



Child Labour Report 2015

# Migrant Child Labour in the Thai Shrimp Industry

**Terre des Hommes**  
International Federation

terre des hommes  
Help for Children in Distress

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## Preface

Slavery on fishing vessels, degradation of ecosystems, overfishing, debt bondage, human trafficking and child labour in peeling sheds – the scandals surrounding the Thai fishery and shrimp industries have garnered international censure. Farmed and processed at the cost of extreme exploitation of both people and the planet, Thai shrimp ends up on plates around the world. The former delicacy can now be bought cheaply everywhere. But how high is the price really? And who has to pay it?

One person who pays the price is 16-year-old Jam. Jam comes from Myanmar, like almost all workers in the Thai peeling sheds. Six days a week, eleven or so hours a day, she works very hard in a Lhong – sometimes shorter, sometimes even longer, depending upon the number of orders. Lhongs are factories, mostly non-registered, where children, women and men stand at tables peeling and deveining shrimp. Jam has been doing this work since she was 13.

Her mother is proud of her; she works hard and adds to the family's income. Her salary – around 300 baht (8 euros) a day – supports her younger siblings, who live with their grandparents in Myanmar, and pays for their schooling. One day, their mother dreams, the family will have enough money to build up an existence in Myanmar. She hopes to send Jam to a buddhist monastery.

And what does Jam want? The question makes the girl uncomfortable, because she doesn't know the answer. From an early age she has learned to obey and to help her family. In her culture, children are expected to show gratitude to their parents and family – also financially. But when her mother's not listening, Jam says softly: 'Yes, I'd like to go to school'.

Conditions in the Thai shrimp industry are exemplary for many sectors of the globalized economy. Companies scour the world for the cheapest suppliers – who produce where salaries and taxes are lowest and environmental and social standards are most lax.



Right to education: migrant children from Myanmar in a Thai school

Pressure on prices is passed down the chain. At the end are people who see no choice but to take whatever work is available at whatever pay they can get – and to have their children do the same. And if someone refuses to tolerate starvation wages and cruel treatment? The next person is already waiting to take their place. Because for many, the only alternative to exploitation is starvation.

terre des hommes will not accept this situation, and works in many areas to protect children against exploitation and violence. Our partners in Thailand support these boys and girls and work to convince their parents that education pays off. We remind governments in the countries of production that it is their duty to enforce human rights and living wages, rather than to compete for the favour of large companies to the detriment of people and the environment. And we appeal to consumers and their governments – and to importers – to send a clear message to suppliers in Thailand and elsewhere: If you want to survive on the global market, you need to respect human rights and child rights, and uphold social and environmental standards!

Danuta Sacher  
Chair of the Executive Board of terre des hommes Germany

# 1. At a glance

- An estimated **two to five million immigrants** are currently living in Thailand, many of them children. Most migrants come from the poorer neighbouring countries of Myanmar, Cambodia and Laos. Many of them have no legal status as a result of bureaucratic immigration laws.
- More or less **90 per cent of workers in the Thai fishery and seafood industry are assumed to be migrants**, mostly from Myanmar. An estimated 300,000 to 500,000 immigrants work in the province of Samut Sakhon alone, the centre of the shrimp processing industry.
- Repeatedly, forms of **forced labour and debt bondage** have been uncovered in the Thai shrimp industry. Small processing plants in particular, often working as subcontractors for larger companies, have exceptionally bad working conditions. Catastrophic conditions reign on board many ships that supply, among other products, fish for the meal fed to farmed shrimp.
- In 2012, an estimated **6,000 to 8,000 children under 15** were employed in Thailand's shrimp processing industry, as well as **20,000 to 30,000 youth** between the ages of 15 and 17. A new survey of children in the Samut Sakhon region, commissioned by terre des hommes, confirms that many are working under conditions that make it impossible for them to go to school and offer no prospect for life improvement.
- Children often work **more than ten hours a day, six days a week**. Working hours – and payment – are dependent upon the number of the company's orders. Most of the children are from migrant families and enter the workforce at age 14 or 15, although some already begin working at age seven. Very few have work contracts.
- Child labour laws make it almost impossible for minors to find work in the better regulated larger companies. Most child labour therefore takes place in **small, unregistered shrimp processing plants** that, however, often subcontract to larger companies. Here working conditions are usually worse than in the large companies.



Most migrant children in Thailand come from Myanmar, Cambodia and Laos



Some migrant children work in shrimp processing units at an early age

- Many **minors lie about their age** to improve their chances on the labour market.
- Around 80 per cent of working children want to **augment their families' income** with their salary. Their entire income is at their parents' discretion. Often, it is used to support siblings or other relatives in Myanmar. Many families are trying to save money to be able to make a livelihood in Myanmar.
- Children learn that they **must help their families as early as possible** – also financially. Almost all parents find it acceptable that their children enter the workforce so early.
- Because the legal situation is so complicated, many migrants employ the overpriced **services of 'brokers'**. These middlemen bring clients over the border for 1,000 to 10,000 baht (27 to 270 euros). They also help them to find jobs and secure documentation, visas and/or work permits. These payments often force the migrants into debt and consequently into a form of forced labour. In some cases, the brokers disappear with the money without having provided any services.
- The **global shrimp market is not transparent**, because statistics often combine different categories (for example different species of shrimp, or varying stages of processing) and because the country from which shrimp is imported is not necessarily the country in which it is produced. What is however clear, is that the European Union – which imports more than 650,000 tonnes of shrimp annually – is the most important import market for shrimp and thus has the most influence on international trade. Even if imports from Thailand have fallen sharply, the EU is still one of the biggest buyers with around 13 per cent.

## 2. Thailand: economy and job market

Many in Europe know Thailand as a holiday destination, but few are aware that the country has seen its economic output triple since 1992. Growth has not been limited to the agricultural sector. Industry and services have expanded at an even faster rate. Exports are an important engine of growth: over the last 20 years, the total value of exports has increased sevenfold to approximately USD 225 billion (2013). However, imports have increased at a similar pace (World Bank 2014; WTO 2014:1).

In recent years, Thailand has become an important global value chain location for the electronics and IT industries. The country is also home to plants for machinery, technical installations, automobiles, commercial vehicles and environmental and medical technology.

Combined with the relatively low wages, this diversified industrial structure and the country's strategic location have attracted investors. However, the ongoing political crisis, the shortage of both skilled and unskilled workers, the aging society and the heavy dependence on the world market are seen as Thailand's weaknesses (GTAI 2014: 7).

The economic growth has led to a significant increase in per capita GDP, despite the growing population. Currently, it averages USD 5,500.<sup>1</sup> Statistics often equate per capita GDP with average per capita income, but in Thailand a small segment of society is extremely wealthy. This means that the income of the overwhelming majority of the population is significantly lower than the statistically calculated average (UNDP 2014: 40).

### Social progress

Each year, the United Nations Development Programme (UNDP) compiles a Human Development Index (HDI) in order to chart the development of a variety of countries. The index is based on the life expectancy of the population (which sheds light on health care), the number of years of

schooling and per capita income. Ever since it was first calculated in 1980, Thailand's HDI value has increased continuously from 0.503 to 0.722 (2013). The country is ranked 89 of the 186 states on the index (UNDP 2014: 165). Even though people in the country's various regions and population groups have not benefited equally from this progress, it must be noted that life expectancy, years of schooling and incomes have risen across the board. Particularly impressive is the progress in healthcare. Whereas in 1980 only around 20 per cent of the Thai population had access to some form of health protection coverage, nearly 100 per cent do today (UNDP 2013: 2; UNDP 2014: 89; UNDP 2014a: 1).

