospital because I can’t speak Thai. Nobody will accompany me there. I am also afraid of being arrested by the police. I have no identification card and I also have no money.”⁵³

These problems were also identified by Mae Tao Clinic founder Dr. Cynthia Maung and academic Dr. Suzanne Belton in a recent report on reproductive health in Mae Sot. They wrote that they “[...] identify a lack of reproductive health rights [...] lack of access to reliable and safe healthcare, violence, fear of arrest and worker exploitation as factors contributing to the high levels of unsafe abortion.” These problems which affect girls and women, and among Mae Sot factory workers, are clearly connected to concerns about termination of employment if factory owners learn the migrant worker is pregnant. They reported that among the 352 women treated at Mae Tao Clinic for post-abortion related symptoms, 26% of the girls/women had previously had abortions, and 13% were aged between 15 and 20 years.⁵⁴

The lack of access to Thai Government health services will be complete for children and their families who are not legally registered if recently announced policies are fully implemented. In April 2006, the Thai Minister of Public Health, Phinij Jarusombat, declared that the MOPH did not have adequate budget to service illegal migrants, and would no longer do so.⁵⁵ At the time of writing, and

despite criticism by the National Human Rights Commission the Minister’s decision to cut off health services to all illegal migrants still stood.⁵⁶

Regardless of their ‘legal’ status, many migrants faced discrimination at Thai hospitals. Amnesty International’s investigation of migrant worker usage of the “30 baht” health scheme found that “Several workers interviewed by Amnesty International said that they did not attempt to use such a scheme because they did not believe that they would receive proper medical care, or because they had experienced discrimination by Thai public health workers.”⁵⁷ The difficulty was further compounded by problems in communicating with Thai hospital health staff. Most Thai nurses and doctors, and health administrators, do not speak Burmese, or any of the ethnic languages such as Karen. Migrant workers similarly have very limited proficiency in spoken Thai, and almost no knowledge of written Thai.

Given this view of the 30 baht scheme and poor access to Thai hospitals, and placing the annual 1,900 baht health care premium into the perspective of a child migrant worker in Mae Sot, this cost is equal to approximately 4 to 6 weeks of pay. There are three classes of services – free services, services for which a 30 baht fee must be paid, and services which are excluded from the migrant insurance scheme altogether and for which the migrant must pay out of pocket.

Free services include general check-ups for adults and check-ups for children’s health (including vaccinations), ante-natal treatment for pregnant women, family planning services, provision of ARVs to HIV positive mothers to prevent transmission to children, and basic health education and counselling.

⁵³ Caouette, *Small Dreams beyond Reach*, p. 97

⁵⁴ Maung, Dr. Cynthia and Suzanne Belton, *Working Our Way Back Home: Fertility and Pregnancy Loss on the Thai-Burma Border*

⁵⁵ Manager Online, “MOPH will no longer accept unregistered migrant patients, due to lack of budget”, April 27, 2006

⁵⁶ *Bangkok Post*, Rights Panel Seeks Review of Employment Guarantee Fee, April 29, 2006

⁵⁷ Amnesty International, *Thailand: The Plight of Burmese Migrant Workers*, p. 13

Services requiring a 30 baht payment each time they are accessed are: child-birth; check up, diagnoses, treatment and rehabilitation of illnesses throughout all stages of treatment; costs of hospital stays; dentistry; and purchases of medicines on the National Medical list. Services which are not covered involve road accidents, mental illness, ARVs for purposes other than preventing mother-child transmission, and two catch-all categories – diagnosis and treatment above “standard procedures of medical practices” or treatment for the same disease/ailment unless additional complications or infections present themselves.

There were approximately 40,000 Burmese workers who had medical checkups at the Mae Sot Hospital in 2005. Among them 906 had lung disease, 314 syphilis and 11 had elephantiasis. Kanoknart Pisuthakul, the Director of the Mae Sot Hospital, expressed a concern that migrant workers who stayed outside the health system might introduce epidemics because authorities were unable to check them, and ascertain whether they were carrying any disease.⁵⁸

However, accessing the services was difficult for many migrant workers in Mae Sot because they did not have free, unfettered access to their registration documents – both the migrant worker identification card, and their 30 baht health program card. The situation is caused by two factors: factory owners’ insistence on holding migrant worker documents (in violation of the MOL’s policy, stating that migrant workers must hold their own documentation), and health providers’ requirement that migrant workers present their original documentation when requesting services.

3.5.6 Difficulties in accessing education services

Access to education, which is supposed to be guaranteed to children of migrant workers who register legally to work in Thailand, is also difficult in reality. As a signatory to the UN Convention of the Rights of the Child, the RTG is required under Article 28 of the CRC to “recognize the right of the child to education...” and “make primary education compulsory and available free to all.” Moreover, the RTG must also “Encourage the development of different forms of secondary education, including general and vocational educations, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need [...]” Additionally, Article 32 provides that “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” and “... shall take legislative, administrative, social and educational measures to ensure the implementation of the present article.”⁵⁹ Interestingly, the CRC specifically notes that these measures should include “appropriate regulation of the hours and conditions of employment”, an international commitment that is being systematically violated by the conditions found in Mae Sot.

On 5 July, 2005, the Cabinet approved a new Ministerial Regulation for migrant and stateless children’s access to education, as proposed by the Ministry of Education. This Regulation states that education at the primary and secondary school levels

⁵⁸ Bangkok Post, September 13, 2005

⁵⁹ UN Convention on the Rights of Child

shall be opened to children without documentation, regardless of area, and the MOE shall provide adequate financial resources to cover schools' additional costs as a result of this policy. The Cabinet also ordered the MOI to issue an identification card to these children.⁶⁰

The Royal Thai Government reported to the Committee on the Rights of the Child that in 2004, the MOL's Office of Foreign Workers' Administration listed 75,275 children of migrant workers from Laos, Cambodia, and Burma present in Thailand – with just less than 16,000 identified as 12-14 years of age. Since 2004, children born of legally registered migrants were supposed to receive birth certificates. However, in most cases, this still does not occur, and has prompted expressions of significant concern by the international community.

In practice, children of migrant workers in Mae Sot often do not attend Thai state schools. There are several reasons for this. First and foremost, the FTUB has found that both in provinces as disparate as Tak and Surat Thani (in Thailand's southern region) – school districts where there are significant numbers of migrant children – there is resistance to enrolling migrant students because of perceived additional costs that limited local school budgets cannot bear. While technically illegal, and certainly unethical, school administrators have reportedly told migrant students that scarce budget resources must be used on students of Thai nationality first and therefore there is no possibility to enrol migrant students. It will be important to see that there is full implementation of the Thai Cabinet order of 5 July, 2005, to overcome this obstacle. From the migrants' point of view, the costs associated with attending Thai schools (books, uniforms, transportation costs) are often beyond what their parents can afford. The differences between Burmese and Thai language instruction are also sometimes too much for migrant students, and they drop out because they cannot adjust to a Thai language curriculum.

The result of these compounding factors has been the creation of what is essentially a parallel education system for migrant workers in Mae Sot, with numerous political, ethnic, religious, and community organizations opening or supporting 'underground' schools for migrants. These schools rely totally on donations (mostly from organizational and individual donors, and parents) to support school running costs and the expenses incurred by children to attend – and not surprisingly, a lack of financial resources often limits the ability of these schools to operate effectively.

In 2003 in Mae Sot, approximately 2,228 children were enrolled in 27 Burmese migrant schools that were not part of the official and regular Thai education system. There were 27 primary schools, two nursery schools providing safe day care for 150 children, and four schools with boarding hostels. Among the 27 migrant schools there is some coordination in regard to improving teaching skills, to promote child rights issues and a school health program. In 2004-2005, the FTUB provided support for two schools that provide education and accommodation for 292 children.⁶¹

The school curriculum is based on the Burmese education system as well as input from teacher's training from foreign sources. The teachers are very dedicated, while earning only a small salary. Their duties extend significantly beyond the classroom, and often include social work and child welfare. The migrant schools are forced to keep a low profile, as the Thai authorities have been reluctant to recognize their existence.

There were recent difficulties in Pop Phra District of Tak province, when on 18 February, 2006, police in the district ordered the closure of 5 Burmese migrant schools, in which approximately 480 migrant students were enrolled and 22 Burmese teachers employed. The police were implementing an order by the Pop Phra district permanent secretary, who

⁶⁰ Summary of Thai Cabinet Meeting, July 5, 2005, from www.thaigov.go.th

⁶¹ Information gathered by FTUB Human Rights/Trade Union Rights office in Mae Sot, and FTUB Migrant Section in Bangkok.

ruled that the operation of the schools was unlawful because they did not have permission from the head of the District Education Department, and that teaching was not one of the types of work allowed under migrant worker regulations. Finally, the order stated an amorphous and not factually substantiated claim that allowing the schools to remain open would “cause unrest in the district.”⁶² A solution is now being devised, with a new Government policy to allow migrant schools to open as “learning centres” rather than schools, provided they met some requirements regarding education of Thai topics. However, how this new policy will actually be implemented is still unclear.⁶³

3.6 Reasons for Movement to Mae Sot

3.6.1 Push factors – Burma in political and economic crisis

Migration from Burma is facilitated by the fact that seven of Burma’s fourteen States and Divisions share borders with neighbouring countries. In the west, Burma borders Bangladesh and India, in the north and northeast China, and in the east Lao PDR and Thailand.⁶⁴

People leave Burma for both economic and political reasons. Economically, Burma faces rampant inflation, a deteriorating economy and general lack of employment and educational opportunities. Rural people, especially from ethnic minorities, also

continually report having to pay heavy taxes to local officials and the military, and are compelled to sell a significant percentage of their crops (based on set quotas) to the government at below-market prices. Villagers in ethnic states where there is still political and armed opposition to the SPDC and continually suffer from the predations of the Tatmadaw, which has been found by the ILO, other UN agencies, international organizations and NGOs, to engage in a systematic pattern of forced labour, forced relocation of villages, and human rights abuses (including rape, torture, and extrajudicial killings) of rural people residing in ethnic areas where the SPDC is combating an insurgency.⁶⁵ Economics and politics are closely intertwined in military-run Burma, and causation for migration can be complicated.⁶⁶

Top level UN officials have declared the situation in Burma a humanitarian crisis of the first order.⁶⁷ Basic health and education indicators are among the lowest in the region today. The International Crisis Group (ICG) found that “Since 1985, public expenditure on health and education has shown a consistent downward trend...” and reports that annual Burmese Government spending for education amounts to only US\$ 0.60 per capita, and for health only US\$ 0.20 per capita. ICG made the recommendation to the SPDC that it should be “cutting back defence spending and moving more resources to health and education.”⁶⁸ The extremely poor operational performance of the national health system became apparent when in 2000, the WHO ranked Burma last among the 191 countries ranked in its annual report.⁶⁹

⁶² FTUB, “Migrant Schools Closed by Pop Phra District”, February 24, 2006.

⁶³ Khun Sam, “New Thai Policy on Migrant Schools Welcomed”, The Irrawaddy, May 11, 2006.

⁶⁴ Asian Migrant Centre, Migration, Needs, Issues and Responses in the Greater Mekong Sub-region 2002, Hong Kong SAR, PR China, 2002.

⁶⁵ See the extensive reporting on the website of the Karen Human Rights Group (www.khrg.org)

⁶⁶ FTUB General Secretary U Maung Maung noted in an interview in 2003, “The floods in October and November 2002 followed by heavy rains for five continuous days in January 2003 significantly reduced harvests. That happened in other neighbouring countries like Thailand, but there the government intervened to help the people affected. Nothing like that has been done in Burma: on the contrary, the military government is still forcing farmers to sell it a fixed proportion of their harvests at very low prices (e.g. 12 baskets of rice per acre of rice field), despite the fact that the harvests were ruined by the floods! ... Some farmers are brutally beaten by soldiers as they cannot sell them the predetermined amounts. What can these helpless farmers do if floods have destroyed their harvests? They are terrified, since if they cannot sell the quota to the government they risk losing the right to farm their land. That is why there are some 2 million Burmese people in Thailand and hundreds more are fleeing every week. These migrants know nothing about politics but have been forced to leave their country to escape the misery caused by the military regime and to avoid beatings if they cannot sell their rice quotas.” Quoted in Arnold, “Capital Expansion and Migrant Workers: Flexible Labour in the Thai-Burma Border Economy”, p. 13-15.

⁶⁷ James Morris, the Executive Director of the World Food Program, stated during his visit that “The humanitarian issues are serious, and getting worse...” while noting that 15% of Burma’s people face “food insecurity” and one of three Burmese children face chronic malnourishment or are physically stunted. In his report in early 2006, Paulo Sergio Pinheiro, the UN Special Rapporteur on Human Rights in Burma, warned that the current situation in Burma is characterized by “deep-rooted and worsening poverty, the continuing violation of economic rights and the lack of economic reform, which is subjecting the population to unnecessary privation, and moving the country towards a humanitarian crisis as stated in Smith, Dan; “Pinheiro Warns of Burma Humanitarian Crisis”, *The Irrawaddy*, February 24, 2006

⁶⁸ International Crisis Group (ICG), *Myanmar: The Politics of Humanitarian Aid*, Asia Report no. 32, Bangkok/Brussels, April 2, 2002, p. ii, p. 10

⁶⁹ World Health Organization, *The World Health Report 2000 – Health systems: Improving Performance*

Three out of four children enter primary school, but only two out of five who enrol actually complete the five years of primary education.⁷⁰ Thousands of students were denied their right to education for years when the SPDC closed all the major high schools and universities starting in December 1996 in an effort to stamp out student unrest. Re-opened universities have been re-located outside of city centres, raising transportation costs for students.

Political repression, and international reaction to that oppression, has contributed to the economic isolation of the country. The continued repression by the SPDC of the opposition National League for Democracy (NLD), which won 82% of the seats in the 1990 Parliamentary elections but was then never permitted to convene the Parliament, resulted in a policy of economic sanctions against Burma, primarily adopted by nations in North America and Europe.

A violent attack in 2003 against NLD Secretary-General and 1991 Nobel Peace Prize Laureate Daw Aung San Suu Kyi at Depayin, in northern Burma, brought an intensification of economic sanctions which included a ban on import into the United States of goods manufactured in Burma. The immediate result was the shuttering of many urban factories around Rangoon that were primarily producing garments and knitwear for export, throwing thousands out of work. To give a sense of perspective, garment exports to the US in 2002, the year before the sanctions, were worth \$US 356 million, or about 10% of Burma's annual exports. After the impact of sanctions, most of the approximately 300 garment factories closed, or struggled to search for orders from increasingly skittish European companies, worried about the

“Made in Burma” label sparking reaction among their customers.⁷¹

The sanctions have since deepened the economic malaise and sharpened the level of difficulty for people to earn a living in Burma. Economic migrants now have joined the thousands of Burmese forced to flee the country because of political persecution. In 2004, the FTUB estimated even when paid work could be found, the average wage for a relatively unskilled day labourer in Burma was approximately 14 to 22 baht per day. This can be compared to the approximately 50 baht per day a similar worker can earn in Mae Sot.⁷² More recent reports documented a labour dispute which occurred in a Korean-owned garment factory in an industrial estate in the suburbs of Rangoon where workers were unhappy about being paid the equivalent of approximately 190 baht per month (around US \$4.75 per month).⁷³

Another major push factor, particularly in ethnic areas such as Karen and Mon states from which many workers in Mae Sot originate, is forced labour exacted by Burmese government authorities and the military. This remains a significant, ongoing problem that has been documented extensively in credible presentations to the ILO, and confirmed by investigations by ILO staff as well as Paulo Pinheiro, the UN Special Rapporteur on the situation of human rights in Myanmar. Forced labour, accompanied by military-instigated attacks against ethnic settlements, has caused Burma to have 540,000 internally displaced persons (IDPs), the highest number of any country in Asia, according to the Internal Displacement Monitoring Centre, a Geneva-based agency affiliated with the Norwegian Refugee Council.⁷⁴

⁷⁰ ICG, 2002, p. 9

⁷¹ Reuters, “Tough US Sanctions Hit Burma’s Textile Trade”, August 29, 2003.

⁷² FTUB, *Migration from Burma*, unpublished report, Bangkok, Thailand, 2004, p.2

⁷³ FTUB, “Hae Wae Garment Factory in Burma: Violations of Freedom of Association and the Right to Collectively Bargain”, report submitted to ICFTU by FTUB, June 2006.

⁷⁴ Country Report on Myanmar (Burma), located at www.internal-displacement.org

3.6.2 Pull factors – Thailand border economic development policies

Since the mid-1990s, Thailand has actively promoted the decentralization of both foreign and domestic industrial investment to rural, largely non-industrialised provinces, and away from Bangkok and its heavily industrialised suburbs. For instance, the Thai Board of Investment (BOI) has set out a three zone system, with Zone 1 being Bangkok and surrounding areas and receiving the least investment promotions, and Zone 3 including border rural and border provinces that are eligible for the most lucrative promotion packages. Zone 3 investments are eligible complete exemption of import tax duty on machinery (vs. 50% exemption for Zone 1); for 8 years of corporate tax exemption (vs. three years for Zone 1); and for 5 years of import duty exemption on raw or essential materials (vs. 1 year for Zone 1). The policy platform of the Thai Rak Thai Party had consistently placed priority on a border policy predicated on building linkages with neighbouring countries, and this was solidified with the signing of the “Bagan Declaration” agreement by the Prime Ministers of Thailand, Cambodia, Lao PDR, and Burma on November 12, 2003. The Declaration’s objectives explicitly state that the agreement is to “increase competitiveness and generate greater economic growth along the borders” and “to facilitate the relocation of agricultural and manufacturing industries to areas with comparative advantage.”⁷⁵

The Government has promoted Mae Sot as a “Special Investment Promotion Zone” and plans have been developed with the Asian Development Bank, as part of its Greater Mekong Sub-region “Flagship Initiative” on the planned East-West Economic Corridor, to put in place the necessary infrastructure to establish a special border zone.⁷⁶ FTI representatives in Tak have also spoken on repeated occasions in the

past about the desirability of moving factories across the border, into Myawadday, Burma, where wages would be even a fraction of the already low wages paid in Mae Sot.

According to a FTUB survey conducted in 2004, there are 124 officially registered factories in Mae Sot district, Tak province, Thailand. While it is difficult to determine the actual number of enterprises with certainty, it is clear that there are a significant number of factories that are not registered with the relevant authorities of the Thai Government, operating effectively without formal regulation. Based on previous research and field surveys in Mae Sot, the FTUB believes there are between 80 to 120 unregistered factories also operating in Mae Sot. However, other observers claim many more unregistered factories have been established. Chavalit Tantisak of the Tak Labour Protection and Social Welfare office told a round-table seminar of representatives of NGOs supporting migrant workers that there were 565 local businesses in Mae Sot, and Burmese workers accounted for more than two-thirds of the employees.⁷⁷

Differences in definition between “factories” and “businesses” surely account for some of these discrepancies, but like so many aspects of Mae Sot, the main facts are then obscured. What is clear is the economy of Mae Sot could not survive without Burmese migrant workers.

This obscuring of facts also applies to the actual population of Burmese in Mae Sot, which is unclear. What is known is that over 50,000 migrants in Tak province received work permits in 2004, and medical surveys by the Mae Tao Clinic came up with an estimate of 80,000 Burmese women of reproductive age in Mae Sot. These figures can be extrapolated to come up with figures of well over 100,000 Burmese

⁷⁵ Ministry of Foreign Affairs, Royal Thai Government website -- <http://www.mfa.go.th/web/1655.php>

⁷⁶ ADB, “GMS Flagship Initiative: East-West Economic Corridor”, downloaded from RTG NESDB website, www.nesdb.go.th

⁷⁷ Thai Labour Campaign, “Round Table Discussion “Migrant Worker Rights Isolation... Why at Mae Sot”, p.2.

residents in Mae Sot. What is clear is that the change in migrant registration policy in 2004 to provide for documented status of family members of migrants means that some migrants have brought their families or had families after several years of residence in Thailand. Clearly, there is no shortage of Burmese workers and those unwilling to take the low wages and long hours on offer can be easily replaced.

For investors, Mae Sot has the desirable combination of strong Royal Thai Government backing for investment, and a pliable and largely defenceless work force that is completely flexible in terms of wages, hours and working conditions. An unlimited supply of Burmese, fleeing a variety of political, human rights, and economic deprivations, see Mae Sot as a step up and ahead, despite the exploitative conditions.

Case 2: Hla, an 18 year old female from Kawkareik Township, Karen State, Burma

Hla comes from a big family in Kawkareik Township, near the Thai-Burma border. She says that her parents were unable to make ends meet financially, since they have a total of seven children. Hla says that some friends encouraged her to join them and go to Mae Sot in search of work.

Hla reports that she discussed this idea with her parents, and they readily agreed to it because then she would be able to send back money for the family. So Hla with her friends crossed Myawaddy Bridge, each incurring a total cost of 100 Baht (US\$ 2.50).

She says that she wanted to work in a garment factory, but found that without past experience in such a factory, it was difficult to find that kind of work.. Instead, Hla got a job at a factory making socks. She says the hours were very long, with overtime required every day of the week. The factory owner agreed to pay her 600 baht (US\$ 15.00) per month. Hla says she worked there for three months in total, but was only paid for one month. Finally, without regular wages, she could no longer tolerate this situation, because she says that she needed to send money back to Burma to her family.

Eventually Hla found work at a garment factory, and at the time of the interview, she had been in Mae Sot for four months. Although she now earns more than before, Hla says that her pay is still low – 300 baht (US\$ 7.50) per week. She works over 12 hours a day, and still works 7 days a week. The owner takes

deductions from her salary for the cost of food and lodging. As before, if she makes mistakes on the job, such as making bad stitches, she is liable to penalties imposed by the factory management which could be as much as 200 baht (US\$ 5.00).

