The challenge and gap of migrant children protection: Case study of Thailand Education Policy

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Abstract

Since late 1980s, Thailand has provided education opportunity for disadvantage groups of children, including children of unskilled migrant workers. The policy, however did not give much benefit migrant children but more to hill tribes and other groups. Until 1995, the policy lifted up requirement for identity documents for school enrolment which was the problem to most of children from unskilled migrant families. More support is the budget allocation to local schools to cover all children regardless their nationalities and legal status. The increasing number of migrant children in local schools reflects the greater protection from the policy and lead to security of the children. Recently, the regulation to regularize migrant learning centres has been issued. Unfortunately, the number of migrant children having access to education are still small and some group are excluded. There are still gap and challenge to the policy and implementation mechanism. The situation of migrant children in Thailand need alternatives to education policy as well as education modules. The cooperation with neighbouring countries is necessary in order to enhance human capital of these children, especially when ASEAN community is approaching.

Introduction

Children of unskilled or irregular migrant living in Thailand was marginalized and at risk of exploitation with limited access to public services. Since 1980s, Thailand has launched policies to cover disadvantaged groups of children include migrant children to have access to education. In 1990s the Thai Government Cabinet launch a policy which resolve the problem of identification problem of migrant children to enroll to local schools. More support is budget allocation for every child study in public and private schools. The recent launching of regulations in late 2011 and 2012 to register migrant leaning centres aim to solve the issue of their legal status. On one hand, increasing number of migrant children in local schools reflects benefit and expansion protection of Thailand policy, on the other hand, the policy implementation is still a problem and some group of migrants children have not been included in education system. This article aims to point out that migrant children whose family migrate to work in Thailand are in different situation which the existing policy that provide education opportunity for them still have some gaps and do not benefit many of them. Consider those who have access to education, how their human capital can be enhanced to meet the rapid change of labour market, not only for Thailand but also for their countries of origin.

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Situation of migrant children in Thailand

There are various groups of migrant children in Thailand who are considered marginalized and vulnerable. The first one is children of unskilled migrant workers, second is children who migrate by themselves and become child workers, third is street children who vender along the border and elsewhere with or without their families, and forth is displaced children from Myanmar living in shelters along Thai-Myanmar border which is not included in this article.

The total figure of these children is unknown, the first registration of children under 15 years old of unskilled migrant workers in year 2005 came to 93,062. The figure was estimated to be much lower to the actual number. Over 80% of these children were from Burma, the rest were from Cambodia and Laos. The second registration of migrant dependents was in year 2009 with only 9,500 children registered (Ministry of Interior). The objective of registration was not promoted and motivated enough for migrants to register their children. The estimation of migrant children is between 200,000-250,000 was calculated from registration number and number and other sources (Archavanichkul, et.al, 2002). Most of these migrant children include many of those who were born in Thailand, did not have birth certificate. The birth registrations were provided if they were born in hospitals, health stations or NGOs clinics. In 2008, the Ministry of Interior issued the regulation to provide birth certificate to these children, only to whom born from registered migrant parents. For children who were born with traditional birth attendances or in family would not be registered. Without legal documents, they could become stateless persons and expose to difficulties in the future.

Many of these children are born of parents entering Thailand illegally, and according to Thai Law, child borne to illegal migrants are illegal. The illegal status of their parents make these migrant children less chance to access to public services like vaccination, health care and treatment. Not that the services are not provided for them but their parents are reluctant to bring them, fear of being arrested. Moreover, This group of migrant children are vulnerable to various forms of exploitation: victim of trafficking, sexual harassment, forced labour. According to Thai labour law, children under 15 years are prohibited to work, children from 15-18 years can work in certain kinds of jobs. In reality, many reports (ILO, 2006, LPN, 2012) indicated that migrant children at younger age than 15 years have been found working in different sectors, many were working in poor working condition without or with little welfare. They were found in the worst forms of child labour: sex entertainment sector, small factories, agriculture, construction, etc. Some were found as victim of human trafficking, (Ministry of Social welfare and Human Security, 2011). The situation are similar to earlier period in term of vulnerable and forms of exploitation (Premjai, et. al, 2000).