In 1971, the country began setting up a social security system that currently ensures support in case of illness, injury, pregnancy or disability. Child benefits, a pension system and unemployment insurance are also available. However, eligibility is restricted to those employed in the formal sector and the small share of informal workers who pay into the system (UNDP 2014a: 32).

### A magnet for neighbouring states

According to the United Nations, the average unemployment rate was just 0.6 per cent for the period 2004–2014 (UNDP 2014: 201). However, a large number of people are under-employed and in 2011 more than two-thirds of the country's 39.3 million employees worked in the informal sector without social security protections or permanent employment contracts (UNDP 2014a: 2, 113–114).

Nevertheless, there are now many areas of employment in Thailand for which no native workers can be found. In addition, several neighbouring states are considerably poorer than Thailand and many people in these countries are looking for an income that assures them a basic standard of living (see Table 1). As a result, Thailand has been a magnet for immigrants for many years, though the government has neither openly admitted it nor created the necessary infrastructure.

<sup>1</sup> Some sources use purchasing power parity (PPP) to calculate income and economic output. This metric takes into account the price levels of goods and services in various countries independent of exchange rates. Calculated on a PPP basis, the statistical per capita GDP for Thailand is USD 13,500.



## Thailand

**Form of government:** constitutional monarchy

**Head of state:** King Bhumibol Adulyadej (since 1946)

**Current government:** military dictatorship following the coup d'état on 22 May 2014

**Head of government:** General Prayut Chan-o-cha – Elections have been announced, but postponed several times

**Human rights:** restrictions on individual freedoms

**Executive:** problems caused by widespread corruption

**Capital:** Bangkok

**Population:** 67 million, around 75 percent are ethnic Thai, 15 percent Chinese, various minorities

**Main religion:** Buddhism

**Table 1: Countries in comparison**

|  | Germany   | Thailand   | Cambodia    | Laos        | Myanmar     |
|--|-----------|------------|-------------|-------------|-------------|
| Total population (millions)  | 82.7      | 67.0       | 15.1        | 6.8         | 53.3        |
| Population under 18 (millions)                                     | 13.3      | 14.9       | 5.6         | 2.9         | 16.1        |
| Gross domestic product 2012 (USD billion)                          | 3,533     | 366.0      | 14.0        | 9.4         | n/a         |
| Gross domestic product 2012 in PPP (USD billion) <sup>1</sup>      | 3,375     | 907        | 41.5        | 29.2        | n/a         |
| Gross domestic product per capita 2012 (USD)                       | 43,932    | 5,480      | 946         | 1,408       | n/a         |
| Gross domestic product per capita 2012 in PPP (USD) <sup>1</sup>   | 43,049    | 13,586     | 2,805       | 4,351       | 3,998       |
| % of population below the national poverty line                    | n/a       | 13.2       | 20.5        | 27.6        | n/a         |
| % of population with less than USD 1.25 (PPP) per day <sup>1</sup> | n/a       | 0.38       | 18.6        | 33.88       | n/a         |
| Mortality rate up to age five per thousand children                | 4         | 13         | 38          | 71          | 51          |
| Life expectancy at birth   | 81        | 74         | 72          | 68          | 65          |
| HDI value 2013 (rank of 186 assessed countries) <sup>2</sup>       | 0.911 (6) | 0.722 (89) | 0.584 (136) | 0.569 (139) | 0.524 (150) |
| Expected schooling for children born today (years)                 | 16.3      | 13.1       | 10.9        | 10.2        | 8.6         |

Sources: UNDP 2014; UNICEF 2014; World Bank

<sup>1</sup> Computed on the basis of purchasing power parity (PPP), for details see footnote 1.

<sup>2</sup> Human Development Index (HDI) of the United Nations Development Programme (UNDP), which is calculated on the basis of life expectancy, years of schooling and income.

## 3. Shrimp: developments, facts and figures

Due to advances in the farming of fish and other aquatic animals, the amount of shrimp raised in artificial ponds has increased annually by around 13 per cent since the 1980s. At the same time, there has been a long-term decline in the price of this previously expensive delicacy as shrimp has become a mass-produced product. Declining prices have put tremendous pressure on farmers to keep wages and production costs as low as possible. That is why most farmed shrimp comes from small businesses in developing countries, where the cost of leased land and labour is low (CSR Asia 2013: 1).

### 3.1 The growing significance of shrimp farming

For millennia, shrimp were caught almost exclusively from wild stocks in the ocean. In recent decades this has taken place on an increasing scale, endangering natural stocks in many regions. Shrimp fishing also produces bycatch that can account for up to 80 per cent of net content. A large number of seabirds and turtles fall prey to the industry (CSR Asia 2013: 7).

In recent decades, a growing number of shrimp farms have been established to meet the rising global demand. More than half of all shrimp comes from farms.

Approximately 3.4 million tonnes of shrimp, valued at USD 12.4 billion, was wild-caught in 2012, while in the same year 4.3 million tonnes, valued at USD 19.4 billion, was farmed (FAO 2013: 49).

#### Massive environmental risks

Although shrimp can be farmed in an environmentally friendly manner (see box), a highly intensive production method has caught on across the world, which brings major risks to the environment.

In Thailand and many other countries, extensive natural areas – partially covered by mangrove forests – have been destroyed in order to build ponds for shrimp farming. Mangrove forests are particularly important for the region's ecosystems, protecting the coast from storms and floods, filtering pollutants from the water and storing carbon dioxide.

#### Shrimp farming

**Extensive farming:** a traditional farming method in relatively large ponds (up to 1 km<sup>2</sup>). Water is exchanged by natural means or, if necessary, with the help of pumps. Ponds are stocked with larvae caught from wild stocks on the coast.  
Advantage: lower cost of inputs and management, low environmental impact.  
Disadvantage: low productivity of 0.5 to 1.5 tonnes per hectare.

**Semi-intensive farming:** a combination of traditional methods and advanced technologies such as water exchange pumps, aeration, additional feeding and pond fertilisation.  
Advantage: higher yield of 2 to 6 tonnes per hectare per year.  
Disadvantage: higher inputs, investments and advanced technology required.

**Intensive farming:** specially bred larvae are introduced into small and medium-sized ponds (0.02–0.05 km<sup>2</sup>) and pumps are used to clean the water. Cultivation requires labour-intensive feeding, aeration, medical treatment and care of the shrimp.  
Advantage: high yields of 7 to 15 tonnes per hectare per year.  
Disadvantage: high inputs, investments and advanced technology required, high disease rates and environmental risks.

Shrimp farmers often use disinfectants, antibiotics, fertilisers and pesticides that make their way into the environment. In addition, shrimp excrement contains chemicals and nutrients that pollute the water. As a result, poorly managed shrimp ponds can often be operated for only a few years. Model calculations have shown that in many cases, the environmental damage is much greater than the revenue from shrimp sales (CSR Asia 2013: 7–9).

The construction of shrimp farms has led to land conflicts in many countries, because small-scale farmers and fishermen have been forced to make way for the new facilities and have lost their livelihoods.

Furthermore, in many regions the production of shrimp for export has replaced agriculture and fishing for the domestic market. In countries such as Bangladesh and India, this shift has worsened the food crisis.

A further problem is feeding. Shrimp farms use feed that contains 5–40 per cent fishmeal. Depending on the feeding method, between 1.1 and 3 kilogram of fishmeal – which is usually made from wild-caught fish – is required to produce 1 kilogram of shrimp (Tacon and Metian 2008: 147–148).