Hla reports that she receives one or two days off per month, but says she rarely has time for leisure. At the factory where she lives, she is unable to receive visitors -- she is only permitted to meet them at the gate. At one point, the workers protested against this restrictive policy, and the management relented and allowed visitors. However, this policy lasted only two weeks before reverting back to the old system.

Hla says the present circumstances have left her physically and mentally exhausted. She says that she is not happy at her place of work and is always thinking about going back to her family in Burma. She adds that even though they were poor at least they were all together.

Hla says she completed primary school and hopes that her younger brothers and sisters will continue their studies. She understands that any amount of money that she can send back to her parents is helpful. It is this thought that gives her the strength to continue to work, she says. Hla concludes by saying that she will go back home to Burma when she has saved enough money to start a small trading business, which she thinks will help her to continue to support her family.

Factory F Mae Sot, Tak Province

There are over 300 workers at this factory, which is owned by an employer from Taiwan. Reportedly this factory owner was previously involved a large scale timber smuggling efforts. However, interlocutors report that when the owner's timber business started to decline he built a wool-producing factory nearby. According to the FTUB and other migrant support organisations in Mae Sot, this factory is among the worst in terms of intimidation and violence against workers.

The owner personally manages the factory, and keeps a very close watch over his workers. While managing the factory, he is armed with a pistol. According to the workers, he was constantly reminding them that, "Workers in this factory must not get involved nor be in contact with insurgents or NGOs. I will give a reward of 5,000 baht to anyone who can give me detailed information if there is such a case." This intimidation, and concerns about possible informants among the work-force seeking this huge reward, has hampered efforts by workers at the factory to act to protect their rights.

The amount of wages paid is given according to the owner's discretion, and what he thinks the worker in question should receive that month. This pay varies from worker to worker, and from month to month. The owner pays the monthly salary to each worker himself, by placing the cash in an envelope that he then personally hands to the worker. The employees report that if anyone complains about the level of the payment, they will be intimidated immediately into silence. The owner is quoted as saying: "What I gave is enough. Do not say that it is not low! And do not come and say anything further to me about

this!" For emphasis, the workers add that the owner would often pull out his pistol and fire it in the air. They said that this was the usual way he responded to the workers' complaints, with an explicit threat of violence through shooting his gun in the air. Workers reported that he would use his pistol to intimidate workers several times a month.

Workers at the factory received no medical care, and if they sought sick leave, the request would not be allowed. Sick workers seeking time off were threatened by the armed owner, and that in these situations there would also be shots fired. Therefore, ill workers were compelled to toil, no matter what their condition. Neither Thai nor Burmese national holidays were recognised, nor were the workers given days off during religious holidays.

The owner would also not agree to allow workers to leave his employment. Whenever a worker informed the owner that he or she wished to quit, and requested to get his/her original migrant worker identification card, the owner would immediately call the police and request that they come and arrest the worker. Not surprisingly, workers then started leaving surreptitiously, seeking work at another factory where management was not so abusive. Even then, when the owner found out that his worker had left to work in another factory without his knowledge, he would issue threats against that worker, saying "I will kill you if I catch you."

In addition to these threats of physical violence, it was alleged that the owner and supervisors verbally abused the workers on a regular basis.



4. FINDINGS FROM RESEARCH ON CHILD MIGRANT WORKERS IN MAE SOT

4.1 Profile of Burmese child migrant workers

A total of 313 migrant child workers were interviewed in this study, and fully completed the questionnaire attached as Annex 4. The majority of them (242 respondents, accounting for 77.3% of the sample) were girls. The youngest girl interviewed was 12 years old at the time of the study, but the highest concentration of respondents was in the 17 year age group (47.9%). Boys accounted for 71 of the respondents, equal to 22.7% of the sample group, while 69% of them identified themselves as 17 or 18 (see footnote below). Table 1 shows a breakdown by age and sex.

From the sample, and following the Thai law, the survey found 7 female child workers who were below minimum working age, in violation of the LPA 1998 – one 12-year old, one 13- year old, and five 14-year olds. Another twenty-two 15-year olds (17 girls, 5 boys) were found. Given Burmese cultural assumptions about age and birthdays, it is possible that some of these children might also possibly be younger than they claim. Likewise, although 19.3% of the sample claim to be 18 years of age given the Burmese cultural conceptions of birth years, it is likely that in actual fact they are 17 years of age.⁷⁸ Many migrants lack birth certificates or other related registration documents from Burma, particularly among ethnic groups living in remote areas.

Table 2: Percentage of child migrant workers in Mae Sot by age and sex

Age	Boys	Girls	Total
12 years	-	0.3	0.3
13 years	-	0.3	0.3
14 years	-	1.6	1.6
15 years	1.6	5.4	7.0
16 years	5.4	18.2	23.6
17 years	12.1	35.8	47.9
18 years*	3.6	15.7	19.3

*see footnote on variations between international and Burmese concepts of 'age'

⁷⁸ Throughout the report, the international principles for counting age is applied, which is that a new year of age is attained on the day of one's birthday – i.e. one becomes 18 when on the day of one's 18th birthday. However, it is worth noting that Burmese cultural concepts of age are different. In the Burmese conception, one turns 18 on one's 17th birthday, because on that day, one has crossed into the 18th year of life. Therefore, some child respondents in the survey replied that they are eighteen years of age, but in reality (for the purposes of this report) it was found they are seventeen according to the international concept of age – having celebrated their 17th birthdays weeks or months before.

Looking at table 2, the origin of child migrant workers coming to Mae Sot is notable in two key aspects. Mon, Burmans and Karen are the main ethnic groups coming to Mae Sot – the Mon and Karen coming from States nearest to Mae Sot, and the Burmans from the central plains (Pegu/Bago and Rangoon). The largest number of the respondents (38.8%) originate from Mon State, which abuts Karen state, shares borders with Thailand's Kanchanaburi and Tak provinces, and contains the third largest city (Moulmein, capital of Mon State) in Burma. The third largest group represented in Mae Sot factories are ethnic Karen, who comprise 18.6% of the respondents. Karen State shares a long, largely un-patrolled border with Tak province. Given their close proximity to Mae Sot, the difficulties faced by rural households in earning a livelihood, and the current persecution of Karen villagers by the Burmese military, it is not surprising that large numbers of their people, and children, are found in Mae Sot factories.

Interestingly, however, there are also significant numbers of ethnic Burmans coming to Mae Sot, indicating the grave and faltering situation of the Burmese national economy that can no longer adequately support many of its people. To earn enough to survive, many Burman families are turning to migration of their children as a tactic, and this trend is clearly reflected in Mae Sot. 22.8% of the respondents indicated they were from Pegu/Bago division, the closest majority Burman division to

Mae Sot, and another 9.6% reported they came from Rangoon division, one of the most prosperous regions of the country. Despite being the economically and politically dominant ethnic group in the country, Burmans came from as far as Ayerwaddy Division (in the Irrawaddy River delta), the old royal capital of Mandalay, and Sagaing division, which borders India.

The second significant finding is the prevalence of children from a diverse area of Burma. The sample found that the children working in Mae Sot factories came from all but two of Burma's fourteen States and Divisions. Only Karenni (Kayah) State, a sparsely populated, mountainous province, and Chin State (comprised of remote, ethnic Chin areas on the India-Burma border) were missing. Child workers came from as far as Sittwe town in Rakhine State, close to Bangladesh border, and Myitkyina town, the capital of Kachin State in the furthest northern reaches of Burma, sharing a border with China. The economic difficulties facing Burma are reflected clearly in the long distances and significant hardships that many Burmese are willing to take to secure a job which hardly pays a living wage. NGOs working in Mae Sot in the Phamit coalition blame "Limited work opportunities, low pay, and an oppressive political atmosphere in Burma..." as the major reasons that such a geographically diverse mixture of Burma's peoples arrive in Mae Sot.⁷⁹

⁷⁹ Phamit Focus No. 2, "Once I have made enough money...I will go home: Holding on to Elusive Hopes in Mae Sot", August 2005, www.phamit.org

Table 3: Percentage of child migrant workers by State/Division of origin in Burma, and by sex

State/Division of origin	Boys	Girls	Total
Mon State	10.3	28.5	38.8
Pegu/Bago Division	6.3	16.5	22.8
Karen/Kayin State	3.2	15.4	18.6
Rangoon/Yangon Division	1.1	8.5	9.6
No answer/unknown	0.3	2.0	2.3
Tanintharyi Division	0.6	1.3	1.9
Rakhine State	0.3	1.3	1.6
Mandalay Division	-	1.3	1.3
Ayerwaddy Division	-	1.3	1.3
Magway Division	0.6	0.3	0.9
Kachin State	-	0.6	0.6
Sagaing Division	-	0.3	0.3
Shan State	-	0.3	0.3

Interestingly, most child migrant workers in Mae Sot are fairly recent arrivals, with over 60% having arrived in Thailand within the past year. This

finding is confirmed by other data which indicates that 56.7% of the interviewees have been working at their current job for between 6 to 12 months.

Table 4: Time spent in Thailand since arrival, by percentage

Date of arrival in Thailand	Boys	Girls	Total
Within 6 months	1.0	12.7	13.7
7-12 months	11.2	36.1	47.3
13-24 months	4.8	13.7	18.5
More than 24 months	5.4	15.1	20.5

In terms of how they come to Thailand, the findings indicate that most migrant child workers tend to travel accompanied with trusted persons, such as parents, relatives, or friends. Fully 93.2% of the children stated they came in this manner, indicating

that the actual journey to the border may be safer, and more clearly guided, than many observers assume. By comparison, only a total of 5.2% came with a broker or unaccompanied.

Table 5: Accompanying migrant children travel to Thailand, by percentage

	Boys	Girls	Total
Friends/Relatives	13.7	46.6	60.3
Parents	7.0	24.9	31.9
Broker	0.6	2.9	3.5
No answer	0.3	2.3	2.6
Alone/unaccompanied	1.0	0.7	1.7

The study found that two-thirds, or 66.1%, of the migrant children crossed into Thailand legally, at either the Myawaddy-Mae Sot Friendship Bridge (65.5%) or Three Pagodas Pass (0.6%). This indicates that many migrants are travelling openly to Thailand. Proximity to destination and ease of crossing the border no doubt played a role in explaining why so many child workers in Mae Sot crossed legally. Under the terms of a 1997 bilateral agreement between Thailand and Burma, Burmese citizens can enter Thailand temporarily using a border pass book issued by the Government of Burma. On the Thai side, they receive a one-day border pass (in the form of a letter in Burmese and Thai) which requires them to stay within the district for which it is issued, in this case, Mae Sot. Having entered legally, the migrants then over-stay the 24 hours allowed by this border pass, immediately relegating them to undocumented status.

The other third (31.3%), crossed the border illegally which is not difficult to do given the porous nature

of the 588-kilometre border of Tak province with Burma. Since the border is rugged and not patrolled in many areas, preventing such crossings is essentially impossible. Moreover, the Moei River separating Mae Sot and Myawaddy is quite shallow, and during the hot season (between March and June), some parts of the river can be traversed on foot. The fact that the crossing is not difficult is also supported by the fact that so few migrants engaged a broker or smuggler to help them cross. A few respondents were found to have taken a more circuitous route, crossing legally at Three Pagodas border check-point in Kanchanaburi province, Thailand, and then violating the terms of their border pass by journeying out of that Thai province, and then proceeding northwards to Tak province in order to find work in Mae Sot.

A total of 94% of the migrant children responded that they were assisted by relatives, a guardian, or friends to cross the border. By contrast, only 11 respondents, account for fewer than 4% of the sample, had to pay a broker to assist them.

Table 6: Assistance classified by person/source for child migrant workers crossing border, by percentage

Source of assistance	Boys	Girls	Total
Relatives and/or friends	14.7	48.6	63.3
Guardian	6.7	24.0	30.7
Broker	1.0	2.8	3.8
No answer	0.3	1.9	2.2

The final determinant that points to the conclusion that migration from inside Burma is not only routine, but increasingly regularized shows up in the fees paid by migrants as they cross the border. Almost 50% of the respondents paid less than 100 baht, indicating they are coming across on temporary border passes, and then staying on illegally. Combined with the high number of crossings on the Myawaddy-Mae Sot Bridge, it appears that it is no secret to officials on

either side of the border that many are migrating for work in Mae Sot, and living and working in Thailand illegally. Another 30.7% did not pay for the crossing at the border, indicating they crossed illegally. The research team found that significant costs (classified as costs in the 1000 to 2000 baht range, equal to US\$ 25.00-50.00) for the crossing are almost non-existent – only 2 migrants in the entire sample paid crossing fees in this range.

Table 7: Border crossing costs, by amounts – in percentages

Amount of payment	Boys	Girls	Total
Did not pay	7.3	23.4	30.7
Less than 100 baht	12.1	37.7	49.8
Between 100-500 baht	2.9	15.3	18.2
500-1000 baht	-	0.7	0.7
1000-2000 baht	-	0.3	0.3
Over 2000 baht	0.3	-	0.3

It can be speculated that reaching Mae Sot is perhaps easier and cheaper than other parts of the border. While there was not a specific question in the survey focusing on amounts spent by migrants inside Burma to brokers and/or ‘carriers’ (guides/human smugglers leading migrants to and across the border), Amnesty International researchers interviewed 100 Burmese migrants in Thailand who reported that they had paid between 4,500 and 10,000 Baht to be brought to Thailand by human smugglers.⁸⁰

SCUK researchers also discovered that costs are high for migrants who wish to move within Thailand, resulting in dependence on systems of debt for movement and placement in jobs deeper inside Thailand. Research by the Border-to-Shore Network on migration and trafficking from Sangkhlaburi (Three Pagoda Pass) to Mahachai district, in Samut

Sakorn province, found that travel costs from the border to central Thailand ranged between 8,000 to 15,000 baht per migrant.⁸¹ The researchers noted that the conditions for repayment, and the amounts to be repaid varied – but that this system is at the core of the experience of many migrant workers in Thailand. This accumulation of debt which must be repaid, connected to either movement or re-payment of the costs of migrant worker registration (3,800 baht, equal to almost 2 months wages for many workers), increases migrant vulnerability to abusive employers. At its core, vulnerability in Thailand is not just about status, or documentation, but it is also about financial resources, and the migrants’ general inability to muster said resources which would allow them the chance to assert greater control over their lives.

⁸⁰ Amnesty International, “Myanmar: Lack of Security in Counter-Insurgency Areas”, p.36

⁸¹ Border to Shore Network, “Action Research to Assess Trafficking in Humans between Sangkhlaburi and Mahachai”, p.10

4.2 Education background of Burmese child migrant workers

Despite the decrepit state of Burma’s education system, 98.7% of the respondents reported that they had attended some sort of school in Burma. However there was no comment on whether they completed/ graduated from the level of the education system that they claimed in the survey. The largest group, comprising almost half of the sample, attended

middle school, and more than a third attended only primary school.⁸² A significant portion (12%) attended high school. Only a small minority, 1.3%, reported that they had not attended any school at all. Most child migrant workers are attending school before coming to Mae Sot, sometimes immediately before journeying to work – effectively dispelling any presumption that many migrant workers in Mae Sot were full-time child labourers in Burma before migrating.⁸³

Table 8: Percentage of child migrant workers by education level and sex⁸⁴

Level of Education	Boys	Girls	Total
No education	0.3	1.0	1.3
Primary school	8.5	30.3	38.8
Middle School	11.1	36.8	47.9
High school	2.9	9.1	12.0

Migrant children working in Mae Sot almost never receive a formal education. When asked if they were attending school or continuing their education through non-formal education, virtually all (98.6%) migrant child workers replied they were not. Only 4 migrant workers (1.4%) stated they were continuing their studies in some manner.⁸⁵

way to further education. A total of 116 respondents (31.4%) said that their employer would not allow them to study, and another 74 (20%) added that they had “too much work to do” to continue their education. The remainder either indicated they no longer felt that they needed to study, or that simply “there is no opportunity here”, both of which are answers that can be interpreted as migrant workers accepting their studies are effectively ended.

Employers were again the primary obstacle cited by over half of the migrant child workers as barring their

Table 9: Percentage – reasons given for not continuing education⁸⁶

Reasons	Boys	Girls	Total
Employer does not allow it	9.8	21.6	31.4
Do not want/need to study	7.8	14.9	22.7
Too much work to do	3.3	16.7	20.0
Too expensive to study	2.5	12.1	14.6
No opportunity here	2.7	7.6	10.3

⁸² According to the FTUB, in the Burmese school system, primary school consists of grades K-4, middle school is grades 5-7, and high school is grades 8-10.

⁸³ See case studies 4 and 5 in Appendix 1 of the report.

⁸⁴ Since 6 respondents did not respond to this question, the percentages reported in this section is based on a group of 307 respondents.

⁸⁵ Percentage based on replies from 296 respondents only, because 17 respondents did not answer this question.

⁸⁶ Percentage based on 370 replies from respondents, indicating that some interviewees selected more than one reply as being applicable to their situation.

4.3 Data on families of Burmese child migrants

Needless to say, having relatives working or settled in Mae Sot had a significant beneficial impact on child migrant workers. First of all it makes it easier for the newcomers to find a job. It also provides a local support and social network. A total of 206 respondents (65.8%) reported having “relatives” in Mae Sot, ranging from parents and grandparents, to siblings, to uncles or aunts. This opens further research questions related to the role of these networks in encouraging migration to Mae Sot, especially given that 60% migrated with friends/relatives.

However, in the study group, these relatives most

frequently did not include parents. Most of the children reported that their parents remained in Burma (70.9% of mothers and 65.5% of fathers), and case studies indicate that many child migrant workers travelled to Mae Sot with the intention to earn money to send back to their parents and families in Burma. When it was reported that a parent came to Mae Sot with the child, it was found that mothers were more likely to continue living with the child migrant workers, while fathers were slightly more likely to move onwards to Bangkok or other places in Thailand to find better work, leaving their wife and children behind. This is only partly offset by the fact that more child workers reported that their father had passed away, but the data does not reveal whether these fathers passed away in Burma or in Thailand.

Table 10: Location of mothers of child migrant workers, by percentage

Mother's location	Boys	Girls	Total
Lives in Burma	16.0	54.9	70.9
Lives in Mae Sot	5.4	16.3	21.7
Passed away	3.2	2.6	5.8
Lives elsewhere in Thailand	0.9	0.7	1.6
Do not know	0.0	0.0	0.0

Table 11: Location of fathers of child migrant workers, by percentage

Father's location	Boys	Girls	Total
Lives in Burma	14.4	51.1	65.5
Lives in Mae Sot	5.1	10.8	15.9
Passed away	3.8	10.3	14.1
Lives elsewhere in Thailand	2.3	2.2	4.5
Do not know	0.0	0.0	0.0

Many of the child migrant workers come from medium to large families in Burma, with over one-third stating that they had between 4 and 6 siblings, and another 6.7% indicating that they had more than 7 siblings. Another 46.1% reported coming from families with 1 to 3 brothers or sisters. More than two-thirds of the respondents (210) claimed

to have siblings still in Burma, while only slightly more than one-third (125) said they have a sibling living in Mae Sot. Further research into the costs of supporting large families in Burma, and its connection to financial imperatives driving the need to migrate to Mae Sot, would be needed to further analyse the potential significance of this information.

Table 12: Number of siblings claimed by respondents, by percentage

Number of siblings	Boys	Girls	Total
None	6.4	2.5	8.9
1-3	10.2	35.9	46.1
4-6	-	38.3	38.3
7 and above	0.9	5.8	6.7

4.4 Living conditions of Burmese child migrant workers

After arriving in Mae Sot, children who migrated as a family with their parents invariably decided to work in the same factory as their parents. However, this desirable extra level of support for children provided through the presence of parents was not experienced by most children. In fact, only a small number of them (38 children) lived with their parents. Based on responses there were three main living arrangements favoured by child migrant workers. These depended on a number of variables, including proximity of relatives and friends, housing costs, location of their workplace/factory, and requirements of the employer. The largest percentage (125 responses, equalling 39.93%) indicated that they were living with “guardians/relatives”, though neither of those terms were specifically defined and therefore they can be assumed to have a fairly broad and flexible definition. A second group, comprising 101 persons (30.35%), stated that they were living at the factory. Finally, a third group of 95 respondents (30.35%) said they were living with “friends.” There was overlap in these

situations, where some were living with relatives or friends at the factory. Others were staying with parents as well as guardians/relatives – a significant number of those surveyed responded affirmatively to more than one choice.⁸⁷ Only 3 children indicated that they were living by themselves – which could indicate both a lack of financial resources to afford such accommodation, concerns about security, and/or other cultural factors.

Housing options also varied, depending on the conditions of the job, the location of the factory and the child’s own circumstances. Showing again the near absolute control that employers in Mae Sot can exercise over the lives of these children, conditions of employment was the most serious and significant determinant for where a child lived. A total of 94 migrant children (out of a total of 101) living at their factory told interviewers that they must accept living at the factory as a condition of their employment. This means that 93% of child workers living at factories are denied the right to choose where they want to live. The advantage to employers of having workers living at the factory is significant. It includes, among

⁸⁷ A total of 359 responses were tallied to this question. However, percentages were computed based on the number of persons responding, e.g. the 313 children surveyed.

other things, the ability to exact long working hours and overtime as needed from a captive work force, it allows the owner to maintain control and discipline, make extra money by charging workers for housing and food (often at above market prices), make sundry deductions from salaries and also makes it easier to keep workers away from labour-related NGOs and migrant support groups⁸⁸ that might try to educate them about their rights. 31 of the 94 migrant children, or approximately one-third of these children living at the factories, reported that the employer's control was so strict that friends and relatives were not allowed to come to the factory to see them.