The registration, aiming to acknowledge number of migrant children, can cover only part of children born from migrant workers, not cover migrant children who were born with non-registered migrants, children who came by themselves and child labour under 18 years who do not register as dependents and not cover children in other groups, beggar, vendor and street children.

Education Opportunity for migrant children

Migrant children can have access to education in three forms of education, the first one is formal education provide in migrant learning centers (MLC) run by non-government organizations, migrant communities and individuals, the second is formal
education in local Thai schools, the third is non-formal education set up by non-government organizations. In addition, there is some education activities provided for small groups of street children in certain areas.

The first formal education, various forms of learning centers have been established by non-government organizations, individual and migrant communities to provide education for migrant children. In 2007, there were 88 learning centers national wide with 55,858 students (Sompong, MOE, 2007). Education provided in these learning centres varie in term of education levels, teachers qualifications, curricula and standard. Majority of MLC provide education only for elementary level, some extend to secondary and only a few offer high school level. Some MLC offer evening or weekend classes to prepare children who have no education background for their language literacy or assist children who are unable to follow lesson in schools. The MLC comprise of schools with permanent building, temporary shelters or small rooms in buildings. Nearly all are learning centers for children from Myanmar. There is no report of full time Cambodian or Laos learning centers, only a few open centers or drop in centers for Cambodian children in border areas.

Curriculum taught mostly adapted from Burmese Curriculum, other curriculum or Thai curriculum (Wallaya, 2008). Language instruction are mainly Burmese, Karen, Mon, depend on ethnic of the children, bilingual with English in higher level. English is taught in most of the centres and Thai is taught as a subject in some centers. Majority of the teachers are ethnic from Burma with a few Thai teachers in some centers. Most learning centers provide free education and enrolment are flexible in term of identification document, legal status or education background. Small amount of school fees are collected in some learning centers for parents participation. Most of migrant workers choose to send their children to learning centers to learn their own language and curriculum as the main reason. The other reasons are: fearing of their children being abused, better care from the teacher, save the expense, etc. The number of migrant student and learning center is increasing, an example: in 5 districts of Tak province, border to Myanmar, there were 46 centers in year 2006 increased to 61 centers in year 2010 and number of student increases from 4,416 to 9,640. Many centers have only a few qualified teachers, many have only secondary level background. The limited external funding make MLC can only offer teacher low remuneration. The regulations issued by Ministry of Education in 2011, hoping to register these MLC is doubtfully success, due to the criteria requirement. The latest registration in 2012 is more flexible and many MLC should be able to register, if the registrar are registered or holding legal status. The budget allocation is another issue and still need a long way according to bureaucratic schedule. As most MLC have been set up by individual or migrant community, with the support from humanitarian organizations, only a few ML directors hold legal status but not as education personals. Majority of education staffs in all MLC have no legal status, the registration of MLC do not automatically legalize and support the MLC’s staffs(Registration of MLC Seminar minutes, Mae Sot, 2012).

The second formal education form is education in local Thai schools, standard Thai curriculum is being taught and Thai language is the main language of instruction in all local schools. Before the year 2005, there were not many migrant children attending local Thai schools as their identification document was required for enrolment, apart from other reasons: expense, unwillingness of their parent, etc. The Thai Government new policy, launched in year 2005 was more flexible which pave way to all children, including migrant children, to enter local school without identification documents. Although the percentage of migrant children enrol in Thai schools is still low but the
number is significantly increasing after this policy was launched. The migrant children study in local school has to follow the mainstream education in term of core curriculum and language of instruction. The preparation which has been done in few schools, is mainly for the teaching of Thai language. There is a trial of teaching ethnic language in some local schools up to secondary level but not as a recognized curriculum (Premjai, 2009). The general acceptance toward migrant children in local schools comes from their ability to communicate in Thai language, understanding of Thai culture and their parents’ legal status are required in certain areas. These requirement varies according to each school, after many years of 2005 policy has been launched. The acceptance of migrant children are more flexible in border areas and in small schools where competition with local children are not high and migrant workers are more accepted.