The demand from aquaculture is a major cause of the over-fishing of the world's oceans, especially since small fish can be used to make fishmeal and the fishing industry is trawling with ever finer nets (for details on Thailand see p. 18).

On the other hand, it is now possible to manage the ponds more effectively and use them for a longer time. In addition, much of the fishmeal can be replaced by proteins from legumes and grains that also provide carbohydrates.

### 3.2 Thailand's role in the world market

Data on global shrimp production is extremely confusing and contradictory, due in part to unreliable information from the producing countries, but also to the fact that different species are included in the statistics. Some statistics include data only on shrimp from farming ponds, others add shrimp from wild stocks, and still others focus on the entire group of crustaceans, including not only shrimp, but also lobsters, crabs and crayfish.

The amount of fish and shellfish produced from aquaculture in Thailand has stagnated for around ten years. In 2012 it totalled 1.2 million tonnes. During the same period, though, the value of these products doubled to USD 3.3 billion. Thailand is now the sixth largest producer in the world after China, India, Vietnam, Indonesia, Bangladesh and Norway (FAO 2013).

The production of white shrimp and giant tiger prawn – the species dominating the global market – is concentrated in just a few nations, with China, Thailand, Vietnam, India and Indonesia alone accounting for 70 per cent (Table 2).

**Table 2: Production volume of farmed shrimp in tonnes (giant tiger prawn and white shrimp)**

| Country               | 2012             | 2013             | 2014 (estimate)  |
|-----------------------|------------------|------------------|------------------|
| China                 | 1,517,795        | 910,000          | 1,015,000        |
| Thailand              | 540,000          | 250,000          | 220,000          |
| Vietnam               | 298,607          | 560,499          | 569,000          |
| Indonesia             | 369,651          | 565,097          | 630,000          |
| India                 | 240,000          | 345,000          | 345,000          |
| Philippines           | 53,754           | 49,466           | 75,000           |
| Myanmar               | 52,693           | 53,000           | 53,000           |
| Bangladesh            | 74,396           | 60,000           | 60,000           |
| Malaysia              | 55,568           | 50,956           | 41,800           |
| <b>Asia, total</b>    | <b>3,380,281</b> | <b>2,864,018</b> | <b>3,008,800</b> |
| Ecuador               | 281,100          | 286,000          | 340,000          |
| Mexico                | 100,320          | 50,000           | 50,000           |
| Brazil                | 74,116           | 90,000           | 90,000           |
| Other                 | 132,508          | 146,900          | 190,970          |
| <b>America, total</b> | <b>501,181</b>   | <b>572,900</b>   | <b>670,970</b>   |
| <b>World, total</b>   | <b>3,881,462</b> | <b>3,416,918</b> | <b>3,679,770</b> |

Source: Shrimpnews.com 2014; AQUA CULTURE Asia Pacific Nov/Dec 2014: 21

Up until a few years ago, Thailand was the world's largest exporter of these species because the shrimp farmed in China was intended primarily for the domestic market (ILO 2011: 9).

But the market is constantly changing. The outbreak of early mortality syndrome, a disease that experts attribute to poor pool management, led to a slump in production in many countries. In Thailand, this disease caused a 30 to 70 per cent drop in revenues from late 2011 on (FAO 2014: 213).

Industry observers believe that despite the recent recovery, only around 300,000 tonnes of shrimp will be produced in Thailand in 2015 – less than half of production volumes during the peak years not too long ago.

An inevitable consequence of this decline in production is the decrease in exports. Despite contradictory information in the individual tables, the trend is clear: since 2012 – itself a poor year – export volumes have once again fallen by 50 per cent. The most important market is the United States, accounting for close to 40 per cent of all exports. It is followed by Japan (23 per cent), Canada (5.1 per cent), Great Britain (4.6 per cent), Australia (4 per cent) and Germany (3.9 per cent) (Table 3).

However, this ranking does not take into account the fact that some countries import shrimp and then export it to others. In other words, shrimp imported from China or the Netherlands, for example, might in fact be farmed and processed in Thailand.

### 3.3 The European Union in the world market

Shrimp production has grown into a business that in 2013 generated around USD 18 billion in total sales. By far the largest import market for the global shrimp trade is the United States, which purchases around a quarter of all world exports, followed by Japan, Spain and France (Table 4).

However, if all current EU member states are viewed collectively, they constitute the most important import market for shrimp, with annual imports of more than 650,000 tonnes. As a result, the EU has a major impact on the international shrimp trade.

**Table 3: Thailand's shrimp exports: largest purchasers**

|                            | 2012           | 2013           | 2014           | 2014                 |           |               |
|----------------------------|----------------|----------------|----------------|----------------------|-----------|---------------|
|                            | Tonnes         | Tonnes         | Tonnes         | Value in million USD | Rank by t | Percentage    |
| <b>Total exports</b>       | <b>349,935</b> | <b>211,514</b> | <b>165,564</b> | <b>1,976</b>         |           | 100.00 %      |
| <b>Largest purchasers</b>  |                |                |                |                      |           |               |
| USA                        | 129,417        | 77,897         | 65,327         | 825                  | 1         | 39.46 %       |
| Japan                      | 80,219         | 57,838         | 38,074         | 444                  | 2         | 23.00 %       |
| Canada                     | 21,484         | 9,995          | 8,421          | 106                  | 3         | 5.09 %        |
| United Kingdom             | 20,017         | 14,097         | 7,527          | 114                  | 4         | 4.55 %        |
| Australia                  | 11,008         | 6,697          | 6,588          | 81                   | 5         | 3.98 %        |
| <b>Germany</b>             | <b>10,727</b>  | <b>6,894</b>   | <b>6,374</b>   | <b>89</b>            | <b>6</b>  | <b>3.85 %</b> |
| Vietnam                    | 10,411         | 3,967          | 5,661          | 55                   | 7         | 3.42 %        |
| Hong Kong, China           | 6,429          | 5,350          | 5,202          | 47                   | 8         | 3.14 %        |
| People's Republic of China | 8,458          | 5,506          | 5,117          | 40                   | 9         | 3.09 %        |
| South Korea                | 10,458         | 4,865          | 4,985          | 59                   | 10        | 3.01 %        |
| <b>Others:</b>             |                |                |                |                      |           |               |
| France                     | 5,057          | 2,295          | 1,311          | 18                   | –         | 0.79 %        |
| Italy                      | 1,796          | 652            | 684            | 6                    | –         | 0.41 %        |
| Netherlands                | 2,800          | 1,362          | 646            | 6                    | –         | 0.39 %        |
| Switzerland                | 62             | 32             | 11             | 0,16                 | –         | 0.01 %        |