It is a very grave situation for these children. On average this group is working between 10-12 hours a day, 7 days a week, and many do not receive any days off during the month. They must live in the factory, under close supervision of the employer and his or her minions, and as mentioned face significant restrictions (or an outright bar) on outside contacts. Many are busy paying off significant debts for registration fees to the factory owners as well as possible job placement fees (to secure a job), costs of food and shelter, and other necessities. Almost all have had the originals of their migrant worker registration documentation seized by employers, so they have few rights if they step outside the factory. Clearly, requiring workers to live at the factories is one of the key levers of employers' power and control in Mae Sot.

For working children not required to live at the factory, a range of options was available. Some resided in rented rooms available in Mae Sot and outlying areas, living with family, relatives, and/or friends. For some factories that were quite remote, far away from Mae Sot town, travel costs were prohibitive so migrant workers had to rent space on another person's land and built a makeshift hut or similar residence to live.

Despite lack of choice for many child migrant workers on where to live, it is interesting to note that these workers broadly agreed that they were "satisfied" with their living quarters. This finding was consistent, with children rating the services as satisfactory⁸⁹ regardless of the type of their housing situation (factory, with parents, with friends, etc.). Specific questions focused on the room they lived in, food they accessed or were provided, the water provided, electricity, and bathing/toilet facilities. But qualitative interviews of workers and first-hand observations by members of the FTUB research team confirmed that living conditions for many migrant workers are characterized by overcrowding, problems with sanitation, and arbitrary restrictions by factory management.

Where complaints were heard from child migrant workers about their living quarters, it was found that the concerns focused on crowding, dirtiness, and poor ventilation. In terms of water, the primary complaint was that it was limited in quantity, and in cases where it was drawn from an artesian well, sometimes had an unpleasant smell. Access to electricity was limited in some cases, particularly where migrants lived in dormitories on the factory compound. Personal hygiene was also a major concern. The migrants complained that bath areas were small and lacked privacy. The toilet areas were described as dirty, poorly maintained, and too few in number when compared to the amount of workers using them.

4.5 Characteristics of work done by child migrant workers

Reflecting the primary target of the study, surveyors concentrated their efforts on child migrant workers in the garment and textile factories, and 79% of the respondents (knitting 41.5%, garment 37.5%) came from those two sectors. Respondents stated that other

⁸⁸ Burmese groups include the Yang Chi Oo Workers Association (YCOWA), the Burma Labour Solidarity Organisation (BLSO), and the FTUB, and they are supported by a number of Thai and international allies such as Migrant Assistance Project (MAP), Thai Labour Campaign (TLC), American Centre for International Labour Solidarity (ACILS), and the Law Council of Thailand (LCT).

⁸⁹ Favourable: unfavourable responses ranged from 6-to-1 to 8-to-1, depending on specific service that the child was asked about.

sectors in which they work include ceramics (4.5%), metal and small motors manufacturing (3.2%), and food processing/canning (1.6%). Other sectors included gem polishing/jewellery, shoemaking, and the tobacco and agriculture.

Almost three-quarters (73.6%) of the child migrant workers are relatively new to their factory, having worked there for less than a year (6 months or less,

17%; 6 months to one year, 56.6%), whereas only a small minority (16 respondents) indicated they had worked at the same factory for three or more years. The relative youth of the workers may of course explain the short length of time on the job, but it is worth considering that their relative inexperience may be a factor in the ability of the factories to offer wages and subject them to conditions that are significant below the minimum standards of the Thai labour law.

Table 13: Different economic sectors employing child migrant workers, by percentage

Sector	Boys	Girls	Total
Knitting	10.2	31.3	41.5
Garment	7.0	30.7	37.7
Other sectors	3.6	7.9	11.5
Ceramics	0.7	3.8	4.5
Small motor manufacturing	-	3.2	3.2
Food processing/canning	1.0	0.6	1.6

During the period of this research, the team found that locating the work places of the migrant child workers was not as easy as first assumed. There are many different locations in which the children work, ranging from home factories (located in compounds of stand-alone houses) and shop-houses where dozens work, up to medium- and large-sized stand-alone factories, employing hundreds, or in a few cases, over a thousand workers. The difficulties encountered during the research, such as gaining access to the child migrant workers, are recounted in greater detail in section 2.2.5 of this report.

In the case of smaller shop-house factories, often specialized in soliciting sub-contract orders from the larger factories, quite a few of the child migrant workers do not know the actual name of the factories where they are working. These businesses, especially the ones operating without permission from the relevant authorities, but also those that are officially registered, usually do not post signboards or give indications on the exterior of the factory building as to their activities inside. As a result, in order to

recognize and identify the workplace, the working migrant children often give it a Burmese name, or refer to it based on a name of the road where it is located, or an obvious nearby landmark, or in some cases, even call it by the owner or manager’s name. The fluid and unclear nature and location of factories works to the advantage of the owners, who benefit from the confusion caused to labour NGOs, migrant support organizations, Thai authorities, and researchers seeking to locate and scrutinize what takes place in those factories.

Further adding to the confusion has been the practice of factories closing down when facing pressure from workers for better wages and conditions (including cases where workers have gone on strike), and seeking to avoid legal obligations, such as severance pay, overtime payments, etc. However, it is common that the factories will then re-open at the same place, or in a new location, using a new name for the factory.

In Mae Sot, the FTUB found that there was a constant supply of Burmese workers that would take the place

of a migrant worker dismissed for trying to organize the workers or for union-like activity. Most workers dismissed in Mae Sot are not paid the legal severance pay as required by article 118 of the LPA 1998, despite the fact that official Government policy states that all aspects of Thai labour laws apply equally to legally registered migrant workers.⁹⁰

In terms of actual jobs being done by the child migrant workers, the highest number of respondents worked as sewing machine operators (25.6%), followed by those as linking machine operators (16.6%), and knitting machine operators (15.3%). This result again reflects the primary focus of the survey on the garment and knitting sectors.

Table 14: Specific occupational positions of migrant worker children, by percentage

Specific work	Boys	Girls	Total
Sewing machine operator	4.2	21.4	25.6
Linking machine operator	1.0	15.6	16.6
Knitting machine operator	8.3	7.0	15.3
Quality control	1.0	9.8	10.8
Packing	1.3	2.2	3.5
Wire winding/metal	-	2.6	2.6
Ironing clothes	0.3	1.3	1.6
Cloth cutting	0.6	0.4	1.0
Cleaning	-	0.7	0.7
Gluing	-	0.6	0.6
Painting dolls	--	0.6	0.6
Other	4.5	16.6	21.1

4.6 Wages and conditions of work for Burmese child migrant workers

Sot are legally registered to work in Thailand. Almost three in every four workers reported that they were fully documented workers, and therefore, under MOL migrant worker policies, covered by minimum wage law.

4.6.1 Wages

The vast majority of child migrant workers in Mae

Table 15: Numbers and percentage of child migrant workers legally registered to work in Thailand

Legal Registration	Number of respondents	Percentage of respondents
Yes	231	73.8
No	74	23.7
No answer	8	2.5

⁹⁰ Most migrants would receive compensation under LPA 1998 article 118 (1), providing 30 days severance after working for 120 consecutive days, and article 118 (2) giving a worker who has toiled for one year but not yet three years the equivalent of three months' salary if they are terminated. Most migrants have not worked at the same factory for more than three years.

Yet migrant child workers in Mae Sot report they receive only a fraction of the legal minimum wage. The figures below reflect wages received after deductions (i.e. the actual take-home pay of the

workers). Many workers further complained that even these low wages were not paid on time, causing additional hardship.

Table 16: Amount of salary per week, by percentage⁹¹

Amount paid weekly	Boys	Girls	Total
No payment	0.3	0.6	0.9
Less than 200 Baht per week	0.4	3.0	3.4
Between 200 and 300 Baht per week	3.1	13.3	16.4
Between 300 and 500 Baht per week	15.7	49.1	64.8
More than 500 Baht per week	3.2	11.3	14.5

When considering the level of wages reported by the respondents, it is first worthwhile to understand the legal minimum wage in Tak province as a point of comparison. A worker in Mae Sot, who earns the legal daily minimum wage of 135 Baht (US\$ 3.37), working 7 days a week, would earn a base wage of 945 Baht (US\$ 23.62) per week. However, this computation does not include the 25.3 baht an hour a worker must receive for each hour of overtime after 8 hours per day, and the fact that the worker must also be paid double pay for working on Sunday. According to MOL policy, a legal migrant worker is supposed to receive the minimum wage and be covered by all aspects of all Thai labour laws. If this was the case, a documented migrant worker working the same hours as reported by many migrant child workers – for example, 7 days a week, 11 hours a day – must receive a minimum 1,586 baht (\$39.65) a week.

Virtually all factory owners in Mae Sot employing documented child migrant workers are clearly violating the law by paying sub-minimum wages – yet no significant enforcement action has been taken by the MOL (Tak province or national) to rectify this situation.⁹²

This finding is supported by other recent research. Amnesty International reports:

“Those migrants who worked in garment factories in particular told Amnesty International that they were forced to work extremely long hours, and were seldom paid overtime rates [...] They were also almost never paid the minimum wage for the province where they were employed, and most were paid at piecework rates. The rate of piecework which a worker could reasonably hope to complete in general did not reach minimum wage levels. According to labour groups, as of June 2004, only one factory out of over 200 garment factories in Mae Sot paid the legal minimum wage rate to Burmese employees. However recent reports indicate that the factory has subsequently dismissed labour leaders and reverted to paying employees at piecework rate, which is well below the legal minimum wage for Tak Province.”⁹³

Thai Labour Campaign researcher Dennis Arnold found the same problems in Mae Sot, and reported that:

⁹¹ Percentages based on a sample of 310 workers who answered the question.
⁹² Payment rates for overtime wages are not always clear and settled in advance either. The research team was surprised to hear one child migrant worker relay a story that after working several days of overtime, he was compensated not with money, but with one packet of dried noodles (Mama Brand) worth 4 baht (US \$0.10) for all his overtime hours over the previous several days.
⁹³ Amnesty International, “Thailand: The Plight of Burmese Migrant Workers”, p.14

“ [...] a majority of cases of labour disputes in Mae Sot are over wages or non-payment of wages [...]”

Arnold also reports that a focus group of workers he convened in January 2005 found “low wages” and “no or very low overtime wage...” to be the top problem, along with “excessive working hours.”⁹⁴

Employers may argue that they do not have to pay the minimum wage, since they provide various payments ‘in-kind’ such as accommodation and food. However when one considers how paltry the wages are, for such very long hours of work, even if one were to take into consideration the value of such payments – which are usually undefined - the level of remuneration would still fall below the legally-prescribed minimum.

In three cases, FTUB researchers found workers (one male, two females) who claimed that they had not received any payment at all for their work. A few workers had just started work for a few days or weeks at the time of the interview. Since they were new, it is likely they may have been caught in the systemic practice of employers in Mae Sot to not pay new workers at the factories for a period of between one to four weeks (depending on the factory). This practice is colloquially known among Burmese workers as “ah paun” or “mortgaged days”, and involves the employer or supervisor keeping the wages for these days as some sort of security deposit which in fact is never paid to the worker. The employees refer to it as a deposit with which they have no choice but to comply if they want the job – again reflecting the relative powerlessness of Burmese migrant workers in the face of Mae Sot employers. This practice, which is not based on written contracts or agreements, serves to effectively deepen employer control of the workforce because many workers are more reluctant to change jobs knowing that they will have to work several weeks to a month without pay. This could

explain why they claimed they had received ‘no payment’ despite working at factories where other workers were being paid (researchers reported that this practice was found in operation in Factory E and Factory I which are listed as case studies in Annex 2).

In comparison to the legal minimum wage, these migrant child workers were paid very low wages. A total of 64.8% reported that they were paid on an average of 300 to 500 baht (US\$ 7.50 -12.50) per week, and fewer than one in six workers (14.4%) were able to state they received over 500 baht (US\$ 12.50) weekly. It is worth recalling that for most child migrant workers, they receive no days off, so a work week consists of seven full days of work.

Bargaining leverage to change this situation is virtually non-existent for migrant workers. Restrictions in the LRA 1975 that prevent migrant workers from organizing their own labour unions are reinforced by employer practice of regularly intimidating and firing workers who seek to galvanize their colleagues to seek better wages and conditions of work, and allegedly operating a black list of workers fired for labour activism.⁹⁵ Physical attacks and psychological intimidation has also been employed against advocates for migrant rights, like FTUB, YCOWA, BLSO, MAP, and others.⁹⁶

As one would expect, there was a positive link between length of time working at the factory, and wages. Among the 45 workers reporting that they were earning more than 500 baht per month, more than half (24 workers) stated they had been working for the factory for more than 2 years. By comparison, the researchers found that only 5 workers who had been on the job for less than 6 months were making this much money.

There may be a link between lowest wages and high levels of turn-over and recruiting of new arrivals. The

⁹⁴ Arnold, Dennis; “Capital Expansion and Migrant Workers: Flexible Labour in the Thai-Burma Border Economy, p.52-53

⁹⁵ International Confederation of Free Trade Union (ICFTU), Annual Survey of Trade Union Rights 2006, p.276-277

⁹⁶ ICFTU, and Asian Human Rights Commission, “UA-178-2004: THAILAND (2004).

surveyors found that almost three-quarters (73.2%) of the respondents had worked at their current position for less than a year. There were far fewer child migrant workers who had been able to work for more than two years (26.2% for the four categories above 2 years combined) at the factory, indicating

that there must be a continuous flow of new recruits into the Mae Sot factories. Based on this information, one conclusion that can be drawn is the longer period of service at a factory means that a worker has gained more skills, and so is likely to receive slightly higher pay.

Table 17: Length of time at factory, by percentage

Duration	Boys	Girls	Total
Less than 6 months	1.9	15.2	17.1
6 to 12 months	13.4	43.3	56.7
2 years	5.8	15.4	21.2
3 years	0.6	1.3	1.9
4 years	-	2.2	2.2
5 years and above	-	0.9	0.9

The next table may offer an explanation why only one in four workers stays for more than 2 years in Mae Sot, despite the prospects that they might see wage increases. Exhaustion, from working day and night, seven days a week without break or rest was reported. It appears that these child migrant workers are being worked to the breaking point, and when their bodies can no longer stand it, they leave and return to Burma or seek other work.

4.6.2 Salary deductions and/or 'in-kind payments' for salary equivalent

92% of respondents reported that factories deducted money from their salaries, usually for repayment of migrant registration fees, and to a lesser extent cost of shelter and/or food consumed by the workers. The specific question (3.10) in the survey spoke about 'deductions' in salary, but since the computation of salaries in Mae Sot is usually unilaterally done by the employers and details are kept from workers, it is possible some employers are providing services 'in kind', in lieu of cash payment. The findings of the report are as follows:

Table 18: Types of deductions from salaries of child migrant workers, by actual numbers, and percentage of occurrence

Type of deduction	Number of respondents	Percentage of respondents
Registration/migrant ID	198	73.9
Loans	42	15.8
Shelter	21	7.8
Food	4	1.5
Uniforms	2	0.7
Leisure/recreation	1	0.3

At Factory E (see Appendix 2), three senior migrant workers reported facing salary deductions that included 200 baht a month for repayment of registration fee, 150 baht for accommodation, an amount that varied rate for rice and other food, a 50 baht insurance fee (which was only 50% refunded if the work stayed at the factory for another year), fines for supposed mistakes, and other deductions that were unspecified but done at the behest of the employer.⁹⁷ The fact that a piece-rate system was in effect, and the terms and conditions of payment were never clearly explained to workers, also helped employers obfuscate their deduction practices.

The key question is for all the hours that migrant children workers are putting in at the factories, working day and night every day of the week, are they receiving commensurate financial gains, and are they able to save money?

Workers reported to the researchers that they were often paid every two weeks, but because of the deductions, they would often only actually received the equivalent in cash of one-third of their salary for those two weeks. Hence, savings could primarily only occur from the pay packet from the second half of the month.

The research team found that the meagre salaries of child migrant workers were continuously and significant reduced further through deductions for costs over which the workers had very little control. While the exact amount of deductions varied from factory to factory, some sort of deduction usually took place. Fewer than 1 in 10 (8%), reported they received their salary without any sort of deduction.⁹⁸ The largest number – more than 3 of every 5 workers – reported their salary was cut to repay the cost of registration and issuance of the migrant worker identification card.

Nearly three-quarters of respondents are legally registered in Mae Sot (73.8%). Almost all of them (63.3% of the total) are evidently paying the partial or full costs of this registration. Qualitative interviews conducted by the research team found that workers typically saw a deduction of 200 to 300 baht (US\$ 5.00-7.50) per month to reimburse owners for the money advanced for the registration. For these workers, this is a significant expense, which explains why migrant workers and NGOs supporting them have continually protested the cost of the annual registration as too expensive, and called for the MOL to make revisions to lower the fees.

Other common deductions were for loans, cost of shelter, food, and uniforms. There appears to have been some confusion on this question, because only one choice for a deduction was specified, yet qualitative interviews with workers indicated that many were subjected to more than one type of deduction from their salary.⁹⁹ Moreover, 10 workers answered 'no' to the question of whether there was a deduction from their salary, yet then specified a type of deduction that was being taken out of their salary. Clearly, more research needs to be done on this critical issue of deductions or 'in-kind' payments since these reductions in take-home salary go to the core question of whether workers are being paid a living wage, and whether they are able to save money to remit to families back in Burma who are dependent on these monies.

Some workers indicated to the researchers that there was little information provided to them about their salary computations. Bearing in mind that these are children, it is not surprising perhaps that some stated they were not sure at all whether or not the employer was also taking deductions for food and other allowances from them. All they recognised was they were informed they would receive a benefit, but when their pay came, it was very low, and certainly

⁹⁷ Dennis Arnold, "Capital Expansion and Migrant Workers", p.55

⁹⁸ Percentages on this question are computed on the basis of 287 answers, because 26 workers did not answer the question.

⁹⁹ For instance, 101 workers told the interviewers that they lived at the factory, yet only 42 reported here they had their salary deducted for rental costs. 44 workers reported that the factory provided shelter for them, leaving another 15 workers (equal to 15% of the total group of workers living at the factory) silent as to how their shelter at the factory is covered. The only assumption that could explain this is workers have multiple deductions from salary, and had to decide which one to tell researchers about.

much lower than Thai workers who were also in the factory. The children did not dare to inquire too closely to supervisors about this, because they feared being labelled as potential trouble-makers.

The research team's qualitative interviews with workers, and other local interlocutors regularly assisting migrants in Mae Sot's factories, found that a number of many factories charged workers between 600 to 1000 baht a month for lodging at the factory and deducted these rental fees from salaries.

In terms of food, many factories provided plain rice to the workers for free, and some workers complained the quality of rice was quite poor. Moreover, the researchers found that many factories required that curry or other food to eat with the rice had to be purchased from food stalls that the factory authorised to operate in the factory compound. In some cases, workers reported that these food vendors were either part of the factory management, or run by relatives of Thai supervisors. The stalls tended to charge slightly higher prices than those charged by food shops outside the factory, but workers could sign a slip for the food (rather than paying in cash), and the food costs would be deducted by the factory from their salary. In other cases, where factories provided food directly to workers, the cost could be between 100 to 200 baht a month, or more.

Many factories were also reported to give "no-interest" loans to workers. On one hand, the provision of loans by the factory to workers can be seen as a positive element, providing workers with survival cash when they need it. However, these loans were paid back through deductions (usually between 60 to 300 baht per month, depending on the workers' salary and the size of the loan), and this arrangement was seen to have the practical effect of binding the workers more closely to the factory where they work.

The research team learned that some of the factories require new recruits to order two sets of uniforms when they start work. Only on very rare occasions are the workers provided with safety gear such as masks, gloves, or protective covering for their eyes. Since protective equipment would usually not be given for free, but rather would be deducted from their monthly pay packets, there was some ambivalence among workers about whether they really wanted such protection.

4.6.3 Working hours

The overwhelming majority (82.7%) of child migrant workers reported that s/he had to work at least 11 hours per day, and the majority work 7 days a week. These hours typically became even longer when their factories were under pressure to produce orders in time for export. Depending on the urgency to ship the order, the child migrant workers were forced to work extremely long hours that go far beyond any sort of normal working hours. Factories are known to run all night in Mae Sot when needed, which is part of the strong appeal of locating production there. Employers have maximum flexibility to compel workers to complete orders, allowing more orders to be received, and orders with relatively short turn around periods to be acceptable.

Fortunately for the research team, the period when interviews were conducted was a period of relatively low orders, allowing them to enjoy greater access to workers than usual. Workers learn to adjust their work schedule according to the orders received by the owners, and during this down-time, some workers reported that they were temporarily allowed to work only eight hours per day. In some cases, especially in knitwear which has a definite seasonal fluctuation in production, there is a clear cycle of peak high order times and months when there are low or no

orders coming into the factory. Workers indicated that some factories even close down temporarily, and workers may find themselves without a job for a period of time. In this climate of uncertainty, workers recognise the need to hoard their meagre savings as

a guarantee against unexpected downturns, when they may find themselves jobless. So despite the long hours and heavy workload, the opportunity to earn overtime (even paid at sub-minimum levels) was recognised as necessary for their survival.

Table 19: Number of hours of work/day, by percentage

Total daily work hours	Number of child workers	Percentage
Fewer than 8 hours	3	0.9
8 hours	14	4.5
9 hours	14	4.5
10 hours	19	6.1
11 hours	99	31.6
12 hours	69	22.0
Over 12 hours	91	29.1

A normal work day starts at 8:00 a.m. and ends at 9:00 p.m., with an hour lunch break during mid-day. In factories around Bangkok, employing Thai workforces, after 8 hours is considered overtime, and paid at 1.5 times the normal wage. However, in Mae Sot, the researchers found that usually only work carried after 9:00 p.m. is considered as overtime, meaning a 12 hour day is the norm. In almost all cases, working overtime is compulsory. However, usually, there is no overtime on Sundays. Table 12 clearly demonstrates the long hours expected from workers in Mae Sot. Only a very small minority of workers, comprising 4.5% of the respondents, reported that they were only required to work the legal 8 hours of work per day.