The main reasons that migrant children and their families choose local Thai schools are: better ability to communicate in Thai and increase chance for higher education and more chance to get jobs. According to the policy, migrant children in local schools are not restricted to areas or levels but many of them do not continue to higher level because of economic and family reasons. Many of them drop out after primary level to follow their parents who migrate to other areas or back to their countries, some finish their schooling to enter to labour market (Don Jang School report, 2011).

Not all children in local schools and MLC are children from migrant workers living in Thailand, some children have crossed from Thailand neighbouring countries to study in Thai schools in border towns (Sermsuk, 2010, Interviewed Ban Ta-ard school staffs, 22 May 2011).

The third, non-formal education is provided, mainly by non-government organizations, for migrant children. This education form varies from languages class: Thai, English, Ethnic language, basic mathematic, life skills, vocational trainings and basic education. The basic education, using Thai curriculum, is offered during weekend can provide opportunity to number of migrant child workers (Rural Youth foundation, 2011). Other education activities also provide migrant children with language ability to communicate with local people, enter to formal schooling and basic life skills.

Development of Thailand Education policy towards migrant children

Ministry of Education has circulated its policy to receive non-Thai children to study in public schools since 1992. The policy, later referring to the National Education Act year 1999 which stated that every person has an equal right and opportunity to have access the basic quality education. The Act requires every child in Thailand to have access to education up to secondary level.

This Act has led to various forms of education that better respond to the conditions of different groups of children, aiming especially for those with difficulties to have access to appropriate education. Nevertheless, the implement of 1992 policy and 1999 Act did not have much benefit to children. There was requirement of identification documents for schools entrance which many of these migrant children were lack of, either from their countries of origin or from Thai authority, apart of the unknown of the policy and the negative attitude of education personnel at practical level.

In year 2004, the Office of Education Council, Thailand has announced the education strategies for under-privilege groups of children which include migrant children as well.
Later, in 2005 Thai Cabinet launched resolution stated clearly that every child residing in Thailand has access to education regardless of nationalities, document entitlement, or legal status. This policy is different from the previous ones and considered useful to migrant children that many of them do not have identity documents or legal status. This policy came along with budget allocated to the schools according to number of children, regardless to legal status and nationalities from primary up to secondary level. This policy is seen the most benefit to migrant children than ever, evidenced by the increasing number of migrant children in local Thai schools.

The latest advocacy initiate by different stake holders is the registration of the learning centres which aim to regularize these centres which will allow them to be “legal” in Thailand. This attempt has been approved by the Thai Cabinet in 2009 but the regulations were issued in 2011 and 2012. These regulations aim to legalize MLC while on the other hand, more support are expected from the Thai Government to these MLC.

The gap of Education policy

No doubt that Thailand education policy has benefitted many migrant children and protect them from being exploited during their schooling period. Increase their literacy will assist them to be aware of their difficult situation. Migrant children have access to education but they face different problems from each type of education. The mainstream Thai education system offer them better education opportunity for free education and better integration with local community. Their ability to communicate in Thai and socialize from school life will broaden their chances in Thai labour market. The policy to accept migrant children in Thai education system still face problems at practical level. Start from the school enrolment, there is no mechanism to enforce the policy, only the MOE guideline, but the acceptance of migrant children is entirely depend on each school. Once they enter into the system, there are few preparation classes, set up by NGOs, only to prepare migrant children Thai language in order to catch up with normal classes. There are no training for teachers to teach children with multicultural and education background. One of school success indicator is the ability to shape migrant children to be as much “Thai” as possible (Sirimonkon school report, 2008). This attempt will more or less discourage migrant children to be proud of their culture and their root. On the other hand, school performance is another problem, as the main language of instruction is Thai, positively migrant children who are capable in Thai language and their studies can gain more acceptances for other migrant children, negatively migrant children with poor language ability can effect to school performance and lessen the school willingness to accept other migrant children. The existing policy does not allow for flexible standard test for children with different education abilities.