Source: created with data from Trade Map

**Table 4: Most important shrimp importing countries**

| Importer            | 2013             | 2013                 | Rank by t | Percentage      |
|---------------------|------------------|----------------------|-----------|-----------------|
|                     | Tonnes           | Value in USD million |           |                 |
| <b>World market</b> | <b>1,936,898</b> | <b>18,291</b>        |           | <b>100.00 %</b> |
| USA                 | 497,567          | 5,358                | 1         | 25.69 %         |
| Japan               | 246,135          | 2,749                | 2         | 12.71 %         |
| Spain               | 147,312          | 1,066                | 3         | 7.61 %          |
| France              | 99,803           | 874                  | 4         | 5.15 %          |
| Vietnam             | 85,584           | 798                  | 5         | 4.42 %          |
| Great Britain       | 83,177           | 820                  | 6         | 4.29 %          |
| Italy               | 62,209           | 507                  | 7         | 3.21 %          |
| South Korea         | 59,838           | 432                  | 8         | 3.09 %          |
| Belgium             | 53,698           | 556                  | 9         | 2.77 %          |
| Germany             | 51,923           | 570                  | 10        | 2.68 %          |
| Canada              | 48,351           | 509                  | 11        | 2.50 %          |
| Netherlands         | 48,147           | 486                  | 12        | 2.49 %          |
| Denmark             | 44,816           | 343                  |           | 2.31 %          |
| Australia           | 41,788           | 362                  |           | 2.16 %          |
| Hong Kong, China    | 34,054           | 366                  |           | 1.76 %          |
| Russia              | 33,897           | 247                  |           | 1.75 %          |
| China               | 32,960           | 292                  |           | 1.70 %          |
| Mexico              | 31,510           | 192                  |           | 1.63 %          |
| Singapore           | 26,346           | 153                  |           | 1.36 %          |
| Thailand            | 23,590           | 103                  |           | 1.22 %          |
| Sweden              | 16,275           | 184                  |           | 0.84 %          |
| Switzerland         | 8,140            | 108                  |           | 0.42 %          |

Source: created with data from Trade Map

In recent years, imports from Thailand have declined sharply, probably due to the slump in production. In 2012, 7.5 per cent of EU imports, or almost 51,000 tonnes of shrimp, came from Thailand; just one year later, based on volume, imports amounted to only 4.2 per cent.

However from the Thai perspective, the EU continues to be one of the most important purchasers of its shrimp, with a share of around 13 per cent (Table 5).

**Table 5: EU shrimp imports**

|                                     | Total EU imports |         |                           | From Thailand      |                    |                           |
|-------------------------------------|------------------|---------|---------------------------|--------------------|--------------------|---------------------------|
|                                     | 2012 t           | 2013 t  | 2013 value in USD million | 2012 t             | 2013 t             | 2013 value in USD million |
| Total                               | 673,348          | 656,663 | 5,824                     | 50,791             | 27,387             | 312                       |
|                                     |                  |         |                           | <b>2012 volume</b> | <b>2013 volume</b> | <b>2013 value</b>         |
| Thailand's share of EU imports      |                  |         |                           | 7.50 %             | 4.20 %             | 5.40 %                    |
| EU's share of exports from Thailand |                  |         |                           | 14.50 %            | 13.00 %            | 13.80 %                   |

Source: created with data from Trade Map

The EU's large share of the world market has given it a special responsibility in this area. Heated debates are currently underway over how best to fulfil the same. On 21 April 2015, the European Commission issued an official warning to Thailand – not over poor social conditions in shrimp production but because in its view the Thai government has not taken sufficient action against the widespread illegal fishing by Thai vessels. Thailand's government has until October 2015 to implement appropriate measures. If they are deemed insufficient by the EU, the EU has reserved the right to impose massive sanctions, including import bans on Thai fishery products (EU 2015).

It is still unclear where this process will lead and whether farmed shrimp could also be affected by sanctions. However, because much of this shrimp is fed with fishmeal made from raw material delivered by illegally operating ships, Thai shrimp exporters also fear EU import restrictions.

### 3.4 The shrimp market in Germany

Until 2012, Thailand was the main supplier of shrimp to Germany. Since then imports have fallen sharply and in 2014 totalled only 6,000 tonnes, worth EUR 66 million. This was less than the volume from Vietnam and Bangladesh (Table 6).

A look at the *Fischmagazin* website shows just how fragmented the shrimp market is in Germany. A total of 138 suppliers are listed under the heading *Garnelen* (shrimp), ranging from small dealers to multinational companies that generate several hundred million euros in sales ([www.fischmagazin.de](http://www.fischmagazin.de), 17.4.2015).

In most cases, though, shrimp usually accounts for only a small portion of these sales.



The EU has a major impact on the international shrimp trade, every year more than 650,000 tonnes are imported

**Table 6: Shrimp imports to Germany**

| Year            | 2012          |                   | 2013          |                   | 2014         |                   | Rank by t | Percentage     |
|-----------------|---------------|-------------------|---------------|-------------------|--------------|-------------------|-----------|----------------|
|                 | Weight t      | Value EUR million | Weight t      | Value EUR million | Weight t     | Value EUR million |           |                |
| <b>Total</b>    | <b>56,321</b> | <b>423</b>        | <b>52,496</b> | <b>432</b>        | 54,588       | <b>520</b>        |           | 100.00 %       |
| Vietnam         | 9,547         | 67                | 8,638         | 66                | 11,084       | 98                | 1         | 20.30 %        |
| Bangladesh      | 8,715         | 57                | 8,055         | 59                | 7,808        | 70                | 2         | 14.30 %        |
| <b>Thailand</b> | <b>10,808</b> | <b>83</b>         | <b>7,783</b>  | <b>72</b>         | <b>6,127</b> | <b>66</b>         | <b>3</b>  | <b>11.22 %</b> |
| Netherlands     | 5,120         | 51                | 5,476         | 58                | 5,745        | 69                | 4         | 10.52 %        |
| India           | 4,521         | 30                | 4,734         | 31                | 4,810        | 37                | 5         | 8.81 %         |
| Belgium         | 3,023         | 23                | 3,619         | 29                | 3,691        | 34                | 6         | 6.76 %         |
| United Kingdom  | 2,225         | 14                | 2,796         | 20                | 2,381        | 21                | 7         | 4.36 %         |
| Denmark         | 1,214         | 9.7               | 1,605         | 15                | 1,891        | 20                | 8         | 3.46 %         |
| Indonesia       | 1,168         | 10                | 1,047         | 11                | 1,752        | 22                | 9         | 3.21 %         |
| Honduras        | 1,770         | 13                | 1,278         | 8.7               | 1,728        | 14                | 10        | 3.17 %         |

Source: Created with data from Destatis

### Importers for the retail sector

A number of companies have specialised in supplying shrimp to the German retail sector. There are two different business strategies: some importers sell shrimp under their own brand via supermarkets. Others buy goods for supermarkets, which then offer these to consumers under their house brands. Some companies pursue both business strategies.

The major shrimp retailers on the German market include German and international companies such as Royal Greenland, Costa, Ristic, Deutsche See, Femeg, Paulus, DKSH, Morubel, Escal, Heiploeg and Seafood Connection. Not all of these companies import shrimp from Thailand. Some, such as Ristic and Seafood Connection, operate their own organic farms abroad.

However, a number of retail companies import shrimp themselves, though usually only in small quantities. These importers buy most of their shrimp directly from exporters in the producing countries. Only a small amount of goods reach the world market via other intermediaries.

### The food service industry

Some of the importers listed above also supply shrimp to restaurants and ready-made meal manufacturers. In addition, there are companies that have specialised exclusively in the food service sector. This market is also fragmented and no one company dominates the entire sector.

### Diverse sales channels

Half of the shrimp sold in the United States does not go to supermarkets, but to businesses that make meals, especially to restaurants (Accenture 2013: 37–38). No corresponding data is available for Germany but it is assumed that most goods are sold through retail businesses to customers.

Noteworthy here are the five major retail chains Aldi Nord, Aldi Süd, Lidl, Edeka and Rewe Group. Significant quantities are also sold via specialised fish shops.