4.6.4 Rest days

The full impact of these extraordinarily long hours are compounded by the fact that just below half the

number of children stated that they received no paid days off during the month. Essentially, they are at work every day, all day. The largest group, some 48.9% of the respondents, indicated that they do not get any paid days off during the month. This is particularly significant considering that even if the worker wanted to take a day of unpaid leave, receiving permission to do so would be difficult. The LPA 1998 requires that workers be giving one day off in seven, or a total of four days per month – but in Mae Sot, this provision is clearly being flouted with impunity by employers.

Relatively better off were the 37.7% of the respondents who stated they were granted one or two days of paid leave per month. The luckiest group, totalling just 8.3% of the interviewees, were approaching the legal minimum number of days off, with three to four paid leave days every month.

Table 20: Number of paid leave days per month given to child migrant workers, by percentage

Total number of days	Boys	Girls	Total
None	13.4	35.5	48.9
1 to 2 days	6.4	31.3	37.7
3 to 4 days	0.3	8.0	8.3
No answer	1.6	3.5	5.1

Mae Sot’s competitive advantage of a flexible, controlled, and largely defenceless workforce ready to work all hours is again clear when considering practices related to granting unpaid leave to workers. The research team found that workers were generally allowed to take days off without pay during seasonal lows, and the periods when there were few orders in the factories. As can be seen in the table below the

largest group reported taking 1 to 2 days of unpaid leave per month. However, 40.3% of the workers reported they do not even take unpaid leave. Based on the research team’s interviews, many of these workers said they were either not allowed to take leave, or felt that they could not financially afford to take unpaid leave.

Table 21: Percentage of Burmese child migrant workers taking monthly unpaid leave days per month

Total number of days	Boys	Girls	Total
None	26.2	14.1	40.3
1 to 2 days	10.3	33.5	43.8
2 to 4 days	3.1	12.8	15.9

4.6.5 Fines/penalties levied by employers

In addition to the incentive of overtime pay (albeit paid at sub-minimum levels, in violation of the LPA 1998) to supplement clearly inadequate daily wages, another mechanism of employer control is the prevalent practice of fining workers who refuse to work overtime when ordered to do so. The research team learned that most factories expect workers to be available to work a minimum of four hours of overtime per day. These long hours wear down workers, especially children, but to skip one overtime session can effectively wipe out literally days of earned wages. Workers reported fines imposed by employers for refusing overtime that ranged from 100 baht up

to 500 baht for each instance that the worker did not comply with an overtime work order.

4.6.6 Freedom of movement and visits

In this environment, it is particularly disconcerting to find that a significant minority of the respondents are effectively cut off from friends and relatives. One worker in four (25.9%) stated they are either not allowed to visit friends/relatives, or the worker believes that they have no time to do so. In either case, the result is the same – environmental factors in the factory controlling workers, restricting movement and association, and preventing outreach to a potential network of support.

Table 22: Workers' ability to visits to relatives and friends, by percentage

Access to relatives/friends	Boys	Girls	Total
Not able/allowed to visit	2.6	15.0	17.6
No time available to visit	2.2	6.1	8.3
Yes able to visit	16.9	57.2	74.1

In terms of provisions of health benefits to the workers, the LPA 1998 requires each factory to have a medical staff-person (nurse or doctor) and a private room for health consultations and treatment. Interviews with workers discovered those factories claiming to comply with this regulation in fact have doctors present in name only because they are virtually never present at the factory. Regulations also provide that medical supplies and an emergency medical kit must be provided by the factory, and kept in an easily accessible place but this requirement is frequently ignored as well. In practice, workers reported that health services either did not exist at the factory, or consisted of providing basic medicines (like an analgesic pill for pain, or cold tablets for illnesses) and making available transportation to a clinic or hospital in town in more serious cases.

4.7 Hazards in the work environment

The research results showed mixed findings in the area of safety and health. When asked generally whether

their work has a risk of injury or ill health, 54.2% of the respondents stated 'no', while 45.8% replied 'yes'.¹⁰⁰ Asked as a follow-up what those risks were, almost 20% did not answer, while 113 children did specify the risks. Leading the response was general environmental factors ('dusty' 51 answers, 'smelly' 14 answers, 'poor illumination' and 'damp' combined 3 answers – equal in total to 60%), while 'dangerous machines' (29 answers, 25.7%) and 'chemicals' (4 answers, 3.5%) followed behind.¹⁰¹

When specific examples of hazards were raised, more than two-thirds of the child migrant workers interviewed in this study said they believe that they work in an unsafe environment. This is significant in that Thailand, as a Member State that has ratified ILO Convention 182, a Convention that provides that prohibited worst forms of child labour include "work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children."

The specific hazards showed the following results:

Table 23: Migrant child workers perceptions of hazards at work

Type of hazard faced	Number of respondents	Percentage of respondents
Work in bad posture	125	59.5
Use of sharp machines	55	26.2
Lifting heavy weights	13	6.2
Use of chemicals	10	4.7
Exposure to heat/cold	5	2.3
Others	2	0.9

¹⁰⁰ In response to survey question 4.9, 140 replied yes, 166 replied no, and 7 did not answer the question.

¹⁰¹ The remainder were 'other' but the exact nature of the risk was not specified.

One concern that continues throughout these findings on safety is concern about children working with sharp and/or potentially sharp equipment. Workers reported to the research team about instances of poorly maintained machines, especially those with loose wires or poorly grounded, giving serious electric shocks to workers. Electric shocks were also experienced by workers assigned to iron completed clothes prior to final packaging, once again demonstrating some factories overwhelming focus on production and profit at the expense of spending money to properly maintain equipment. Compounding these health risks is the fact that these child migrants were working such long hours, straining them both physically and mentally, and making them more accident prone because of sheer exhaustion.

In terms of actual injuries, 86 workers (30.6%) reported that they had been injured or fallen sick during their time at work, while 195 (69.4%) said that they had not. The highest category of injuries was hand injuries, illness, and repeated headaches. Slightly more than half (47) of these workers reported needing medical treatment, yet in 78.7% of these cases, the workers reported that they had to pay for

all health treatments and medicines themselves, while employers paid in only 10% of the cases. Despite the fact that over 73% of the workers are legally registered, and therefore theoretically eligible for coverage under the 30 baht health scheme, they are evidently facing difficulties in accessing the system. Clearly, the fact that workers must cover medical emergencies and illnesses themselves helps discourage workers from seeking treatment for ailments until the condition becomes critical, and keeps them on the job longer.

4.8 Abuse, punishment, and ‘bad experiences’ at work

When asked about ‘bad experiences’ at their factory, migrant children had plenty to report. Most of these experiences involved hours of work and pay, but in a small number of cases, workers claimed to be verbally abused and in one case, physically beaten.

Anecdotal evidence gathered by the research team indicated more incidents of verbal and physical abuse, but for some reason that needs deeper exploration, relatively few workers made these claims to surveyors.

Table 24: Child migrant workers who experienced abuses, punishments, or ‘bad experiences’ at work, by percentage¹⁰²

Type of abuse	Boys	Girls	Total
Wage deduction for mistakes	13.2	27.2	40.4
Not paid overtime	8.1	13.9	22.0
Excessive hours of work	6.4	15.1	21.5
Delay in payment	3.9	10.0	13.9
Verbal abuse by supervisors	-	1.8	1.8
Physical beating	-	0.4	0.4

¹⁰² Question 4.11 was answered by 218 workers, and percentages in this table are based on that number of respondents to compute percentages. Another 95 workers provided no answer to this question.

Workers spoke of a number of deductions regularly imposed on them for perceived failures or mistakes made during the course of their work. These deductions reduced already pathetically small pay packets, and workers frequently did not feel brave enough to challenge a supervisor assessing a penalty, no matter what the rationale or whether the decision was just or not.

While financial penalties varied from factory to factory, the research team found that the lowest wage deduction was usually 100 baht (equal to over one day's work for most child migrant workers) which would be levied for relatively minor infractions like making a cut in a cloth, whereas using the wrong thread or making a sewing mistake often resulted in a fine of 200 baht. A larger infraction, such as making a cut on a blouse, shirt or trouser that was largely completed, would result in fines ranging from 500 baht (more than a week's salary) up to 1,800 baht (in one case), depending on the cost of the garment that was ruined. Researchers found that some factory owners even compelled the workers to pay for the cost of replacing a broken needle on their sewing machine, passing on one of the basic costs of business in the garment industry to workers who had little opportunity to refuse.

Four workers reported verbal abuse by supervisors, and one was beaten by factory representatives for repeated failures in performance. The fact that factory owners can generally act with such impunity in dealing with their workers, and flouting the Thai labour law, is a telling indication of the level of intimidation brought to bear on these workers.

The picture that emerges from this research is one where child workers are forced to work day and night, every day of the week, for meagre pay. Living in cramped and dirty quarters, and facing environmental and occupational hazards, these young people receive

no time off to interact with others or participate in social networks. The potential to lose all their wages for a day, week or longer can happen, quite literally, with one slip of the finger, one moment of nodding off or loss of focus due to sheer exhaustion.

4.9 Failure of migration registration process to protect workers

Although nearly three-quarters of those surveyed were formally registered as documented migrant workers, a significant majority of employers did not allow them to retain their original registration documents. 182 workers, accounting for 78.7% of those documented workers, told researchers they did not hold their original documents, meaning less than one in four documented migrant workers in Mae Sot retain their original ID cards. MOL regulations state that the migrant worker's registration card is supposed to remain in the possession of the migrant worker at all times. Holding that card is considered the necessary evidence that the migrant is in the country legally.

The common practice in the factories is to issue a photocopy of the workers' identification card, which is recognized neither by the police, who regularly arrest or harass workers carrying only a photocopy, nor by hospital employees where a sick worker may wish to go to avail of the 30 baht health benefit. The migrant must therefore request the employer to give him/her their original identification cards for a specific and temporary purpose (ID card, 30 baht health care card). This becomes the essential equivalent of having to request permission to seek medical care. In the case where a female worker may be pregnant – which is actively discouraged by factory owners not keen to provide maternity leave as provided by LPA – the difficulty faced by the workers becomes quickly evident.

Table 25: Number and percentage of legally registered child migrant workers holding their original migrant registration documentation¹⁰³

Hold original document?	Number of respondents	Percentage of respondents
Yes	50	21.6
No	182	78.4

The rationale for employers illegally holding on to workers’ identification can be explained easily – it’s a matter of money and control. In many cases, workers request – and receive – an advance for the registration fee from the employer. This money is paid back over many months, through deductions in salary. Therefore, the employer does not want to give up the identification card until the worker has paid back the advance in full.

When asked how factory owners could justify the holding of migrant documentation when the migrants are the ones paying for their registration though deductions from their pay, many workers told the research team it was a form of security because the worker had not paid back the money advanced by the employer.

Second, if the employer holds the identification card, it makes it more difficult for that worker to leave the factory, and seek another employer – so it serves as yet another control mechanism to retain the workforce. Management and supervisors reportedly scolded workers wanting to go out, with comments like “a worker’s place is inside the factory” and “I will not take responsibility for what happens to you once you leave the factory compound.” The employer will often explain to the workers that it is safer for the factory to retain the original identification cards and work permits, though this is patently untrue – since not holding their original identification cards makes migrant workers even more vulnerable to arrest.

In a follow-up question, asking whether the worker could get access to the identification documents if they needed to, 100 of the workers (equal to 54.9%) replied ‘no’ that they could not. Since carrying original identification documents is necessary for workers to travel in Mae Sot without fear of arrest and deportation, and for gaining access to health benefits (30 baht health scheme) which workers pay for as part of their registration cost, it is clear that this practice inflicts significant difficulties on these workers.

Another negative aspect of employers’ retention of workers’ identification is the barriers it places on workers seeking to change employers. The research team was told that employers commonly threatened that they would call the police if the workers decide to leave. Without identification cards, the child workers were vulnerable to immediate arrest, and possible deportation back to Burma, and as a result, many reported they felt they had little choice but to stay on.

According to Royal Thai Government policy, a migrant who wishes to change employer must have the agreement of the previous employer to sign documents authorizing the change. In effect, there is no way to escape informing the previous employer if a migrant wishes to maintain his/her legal status when changing employers. Clearly if the employer is exploiting or abusing a worker the employer is unlikely to allow them to change,

¹⁰³ Based on answers from Question 5.22, in which 232 respondents indicated that they had documents, another 54 workers stated they did not have any ID documents, and 27 persons did not answer the question. Percentage is based on 232 respondents indicated they had an ID document.

meaning workers suffering exploitation have little choice: stay and be exploited or else return home or become undocumented. Fleeing the factory without informing is tantamount to abandoning legal registration. In the worst manifestations of this system, a few of the respondents stated they were still bonded to the brokers or factory owners, and were required to work for them for a full year.

The research team reported that many workers more or less accepted to enter the worker registration system because they understood that holding a worker identification card and work permit is necessary for them to reside legally in Thailand. Without legal status, they could be potentially subjected to more serious exploitation and abusive conditions.

However, workers also stated frankly that they simply did not see any added advantage or improvements to their present state by legally registering for work since their employers held their documentation. This meant they had little protection from harassment when outside the factory. Some workers also wondered whether the high cost of registering was worth the benefits they were receiving from being a

'legal' worker.

4.10 Reasons for migration – why migrants keep coming to Mae Sot

When asked an open ended question as to why they came to Thailand, the respondents made clear that economic 'push factors' from Burma were still the primary reason for migrating towards Mae Sot. However, it must be noted that economic push factors are often connected to other factors, especially in Karen and Mon states.

Land confiscations by the military, forced labour of villagers, forced sale of rice to the Burmese authorities at below market prices, and attacks by the Burmese Army on ethnic villages have all been well documented. These actions serve to directly undermine the sustainability of rural livelihoods in Burma, and many observers believe significantly contribute to migration to Thailand. A majority of the respondents, accounting for 64.2%, gave various reasons directly connected to economic problems or issues faced by them or their families in Burma.

Table 26: Reasons given by child migrant workers for coming to work in Thailand

Reasons for coming to Thailand	Number of respondents	Percentage of respondents
Economic factors at home	42	13.7%
Financial benefit/gain	42	13.7%
Economic hardships	35	11.1%
Other reasons	32	10.2%
Economic problem (want money)	23	7.3%
To support family	21	6.7%
Job opportunities in Thailand	15	4.7%
To solve family financial problems	12	3.8%
Economic problem (want a job)	7	2.2%
Looking for money	4	1.3%
No answer	80	25.3%

Basic food security is a major problem – a 1997 Government survey found that more than 60% of Burma's households consumed calories that were less than the recommended daily amount for subsistence, and reports by the UN since then have confirmed the situation has worsened. Fully 62% of Burma's farmers were found to own less than 5 acres of land, the amount calculated to allow a family to subsist on what it produces, and one-third of rural families are landless.¹⁰⁴ Extraordinarily high levels of inflation, estimated by the Economist Intelligence Unit as likely to top 20% during 2005/2006, are also indicated by the loss of value of the Burmese kyat which has fallen to almost 1400 kyat to \$US 1.00, an all time low.¹⁰⁵ A lack of gainful employment, relegating many to the informal sector in the cities, has contributed to this desperate situation.

The hope of earning better wages attracted many to Thailand. Finding work in light manufacturing in Burma has become quite difficult as bilateral economic sanctions connected to the SPDC's fundamental failure to heed international calls for respect for human rights and restoration of democracy¹⁰⁶ have been imposed by North American and European countries, which previously served as markets for Burmese manufactured exports. The resulting closure of many garment factories in Burma and the inability of families to survive economically has also created strong push factors that have resulted in millions of Burmese leaving their country to seek work in Thailand and further abroad.

In discussions with the research team, many workers revealed their plans and ideas on how they would make use of the money they hoped to save. Some were going to pay off their family debts, as well as pay back money owed to brokers and holders of family land which had been mortgaged. Once those debts were settled, many of the workers said they hoped to invest in starting up their own small family business, or invest in a small piece of land for farming and

livestock. Others wanted to set up a trading business. What was clear is that many respondents also fully intended to return to Burma at some point.

Some workers indicated a desire to do whatever they could to help their family's financial situation back in Burma. Remittance to cover costs of sending a younger sibling to school was one common example. One respondent had decided to stay and work even in the most difficult situations in Mae Sot until all his younger brothers and sisters had graduated from university back in Burma. A few were being dutiful children and worked to support the costs of health care for their parents in Mae Sot. Sadly, to confirm an earlier reported finding about education, it was noted by the research team that very few child migrant workers said they have the energy and ambition to continue studies after they return home to Burma.

4.11 The Future for Child Migrant Workers

The child migrant workers surveyed in Mae Sot have contradictory views of the future which can be speculated about, but only additional research will reveal clearer information.

When asked whether they 'like to live' in Thailand, a majority of the child migrant workers replied 'yes'. A total of 173 respondents, equal to 60.9%, gave this answer. On the other hand, 111 child migrant workers, equal to 39.1%, said they did not like living in Thailand. Possible avenues of analysis include what prompts the workers' definition and cultural orientation/understanding of 'liking' a situation, even a relatively abusive and tiring experience like those in the Mae Sot factories. Perhaps, for this group of migrants, life in Thailand is the lesser of two evils when comparing relative hardship, (i.e. are they thinking that the situation they are leaving behind in Burma is so bad that it makes Mae Sot look relatively better)?¹⁰⁷

¹⁰⁴ ICG, 2002, p.10

¹⁰⁵ Parker, Clive and Louis Reh; "Concern Grows over Burma's Rapidly Rising Inflation", *The Irrawaddy*, October 6, 2005, and Kazmin, Amy; "Inflation fears as Burma lifts officials' pay by up to 1,200%", *Financial Times*, March 27, 2006.

¹⁰⁶ DLA Piper Rudnick Gray Cary, Threat to the Peace: A Call for the UN Security Council to Act in Burma, p.34-41. As of 2005, the UN General Assembly has adopted an annual resolution on Burma for each of the last 14 years, calling *inter alia* for an end to human rights abuses, restoration of democracy, and promotion of national reconciliation.

¹⁰⁷ In response to question 5.26 of the survey, the answers were the following: 173 yes, 111 no, and 29 no answer. Percentages are based on 284 replies received.

Yet, when asked if answering ‘no’ to the question of whether they liked living in Thailand, meant that they wanted to return to Burma, 68 replied ‘no’ and 202 replied ‘yes’. This was many more than the 111 workers that said ‘no’ in the original question. Clearly there was some confusion about these questions. One possible explanation is that perhaps the respondents thought they were being asked whether they wanted to go back to Burma at some time in the unspecified future. Many Burmese could be holding out for the hope of returning to their country when the situation improves economically and politically – but in the meantime, they continue to work and try to save money. Variations of this theme, to save money, help their families financially, and try to earn to secure a

future were by far the dominant answers in a follow-on question of why they have not yet decided to go back to Burma.

Uncertainty about the future, and a lack of options, could also explain why a majority of child migrant workers indicated that they wished to remain in their present jobs. Roughly one-third of the workers stated that they were interested in changing jobs. Up-front costs of changing employers, including the practice of ‘mortgaged days’ where a new worker remains unpaid, and possibility of difficulties in changing jobs – such as an employer not agreeing, and the subsequent loss of legal status – may also be deterrents reflected in this finding.

Table 27: Child migrant workers wishing to change their present job, by percentage

Desire to change job	Boys	Girls	Total
Yes	7.3	26.5	33.8
No	13.7	50.8	64.5
No answer	0.3	1.4	1.7

The workers who wished to change jobs were asked a follow-on question, seeking information on why they wanted to change jobs. The top issues were the two

primary concerns that are continually reflected in the answers by the migrants, which are levels of salary/ pay, and long working hours.

Table 28: Reasons expressed by child migrant workers for wanting to change job, by percentage¹⁰⁸

Reasons	Number of respondents	Percentage of respondents
Low wages	39	60.9
Excessive work hours	15	23.4
Irregular payment of wages	3	4.7
Work is boring	3	4.7
Family problems	2	3.1
Physical/mental abuse	1	1.6
Bad food and accommodation	1	1.6

¹⁰⁸ In the follow-up question to 5.15, there were a total of 64 answers and 249 no answers. This is not surprising, since only one-third of the respondents stated in 5.15 that they wanted to change their job. However, it should be considered that percentages in this table are based on replies by only 64 workers.

4.12 Child trafficking

271 of the interviewed child migrant workers (89.1%) reported they do not personally have knowledge of any case of child trafficking, while only 33 respondents (10.9%) indicated that they did know about child trafficking cases.¹⁰⁹ Probing further into these ‘yes’ responses, it was found that an overwhelming number of respondents knew about cases in Bangkok (21 cases, 63.6% of ‘yes’ respondents) and involved persons trafficked into domestic work (14 cases, 42%). Given that the domestic work sector is almost exclusively composed of females, it is fair to assume this means that Burmese girls are moving to Bangkok to seek work as domestic labourers, and in the process, some are being trafficked into households where they are unable to leave. This fits with research that has been previously done by ILO and IPSR, Mahidol University.

As for the remaining 33 ‘yes’ answers, the only significant finding is 5 cases of trafficking into restaurants (accounting 15.1% of the total ‘yes’ respondents). All the restaurants were reported to be in Bangkok. Only 1 case was found where the person knew of someone who had been trafficked to another country – indicating that when children are trafficked in Mae Sot, the vast majority of cases appear confined to enterprises within Thailand.