For education level, statistic indicate that opportunity for majority of migrant children of unskilled migrant families is limited to only basic education or even less, thus the lower labour market may be their only chance. The literacy they enhance from Thai education system may not fully benefit them to further their education in their countries of original because of different curriculum and standard. The accreditation they acquire from Thai education system will be more useful if there are corporation between Thailand and countries of their original to transfer the credit earn in Thailand to their education system or vice versa.

The legal status of their parents or themselves which are not required for school entrance is different issue of permission to stay in Thailand. The latest Thai Cabinet resolution in late 2012 will not permit migrant who have not been registered before, to stay temporary in the country. The policy may not be enforced promptly with migrant
children studying in education system but will apply after graduation. Their “registered student status” is not legal status according to Thai Immigration Law, only acknowledge their education status and facility.

Migrant children in MLC face different problem, Ministry of Education regulation lunched in 2011, hoping to register these MLC was not success, due to the criteria requirement: Thai nationality, school building, school committee, etc. The latest registration in 2012 is more flexible and many MLC may meet the criteria, if the registrar is registered migrant or holding legal status. The budget allocation is another issue and still need a long way according to bureaucratic schedule. As most MLC have been set up by individual or migrant community, with the support from humanitarian organizations, only a few ML directors hold legal status but not as education personals. Majority of education staffs in all MLC have no legal status, the registration of MLC do not automatically legalize and support the MLC’s staffs (Registration of MLC Seminar minutes, Mae Sot, 2012). The curricula in MLC are not recognized by Thailand Ministry of Education, nor their original countries. The negotiation has been made by migrant education network with Myanmar Ministry of Education to accredit or transfer their literacy level. Certificates are provided after graduation from MLC but cannot be used to further their study in most of Thai education institutions. There are only a few of MLC that adapt Thai curriculum can send graduated migrant children to Thai schools which Thai certificate will be provided after graduation.

A few centers offer basic education set up by collaboration of NGOs with district Non-formal Education department can offer certificate to migrant children who complete the level and can be used to further their education in Thai institutions. Other education activities only offer migrant children basic literacy but not accredited education which is necessary for further education. Many migrant workers do not prioritized education for their children, thus alternative education modules are necessary in order to broaden their children education opportunity and protection.

Only part of migrant children in Thailand can have access to education, either in their countries or Thailand. Street children, migrant child workers also need more consideration and initiation from policy levels and practitioners. The policy to accept all children in formal education system and registration of MLC have no benefit to these children.

The challenge of education policy for migrant children

ILO report of 15 millions will not have access to basic education in 2015, part of them are in ASEAN. The Education for All ASEAN children is still far from its goal. At the basic level, Thailand is facing the challenge to provide basic education for migrant children in the country who have no access to any form of education. From geographical factor, the restriction of border control is not effective and cannot prevent children from neighbouring countries to enter into Thailand. The appropriate mechanism to provide some form of education for these children is needed, as well as collaboration and support to improve basic education in their original countries at the same time.

In general, there is no doubt how education will benefit migrant children for their future security, in other word Thailand Education Policy is beneficial for migrant children human security. As Francis Abiew emphasized in his paper (online, available from http://sdi.sagepub.com/cgi/content/refs/33/2/177) that it was necessary for the
states to ensure security for their own people as much as possible, or even other international actors had to take responsibility in case the states failed to do so. The question is whether Thailand includes this group of migrant children as its own population? The more flexible regulation of the latest policy encourages all children, especially migrant children to have access to formal education in local Thai school may reflect the acceptance of these children into Thai society. On the opposite, this opportunity is considered a pulling factor for more migrant children from neighbouring countries to come as it happens in some border areas and increasing Thailand burden in term of education budget, welfare, etc. The unfavourable attitude of some local community for their children to mix with migrant children as well as the negative attitude of some government personnel, seeing unskilled migrant as a threat to country security, the protest not to allow migrant workers to compete with local workers in certain sectors, though are lessen now after many year of having migrants in the country are still existed. The increasing protection for these migrant children from risk and exploitative situation, as well as using education as a development mean for these children need to balance with local interest.