## 4. The value chain in Thailand

Shrimp have been farmed in Thailand for decades. The first farms were established in the 1930s, primarily by Chinese immigrants. A period of growth began in the early 1970s and the sector boomed from 1988 onwards. Methods were gradually improved and yields increased dramatically. But many farms collapsed after just a few years as a result of severe environmental degradation and the spread of disease. An attempt was made in the ensuing period to cultivate shrimp in regions far from the coast: rice fields were flooded and the ponds were salinated. This method proved successful, but was eventually banned because of the devastating damage it caused to the environment. In 2000, the government began helping family-run businesses to farm shrimp in coastal areas once again. To this end, it supported research projects on sustainable production methods and defined areas where shrimp farming was to be concentrated (Szuster 2006: 87–92).

Today, around 90 per cent of the shrimp produced in Thailand comes from farms (CSR Asia 2013: 5). A complex system has emerged with quite diverse actors. Around half a million people are currently employed across the value chain.

### Larvae breeding

Shrimp production begins in specialised hatcheries that hold the broodstock, facilitate the fertilisation of large quantities of eggs and manage and monitor the growth of eggs into larvae.

Larval development usually takes between 23 and 25 days (ILO 2011: 14). Depending on demand, there are an estimated 1,000 to 5,000 small hatcheries in Thailand that rear around 80 billion shrimp larvae each year. The government has supported the establishment of these hatcheries through targeted consultation. Currently, almost all the



Shrimp farmers wading through a fresh water pond with a net to collect prawns

shrimp farmed in Thailand comes from such hatcheries, which employ up to 50,000 workers, varying with demand (Accenture 2013: 26; ILO 2011: 14).

### Shrimp farming

The shrimp are fattened in thousands of small family-run farms and a few large integrated corporate groups. Statistics on facilities are incomplete because not all producers agree to register. According to the Thai ministry in charge – the Department of Fisheries – 30,732 enterprises were registered in 2008. The ILO estimates that there are 35,000 shrimp farms in the country with ponds covering a total area of around 52,000 hectares. The average annual yield per hectare is 9 tonnes – unless production is disrupted by disease. Most of the ponds are relatively small and run by families, but some companies operate up to 40 ponds (Accenture 2013: 26; ILO 2011: 14).

Considerable investments are required for the ponds. The operators must purchase land, build the ponds and begin production with purchased larvae. Feed is normally the main cost factor for production. A large number of shrimp farmers take out loans from intermediaries or feed suppliers. These small entrepreneurs face a large financial risk when – as in years past – diseases kill a large number of shrimp or the price of shrimp falls on the world market.

### Intermediate trade

Like the fishermen who catch wild shrimp, shrimp farmers sell their goods directly to processors on specialised markets. The largest market is located in the Samut Sakhon province, where during peak periods up to 1,000 tonnes of shrimp are traded on a daily basis, or around three-quarters of the country's total production. Most shrimp is for export, only 10 per cent ends up on the domestic market (CSR Asia 2013: 5; Accenture 2013: 27).

### Processing and export

Thailand's large processors and exporters wield considerable market power. The largest player is the Charoen Pokphand Food Public Company, a multinational group (see box).

The major exporters of shrimp belong to the Thai Frozen Food Association (TFFA), which has issued health, safety and production standards. Around 100 large companies in the shrimp industry are members of this association, but an estimated 400 to 2,000 small processing facilities remain unregistered (CSR Asia 2013: 5; Accenture 2013: 27).

The TFFA is attempting to regulate the market. If it has proof that a member company has bought goods from illegal processing plants, this company is expelled from the association and denied access to lucrative export markets. However, experts state that the controlling system is not transparent and prone to corruption.

### Charoen Pokphand Food Public Company

Charoen Pokphand Food Public Company (CP Food) integrates the entire value chain of shrimp farming. It has its own feed producers, hatcheries, laboratories, processing plants, export companies and research units. Shrimp is just one of CP Food's lines of business – the company is also active in chicken and pig farming in more than a dozen countries. Its customers include leading retailers across the world.

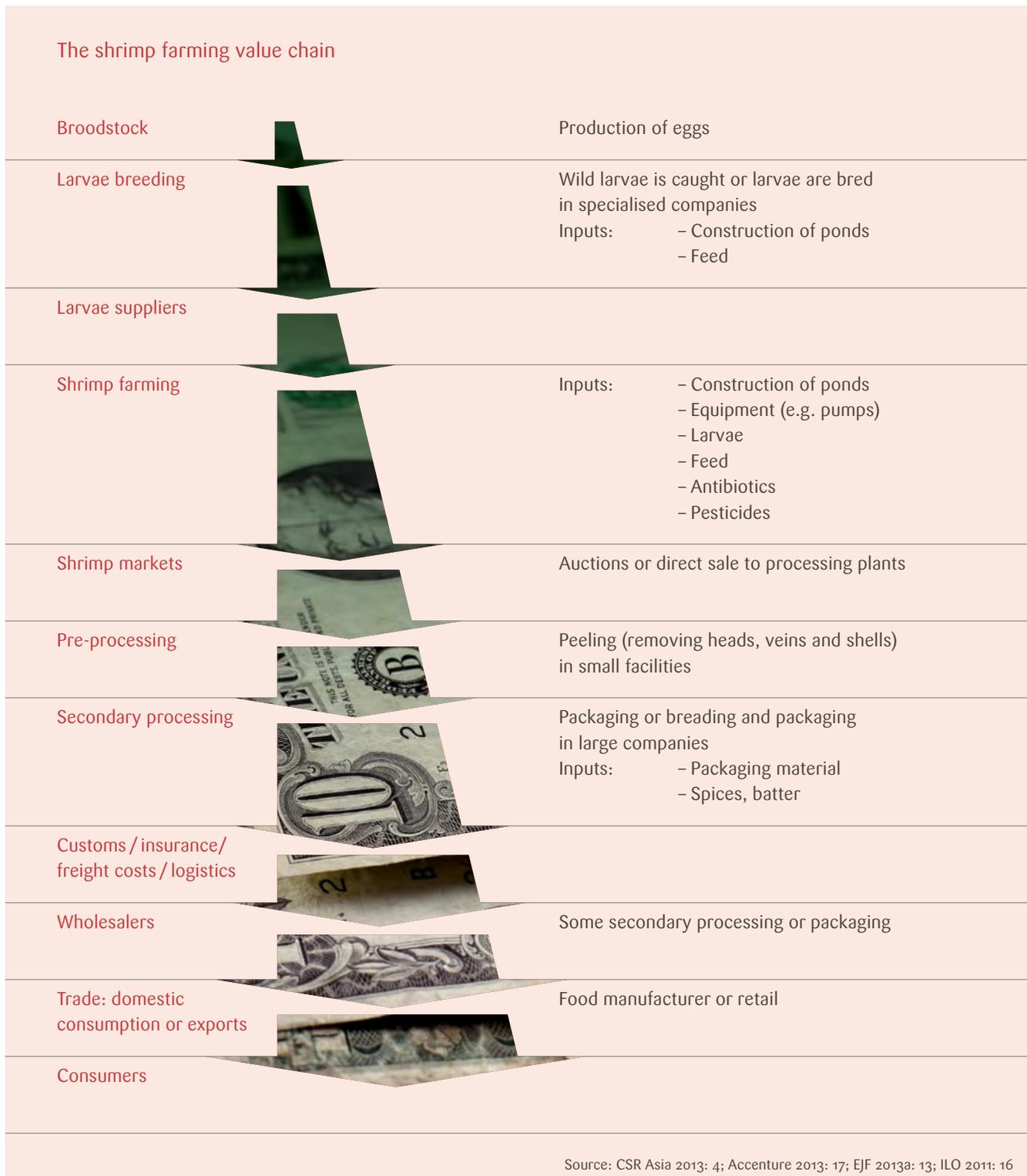
Its parent company, the Charoen Pokphand Group, is Thailand's largest corporate group. It is active, among other sectors, in the retail trade and the telecommunications industry. In 2013, the group generated sales of USD 46.5 billion, with USD 12 billion coming from CP Food.