However, the researchers also noted that when these ‘yes’ respondents were questioned further, in

qualitative questioning, many of them knew very little about what actually constitutes human trafficking, and how it actually takes place. Summarizing those discussions, the Migrant Secretary of the FTUB said:

“It is clear that there is some knowledge that human trafficking exists, but when they are asked more probing questions, these child workers have little idea about what trafficking actually is, how trafficking takes place, or what happens to victims – beyond the fact that the victims usually don’t get paid...”¹¹⁰

Indicative of the observation of the FTUB Migrant Secretary are the responses regarding children who ‘can’t freely leave their workplace or worksite accommodation’, a practice which can be fairly described as characteristic of human trafficking. This question was developed as a follow-on to the first question on human trafficking, in which respondents that stated ‘yes’ were asked for additional information about the work sector and place where they knew the case of trafficking was/had taken place. Among the 242 respondents who answered a follow-on question about restriction of movement, only 7 persons said they knew of a case where movement was restricted, and only 3 of those 7 could provide specific details of where the person(s) involved in the case where (all answered Bangkok) and what type of work they were doing (housekeeping, and artificial flower production).

Table 29: Numbers and percentage of Burmese child migrant workers having knowledge about a case of human trafficking¹¹¹

Response	Trafficking (5.23)	Restricted movement (5.24)
Yes	33	7
No	271	235
No answer	9	71

¹⁰⁹ 9 respondents did not answer the question, but of this number, 5 answered ‘no’ to follow-on question about on knowledge of cases where movements are restricted.

¹¹⁰ Interview with FTUB Migrants Secretary, Bangkok, Thailand, 6 April 2006.

¹¹¹ Question 5.23: “Do you know of cases of trafficking of migrant children where they are being forced to work?” and Question 5.24: “Do you know of cases where children can’t freely leave their workplace or worksite accommodation in ____ (sector) in this geographical area?”

During qualitative interviews, respondents mentioned they have heard stories of children being smuggled, particularly into central Thailand to work as domestic workers, sex workers, shop assistants and restaurant workers. It was reported by the respondents that in almost all cases, a broker was involved, sometimes only in the transport of workers to Bangkok, and sometimes in both transport and placement in a job in Bangkok. However, while there is a clear 'legal' distinction between trafficking in persons and people smuggling, FTUB interviewers reported that it was clear that many of the children did not understand that distinction.

Two conclusions can be drawn from this data. First, many migrant worker children in Mae Sot have been exposed to work that falls within the definition of worst forms of child labour. However, it is not clear to what extent these children (or others in the Mae Sot migrant communities) recognize this connection between the worst forms of child labour and human trafficking – setting out a clear awareness building challenge.

Second, there is a rich body of knowledge in migrant communities about the worst forms of child labour as it occurs in Mae Sot, and the connections between Mae Sot and work deeper inside Thailand. Where these abuses occur, efforts to prevent and protect

children can likely be devised with the benefit of local knowledge of these communities. Where actual cases of human trafficking are taking place, with the border/Mae Sot as the jumping off point for travel further inside Thailand, informed interlocutors from the Mae Sot migrant community may be able to provide clearer information. Since Mae Sot is a location acknowledged by all observers as one of the major 'jumping off' points for smuggling of migrants deeper into Thailand, it is natural that traffickers as well as smugglers would operate in areas where supply of migrant workers seeking employment are clustered. Of course, trafficking does not only occur in Bangkok and the central plains of Thailand. Trafficking also appears to be taking place in Mae Sot itself. Based on information found in Mae Sot about dangerous conditions of work, the seizure of migrant documents by employers, restrictions on their movements, and intimidation of child workers through the threat of summary dismissal and deportation, all the elements of coercive and continuing exploitation are present.

To both access the knowledge of Mae Sot-based migrant workers about human trafficking networks and their operations, and to also provide assistance to prevent cases of trafficking from occurring in the future, further interventions in awareness-raising and research should be considered.



5. RECOMMENDATIONS

To the greatest extent possible, these recommendations (and activities which result from them) should be implemented in close, continuing collaboration with migrant support organizations, NGOs and trade union organizations knowledgeable about Mae Sot. All materials to be used should be translated and presented into the major languages of the migrants (Burmese at a minimum, preferably also Karen and Mon).

5.1 Recommendations to the Royal Thai Government (RTG):

- a) The RTG should consider incorporating the findings of this report in the process to develop a national plan on implementation of ILO Convention No. 182, and should consider Mae Sot as an urgent priority area for implementation of activities against the worst forms of child labour.
- b) The RTG should consider to immediately initiate and lead a collaborative effort between the MOE, MOL, other relevant RTG Ministries, the Federation of Thai Industries, and trade union/civil society organizations to ensure that migrant child workers who are below the legal minimum (younger than fifteen years old) are immediately moved out of the factories, and provided access to free, quality education at RTG schools (in line with the RTG Cabinet decision of July 5, 2005) as well as necessary financial support for uniforms, books and all other educational costs so they can continue their studies. The justification is the LPA of 1998 clearly states that workers under the age of 15 are not permitted to work, and article 43 of the Thai Constitution of 1997 dictates that all children have the fundamental right to access to education for 12 years.
- c) The MOL should consider developing and immediately implementing a pro-active advocacy strategy to strictly enforce all the relevant sections of the LPA 1998 in Mae Sot, especially regulating conditions of work, hours of work, and minimum wage laws, and should seek technical assistance from the ILO to assist implementation of the strategy. Where violations are found, the MOL should make efforts to consistently punish violating enterprises in line with labour law.
 - i. The MOL should consider producing a glossary of labour inspection terms in Burmese, Thai, and English and distribute numerous copies in Mae Sot.
- d) The RTG should consider immediately putting an end to the seizure and retention by employers of migrant worker identification cards and work permits, and should consistently and heavily fine employers who violate these regulations. The vulnerability of workers to arrest and harassment by Thai police, officials, and society because they cannot hold the one identification that asserts their legal status is central to the system of control that represses Mae Sot migrant workers. Lack of original identification in turn leads to a host of other problems – lack of access to health care, reluctance/fear to meet, associate, and socialize publicly with other Burmese, and impunity for migrants to be abused and extorted.

- i. The MOL, with support from the ILO and other international agencies, should consider seeking Royal Thai Police support at the highest level for formal political commitment to address this issue, and put in place an action plan whereby the Ministry and Police agree to address this problem in Mae Sot and other areas of Thailand where significant numbers of migrants live and work.
 - ii. The RTG should consider launching an advocacy campaign using printed literature and local radio broadcasts targeting Mae Sot employers, informing them that seizure and retention of migrant workers' Government-issued identity documents is illegal and will result in the severe punishment of offending employers.
- e) The MOL should consider to work more closely with the Thai Board of Investment (BOI) to ensure that all factories in Mae Sot which receive BOI investment preferences make factual applications (especially regarding number of non-Thai staff to be hired), and that these factories comply with all Thai labour laws. The MOL Mae Sot office should consider inspecting all BOI-promoted factories at least bi-annually, and provide copies of factory inspection reports to the BOI for action when considering annual reports of these BOI-promoted enterprises. The BOI should consider incorporating MOL reports in its decision-making process on investment projects, and should consider denying investment benefits to factories which are found to regularly violate labour laws, especially provisions on use of child labour.
- f) The MOL should consider undertaking a series of round-tables with Mae Sot employers, emphasizing the importance of eradicating worst forms of child labour, ending abusive practices in garment sector in Mae Sot (such as the use of 'blacklists' of migrants involved in supporting the rights of migrant workers), and supporting full compliance with Thai labour laws as part of a corporate social responsibility strategy that can diminish Mae Sot's problematic reputation with overseas buyers concerned about labour rights abuses. Vigorous promotion and implementation of the MOL's Thai Labour Standards 8001 (TLS 8001) system could help encourage voluntary compliance by employers.
- g) The Ministry of Education should consider publicizing the approved RTG Cabinet recommendations (July 5, 2005) to Thai school administrators and migrant worker communities immediately. The MOE should also consider closely monitoring implementation of the Cabinet decision, and the Tak MOE provincial office should consider pro-actively investigating any reports of migrant children being denied admission to Thai schools.
- h) The RTG (in collaboration with the ILO and other UN agencies, like UNESCO) should consider providing a supportive policy environment for the continued operation of private schools in Mae Sot set up for children of migrant workers. Migrant teachers in these schools should also be allowed to legally register as migrant workers.
- i) The MOL, the Ministry of Social Development and Human Security, and the Ministry of Industry should consider undertaking a study of migrant living quarters within Mae Sot factory compounds, with specific focus on access to potable water, size and suitability of rooms, sanitation, and building safety. This information should be shared among all relevant Ministries and governments agencies, such as the MSDHS (oversees dormitories and living quarters), MOPH (public health), Ministry of Industry (factory construction),

MOL (labour regulation) NHRC (economic and social rights). The report should serve as the basis of a multi-agency conference to develop recommendations and a plan of action to significantly improve worker housing in Mae Sot.

5.2 Recommendations to the ILO:

- a) The ILO should monitor and publicly report on RTG efforts to enforce the law and effectively prosecute non-compliant employers in Mae Sot. Reviews conducted on at least a bi-annual basis between the ILO and the MOL could be undertaken to evaluate progress in improving enforcement in Mae Sot. At a minimum, employers should pay the minimum wage and overtime rates as provided in law, provide legally mandated time off, abide by restrictions on use of child labour, provide safe working environments with appropriate safety equipment, and set out appropriate facilities for children aged 15 years and above to access recreation and education services.
- b) As an impartial and respected international organization, the ILO should promote social dialogue in Mae Sot through the establishment of a multi-party committee at provincial level comprising representatives of employers, migrant workers, trade unions, NGOs, the Law Society of Thailand, relevant government offices in Mae Sot, and the NHRC to seek common ground in finding sustainable solutions to solve the problem of child labour in factories, and the culture of impunity that results in systematic violation of migrant workers' rights in Mae Sot.
- c) The ILO should consider supporting an appropriate mix of activities – such as training of trainers, public events, production of educational pamphlets or booklets (with

appropriate methodology to deliver message to children), use of local radio and other outreach activities – to build migrant workers' understanding of the worst forms of child labour and human trafficking. In order to enable child workers in Mae Sot to better protect themselves it is critical that awareness be built on the connection between the worst forms of child labour (ILO Convention No.182) and human trafficking for migrant communities in Mae Sot. Research findings continually pointed out that migrant child workers, and members of the migrant communities where they live, do not fully understand their rights under the Convention, or key aspects of concept of human trafficking.

- d) The ILO should conduct a training needs assessment for the MOL office in Mae Sot, and the MOL Tak provincial office, examining what skills and knowledge these inspectors need to better perform their duties. Capacity-building for MOL labour inspectors could follow, especially in strategies to cope with difficult employers, and access hard-to-find workplaces.

5.3 Recommendations to the Thai labour movement:

- a) As part of their ongoing efforts to achieve labour law reform, the Thai trade union movement (and its allies) should advocate that the RTG immediately amend articles 88 and 101 of the LRA 1975 to allow non-Thai workers to form trade unions, and to serve as a committee or sub-committee member of a trade union, thereby bringing these articles of the law into compliance with ILO Convention No. 87 on Freedom of Association. As necessary and appropriate, the ILO Bangkok office should provide technical support to the Thai labour movement in this effort.

- b) Thai trade unions should be encouraged to organize documented migrant workers, enlist these workers in the membership of Thai trade unions, and support their efforts to collectively bargain with their employers.

5.4 Recommendations to migrant workers advocates in Mae Sot (labour unions and NGOs):

- a) Thai and Burmese trade unions, and migrant worker support organizations/NGOs, should organize participatory training for new, factory-level migrant labour leaders on core ILO conventions and provisions of the LPA 1998 and LRA 1975, working in cooperation with the Labour Law Clinic operated in Mae Sot by the Forum Asia Foundation and the Law Society of Thailand. The ILO and other international organizations should provide financial support for these trainings. Since over 61% of the child workers in Mae Sot's factories have only been in Thailand one year or less, their level of knowledge is quite low about the provisions and protections available to them under Thai labour laws.
 - i. As part of these efforts, awareness raising materials (such as short, concise, and interesting pamphlets) should be developed, focusing on key provisions of the

LPA 1998 that are important to migrant workers (minimum wage, overtime, time off, conditions of work, child labour, etc.), in the three key languages of Mae Sot migrants – Burmese, Mon, and Karen. Similar pamphlets in those three languages should also be developed on the core ILO Conventions (especially ILO 87, 98, 138, and 182), and the Palermo Protocol. Where these types of materials have already been produced by Burmese migrant support organizations operating in Mae Sot, ILO should review those materials from a technical stand-point, and if satisfied, consider supporting the costs of printing additional copies.

- b) A coalition of migrant worker support NGOs, the Mae Tao Clinic, the Labour Law Clinic, and Thai and Burmese trade unions should work together to set up a 24 hour hotline and referral system, with counsellors capable of speaking Burmese and Thai, to receive information on human trafficking, violations of the labour law, health emergencies, and other issues affecting migrant workers in Mae Sot. Where appropriate, the information and cases which are received through the hotline could be referred to the MOL, MSDHS, MOPH, or NHRC for further action. International donors should provide financial support for operation of the hotline.



6. ANNEXES

6.1 Annex 1: Case studies

All names have been changed to ensure confidentiality. The names of the factories involved have also been withheld to ensure that there is no retaliation against the children interviewed for this report.

Case 1: Aye, 14 year old female from Mawlamyine Township, Mon State, Burma.

Aye was born into a poor family in Mawlamyine Township. She was originally working as a child worker at a garment factory inside Burma, earning money to support her family's income. However, she lost her job when the factory was forced to close down.

Although she and her family did not have contacts in Mae Sot, her mother decided to take her there when her father passed away. She and her mother each paid around 100 Baht (US\$ 2.50) to cross Myawaddy Bridge.

Aye's previous work experience in a garment factory made it easy for her to get a job soon after arrival in Mae Sot. At the garment factory in Mae Sot, she had to work over 12 hours daily throughout the week. Long hours at work have taken a toll on her health. She has persistent headaches and suffers from back strain.

In Burma, Aye completed primary school but says she is not interested in continuing her education. Her main objective is to help her mother earn enough money to send back to three younger siblings who were left in Mawlamyine in the care of relatives.

Unfortunately, Aye reports that she cannot contribute much because she earns only 300 Baht (US\$ 7.50) a week. In addition to deductions by the owner for the cost of food and shelter, Aye must also repay the fee for her registration (ID card and work permit). However, since Aye is below 15 years of age, she is not legally entitled to register and receive a migrant worker ID card. The owner has therefore provided her with a falsified ID card indicating that she is older. Meantime, the owner has kept possession of Aye's original ID card.

As a minor, Aye is paid lower wages than other workers. The owner also deducts between 500 and 1,800 Baht (US\$ 12.50 - 45.00) in penalties if she accidentally cuts the clothes she makes.

Aye says she frequently encounters drug addicts in Mae Sot who try to extort money from her, adding that she does not feel safe working in this kind of environment.

Despite the hardship she faces, Aye says she continues to work because the pay in Mae Sot is higher than what she could earn in Burma. She says, however, that she wishes the factories would move back to the Burmese side of the border, and that the wages would be the same as she earns in Thailand.

Aye says that she misses her younger brother and sisters and always dreams of a time when they can be together again. She longs for them all to be back together again as a family. She adds that as soon as she can collect enough money to invest in some sort of small enterprise, she plans to go back to Burma.

Case 2: Hla, a 18 year old female from Kawkareik Township, Karen State, Burma

Hla comes from a big family in Kawkareik Township, near the Thai-Burma border. She says that her parents were unable to make ends meet financially, since they have a total of seven children. Hla says that some of her friends encouraged her to join them to find work in Mae Sot.

Hla reports that she discussed this idea with her parents, and they readily agreed to it because then she would be able to send back money for the family. So Hla with her friends crossed Myawaddy Bridge, each incurring a total cost of 100 Baht (US\$ 2.50).

Hla says that she wanted to work in a garment factory, but found that without previous factory experience, it was difficult to find such a position. Instead, Hla got a job at a factory making socks. She says the hours were very long, with overtime required every day of the week. The factory owner agreed to pay her 600 baht (US\$ 15.00) per month. Hla says she worked there for three months in total, but was only paid for one month. Finally, without regular wages, she could no longer tolerate the situation, because she says that she needed to send money back to Burma to her family.

Eventually Hla found new work at a garment factory, and at the time of the interview, she had been working there for four months. Although she now earns more than before, Hla says that her pay is still low – 300 baht (US\$ 7.50) per week. She works over 12 hours per day, 7 days per week. The owner also takes deductions from her salary for the cost of food and lodging. If she makes mistakes on the job, such as bad stitching, she is liable to penalties imposed by the factory management which could be as much as 200 baht (US\$ 5.00).

Hla reports that she receives one or two days off per month, but says she rarely has time for leisure. At the factory where she lives, she is unable to receive visitors -- she is only permitted to meet them at the

gate. At one point, the workers protested against this restrictive policy, and the management relented and allowed visitors. However, this policy lasted only 2 weeks before reverting back to the previous policy.

Hla says the present circumstances have left her physically and mentally exhausted. She says that she is not happy at her place of work and is always thinking about going back to her family. She adds that even though they were poor in Burma, at least they were all together.

Hla says she completed primary school and hopes that her younger brothers and sisters will continue their studies. She understands that any amount of money that she can send back to her parents is helpful. It is this thought that gives her the strength to continue to work, she says. Hla concludes by saying that she will go back home to Burma when she has saved enough money to start a small trading business, which she thinks will help her to continue to support her family.

Case 3: Kyu, a 16 year old female from Sittraung, Sagaing Division, Burma

Kyu travelled from her home in Kyi Pin Su village, situated on the bank of Siitaung River, to Mae Sot, accompanied by a broker. Her parents are farmers who grow rice and beans for their livelihood. Unfortunately, the monsoon rice crop was destroyed because of heavy rains, and they were ordered by the local authorities to grow additional summer rice crop as well as beans.

Additionally, Kyu reports that dams have been built near their village, and as a result of the impact of these dams, farmland has been flooded and destroyed. But no compensation was paid by the local or national authorities for the damage. In her village, the only work available was as a farm labourer she says – a job in which she could earn only around 500 kyats (US\$ 0.50) per day.

Kyu says that it was her parents who decided to send her to work in Mae Sot in order that she could provide additional income for the family. In order to be able to pay for the broker's fees to transport Kyu to Thailand, and place her in a job, Kyu says that her family had to mortgage their farmland. Kyu says the broker that brought her to Mae Sot is a well-known, familiar face in their village, someone who regularly visits the village to recruit new workers for Mae Sot. Kyu thinks that because many have already left the village to come to Thailand that soon there will be few youth left in her village to carry out the farm work.

Case 4: Maw, a 17 year old female from Daik-U Township, Pegu Division, Burma

Maw is an only child, and was living with her parents in Daik-U Township, Pegu Division. She said that in Burma, she completed her high school education, and adds that she wishes to continue her education and study at university. But the problem is that education costs money, and she said that she does not want to be a burden to her parents. So Maw decided to join her friends to work in Mae Sot. She adds that she received her parents' consent to leave home and work. Maw's plan is to save enough money so that she can undertake studies at a university in Burma.

Maw says that Mae Sot is a long way from her home, but she adds that at least she was travelling with friends. Maw and her group made it to Myawaddy and then crossed the border. The group found work sewing clothes for a small home-based factory, which receives sub-contract orders for garments from the bigger factories in Mae Sot. Maw and her friends all live within the owner's compound. Each of the friends has 50 Baht (US\$ 1.20) deducted per month for food and lodging.

Maw reports that she and all the others were required by the factory owner to sign a one year bond, requiring that they would remain on the job. They work 11 hours per day, every day of the week. But at the time of the interview, three months after she started work at this factory, Maw says she still has not received payment of her wages. As a result, she has had to borrow money from her friends to pay her 50 baht monthly food and lodging cost. Maw says that a condition of the contract was that she must work for free for the owner for the initial 45 days of her employment, and then after that she will receive pay for her work.

However, at the time of the interview, there was still no sign of when she would be paid. Maw says the problem is that she cannot leave because she is bonded to work for a full year. As weeks roll by without payment of wages, Maw says she is getting more and more worried because she needs money to continue her education as soon as possible. She says she is concerned that if she takes too long a break, her studies could be adversely affected.

Case 5: Mi, a 16 year old female from Rangoon, Burma

Mi reports that she and 5 sisters followed her parents to Mae Sot 4 years ago. At that time, Mi was just 12 years old. She says she worked in the same garment factory where her mother and sisters worked for eighteen months – at first, doing odd jobs and then gradually learning to use the sewing machine so that she could become a regular worker.

Mi says that this is her second trip back to Mae Sot, accompanying her parents. With her past work experience in the garment factory, she was later able to find a job at a knitting factory as a link machine operator. Mi works over 12 hours a day,¹¹² every day

¹¹² This refers to an apparently systemic practice of deductions by Mae Sot factory owners for new workers. The new workers are required to work for a certain number of days to amass money for a security or some sort of similar deposit retained by the owner which ostensibly should be paid back to the worker when s/he leaves service. In practice, the deposit is pocketed by the owner, hence the Burmese workers reference to these days as 'mortgaged' or 'lost' days.

of the week. She states that she is forced to work overtime, but she has never been paid for overtime hours. The factory owner also deducts from her salary the costs of food, shelter, and re-payment of the migrant registration. When Mi started work, she reports that she was required to work 10 “Ah Paun” or “mortgaged” days. As a result, Mi says that she cannot contribute much to the family income, because her take home pay is only 300 baht (US\$ 7.50) per week.