Children attendance to local school has been affected by various factors. Often, some of these children are absent from school to follow their parents who move from place to place or to avoid being arrested from Thai authority. There are not all schools, especially in urban areas that accept migrant children from unskilled families because of popularity and high competition with local children, thus make these migrant children have to travel further distance to attain other schools. There has not yet any strategy about migrant children study in formal Thai schools and MLC after ending temporary registration for migrant workers at the end of 2012. The deportation of high number of migrant workers may not be possible in near future but will drive them underground, with their children to avoid arresting. How to maintain these children in school until graduation is another challenge.

The school successful which is justified by their ability to change these migrant children to be like Thai people, the host country. The history of education to socialize hill tribe along the border to be good Thai citizens was one of the good example (Johnson, 2003). This justification also reflects the un-acceptance of the other culture and nationality as “otherness”. To change their identity to be alike the host society in order to gain acceptance is one side adaptation and part of cultural assimilation the ethnic group to the mainstream culture, according to Castle (cited in Hugo, 2005). In the atmosphere of preparation to ASEAN community may benefit the multicultural background of migrant children in local Thai schools.

Information gathered from migrant children (Premjai, 2009) also reflected their hope to be accepted into Thai society. Better communication in Thai language has been taken as the tool for their motivation to access to local Thai school and chance to stay in the country. Their feeling of security is based on the adaptation to local society. This attitude may probably cut them off their root and discourage them to repatriate back to their original countries.

The education provide in migrant learning centers can preserve their culture and identity but regularization of MLC is necessary with the latest migration policy. The collaboration between MLC with Thai education system or country of origin for accreditation is another challenge.

Apart from the problems stated earlier, the development direction will make this problem more complicated. At the regional level, the direction of development to most ASEAN is leading to expansion of industry and service sectors. The labour intensive
production sectors trend to move to Cambodian, Laos, Myanmar and Vietnam where minimum wages are lower and there are surplus of labour supply. Many ASEAN countries including Thailand, facing with the labour shortage and high competition for investment, will focus more on labour productivity rather than offering low cost labour competition. Thailand in particular, is facing high minimum wages, compare to neighbouring countries. Thai and foreign investors are not encouraged to expand their investment in Thailand for labour intensive industry. The preparation of labour will need another direction, education to equip children to be ready for knowledge based society, ready to learn new technology and train with vocational skills.

Migrant children and displaced children have been included in Thailand National Strategy for children and youth development. And Thailand preparation strategy for ASEAN community is to improve skills of local worker and their productivity to compete with free flow of skilled labour after 2015. The National Development Plan also include improvement of migrant workers’ skill to meet with demand of labour market.

The education strategy for migrant children in Thailand will depend on the country objective toward these children. Whether to include these children in Thailand human resources, provide them with appropriate education for appropriate labour market, or to provide basic education, only for survival and integrate with local community, or cooperate with neighboring to improve all regional education levels that will reduce number of migrant children in future. All are challenges to Thailand education policy and educators to decide.

Conclusion
Various groups of migrant children are living in Thailand. As education has been taken as a mean of protection, they have different opportunity to education to prevent them from being trafficked and exploitation. In spite of Thailand education policy that have been launched years ago, aiming to cover all groups of children, alternative and basic education are still necessary for many of these migrant children. Only part of migrant children have access to education, in local school and migrant learning centres. The groups who have access to education in local school need more consideration in term of objectives, education for multicultural background and appropriate to future labour market. Migrant learning centres need to be regularized to secure their culture and identity and prolong study period of these children. A lot more work need to be done in order to transfer accreditation between Thai education system, MLC and between countries. More collaboration is necessary between all stake holders, to enhance migrant children human capacity that will benefit not only Thailand but also their original countries and region.