CP Food has made headlines on a number of occasions because of abuses in its value chain. In mid-2014 it was accused of purchasing fishmeal from suppliers that were proven to have used slave labour on ships in their production chains. As a result, CP Food pledged not only to monitor its suppliers more closely, but also to buy fishmeal only from certified companies from 2015 on (Sustainalytics 2014: 2–4).

Market observers have found that while TFFA members strictly monitor the quality and hygienic standards of their goods, they do not continually check labour conditions. Thus there continue to be a large number of smaller un-registered facilities that simply close shop when problems crop up and reopen at other locations (Accenture 2013: 27-28, 48; EJF 2013a: 12).

Such enterprises are often not interested in government registration because they see no point in paying fees and possibly being subjected to higher standards (Tang 2013: 32).

Many large companies award contracts to subcontractors that carry out the labour-intensive work and thus reduce the costs (EJF 2013a: 4).



## 5. Exploitation of migrant workers

The scandals uncovered in the Thai shrimp industry have often focused on living conditions for migrant labourers, who make up most of the industry's workforce.

In the early 1990s, Thailand became a country that no longer sent workers to other countries, but was itself dependent upon migrant labour (ILO 2013b: 25). The need for immigrants is expected to increase as the number of citizens of working age sinks due to low birth rates, and the aging population needs care. The percentage of people over 60 is expected to rise from the current 13 per cent to around 32 per cent by 2050 (UNDP 2014a: 42).

For varying reasons, Thailand became a magnet for immigrants from neighbouring countries. Some, especially those from Myanmar, fled from repression; others were hoping for higher wages and a higher quality of life (UNDP 2014a: 44).

According to official statistics, in late 2012 there were 1.133 million immigrants in Thailand, about 80 per cent of them from Myanmar. The majority have had little training or education. No one knows how many more undocumented immigrants are in the country. Estimations vary from an additional 1.4 to 4 million people (UNDP 2014a: 44-45).

### 5.1 Government without an immigration strategy

Despite the growing numbers of immigrants, the government has no comprehensive plan on how to deal with them. Many laws have been passed or changed since 1992, but little has been done to secure their implementation. Attempts to manage immigration – and stop human trafficking – through contracts with the neighbouring countries of Myanmar, Laos and Cambodia have been unsuccessful despite multiple bilateral agreements. The bureaucratic rulings are mostly ignored; by the migrants themselves, by the authorities in the countries of origin and by employers in Thailand (UNDP 2014a: 44-45).

A 2006 law offering workers from Myanmar, Laos and Cambodia legal but limited work visas is theoretically also an immigration policy measure. But the process is so complex and so tangled in red tape that many potential immigrants are forced to hire so-called brokers to deal with the formalities. These 'brokers' demand high fees for their services (ILO 2013b: 26).



Migrants' homes at the shrimp market of Samut Sakhon

Other laws are meant to legalize the status of migrants already living in Thailand. But here too, the bureaucracy of-ten cannot be handled without a broker. The fees for these services are so high, people go into debt and then find themselves performing forced labour in the form of debt bondage (ILO 2013b: 26).

Documented immigrants are themselves covered by health insurance but not, as a rule, their families. Doctors usually treat immigrants' relatives, but they are not obligated to do so (UNDP 2014a: 51).

At the end of 2012, only 218,000 workers from Myanmar, Laos or Cambodia were registered in Thailand's social security system, only a fraction of documented immigrant workers and an even smaller percentage of non-registered workers (UNDP 2014a: 50).

### Implementing reforms

Partly as a result of massive pressure from the USA (see p. 19), Thailand's government started a push in June 2014 to improve the situation of people living in the country illegally. According to the government, 1.6 million previously undocumented workers and their families had registered by the end of October 2014. Close cooperation with the neighbouring countries is meant aid the verification of immigrants' nationalities, after which they can be given a legal working permit (Royal Thai Government 2015: 27).

Remarkably, in the data released by the government, almost half of the newly-registered immigrants come from Cambodia. What is more, the number of workers registered with family is quite low (Table 7).

It is unclear whether this is a new immigration trend and currently more people are coming from Cambodia than from Myanmar, or whether people from Cambodia had better access to official registration than those from Myanmar.

## 5.2 Forms of forced labour

Again and again, cases have been brought to light of migrants enslaved as forced labourers. In 2010 in the Samut Sakhon region, between 20 and 30 per cent of immigrants from Myanmar had been lured with false promises or put under pressure. Debt bondage was rampant and a large number of immigrants worked under exploitative conditions or had been sold into forced labour. Many were also subject to physical violence at the hands of their supervisors or employers (UNIAP 2011: 3–4).

### Broker fees

Because of the legal hurdles, most people looking for work in Thailand cross the border illegally. So-called brokers help them to find a position, often in the shrimp processing industry. Some of the workers are recruited by brokers back in their home countries. These people are usually at the mercy of their broker and have no control over where they work or under which conditions. Their salaries are usually under the minimum wage, because deductions are made for room and board, for debt payments including interest, for protective clothing and for penalties for damaged goods. The debt is sometimes for advances given by the company at the beginning of the contract. Often migrants are made to pay a hiring fee (Accenture 2013: 49–50; EJF 2013a: 9; Finnwatch 2013: 6).

### Employers confiscate documents

The complications of applying for a labour permit lead many migrants to seek out a broker, to whom they then become indebted (EJF 2013a: 16).

Some employers demand that their workers turn over their passports, work permits and social security cards. This makes it much more difficult for immigrants to change jobs or to protest working conditions. What is more, they risk running into problems with police if they are stopped and are not carrying their official papers (UNDP 2014a: 47, 50; Finnwatch 2013: 6).

**Table 7**

#### Newly registered migrants in 2014

| Worker's country of origin | Myanmar | Laos    | Cambodia | Total     |
|----------------------------|---------|---------|----------|-----------|
|                            | 623.648 | 213.689 | 696.338  | 1.533.675 |
| Dependents                 | Myanmar | Laos    | Cambodia | Total     |
|                            | 40.801  | 9.150   | 42.609   | 92.560    |

Source: Royal Thai Government 2015: 84



Enjoying a free Sunday: a migrant family from Myanmar in Samut Sakhon

### Corrupt police

There have been repeated reports of police putting illegal immigrants under pressure and demanding bribes.

Some policemen sell local registration cards that allow immigrants to move freely outside of their workplace without fear of being arrested. Others round up immigrants who are outside of their workplace and bring them back to their employees. The latter are then expected to pay a kickback, which they later take off the worker's salary (Accenture 2013: 50; EJF 2013a: 5).

## 5.3 Working in the shrimp sector

An estimated 700,000 people work in the Thai seafood processing industry, which includes the shrimp sector. Alongside numerous small businesses are a few large companies with more than 3,000 employees (Accenture 2013: 28).

Workplaces in the fishing and fish processing industries are considered dangerous, dirty, and difficult (ILO 2011: 18). They are also usually low-paying. Accordingly, it is difficult to find Thai workers for these positions. It has been estimated that as many as 90 per cent of workers in this sector are immigrants, most of them women. Only around 15 per cent

of immigrants in the fishing sector have legal work permits (CSR Asia 2013: 5; 9; Cosnier 2014: 15).