Mi adds that she frequently injures her hands at work while operating the machines. The machines have many sharp edges and points, which makes it difficult for her to manage and control them. Mi says that she wants to change jobs, but adds it’s impossible to do so because the factory owner has possession of her original migrant worker identification card, and work permit. Mi lives in a room at the factory. She reports that workers living there are not allowed to use electricity, and that the toilets are dirty, with limited space for bathing. The factory provides rice for free, but she must buy curry and other foods to eat with the rice. Socially, she is restricted too. She says relatives and friends are not allowed to visit her at the factory. She adds that this restriction is causing her a great deal of psychological strain. During the low season, when the factory receives fewer orders, Mi expects that she will be allowed to take a day or two off during the month.

Mi says that she completed her primary education in Rangoon. However, she has decided against continuing her studies in Thailand, even if the opportunity to do so was available. Mi says that there is just too much of a work load, and she says that after each working day, she is too exhausted to consider studying.

Case 6: Maung, a 15 year old male, from Kawkareik, Karen State, Burma

Maung came to Mae Sot with his parents and 3 siblings. He says they crossed over on the Myawaddy

Bridge and, with the assistance of their relatives in Mae Sot, they were able to find work.

Maung says he has completed primary school only, and that he could not continue his studies because of his parents’ poor financial situation. Maung joined his parents in coming to Mae Sot so that he could be an additional income provider. He reports that there are two younger sisters who remained behind in Burma, and he and his family in Mae Sot have to send money back to Burma to help support these girls.

Maung is working in a tobacco factory. His main job is loading and unloading raw materials and finished products. He says that he does not have a migrant worker ID or work permit, and this makes it very difficult for him to find another job. Maung is paid 200 baht (US\$ 5.00) per week, but sometimes that amount is less if supervisors find out that he has made a mistake on the job. He is punished with a deduction in salary.

It’s heavy work for him, and he is expected to perform the same tasks as the other adult workers. Maung works 9 hours per day, 7 days each week. He never gets a day off. As a result, Maung reports that he is physically exhausted all the time, and this is starting to have a negative impact on his mental outlook. Maung says that he does not want to stay in Thailand and that he will leave together with his mother as soon as she decides to return home. Maung hopes and prays that the time to leave Thailand will arrive soon.

Case 7: Ju, a 15 year old female from Kyaukkyi Township, Araken State, Burma

Ju reports that she lived with her mother and three younger sisters in Kyaukkyi Township after her father passed away. Ultimately, the family found it difficult to survive financially, and her mother decided to send Ju, the eldest daughter, to Mae Sot with a broker in order to find a job, and send back money to the family.

Her mother had to pay in advance for the costs of her travel as well as job placement in Mae Sot. However, when Ju arrived, she says the broker did not fulfil his obligations, and did not help her find a job at the factory as had been promised. Fortunately for Ju, the senior workers at the factory saw her plight and felt sorry for her. Those workers offered to teach Ju how to sew, and spoke with the factory management to help her secure a job.

Ju states that she works long hours, over 12 hours per day, 7 days a week. Her salary is quite low – after deductions, she earns only 200 baht (US\$ 5.00) per week. She reports that she is compelled to do overtime hours, but is not paid for them. Ju says that she was underage when she started work at the factory, but nevertheless the management deducts 200 baht (US\$ 5.00) monthly from her for the cost of migrant workers registration.

At the time of the interview, Ju said that she is still an inexperienced worker and so she is unable to operate the sewing machine efficiently. As a result, she has frequently suffered needle-stick injuries on the job, puncturing her fingers with the needle. Rather than receiving sympathy, Ju reports that she is verbally abused by supervisors for being clumsy, and forced to continue working. Ju says that she has made serious efforts to improve her performance, mainly by concentrating harder on the task at hand, but she says that cannot maintain her focus because she is plagued by a lack of sleep.

One day, Ju says that she was so tired and exhausted that she made a request to her supervisor to please not force her to do overtime duty on that day. Management was extremely angry with her and denied her request. As a result of making the request, she received a punitive transfer for the rest of the day to a sewing machine that was known to have electrical wiring problems. While using that machine, she repeatedly received painful electrical shocks.

Ju says that she lives with other workers in a place provided by the factory. She adds that the rooms are very crowded, and she must sleep on the concrete floor which causes her difficulty sleeping. She notes that 200 people have to share three toilets, which is clearly not sufficient for that many workers. Ju says that food is provided by the factory, but it is barely edible.

Ju clearly does not like her work, and adds that she wishes to change to a better paying job. However, when she asked factory management for permission to leave the factory, they threatened that they would call the Thai police to come and arrest her if she tried to leave.

Case 8: Zar, a 17 year old female from Pegu Township, Pegu Division, Burma

Zar reports that her parents in Pegu Township encountered financial problems and decided to send her with a broker to Mae Sot so that she could work and send money back to supplement the family's meagre income. Two younger brothers and a sister are still in Pegu with her parents. In terms of education, Zar only completed second grade in Burma.

The broker charged a fee of 2,400 baht (US \$60) to lead her to Mae Sot, and help her find a job as a quality controller in a garment factory. When Zar arrived in Mae Sot, the broker obtained work for her at a knitting factory as a linking machine operator. She was only 15 years old when she first came to Mae Sot, so at the time of the interview, she has been working for two years. She has difficulty saving money, since her pay (after deductions) is only about 200 baht (US\$ 5.00) per week.

When she first arrived in Mae Sot, Zar says that she was too young to handle the big linking machine, and was required to stand on her feet for at least 12 hours a day, week after week. She says that she is physically

ill-suited for the work she has been assigned, and the work is causing her severe back pain. But when Zar objected to continuing in that particular job, she was subjected to physical punishment, including canings at the hands of her supervisors. Zar reports that she was hit whenever she objected to the work because of the pain it was causing her, or if she was seen by

supervisors as not working hard enough. She says that she feels like she is being tortured there. However, Zar adds that she cannot leave her job because the factory owner seized her original Burmese national ID card (issued by the Government of Burma) when she started work at the factory. Without that card, she has no legal status if she returns to Burma.

6.2 Annex 2: Profiles of Factories Operating in Mae Sot

Names and locations of the factories discussed in this Annex are on file at the ILO office in Bangkok.

Factory A Mae Sot, Tak Province

The factory employs approximately 1,500 workers, and approximately 100 of these are children. The owner is from China, but the factory manager is Thai.

Compensation for knitting machine operators and linking machine operators are paid according to a piece rate, with a certain amount paid for each dozen pieces of finished work. Quality control workers and others are paid a set rate, between 50 to 60 baht (US\$ 1.25-1.50) per day. Salary scales are not adjusted by management, so a worker who has been working at the factory for over 4 years is still being paid the same wage as the day that he or she started.

The work day begins at 8:00 a.m., and usually continues until 11:00 p.m. or midnight. Workers report that overtime at the factory (at least 4 hours per day) is compulsory, but the workers have never been paid overtime rates. Workers get an hour break for lunch, and a short break between the end of the working day at 5 p.m. and the start of the evening shift.

In terms of the factory equipment, the workers report that the machines are quite old, but still function. However, there is a total lack of safety equipment on the machines, and no safety measures (such as measures related to fire safety) have ever been taken.

The factory management does not provide the workers with health plans, or other benefits, and is reported to actively obstruct workers who seek sick leave, forcing ill employees to come to work or face financial penalties or the loss of employment.

Workers report that only in the most serious of cases is sick leave granted, and then usually for only half a day. Sick leave is not compensated. Failure of the worker to return to work on time, after the period of sick leave is granted, will result in s/he losing his/her job.

Security guards routinely harass new workers by preventing them from entering the factory at the start of the work day, and then reporting that those workers are late for work. This then results in the worker being penalised by management. Only after a new worker agreed to pay the security guards a one-time payment of 200 baht (US\$ 5) did this harassment stop, and the worker was allowed to enter the factory without hindrance.

Workers report that employees who are fired by the factory are cheated of their last pay-check by the factory, because the factory will not pay their wages starting from their last pay day.

Facilities for food service during lunch breaks are totally inadequate, the workers say, and long queues for lunch cause some workers to forego their meal because they cannot get their food and eat in time before their short lunch break is over.

The workers also complained about the poor living quarters provided by the factory. Over 100 workers are crammed into a long narrow room, allowing no privacy for the workers. There are frequent water shortages at the factory, causing problems for bathing and use of the toilets, and the water that is provided smells bad.

On 9 May, 2005, the owner together with his translator arrived at the factory around 10:00 p.m. He held a meeting with all the workers and informed them that he had learned that the police were coming to the factory the following morning.

The back door of the factory that led to empty farmland was opened, and supervisors told the approximately 200 unregistered women migrant workers that they must immediately leave the premises. They expressed

concerns about what would happen to them, but the owner did not give a definite date for them to return to the factory.

As a result, these workers were compelled to live out in the forest, awaiting a signal that they could return to the factory. They stayed in hiding throughout that first night, huddled together in the dark. In the early hours of the morning, some of them decided to make their way into Mae Sot town. Some were fortunate enough to have friends and/or relatives were able to take care of them, at least temporarily. Those among this group who lacked connections or knowledge were left hiding in the jungle and in muddy rice fields, confused and not knowing what to do, and fearing that they could be arrested at any time.

Meanwhile, those with migrant worker identification cards were required to continue their work. Their identification cards were held by the factory management, and they report that they were never allowed to hold their own identification. Some of the legally registered workers had sisters or cousins who were among the non-registered group forced to leave the factory, but those registered workers were not allowed to look after their relatives outside the factories, or even make enquiries about whether they were okay. Factory management ordered them to keep working, and told them that any one who goes out to search for the unregistered workers will immediately be fired.

After the police visited the factory, the management allowed those among the 200 workers sent out of the factory to return. However, some workers declined to come back, and either sought new jobs elsewhere, or returned to Burma.

Factory B Mae Sot, Tak Province

At this knitting factory, there are approximately 1,000 migrant workers toiling. The workers report that about 100 of the staff are children. The owner is

ethnic Chinese from Taiwan, but the factory manager is Thai. Only 200 of the workers are legally registered and they report that their original migrant worker identification cards and work permits are held by the owner, and they are not allowed access to those documents.

The workers state they must work 14 hours per day, with two breaks (lunch, and between regular shift and start of overtime shift). The 5 hours of daily overtime is compulsory. The workers state they are paid a flat amount of 100 baht (US\$ 2.50) per day, no matter how many hours they work.

The workers report that the machines in the factory are quite old but they are still in working condition. However, there are no safety guards on the machines or protective equipment of any sort for the workers – and so there are significant risks of injury. Factory management does not provide any sort of first aid equipment in the factory in case of worker injury, and the workers must take responsibility for themselves in cases of injury.

In terms of lodging, 20 workers are given a 40 x 20 foot room to share, so there is no privacy for the workers. The workers add that the toilets are dirty and the surrounding area has an offensive smell.

Factory C Mae Sot, Tak Province

At this knitting factory, there are approximately 790 workers, of which approximately 20 are children. Among the workers, 750 are legally registered (but all their original migrant worker identification cards are held by the owner), while 40 employees are illegal

This is the sister factory to Factory B, and both are owned by the same owner from Taiwan. The manager is a Thai. However, there are significant differences in wages between this factory and 'Factory B'. While workers at the other factory earn 100 baht a day, the

workers in this factory earn less than that. The staff here also work slightly fewer hours (12 hours per day at this factory, compared to 14 hours per day at Factory B), but they are only paid 55 baht (US\$ 1.37) per day. They report that overtime is compulsory, and usually involves 3 to 4 hours a day.

The workers say that the equipment in the factory is quite old, but has generally been serviced well, and is in reasonable condition. However, there is no safety equipment installed on the machines or elsewhere in the factory, and no safety measures/procedures are in place in case of emergency. Workers maintain that management views employee safety and health as something that is not their responsibility. As a result, there is not even a first aid kit. Workers are essentially on their own if they are injured or become ill.

The factory provides lodging but it is very cramped and difficult. A room that is 50 x 20 feet is set out to accommodate sixty people, so there is little privacy for the workers. The rooms are quite dusty, and have a smoky and offensive smell, and the workers add that the toilets are extremely dirty, and have received little maintenance.

Factory D Mae Sot, Tak Province

This garment factory is Thai-owned, and is one of the largest operating in Mae Sot. There are approximately 3,000 workers at the factory, and workers report that as many as 400 of these employees do not have work permits, and therefore are illegally engaged. It is estimated by the workers that perhaps 30 workers are under 18 years of age.

Regular shifts at this factory are 8 hours per day, and for this work, they are paid 70 baht (US\$ 1.75), which is slightly more than 50% of the legal minimum wage. Performing overtime is compulsory for all workers, and usually averages 3 to 4 hours per day. Overtime is paid at a rate of 6 baht (US\$ 0.15) per hour. However, overtime hours are extended

to meet the needs of the factory and its orders. So for instance, if there is an urgent order that must be completed, the workers are required to stay and work until they are allowed to leave. In some cases, workers have been compelled to work through the entire night and into the next morning.

While there is supposedly health care provided at the factory for the workers, in fact, there is a doctor on duty there in name only. The manager must agree for the worker to consult with a factory doctor who does not actually provide any services to the sick worker but will instead write a referral letter to the hospital, seeking admission for the worker to the hospital.

Factory E Mae Sot, Tak Province

According to the workers, a man from Taiwan named Mr. K. is the owner of this garment factory. There are about 300 workers at Factory E, and the workers report that approximately 30 of them are less than 18 years of age. Only about 50% of the workers, i.e. 150 persons, have legal migrant worker identification and work permits.

The daily rate of pay is 100 baht (US\$ 2.50). The regular working hours at the factory are 8 hours, but if there is overtime, it is compulsory for all workers. Overtime hours frequently stretch from 6:00 p.m. until as late as midnight, or sometimes even until 2:00 a.m. Workers are paid 7 baht (US\$ 0.17) per hour for overtime. If they do not show up for overtime, or refuse to do the overtime hours, the worker is fined 100 baht per violation as a penalty by the owner.

According to the workers, the machines in the factory are decrepit, and receive virtually no maintenance. There are no safety measures taken by the factory so the workers expressed a strong feeling that they were unsafe and at risk in a difficult and dangerous work environment. There is no health care whatsoever provided by the factory and no medical supplies or

first aid boxes in the factory. If the worker gets sick or injured, it is their own responsibility to take care of themselves.

The workers are required to pay for food, water and electricity in the lodging provided by the factory. These accommodations have 5 to 6 persons sharing an 8 x 10 foot room which has no ventilation. The atmosphere in the lodgings is both dusty and smoky, which makes the situation of workers' living conditions even worse. The toilets are also quite dirty, and poorly maintained, adding further to the offensive smell in the workers' housing.

Factory F Mae Sot, Tak Province

There are over 300 workers working at this factory, which is owned by an employer from Taiwan. Reportedly this factory owner was previously involved in a large scale timber smuggling effort. However, interlocutors report that when his timber business started to decline he built a wool-producing factory nearby to the area where he had carried out his timber business buildings. According to the FTUB and other migrant support organisations in Mae Sot, this factory is among the worst in terms of intimidation and violence against workers.

The owner personally manages the factory, and keeps a very close watch over his workers. While managing the factory, he is armed with a pistol. According to the workers, he constantly reminded them that, "Workers in this factory must not get involved nor be in contact with insurgents or NGOs. I will give a reward of 5,000 baht to anyone who can give me detailed information if there is such a case." This intimidation, and concerns about possible informants among the work-force seeking this huge reward, has hampered efforts by workers at the factory to act to protect their rights.

The amount of wages paid is given according to the owner's discretion, and what he thinks the worker in

question should receive that month. This pay varies from worker to worker, and from month to month. The owner pays the monthly salary to each worker himself, by placing the cash in an envelope that he hands the worker. The workers report that if any of them complains about the level of the payment, they are intimidated immediately into silence. They report that in response to complaints, the owner replies that, "What I gave is enough. Do not say that it is too low! And do not come and say anything further to me about this!" For emphasis, the workers add that the owner would often pull out his pistol and fire it in the air. They said that this was the usual way he responded to the workers' complaints, with an explicit threat of violence through shooting his gun in the air. Workers reported that he would use his pistol to intimidate workers several times a month. In addition to these threats the owner and supervisors verbally abuse the workers on a regular basis.

Workers at the factory received no medical care, and if they sought sick leave, the request would not be allowed. Sick workers seeking time off were threatened by the owner with his gun, and the usual firing of his pistol into the air. Therefore, ill workers were compelled to toil, no matter what their condition. Thai or Burmese national holidays were not given to the workers, nor were religious days considered for time off. The workers were expected to be at the factory, at work, every day.

The owner would also not agree to allow workers to leave his employment. So in all cases where a worker wished to leave the factory, and requested to get his/her original migrant worker identification card, the owner would immediately call the police and request that they come and arrest the worker making the request. Not surprisingly, workers then started leaving surreptitiously, seeking work at another factory where management was not so abusive. Even then, when the owner found out that his worker had left to work in another factory without his knowledge, he would issue threats against that worker, saying "I will kill you if I catch you."

Factory G
Mae Sot, Tak Province

The main factory of this Japanese-owned company is located in near Bangkok and the workers state that they understand that the factory in Mae Sot is simply one of its branches. The factory makes electronic parts, and lead welding and coiling work is carried out at the plant.

There are over 200 workers at the plant, and the vast majority of them are women. In fact, there are only three men in the entire factory. Workers report that approximately 50 of the workers are less than 18 years of age.

The regular working hours of the factory are from 8:00 a.m. until 8:00 p.m., or 12 hours per day. For this long shift, the workers are paid just 90 baht (US\$ 2.25) per day, which is below the legal minimum wage.

The workers do not receive national holidays or religious days off.

There appear to be significant occupational safety and health problems at the factory. On the safety front, basic preventive equipment such as rubber gloves and masks to cover the mouth are provided, but they are extremely poor in terms of quality. There are gases and smells in the building that often make the workers feel sick, and there is no ventilation system to clear the air. The result is that many of the workers in the factory suffer from various respiratory diseases from their daily exposure to gases they don't know or understand. Unfortunately, the factory does not provide any medical care for its workers.

In 2004, one young employee learned from a hospital doctor that her lungs were only operating at about 50% efficiency because of these respiratory problems.

Factory H
Mae Sot, Tak Province

Factory H manufactures ceramic wares for export to the United States and a number of European countries. The factory owner is a Sino-Thai, and there are 600 workers employed there. Workers estimate there are approximately 20 children also toiling at the factory.

According to the workers, the starting wage for a new employee is 50 baht (US\$ 1.25) per day. Working hours are 8 a.m. to 5:00 p.m., and then mandatory overtime is required from each worker from 5:30 p.m. until midnight. Overtime is required seven days a week.

No health services are provided for the workers and workers reported that if a worker gets sick, or if s/he does not rush to carry out the job they are assigned, then they would be scolded using very abusive words that often discriminated against and slandered the nationality of the workers. Burmese workers would be cursed at, with the management saying, "Burmese do not eat rice, they must be eating grass and weeds" (implying Burmese are the same as cows or water buffalo and therefore they are stupid and know nothing). Management representatives are also known to ensure that the Burmese translators are accurately and comprehensively conveying the full insult of their remarks.

The workers said that food and lodging are provided but in actuality, the food given was worse than received by prisoners, because it was comprised of only the cheapest boiled vegetables served with plain white rice. Workers were lodged in cramped rooms that have triple-decker beds.

Factory I
Mae Sot, Tak Province

According to the research team, there are over 3,000 workers working at this factory. They estimate approximately 200 of these workers are children.

On 17 February 2004, a representative of one of the brand name companies that places orders at Factory I arrived at the factory for an inspection of the facility.

A day prior to his arrival, the factory manager selected 200 workers out of the 3000 employees to represent the factory workers. He then briefed the chosen workers on what they must say to the visiting representative. First, they were to say that they received the legal minimum wage (at that time, 133 baht per day) and that each month they received 3,500 baht (US\$ 87.50). The workers were also told they must say that they received a day off every Sunday, their food was provided by the factory, and that the living conditions for them at the factory were good.

In order to ensure there were no problems, the workers stated that only the selected workers were allowed to work on the day of the visiting representative. The other workers were told to leave the factory, and for 3 days in February they had to reside in a nearby forest.

These workers were only allowed back to the factory premises when the brand representative left.

The scheduled workers were called one by one to the office where they were questioned by the brand representative. The representative's reason for being there was to evaluate the factory, and make a decision whether the brand company should give orders to the factory in the future. The representative was tasked with inspecting the factory to make sure that the factory followed the legal rules and regulations that exist in Thailand.

The workers answered in the manner that they were instructed previously by the factory manager. On the morning of 20 February, each of those workers was given 200 baht (US\$ 5.00) placed in an envelope. This reward was given for saying the right things in front of the brand representative who was deciding whether to place orders at the factory.

In reality, at that time, the workers only received 50 baht per day and were working 7 days a week. Sometimes the workers were required to work uncompensated overtime for many hours, until late at night, so that orders could be completed on time.

On the same day the rewards were given to the 200 chosen employees, the workers outside the factory were ordered to return to their jobs as usual.

6.3 Annex 3: Community Profiles

Mae Tao Clinic

Since 1989, the Mae Tao Clinic has provided health and social services for an increasing number of Burmese refugees, legal and illegal migrant workers, and people temporarily crossing the border from Burma. Today, approximately 160 health workers, 70 outreach social workers and 60 program assistants provide an array of services. Mae Tao Clinic is led by Dr. Cynthia Maung, its founder and a recipient of the Magsaysay Award. The beneficiary population of the Mae Tao Clinic is currently estimated to be between 150,000 to 200,000 people among migrant populations in Tak province and surrounding areas in Thailand, as well as ethnic people still residing in Burma, near the Thai-Burma border.