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Situation of migrant children

Groups of migrant children vulnerable to exploitation:

✦ Children of unskilled migrant, irregular migrant
✦ Child labour
✦ Street children with/without their families
✦ Displaced children (not included in this paper)
Situation of migrant children

☀ registered number in 2005 = 93,062
    “---------------------” 2009 = 9,500

☀ estimated total number = 200,000-250,000

☀ 70-80% from Myanmar/MM migrant families

☀ some were born in Thailand, without birth certificate, only provided in 2008

☀ those who were born of illegal parents, were illegal (Immigration law)
Situation of migrant children

Without legal document:
  - no identification, stateless children

Limited/problem access to public services
  - health care and prevention, education

Vulnerable to exploitation
  - physical violence, sexual harrassment,
  - forced labour, child labour, trafficking
Education opportunity for migrant children

- Migrant Learning Centres (MLC)
- Local Thai schools (public/private)
- Non-formal education centres
- Education activities
Education in MLC

- Varies in curriculum, standard, level, teacher qualification, building
- Mostly, no tuition fees or small amount
- Teach in ethnic/Burmese and English
- Thai are being taught as a subject
- Increasing no. of centres and students
- Majority of teachers have no legal status
Education in local schools

• No document for children needed, but some school require parent legal status
• Standard Thai curriculum
• Most teachers are qualified, no background/training in teaching in multicultural setting
• Thai is main instruction language, ethnic language is taught in few border schools
• Increasing number of migrant children
Non-formal education 😊

Few classes of basic education, set up by NGOs collaboration with Non-formal edu. Department. Basic language (Thai, English, Ethnic), mathemetic life skills, child rights, etc. Vocational skills training, but only a few Migrant child workers and youth attend.
Development of Education policy for migrant children

1992  Ministry of Education set up the guideline to enrol non-Thai children in public schools

2004  Office of Education council launched edu. strategy for disadvantage groups of children, included migrant children

2005  Thai Cabinet has launched the resolution to
   - lifted up requirement for identification documents to enrol in local schools
     (most of migrant children have no ID/legal documents)
   - no restriction to level and area
   - budget allocated to children study in public school

2009  Thai Cabinet approved to regularization MLC

2011 & 2012  Regulations to register MLC have been launched
Education gap - Thai schools

• No mechanism to enforce the policy, school enrolment depend to each school
• Few classes for language preparation only in schools working with NGOs
• Standard test for school performance, not appropriate for children from different language ability
• Small number of migrant children continue to further levels
Education policy gap-MLC

- Education in MLC are not recognized in Thailand or original countries
- Many MLC will not meet criteria requirement to register MLC
- Education staffs has no legal status, registered MLC has no benefit to staffs
- Difficulty to transfer student from many MLC to Thai schools or schools in original countries
- Curriculum and language ability need to be adjusted to transfer accreditation
Education policy gap—in general

Policy do not cover all migrant children: street children, vendor, some migrant child workers

Alternative education modules need to be initiate with support from policy level for different groups of migrant children
Challenge of education policy

What’re the objectives for these children? Are they considered Thailand “human capital”?

Basically, appropriated “Education for all” migrant children is needed.

Enrolment migrant children in local schools need to balance with local interest.

Appropriate indicator for school performance with multicultural children is necessary.
Challenge of education policy

Thailand future labour market, less labour intensive industries, worker ready to learn new knowledge & technology to increase labour productivity.

Higher minimum wages will decrease investment in basic and labour intensive industries in Thailand.

Thailand dev. strategy, improve migrant skills. Migrant children are included in National Dev. education policy challenge to meet the strategy.
Conclusion

- Increase no. of migrant children having access to education in different forms, including students from Myanmar, crossing only for edu. some groups living in Thailand have no access,
Education policy need to consider and adjust to the objectives towards these children:

- to include/exclude as Thailand human capitals?
  - provide education related to labour market demand
  - accreditation transfer between Thai edu. MLC and original countries are needed

- prevention and border control is ineffective
  - expand to cover alternative edu. modules for different groups of children: child worker, street children

- cooperation to improve neighbouring countries edu.
Thank you for your attention.

Drawings credited: Maung Maung Tinn