### Forced labour on ships

Working conditions on Thai fishing vessels are so terrible, and the pay so low, that the owners cannot even find enough immigrants to work on them anymore. Reports have been made of people being drugged or robbed in order to get them to work in the fishing industry. Once they are on the ships, they have almost no opportunity of leaving again (ILO 2013b: 30).

In past years, there have been increased reports of migrants abducted and brought onto ships where they are forced, sometimes for years, to work as slave labourers. Resistance is met with severe abuse and there have even been documented cases of murder. Thousands of people are literally stranded in Indonesia, where they landed after successful flight from Thai fishing vessels.

In some cases, migrants are robbed to motivate them to work on fishing boats. Once they are on board, they have almost no opportunity of returning, because the ships sometimes remain at sea for years. Supply boats pick up the fish, bring food and exchange Thai crew members.



A poster at the port of Samut Sakhon calls on local fishermen to report cases of exploitation and corruption

The shrimp industry also carries direct responsibility for this situation. Their shrimps are fed with fishmeal made from fish that is in part caught by boats engaged in illegal practices and manned by forced labourers.

The Thai fishing fleets were built up in the 1960s with considerable support from the West German government. This bilateral initiative was meant to strengthen this economic sector. However as early as the 1980s, the catch began to stagnate. Thai vessels therefore started fishing the coasts of neighbouring countries. This caused conflicts that have escalated anew in past years. There have been armed skirmishes between the coast guards and the fishing vessels. At the end of 2014, the Indonesian government ordered that Thai boats caught pirating be blown up (EJF 2015: 6–8, 27–29).

There is no exact data for the number of people employed in the sector. But around 500,000 workers are estimated to be working in the fishing and fish processing industry. The Thai government is trying to impose stricter controls on the branch. But data suggests that only one-third of the 57,000 Thai trawlers are registered (ILO 2013b: 13, 15; EJF 2015: 13–14; Seafish 2014: 3).

The growth of the fleet has led to massive over-fishing and smaller and smaller catches. The weight of the number of fish caught in the Gulf of Thailand by one trawler in an hour has gone down from 298 kilograms in 1961 to 14 kilograms in 2006 (ILO 2013b: 14). For this reason, fishing nets have increasingly finer mesh.

As a result, more and more juveniles are caught, an environmental catastrophe that undermines the chances of any improvement in the situation. What is more, small fish can at best be turned into fishmeal or sold to fish farmers. At least 30 per cent of the fish caught by Thai fishing vessels are currently made into fishmeal (EJF 2015: 5, 16–17; Cosnier 2014: 21).

Because of the decreasing size of the catch, costs per kilo are rising for the boat owners. To balance this loss, salaries are decreased, while they are increasing in the other sectors in Thailand. For this reason, Thai workers are uninterested in the fishing industry. Around 90 per cent of workers on the ships now come from Cambodia or Myanmar. Nevertheless, already in 2012 at least 50,000 positions went unfilled (ILO 2013b: 25–28, 35).

Shrimp farms are the main buyers of fishmeal. And the shrimp farming industry is only just starting to insist upon full traceability and certification of fishmeal (EJF 2015: 20–21).

A survey of Myanmar workers aboard Thai fishing vessels revealed that most workers earn 100 to 500 baht per month. Only 6 per cent earned more than 500 baht. This is a great deal less than the legal minimum wage of 300 baht (8 euros) per day. Most workers work long hours; 18 hours per day and more are not unusual. None of those questioned said they worked less than 10 hours per day (Cosnier 2014: 17–18).

In a different survey, 24.5 per cent of immigrants on the ships admitted that they had been threatened with violence at least once; 16.3 per cent of the workers from Myanmar and 2.5 per cent of the workers from Cambodia said they had been badly beaten at least once (ILO 2013b: 60-61). There have also been reports of sexual and physical violence and even of execution (EJF 2015: 23).

This situation has moved the US Department of State to put Thailand back at the end of the list in its annual Trafficking in Persons report. It accuses the Thai government of not making significant efforts to stop trafficking (US Department of State 2014).

This rating could result in grave negative consequences for Thailand. The United States government reserves the right to impose sanctions or stop support measures. The ranking may also mean that federal agencies no longer buy any products from the country, a restriction that already applies to Thai shrimp (EJF 2014: 15).

The Thai government reacted to this downgrading with a comprehensive report. In it, they made a detailed account of measures the government has taken since mid-2014 to end human trafficking. This includes the declared aim of stopping trafficking completely and ending the related corruption and complicity of government agencies (Royal Thai Government 2015).

At the same time, in December 2014 the Thai Minister of Labour proposed using prisoners to fill the vacancies on the ships. In return, the prisoners should have part of their sentence commuted. Massive critique by human rights organisations forced the government to retract this proposal in January 2015 (Reuters 2015).

In early April 2015, government delegations from Indonesia, Thailand and Myanmar came together to investigate media reports that up to 4,000 people from Myanmar, Cambodia, Laos and Vietnam had been found on a group of remote Indonesian islands. Most of them had reportedly flown from or been dumped by Thai ships. Numerous unmarked graves were also found on the islands (McDowell and Mason 2015).

### Shrimp breeding farms

No comprehensive studies have been done on working conditions on breeding farms. Since most of the farms are small family business and have little need for workers in comparison with the rest of the supply chain, most likely less workers are exploited here than in other areas of the shrimp production industry. It is however necessary to find out whether the families that manage the farms receive an income that allows them to live in dignity.



Local fish gets smaller and smaller due to massive overfishing



Small shrimp processing plants often work as subcontractors for big companies

### Large companies with flaws

Many of the workers in large shrimp processing plants are on their feet the entire day. Often, they must also ask permission when they need to use the bathroom. Although usually the legal minimum wage of 300 baht per day (8 euros) is paid, many workers need to pay for transportation to and from the factories and for protective clothing. There is no union and overtime is the rule; binding labour contracts are the exception. At the same time, the industry is however trying – not least because of the labour scarcities – to create long-term working contracts (Accenture 2013: 48).

### Small business under pressure

Conditions in the industry's many small processing plants are a greater problem, whereby they do differ greatly. In some, workers even lack work tables and have no protective clothing, others are much better organised (Accenture 2013: 48; EJF 2013a: 14). As a rule, these small businesses – although some employ between 50 and 200 workers – are neither officially registered nor are they monitored (Tang 2013: 32).

These companies are the most likely to employ children. Officially, workers at these plants receive the legal minimum wage, but often employees must work shifts of up to 14 hours in order to receive their salary. Usually, they have no work contract (CSR Asia 2013: 5) and most workers are paid by the kilo (Tang 2013: 32).

Two-thirds of the workers interviewed in 2014 for a survey by the non-government organisation Fairfood said that their income does not secure their livelihood. The remaining third said their income was just high enough to support themselves and their families, but they were unable to save any money. Around 60 per cent were paid by the kilo. The remaining 40 per cent were hired on the basis of a daily wage with no work contract. A salary dependent upon amount processed makes salaries difficult to calculate in advance. When there are many orders, there is a lot of overtime; during other phases there is very little to do. At the peak of the season, a significant percentage of workers are working very hard for much longer than 12 hours each day.

This situation is exacerbated by the fact that salary deductions are made for tools and documents, as well as for any damages caused while working. As a result, about half of the workers do not receive the legal minimum wage of 300 baht (8 euros) (Fairfood 2015: 19–22).