Currently the clinic provides the following services:

- Health Services
- Training Program for Health and Social Workers
- Outreach Health Programs
- Social Welfare/Rehabilitation

Mae Tao clinic has established a school to provide education for migrant children, and there are approximately 195 students attending the school. A nursery established by the Clinic also provides day care for 150 migrant children, which offers critical support for working parents. The Mae Tao Clinic also provides security, care and support for 146 orphans and unaccompanied children. The birth of newborns at the clinic is documented and recorded in the Centre's registration file, thereby holding out possibility for formal birth registration of children born to legal migrant workers. Mae Tao Clinic also provides support and care for the elderly, and has been involved in taking responsibility for funeral arrangements where relatives of the deceased are

not present in Mae Sot to do so. Since landmines are prevalent all along the Thai-Burma border, the Clinic has also established a prosthetic department to make prosthetics for landmine survivors, and to teach basic vocational skills to enabling them with an opportunity to become economically self-sufficient.

Where access to Thai hospitals is difficult or impossible for migrants because they lack proper documentation (originals of their migrant identification card, and 30 baht health program card), or because they lack language skills to inform medical staff about the nature of their health problem, Mae Tao Clinic is the default service provider where migrants seek assistance. Quite clearly, Mae Tao Clinic is at the centre of the lives of Burmese migrants in Mae Sot, and therefore is an important source of information about the lives of Burmese migrant child workers.

Pyi Chit Migrant School

This school opened on June 5, 2003 and to support and assist children of migrant workers. They target children who need to learn and continue their education.

- To become literate in their mother language;
- To advance in their education and to enjoy learning;
- To develop morally, through the building of good character and behaviour;
- To become self-reliance, with good discipline and self-confidence;
- To be empowered to take part in community development, especially to contribute to the future of their country.
- To steer clear of the lure of indecent work and drug trafficking arena;
- To love justice and human rights;
- To be able to take care of themselves and their families; to be clean, well-fed and healthy.

Karen Education Workers' Union (KEWU)

Mae La refugee camp, population is around 400 000, with 15 schools and 500 teachers.

The Karen Education Workers' Union (KEWU) provides education opportunities it has about 350 members in the camp.

The objectives of the KEWU are to promote cooperation, share knowledge, raise the standard of education, and work towards democracy. The union is run by meetings of members and an elected executive committee.

There are currently 2 females and 5 males on the committee. The majority of members are women, especially working in primary schools. Leadership training for women has been organised separately from the union by the Karen Women's Organisation.

Most schools in Karen State in Burma (also known as Kawthoolei), have been destroyed or are unable to function because of forced labour and taxes imposed by the military. Children from Burma hearing about the schools in Mae La refugee camp came by themselves to continue their education. These children do not have official refugee status, and are being cared for by the KEWU.

6.4 Annex 4: Questionnaire used by FTUB research team in Mae Sot

Interview form

Form Number

--	--	--

Informed Consent:

Greetings! My name is and I am working as an Interviewer for the ILO-IPEC, Federation of Trade Unions-Burma, which is undertaking a study on employment of child migrant workers for the International Labour Organization (ILO). The findings of the study will lead to specific campaigns and programmes which should benefit workers by improving work conditions for migrants and assisting those to leave very bad conditions of work. As you are a migrant worker, the study should be of some interest to you.

We have a number of questions that we would like to ask you, but please be assured that your responses would be kept in full confidence. The interview will take approximately half an hour during which we will be noting down your answers. The information will be kept strictly confidential. We do NOT need your name or any information that can be used to identify you. The information that you give will be used solely for the purpose of this study.

You have a choice on whether you want to participate in this survey or not. If you do not want to answer some of the questions, you will not be compelled to do so and you can end this interview at any time you want to. However, I hope, you will participate in this survey and make it successful by providing correct answers to all the questions. Your views are very important. If you still have some queries regarding this survey please let me know.

FILTERS:

May I begin the interview now?

1. Respondent agrees to be interviewed

PROCEED

2. Respondent does not agree to be interviewed

STOP

Interview starting time :

--	--

Hour

--	--

Minutes

Interview completion time:

--	--

Hour

--	--

Minutes

Date of Interview:

--	--

Day

--	--

Month

--	--	--	--

Year

Name of Interviewer: _____ Signature: _____ Date: _____

1. Background of interviewee

1.1	Name		
1.2	Age in completed years		
1.3	Date of birth		
1.4	Place of birth	Province or town	
1.5	Sex	<input type="checkbox"/> Male <input type="checkbox"/> Female	1.5.01 1.5.02
1.6	Name and address of the work	<hr/> <hr/>	
1.7	Where do you live?	<input type="checkbox"/> Parents <input type="checkbox"/> Guardians/Relatives <input type="checkbox"/> At work place <input type="checkbox"/> Friends <input type="checkbox"/> By myself <input type="checkbox"/> Others (specify)	1.7.01 1.7.02 1.7.03 1.7.04 1.7.05 1.7.09
1.8	If you live in the workplace, specify which of the below are you satisfy with		
	<input type="checkbox"/> your room <input type="checkbox"/> Yes <input type="checkbox"/> No		1.8.01.01 1.8.01.02
	<input type="checkbox"/> your food <input type="checkbox"/> Yes <input type="checkbox"/> No		1.8.02.01 1.8.02.02
	<input type="checkbox"/> water provided <input type="checkbox"/> Yes <input type="checkbox"/> No		1.8.03.01 1.8.03.02
	<input type="checkbox"/> electricity <input type="checkbox"/> Yes <input type="checkbox"/> No		1.8.04.01 1.8.04.02
	<input type="checkbox"/> toilet room <input type="checkbox"/> Yes <input type="checkbox"/> No		1.8.05.01 1.8.05.02
1.9	Can you refuse to accept the housing on-site offered by the factory?	<input type="checkbox"/> Do not know. It has not happened yet. <input type="checkbox"/> Yes, can find own housing. <input type="checkbox"/> Yes, employer let me find alternative housing. <input type="checkbox"/> No, I must accept the housing as it comes with the job.	1.9.01 1.9.02 1.9.03 1.9.04

1.10	Or can your friends/relatives visit to your factory to see you?	<input type="checkbox"/> Yes <input type="checkbox"/> No	1.10.01 1.10.02
1.11	Education level obtained:	<input type="checkbox"/> Did not attend school <input type="checkbox"/> Schooling year: <input type="checkbox"/> Primary <input type="checkbox"/> Middle <input type="checkbox"/> High school (secondary) <input type="checkbox"/> Vocational school <input type="checkbox"/> Others, specify	1.11.01 1.11.02 1.11.02.01 1.11.02.02 1.11.02.03 1.11.03 1.11.09
1.12	Do you currently attend school or any type of non-formal education classes?	<input type="checkbox"/> Yes. <input type="checkbox"/> No. Why not? <input type="checkbox"/> Employer does not allow it <input type="checkbox"/> There is no opportunity here <input type="checkbox"/> Its too e xpensive <input type="checkbox"/> I don't want to <input type="checkbox"/> I don't need it <input type="checkbox"/> Too much work to do <input type="checkbox"/> Other, specify.	1.12.01 1.12.02 1.12.02.01 1.12.02.02 1.12.02.03 1.12.02.04 1.12.02.05 1.12.02.06 1.12.02.09

2. Family data

2.1	Where are the parents?	<input type="checkbox"/> Mother <input type="checkbox"/> In Mae Sod <input type="checkbox"/> In Burma <input type="checkbox"/> In Thailand <input type="checkbox"/> Not alive <input type="checkbox"/> Do not know <input type="checkbox"/> Elsewhere, specify	2.1.01 2.1.01.01 2.1.01.02 2.1.01.03 2.1.01.04 2.1.01.05 2.1.01.09
		<input type="checkbox"/> Father <input type="checkbox"/> In Mae Sod <input type="checkbox"/> In Burma <input type="checkbox"/> In Thailand <input type="checkbox"/> Not alive <input type="checkbox"/> Do not know <input type="checkbox"/> Elsewhere, specify	2.1.02 2.1.02.01 2.1.02.02 2.1.02.03 2.1.02.04 2.1.02.05 2.1.02.09
2.2	Do you have relatives in Mae Sod?	<input type="checkbox"/> Yes <input type="checkbox"/> No	2.2.01 2.2.02
If no , go to the question number 2.4			
2.3	If yes in 2.2, with whom do you live with	<input type="checkbox"/> Grandparents <input type="checkbox"/> Brother/Sister <input type="checkbox"/> Uncle/Aunt <input type="checkbox"/> Others, specify	2.3.01 2.3.02 2.3.03 2.3.09
2.4	Number of siblings	<input type="checkbox"/> Nil <input type="checkbox"/> 1-3 <input type="checkbox"/> 4-6 <input type="checkbox"/> 7 and above	2.4.01 2.4.02 2.4.03 2.4.04
2.5	Where are the siblings?	<input type="checkbox"/> In Burma <input type="checkbox"/> In Mae Sod <input type="checkbox"/> Elsewhere in Thailand <input type="checkbox"/> Other country <input type="checkbox"/> Do not know	2.5.01 2.5.02 2.5.03 2.5.04 2.5.09

3. Work

3.1	<p>In which sector of economic activity?</p> <input type="checkbox"/> Garment <input type="checkbox"/> Knitting <input type="checkbox"/> Shoe making <input type="checkbox"/> Sock making <input type="checkbox"/> Bamboo chopstick making <input type="checkbox"/> Ceramics <input type="checkbox"/> Artificial flowers <input type="checkbox"/> Canning food <input type="checkbox"/> Metal industry <input type="checkbox"/> Small motor manufacturing <input type="checkbox"/> Rice/Bean/Corn mill <input type="checkbox"/> Agriculture <input type="checkbox"/> Others, specify	<p>3.1.01 3.1.02 3.1.03 3.1.04 3.1.05 3.1.06 3.1.07 3.1.08 3.1.09 3.1.10 3.1.11 3.1.12 3.1.99</p>	
3.2	<p>What type of work do you do mainly?</p> <input type="checkbox"/> Cleaning <input type="checkbox"/> Knitting machine operator <input type="checkbox"/> Linking machine operator <input type="checkbox"/> Sewing machine operator <input type="checkbox"/> Cloth cutting operator <input type="checkbox"/> Jiggling machine operator <input type="checkbox"/> Ironing <input type="checkbox"/> Quality control <input type="checkbox"/> Gluing <input type="checkbox"/> Lathe machine operator <input type="checkbox"/> Painting dolls <input type="checkbox"/> Winding machine operator <input type="checkbox"/> Soldering <input type="checkbox"/> Wire winding <input type="checkbox"/> Canned food processing <input type="checkbox"/> Sheet metal cutting <input type="checkbox"/> Bending machine operator <input type="checkbox"/> Press machine operator <input type="checkbox"/> Packing <input type="checkbox"/> Planting and harvesting <input type="checkbox"/> Others, specify	<p>3.2.01 3.2.02 3.2.03 3.2.04 3.2.05 3.2.06 3.2.07 3.2.08 3.2.09 3.2.10 3.2.11 3.2.12 3.2.13 3.2.14 3.2.15 3.2.16 3.2.17 3.2.18 3.2.19 3.2.20 3.2.99</p>	
3.3	<p>How long have you been working in present work place?</p>	<input type="checkbox"/> Less than 6 months <input type="checkbox"/> 6 months above to 1 year <input type="checkbox"/> 2 years <input type="checkbox"/> 3 years <input type="checkbox"/> 4 years <input type="checkbox"/> 5 years and above	<p>3.3.01 3.3.02 3.3.03 3.3.04 3.3.05 3.3.06</p>
3.4	<p>Do you receive any payment in cash?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>3.4.01 3.4.02</p>

3.5	Does any of this apply to you?	<input type="checkbox"/> I have to pay back a debt to my employer first. <input type="checkbox"/> The money gets sent to my family. <input type="checkbox"/> The employer keeps my money until I need it. <input type="checkbox"/> Others, specify.	3.5.01 3.5.02 3.5.03 3.5.09
3.6	How much cash are you paid (on average)?	<input type="checkbox"/> No payment. <input type="checkbox"/> Less than 200 baht per week. <input type="checkbox"/> Between 200 baht and 300 baht per week. <input type="checkbox"/> Between 300 baht and 500 baht per week. <input type="checkbox"/> More than 500 baht per week.	3.6.01 3.6.02 3.6.03 3.6.04 3.6.05
3.7	How often is payment made?	<input type="checkbox"/> Every day <input type="checkbox"/> Every week <input type="checkbox"/> Bi-monthly <input type="checkbox"/> Every month <input type="checkbox"/> Irregularly <input type="checkbox"/> I do not know	3.7.01 3.7.02 3.7.03 3.7.04 3.7.05 3.7.09
3.8	Do you save money?	<input type="checkbox"/> Yes <input type="checkbox"/> No	3.8.01 3.8.02
	If yes , what do you plan to do with saving?	_____	
3.9	What benefits do you receive from your employer?	<input type="checkbox"/> Uniforms and workplace accessories <input type="checkbox"/> Food <input type="checkbox"/> Shelter <input type="checkbox"/> Health services (specify) <input type="checkbox"/> Remittances <input type="checkbox"/> Registration costs <input type="checkbox"/> Loans <input type="checkbox"/> Leisure/recreation facilities e.g. TV. <input type="checkbox"/> Other, specify.	3.9.01 3.9.02 3.9.03 3.9.04 3.9.05 3.9.06 3.9.07 3.9.08 3.9.99
3.10	Does your employer deduct money from your pay for these benefits?	<input type="checkbox"/> Yes <input type="checkbox"/> No	3.10.01 3.10.02
	If yes , specify	<input type="checkbox"/> Uniforms and workplace accessories <input type="checkbox"/> Food <input type="checkbox"/> Shelter <input type="checkbox"/> Health services (specify) <input type="checkbox"/> Remittances <input type="checkbox"/> Registration costs <input type="checkbox"/> Loans <input type="checkbox"/> Leisure/recreation facilities e.g. TV. <input type="checkbox"/> Other, specify.	3.10.01.01 3.10.01.02 3.10.01.03 3.10.01.04 3.10.01.05 3.10.01.06 3.10.01.07 3.10.01.08 3.10.01.99

4. Working condition in main workplace

4.1	How long do you work in a day?	<input type="checkbox"/> Below 8 hours <input type="checkbox"/> 8 hours <input type="checkbox"/> 9 hours <input type="checkbox"/> 10 hours <input type="checkbox"/> 11 hours <input type="checkbox"/> 12 hours <input type="checkbox"/> More than 12 hours	4.1.01 4.1.02 4.1.03 4.1.04 4.1.05 4.1.06 4.1.07
4.2	How many days do you work in a week?	<input type="checkbox"/> Less than 5 days <input type="checkbox"/> 5 days <input type="checkbox"/> 6 days <input type="checkbox"/> 7 days	4.2.01 4.2.02 4.2.03 4.2.04
4.3	How much paid leave per month?	<input type="checkbox"/> 0 days <input type="checkbox"/> 1-2 days <input type="checkbox"/> 3-4 days	4.3.01 4.3.02 4.3.03
4.4	How many unpaid leave do you get in a month? (exclude normal holidays)	<input type="checkbox"/> 0 days <input type="checkbox"/> 1-2 days <input type="checkbox"/> 3-4 days <input type="checkbox"/> More than 5 days	4.4.01 4.4.02 4.4.03 4.4.04
4.5	How many days do you work in a year?	_____	
4.6	Do you get any time for leisure?	<input type="checkbox"/> Yes <input type="checkbox"/> No	4.6.01 4.6.02
	If yes , how many days per month?	<input type="checkbox"/> 1-3 days <input type="checkbox"/> 4-6 days <input type="checkbox"/> 7-9 days <input type="checkbox"/> 10 days and above	4.6.01.01 4.6.01.02 4.6.01.03 4.6.01.04
4.7	Have you been injured/sick while working?	<input type="checkbox"/> Yes <input type="checkbox"/> No	4.7.01 4.7.02
	If yes , describe the type of most recent injury/sick.	<input type="checkbox"/> Repeated headache <input type="checkbox"/> Back pains <input type="checkbox"/> TB <input type="checkbox"/> Cold <input type="checkbox"/> Hand injury <input type="checkbox"/> Dysentery <input type="checkbox"/> Others, specify	4.7.01.01 4.7.01.02 4.7.01.03 4.7.01.04 4.7.01.05 4.7.01.06 4.7.01.09
	If yes in the question number 4.7, how long did you discontinue work?	<input type="checkbox"/> 0 days <input type="checkbox"/> Less than 2 days <input type="checkbox"/> 2-4 days <input type="checkbox"/> 5-7 days <input type="checkbox"/> 8-15 days <input type="checkbox"/> More than 15 days	4.7.01.11 4.7.01.12 4.7.01.13 4.7.01.14 4.7.01.15 4.7.01.16

4.8	Did you have to temporarily discontinue work?	<input type="checkbox"/> Yes <input type="checkbox"/> No	4.8.01 4.8.02
	If no , go to the question number 4.9		
	If yes , was medical treatment required?	<input type="checkbox"/> Yes <input type="checkbox"/> No	4.8.01.01 4.8.01.02
	If yes , who paid for treatment cost?	<input type="checkbox"/> By the employer <input type="checkbox"/> By myself <input type="checkbox"/> By my parents <input type="checkbox"/> By my relatives <input type="checkbox"/> Others, specify	4.8.01.01.01 4.8.01.01.02 4.8.01.01.03 4.8.01.01.04 4.8.01.01.09
4.9	Do you think your work has risk of injury/sick?	<input type="checkbox"/> Yes <input type="checkbox"/> No	4.9.01 4.9.02
	If yes , why?	<input type="checkbox"/> Dangerous machines <input type="checkbox"/> Chemicals <input type="checkbox"/> Poorly illumination <input type="checkbox"/> Smelly <input type="checkbox"/> Dusty <input type="checkbox"/> Damp <input type="checkbox"/> Others, specify	4.9.01.01 4.9.01.02 4.9.01.03 4.9.01.04 4.9.01.05 4.9.01.06 4.9.01.09
4.10	Does your work requires any of the following hazards?	<input type="checkbox"/> Use of Chemicals <input type="checkbox"/> Use of sharp machines <input type="checkbox"/> Lifting of heavy weights <input type="checkbox"/> Exposure to extreme temperature (hot/cold) <input type="checkbox"/> Work in bad posture <input type="checkbox"/> Others, specify	4.10.01 4.10.02 4.10.03 4.10.04 4.10.05 4.10.09
4.11	What bad experiences have you experienced any of the following?	<input type="checkbox"/> Abused verbally by employers/ senior workers <input type="checkbox"/> Beaten <input type="checkbox"/> Payment deduction for mistakes <input type="checkbox"/> Delayed payment <input type="checkbox"/> Work without overtime pay <input type="checkbox"/> Excessive hours of work <input type="checkbox"/> others	4.11.01 4.11.02 4.11.03 4.11.04 4.11.05 4.11.06 4.11.09
4.12	Can you visit to your relatives/friends during weekends?	<input type="checkbox"/> Yes	4.12.01
		<input type="checkbox"/> No	4.12.02
		<input type="checkbox"/> No time to visit	4.12.03

5. Migration and recruitment process

5.1	When did you come to Thailand?	<input type="checkbox"/> Less than 6 months <input type="checkbox"/> 7 to 12 months ago <input type="checkbox"/> 13 to 24 months ago <input type="checkbox"/> More than 24 months ago	5.1.01 5.1.02 5.1.03 5.1.04
5.2	With whom did you come to Thailand?	<input type="checkbox"/> Alone <input type="checkbox"/> Parents <input type="checkbox"/> Friends or relatives <input type="checkbox"/> Brokers <input type="checkbox"/> Other, specify	5.2.01 5.2.02 5.2.03 5.2.04 5.2.09
5.3	Where did you cross the border?	<input type="checkbox"/> Myawaddy bridge <input type="checkbox"/> Illegal checkpoints <input type="checkbox"/> Three pagodas pass <input type="checkbox"/> I do not know <input type="checkbox"/> Others, specify	5.3.01 5.3.02 5.3.03 5.3.04 5.3.09
5.4	Who helped you to cross the border?	<input type="checkbox"/> My guardians <input type="checkbox"/> Relatives or friends <input type="checkbox"/> Brokers <input type="checkbox"/> Thai Police <input type="checkbox"/> Thai Immigration <input type="checkbox"/> Soldiers, specify <input type="checkbox"/> Others, specify	5.4.01 5.4.02 5.4.03 5.4.04 5.4.05 5.4.06 5.4.09
5.5	Did you pay to cross the border?	<input type="checkbox"/> Yes <input type="checkbox"/> No	5.5.01 5.5.02
	If yes , how much?	<input type="checkbox"/> Less than 100 baht <input type="checkbox"/> 100 – 500 baht <input type="checkbox"/> 501 – 1000 baht <input type="checkbox"/> 1001 – 2000 baht <input type="checkbox"/> More than 2000 baht	5.5.01.01 5.5.01.02 5.5.01.03 5.5.01.04 5.4.01.05
5.6	Is this the first time you came to Thailand?	<input type="checkbox"/> Yes <input type="checkbox"/> No	5.6.01 5.6.02
	If no , how many times have you been here before?	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> More than 5 times	5.6.02.01 5.6.02.02 5.6.02.03 5.6.02.04 5.6.02.05 5.6.02.06

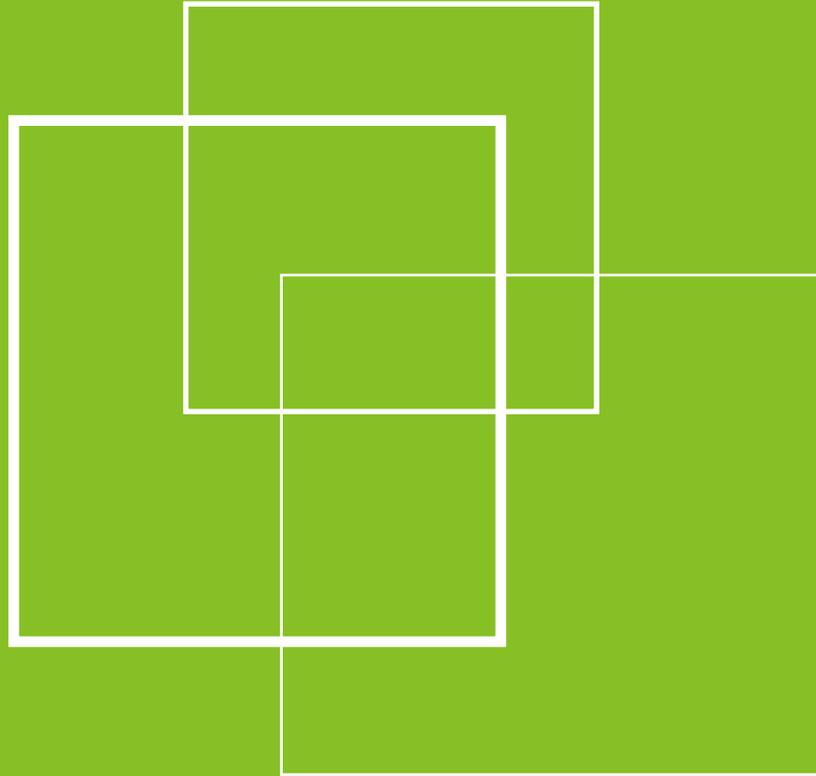
5.7	If you came to Thailand before, what work sectors or activities have you engaged in?	<input type="checkbox"/> Agriculture <input type="checkbox"/> Cold storage <input type="checkbox"/> Construction <input type="checkbox"/> Coastal fishing <input type="checkbox"/> Fishery (deep-sea) <input type="checkbox"/> Food shops <input type="checkbox"/> Gas Stations <input type="checkbox"/> Gem cutting <input type="checkbox"/> Gem mining <input type="checkbox"/> Golf courses <input type="checkbox"/> Industry <input type="checkbox"/> House keeping <input type="checkbox"/> Logging and saw mills <input type="checkbox"/> Services <input type="checkbox"/> Slaughter houses <input type="checkbox"/> Paper mill <input type="checkbox"/> Sex worker <input type="checkbox"/> Entertainment <input type="checkbox"/> Begging <input type="checkbox"/> Garment <input type="checkbox"/> Others (specify)	5.7.01 5.7.02 5.7.03 5.7.04 5.7.05 5.7.06 5.7.07 5.7.08 5.7.09 5.7.10 5.7.11 5.7.12 5.7.13 5.7.14 5.7.15 5.7.16 5.7.17 5.7.18 5.7.19 5.7.20 5.7.99
5.8	Have you ever worked in other countries?	<input type="checkbox"/> Yes <input type="checkbox"/> No	5.8.01 5.8.02
	If yes , specify where	_____	
5.9	Do you pay the person who arranged the job for you?	<input type="checkbox"/> Yes <input type="checkbox"/> No	5.9.01 5.9.02
	If yes , how much?	<input type="checkbox"/> Less than 500 baht <input type="checkbox"/> Between 500 to 1000 baht <input type="checkbox"/> Between 1000 to 2000 baht <input type="checkbox"/> Above 2000 baht	5.9.01.01 5.9.01.02 5.9.01.03 5.9.01.04
5.10	Do you still owe money to the person who arranged the job for you?	<input type="checkbox"/> Yes	5.10.01
		<input type="checkbox"/> No	5.10.02
5.11	Is this your first job?	<input type="checkbox"/> Yes	5.11.01
		<input type="checkbox"/> No	5.11.02
If yes , go to question number 5.15			
5.12	If no in the question number 5.11, how long you have been working for full time?	<input type="checkbox"/> Less than 3 months <input type="checkbox"/> 3- 6 months <input type="checkbox"/> 7-12 months <input type="checkbox"/> More than a year	5.12.01 5.12.02 5.12.03 5.12.04

5.13	If no in the question number 5.11, since what age you have been working full time?	<input type="checkbox"/> Less than 10 years old <input type="checkbox"/> 10 years old <input type="checkbox"/> 11 <input type="checkbox"/> 12 <input type="checkbox"/> 13 <input type="checkbox"/> 14 <input type="checkbox"/> 15 <input type="checkbox"/> 16 <input type="checkbox"/> 17	5.13.01 5.13.02 5.13.03 5.13.04 5.13.05 5.13.06 5.13.07 5.13.08 5.13.09
5.14	What economic sector did you work as a first job?	<input type="checkbox"/> Agriculture <input type="checkbox"/> Cold storage <input type="checkbox"/> Construction <input type="checkbox"/> Coastal fishing <input type="checkbox"/> Fishery (deep-sea) <input type="checkbox"/> Food shops <input type="checkbox"/> Gas Stations <input type="checkbox"/> Gem cutting <input type="checkbox"/> Gem mining <input type="checkbox"/> Golf courses <input type="checkbox"/> Industry <input type="checkbox"/> House keeping <input type="checkbox"/> Logging and saw mills <input type="checkbox"/> Services <input type="checkbox"/> Slaughter houses <input type="checkbox"/> Paper mill <input type="checkbox"/> Sex worker <input type="checkbox"/> Entertainment <input type="checkbox"/> Begging <input type="checkbox"/> Garment <input type="checkbox"/> Others (specify)	5.14.01 5.14.02 5.14.03 5.14.04 5.14.05 5.14.06 5.14.07 5.14.08 5.14.09 5.14.10 5.14.11 5.14.12 5.14.13 5.14.14 5.14.15 5.14.16 5.14.17 5.14.18 5.14.19 5.14.20 5.14.99
5.15	Would you like to change your present job?	<input type="checkbox"/> Yes <input type="checkbox"/> No	5.15.01 5.15.02
	If yes , why?	<input type="checkbox"/> Work is boring <input type="checkbox"/> Few wages <input type="checkbox"/> Physical/ mental abuses <input type="checkbox"/> Irregular payment <input type="checkbox"/> Family related problems <input type="checkbox"/> Bad food and accommodation <input type="checkbox"/> Excess working hours <input type="checkbox"/> Others, specify	5.15.01.01 5.15.01.02 5.15.01.03 5.15.01.04 5.15.01.05 5.15.01.06 5.15.01.07 5.15.01.09
5.16	When you arrive in Mae Sod, could you choose where to work?	<input type="checkbox"/> Yes <input type="checkbox"/> No	5.16.01 5.16.02
5.17	Were you given any false information about the type of job you would do?	<input type="checkbox"/> Yes <input type="checkbox"/> No	5.17.01 5.17.02
	If yes specify	_____	

5.18	Were you given any false information about the work conditions?	<input type="checkbox"/> Yes <input type="checkbox"/> No		5.18.01 5.18.02
	If yes specify	_____		
5.19	Were you forced to come to this job?	<input type="checkbox"/> Yes <input type="checkbox"/> No		5.19.01 5.19.02
	If yes , specify why and who forced you into the job. How do they force you? What happen if you refuse the job?	<input type="checkbox"/> Who <input type="checkbox"/> Why <input type="checkbox"/> How <input type="checkbox"/> What		
5.20	Can you change job if you want to?	<input type="checkbox"/> Yes <input type="checkbox"/> No		5.20.01 5.20.02
	If no , why?	<input type="checkbox"/> Work permit card is kept by the employer <input type="checkbox"/> Bonded <input type="checkbox"/> Others, specify		5.20.02.01 5.20.02.02 5.20.02.03
	If bonded , specify for how long.	<input type="checkbox"/> 1 year <input type="checkbox"/> 2 years <input type="checkbox"/> More than 2 years		5.20.02.02.01 5.20.02.02.02 5.20.02.02.03
5.21	Are you registered?	<input type="checkbox"/> Yes <input type="checkbox"/> No		5.21.01 5.21.02
	If yes , please indicate if you agree or disagree with the statements	<input type="checkbox"/> Registration has improved my work situation	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I do not know	5.21.01.01.01 5.21.01.01.02 5.21.01.01.03
		<input type="checkbox"/> Being registered means I now go out from the workplace feeling safe	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I do not know	5.21.01.02.01 5.21.01.02.02 5.21.01.02.03
5.22	Do you have control over your ID documents?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I do not have any ID documents		5.22.01 5.22.02 5.22.03
	If no , who has them?	<input type="checkbox"/> Employer <input type="checkbox"/> Recruiter <input type="checkbox"/> Others, specify		5.22.02.01 5.22.02.02 5.22.02.09
	If no , can you get them when you want them?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I do not know		5.22.02.001 5.22.02.002 5.22.02.009
5.23	Do you know of cases of trafficking of migrant children where they are being forced to work?	<input type="checkbox"/> Yes <input type="checkbox"/> No		5.23.01 5.23.02
	If yes , specify which work sector and where?	<input type="checkbox"/> Work sector _____ <input type="checkbox"/> Which place _____		5.23.01.01 5.23.01.02

5.24	Do you know of cases where <u>children</u> can't freely leave their workplace or worksite accommodation in _____ (sector) in this (geographical) area?	<input type="checkbox"/> Yes <input type="checkbox"/> No	5.24.01 5.24.02
	If yes , specify which sector and where?	<input type="checkbox"/> Work sector _____ <input type="checkbox"/> Which place _____	5.24.01.01 5.24.01.02
5.25	Why do you come to Thailand?	_____	
5.26	Do you like to live in Thailand?	<input type="checkbox"/> Yes <input type="checkbox"/> No	5.26.01 5.26.02
	If no , would you like to return to Myanmar?	<input type="checkbox"/> Yes <input type="checkbox"/> No	5.26.02.01 5.26.02.02
	If no in question number 5.26.02.02, what do you propose to do?	_____	

BIBLIOGRAPHY



BIBLIOGRAPHY

Action Network for Migrants, “Information Release 2: Nasawat Apparel Factory, Mae Sot, December 19, 2003”, posted on-line on Thai Labour Campaign website, at <http://www.thailabour.org/news/03121901.html>

Amnesty International, *Myanmar: Lack of Security in Counter-Insurgency Areas*, ASA 16/007/2002, London, United Kingdom, July 17, 2002.

Amnesty International, *Thailand: The Plight of Burmese Migrant Workers*, ASA 39/001/2005, London, United Kingdom, June 2005.

Arnold, Dennis; *The Situation of Burmese Migrant Workers in Mae Sot, Thailand*, Working Paper Series no. 71, Southeast Asia Research Center, City University of Hong Kong, , Hong Kong SAR, September 2004.

Arnold, Dennis; *Capital Expansion and Migrant Workers: Flexible Labour in the Thai-Burma Border Economy*, unpublished Master’s Thesis submitted to Faculty of Graduate Studies, Mahidol University, Bangkok, Thailand, 2006.

Asian Human Rights Commission, “UA-157-2005: THAILAND: Illegal detention and deportation of 232 Burmese migrant workers”, September 7, 2005, posted on-line at www.ahrchk.net

Asian Human Rights Commission, “UA-178-2004: THAILAND: Migrant workers’ rights activist facing legal prosecution and death threats”, December 21, 2004, posted on-line at www.ahrchk.net

Asian Human Rights Commission, “UA-54-2003: THAILAND: Abuse of workers rights by the Siriwat Garment Factory in Mae Sot”, September 26, 2003, posted on-line at www.ahrchk.net

Asian Human Rights Commission, “UA-23-2003: THAILAND: 420 Burmese workers fired and deported for demanding their legal rights”, July 3, 2003, posted on-line at www.ahrchk.net

Asian Labour News, “Burma: The Price of Exploitation”, online at <http://www.asianlabour.org/archives/003026.php>, November 10, 2004.

Asian Migrant Centre, *Migration, Needs, Issues and Responses in the Greater Mekong Sub-region 2002*, Hong Kong SAR, PR China, 2002

Asian Migrant Centre and Migrant Forum in Asia, *Asian Migrant Yearbook 2004*, Hong Kong SAR, P.R. China, 2005

Aung Lwin Oo, "UN Warns of Humanitarian Crisis", *The Irrawaddy*, August 5, 2005.

Bangkok Post, "Rights panel seeks review of employment guarantee fee", April 29, 2006.

Border to Shore Network (B-to-S Network), "Action Research to Assess Trafficking in Humans between Sangkhabori and Mahachai", Pattanarak Foundation – Sangkhabori and Raksthai Foundation – Mahachai, unpublished report with UNIAP, Bangkok, Thailand, June 2005.

Brown, Andrew, Bundit Thonachaisavut, and Kevin Hewison; *Labor Relations and Regulation in Thailand: Theory and Practice*, Working Papers Series no. 27, Southeast Asia Research Centre, City University of Hong Kong, Hong Kong SAR, July 2002.

Caouette, Therese M. and Mary E. Pack; *Pushing Past the Definitions: Migration from Burma to Thailand*, Refugees International and Open Society Institute, December 2002.

Caouette, Therese M; *Small Dreams Beyond Reach: The Lives of Migrant Children Along the Borders of China, Myanmar, and Thailand*, Save the Children UK and Department for International Development, 2001.

Chandravithun, Nikom and W. Gary Vause, *Thailand's Labor and Employment Law: A Practical Guide*, Manager Publishing, Bangkok, Thailand, 1993.

Charoensuthipan, Penchan; "Policy on Alien Workers Needs More Study", *Bangkok Post*, July 16, 2005.

Constitution of the Kingdom of Thailand, 1997.

DLA Piper Rudnick Gray Cary, *Threat to the Peace: A Call for the UN Security Council to Act in Burma*, Report Commissioned by Hon. Vaclav Havel and Bishop Desmond Tutu, Washington, D.C., September 20, 2005.

FTUB, *Migration from Burma*, unpublished report, Bangkok, Thailand, 2004

FTUB, *Child Migrant Workers from Burma in Thailand*, unpublished report, Bangkok, Thailand, 2004.

FTUB Migrants Unit, "Interviews of Trafficking Victims cases 60-108", unpublished report compiling interviews conducted in year 2004, Bangkok, Thailand.

FTUB, "Migrant Schools Closed by Pop Phra District", February 24, 2006.

FTUB, "Hae Wae Garment Factory in Burma: Violations of Freedom of Association and the Right to Collectively Bargain", unpublished report submitted to ICFTU by FTUB for use at ILO, June 2006.

Grumiau, Samuel, "Spotlight interview with Maung Maung, General Secretary of the FTUB", Brussels: ICFTU Press Department, www.icftu.org, 2003.

Grumiau, Samuel, *Growing Up Under the Burmese Dictatorship: The Situation Facing Children after 41 Years of Military Rule in Burma*, International Confederation of Free Trade Unions, Brussels, Belgium, August 2003.

Hudson-Rodd, Nancy, Myo Nunt, Saw Thmain Tun, and Sein Htay; *State Induced Violence and Poverty in Burma*, distributed by FTUB, Bangkok, Thailand, August 2005.

Huguet, Jerrold W. and Sureporn Punpuing; *International Migration in Thailand*, IOM, ILO, UNICEF, UNDP, UN ESCAP, World Bank, WHO (Thematic Working Group on International Migration in Thailand), Bangkok, Thailand, 2005.

Human Rights Watch, *Out of Sight, Out of Mind: Thai Policy Towards Burmese Refugees and Migrants*, New York, NY, February 25, 2004.

International Confederation of Free Trade Union (ICFTU), *Annual Survey of Trade Union Rights 2006*, Brussels, Belgium, 2006.

International Crisis Group, *Myanmar: The Politics of Humanitarian Aid*, Asia Report no. 32, Bangkok/Brussels, April 2, 2002.

ILO Committee on Freedom of Association, Case No. 2268: Complaint against the Government of Myanmar presented by the International Confederation of Free Trade Unions (ICFTU), 333rd Report of the Committee on Freedom of Association, Geneva, Switzerland, March 2004.

ILO Convention No. 138, Minimum Age Convention, 1973

ILO Convention No. 182, Worst Forms of Child Labour Convention, 1999

ILO Recommendation No. 190, Recommendation Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999

ILO, 'Trafficking in Children with the Worst Forms of Child Labour: A Rapid Assessment', No 1. November 2001

ILO, *Mekong Challenge: Human Trafficking: Redefining Demand*, by Elaine Pearson, Bangkok, Thailand, 2005.

International Organization for Migration and International Labour Office, Thailand: *Improving the Management of Foreign Workers – Case Studies on Five Industrial Sectors* (Allan Beesey, editor), Bangkok, Thailand, 2004.

IOM, ILO and RTG Ministry of Labour and Social Welfare, "Report of the Proceedings: National Tripartite Seminar on Future of Migration Policy Management in Thailand", Bangkok, Thailand, May 14-15, 2002.

International Rescue Committee, “Procedures for Burmese, Laotian, and Cambodian Migrants in 2005”, translation from Ministry of Labour document in Thai, Bangkok, 2005.

International Rescue Committee, “Migrant Registration: Frequently Asked Questions”, Bangkok, Thailand, July 2004.

Kasem, Supamart, “Aliens Being Kept Out of the System”, *Bangkok Post*, September 13, 2005

Kazmin, Amy; “Inflation fears as Burma lifts officials’ pay by up to 1,200%”, *Financial Times*, March 27, 2006.

Kwankhom, Artit, “Baht 30 Health Scheme: Report too Critical for Ministry”, *The Nation*, April 1, 2006.

Khun Sam, “New Thai Policy on Migrant Schools Welcomed”, *The Irrawaddy*, May 11, 2006.

Manager Online, “MOPH will no longer accept unregistered migrant patients, due to lack of budget”, April 27, 2006.

Maung, Dr. Cynthia and Suzanne Belton, *Working Our Way Back Home: Fertility and Pregnancy Loss on the Thai-Burma Border*, Melbourne University and Open Society Institute, 2004.

Ministry of Public Health (MOPH), *Madragan and Naew Tang Gan Damnerngan Druat Sukapap Ranggnan Dang Dao Gra-suang Satanara Sook* (Measures and Means for Health Inspections of Alien Labor – Ministry of Public Health), Ministry of Public Health, 2004.

Muntarbhorn, Vitit; *The Mekong Challenge – Employment and Protection of Migrant Workers in Thailand: National Laws/Practices versus International Labour Standards?*, ILO Mekong Sub-regional Project to Combat Trafficking in Children and Women, Bangkok, 2005.

Myint Wai, *A Memoir of Burmese Workers: From Slave Labour to Illegal Migrant Workers*, Thai Action Coalition for Democracy in Burma, June 2004.

Natee International Law Office Limited, *Labour Protection Act B.E. 2541 (A.D. 1998) with Notifications, Ministerial Regulations and Royal Decrees*, Bangkok, Thailand, January 2000.

Nang Lao Liang Won, *Guidelines on Strategies and Responses to the Needs of Burmese Migrant Women in Thailand* (2nd edition), Asia Pacific Forum on Women, Law and Development, Chiang Mai, Thailand, January 2000.

Naw Seng, “Compensation Set for Burmese Workers”, *The Irrawaddy*, April 5, 2004.

Parker, Clive and Louis Reh; “Concern Grows over Burma’s Rapidly Rising Inflation”, *The Irrawaddy*, October 6, 2005.

Pearson, Elaine; *The Mekong Challenge – Human Trafficking: Redefining Demand*, ILO Mekong Sub-regional Project to Combat Trafficking in Children and Women, Bangkok, 2005.

PHAMIT Focus No. 2, “Once I have made enough money...I will go home: Holding On to Elusive Hopes in Mae Sot”, August 2005, www.phamit.org

PHAMIT, “Thailand’s Migrant Policy (up through 2004)”, www.phamit.org

PHAMIT Urgent Issue “New Cabinet Resolution on Migrant Labour Threatens to Deteriorate Migrants’ Rights”, February 7, 2006.

Physicians for Human Rights, *No Status: Migration, Trafficking and Exploitation of Women in Thailand: Health and HIV/AIDS Risks for Burmese and Hill Tribe Women and Girls*, Boston, Massachusetts, June 2004.

Royal Thai Government, *Kao Tee 07/-1 Saroop gan Brachoom Kana Ratamontree 5 Korakada 2548* (News No. 07/1, Summary of the Cabinet Meeting, July 5, 2005), www.thaigov.go.th

Save the Children UK, *Breaking Through the Clouds*, Bangkok, Thailand, May 2001

Shah Paung; “Burmese Labor Group Targeted by Police”, *The Irrawaddy*, September 8, 2005

Shinawatra, Thaksin; “Policy Statement of the Government of His Excellency Thaksin Shinawatra, Prime Minister of Thailand, Delivered to the National Assembly on Wednesday, 23 March 2005, www.thaigov.go.th

Smith, Dan; “Pinheiro Warns of Burma Humanitarian Crisis”, *The Irrawaddy*, February 24, 2006.

Thai Labour Campaign, “Round Table Discussion “Migrant Worker Rights isolation... Why at Mae Sot” 21 January 2005, Central Mae Sot Hill Hotel, Mae Sot, Tak, posted at www.thailabour.org

Thai Press Reports, “Thai Government Encourages Thai Investors to Look Overseas for Opportunities”, *Financial Times Information*, 22 March 2006

United Nations Convention on the Rights of the Child, 1990.

United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, 2000

World Health Organization, *The World Health Report 2000 – Health Systems: Improving Performance*, Geneva, Switzerland.

Yaung Chi Oo Workers Association, “Situation of Burmese migrant workers at Siriwat Garment”, unpublished advocacy report, September 23, 2003.



Contact information:

**ILO Mekong Sub-regional Project
to Combat Trafficking in Children and Women**

United Nations' Building
P.O. Box 2-349
Rajadamnern Nok Ave.
Bangkok, 10200 Thailand
Tel: +662 288 2218 Fax: +662 288 3063
E-mail: prevention@childtrafficking.net

www.childtrafficking.net 

ISBN: 92-2-119252-0
978-92-2-119252-7