## 5.4 Current legal situation

Most of the practices described above are in conflict with existing Thai laws. Furthermore, the country has ratified numerous international United Nation and International Labour Organization (ILO) conventions. Although these conventions guarantee worker protection, the government does nothing to enforce them. Neither the ILO convention on freedom of association nor the convention on collective bargaining was signed by the Thai government. This is a clear signal that strong unions are not wanted (Table 8).



Thai authorities call for an immediate stop of human trafficking and slave labour

**Table 8: Ratification of UN und ILO agreements concerning child labour and forced labour**

|  | Germany | Thailand     | Cambodia | Laos         | Myanmar      |
|--|---------|--------------|----------|--------------|--------------|
| UN Covenant on Civil and Political Rights (1966)     | 1973    | 1996         | 1992     | 2009         | not ratified |
| UN Convention on the Rights of the Child (1989)      | 1992    | 1992         | 1992     | 1991         | 1991         |
| UN Protocol on Trafficking in Persons                | 2006    | 2013         | 2007     | 2003         | 2004         |
| ILO Forced Labour Convention (No. 29)                | 1956    | 1969         | 1969     | 1964         | 1955         |
| ILO Freedom of Association Convention (No. 87)       | 1957    | not ratified | 1999     | not ratified | 1955         |
| ILO Collective Bargaining Convention (No. 98)        | 1956    | not ratified | 1999     | not ratified | not ratified |
| ILO Equal Remuneration Convention (No. 100)          | 1956    | 1999         | 1999     | 2008         | not ratified |
| ILO Abolition of Forced Labour Convention (No. 105)  | 1959    | 1969         | 1999     | not ratified | not ratified |
| ILO Discrimination Convention (No. 111)              | 1961    | not ratified | 1999     | 2008         | not ratified |
| ILO Minimum Age Convention (No. 138)                 | 1976    | 2004         | 1999     | 2005         | not ratified |
| ILO Worst Forms of Child Labour Convention (No. 182) | 2002    | 2001         | 2006     | 2005         | 2013         |

Source: UN 2015; ILO 2015

## 6. Child labour

Thai law prohibits the employment of children under 15 years of age. Young people between 15 and 18 years of age may work, but the employment relationship must be registered with labour inspectors within 15 days. These employees are forbidden from working between the hours of 10 p.m. and 6 a.m., from working overtime or working on holidays. They are also banned from hazardous labour, for example in the metal industry, and from handling chemicals or toxic elements. Nor are they allowed to work in slaughterhouses, gaming halls or casinos, and they cannot be involved with the sale of alcoholic beverages, prostitution or work in the massage sector (Tang 2013: 14).

### 6.1 Migrant children in the education system

In 2005, the Thai cabinet decided that children with no legal status in Thailand should still have access to state schools. This group includes a significant portion of the approximately 500,000 boys and girls who arrived in Thailand with their parents or were born there to immigrants. Many schools in border areas or regions popular with migrants had been admitting these children beforehand. But they

could not issue certificates for them, nor did they receive adequate state financing for their education (UNDP 2014a: 48).

Since the education system was opened up to migrant children without a residence permit, the government has given schools the same amount of funding per migrant child as it does per Thai child. The Thai Ministry of Education has expressly instructed schools to admit pupils who do not have the necessary papers.

Even so, in 2010 there were only about 60,000 migrant children in state educational institutions, far less than the over 200,000 expected (UNDP 2014a: 48). One reason for this is that many parents continue to be afraid of sending their children to school. They are worried that their undocumented children will be arrested and deported. What's more, some of these children come from families where education is not a priority (Tang 2013: 42). Many migrant children also have major problems in the state school system, since they do not begin their education until relatively late. They often leave school once they are fifteen to earn money working (Tang 2013: 42). In addition, the Thai education system still faces major problems, even with the progress it has made, and these impede the integration of children from migrant families.

#### Pohchi, 13 years old

Pohchi is 13 years old. He was born in Dawei, a city in southeastern Myanmar. He came over the border to Thailand eight months ago, with his father and his sister. They paid a broker 10,000 baht (about 280 euros) for 'help'. The three now live in Samut Sakhon with seven other family members who arrived before and since.

Pohchi works either with his father on a fishing boat or with his mother in a Lhong. The Lhong, or peeling shed, employs approximately 50 people and is not far from Pohchi's family's small apartment. There he peels, deveins or pulls the heads off shrimp alongside his mother from six o'clock in the morning to seven o'clock in the evening. He stands up for twelve hours straight, with one hour for lunch.

Paid by the kilogram, Pohchi manages about 30 kilos a day. His mother gets 240 euros per month for both of their efforts, provided her wages are not reduced when Pohchi is accused of damaging the shrimp. 'We don't know when they will claim the shrimp is damaged and when they won't', says Pohchi. 'We don't know until they say it'.

Pohchi went to school for six years in Myanmar, and he would like to continue learning. But he has accepted his parents' decision that both of his jobs – on the fishing boat and at the plant – are appropriate. 'I can stop working when I want to', says Pohchi. But he only stops when he is very tired.

(see LPN 2015: 56–58)

Instead of state schools, many migrant children attend informal schools run by NGOs. Many of these centres are not registered with the government and do not have enough qualified teachers, nor are they able to issue authorised certificates (UNDP 2014a: 49).

## 6.2 Migration and child labour in the shrimp processing industry of Samut Sakhon

Samut Sakhon province has changed enormously over the past 30 years; modern industry has begun to be established, thanks to massive support from the central government, especially processing plants for fish, shrimp and other seafood. Soon there were no longer enough workers in the region, and Samut Sakhon became a magnet for migrant workers of both sexes. First they mainly came from poorer north Thailand, then increasingly from neighbouring countries. The ongoing wave of immigration has meant that some of the 'migrants' are now being born in Samut Sakhon. There are also constantly new immigrants arriving (LPN 2015: 26–29).

In 2012, there were a total of 809 registered factories in Samut Sakhon for the processing of fishery products. Of these, 64 were considered to be large, employing a total of around 65,000 people. Mid-sized factories (233) employed 28,000 workers, and smaller factories (612) employed 73,000. The latter make up most of the shrimp processing plants; often they are subcontractors of larger factories (Tang 2013: 31).

### Massive immigration

In Samut Sakhon in 2010, an estimated 450,000 residents were originally from the region. At least 250,000 more were migrants from other regions of Thailand, mostly from the north. An estimated 160,000 to 200,000 more people from neighbouring countries lived in the region (UNIAP 2011: 3).

Three years later, the number of registered foreign migrant workers alone was some 200,000; the number of non-registered was estimated at 200,000 to 300,000. Ninety per cent of these were from Myanmar (Tang 2013: 2).

An estimated 60,000 to 75,000 children came with the migrant workers, and 8 to 10 children were born to immigrant women daily: more than 3,000 per year. (Tang 2013: 2–3).

Many children enter the workforce at the age of 14, although some start much younger



These children do not have access to Thai citizenship and are considered stateless. Despite compulsory education until the age of fifteen and the Thai government's resolution to open up schools to migrant children, the majority of them have no or only very restricted access to education and social services. This puts these children at high risk of starting work early in life (Tang 2013: 2–3).

### Working children

The International Labour Organization (ILO) has been cooperating for years with the authorities in Thailand to reduce child labour in the fisheries sector.

A survey in 2012 found that 12.7 per cent of children between the ages of 5 and 17 in Samut Sakhon province were working, with around a third of these in conditions that are classified as hazardous (ILO 2013a: 6). Most of the children included in the study were from Thailand (2013a ILO: 7); about half were doing unpaid work for their families, a few were self-employed and the rest were paid employees, often day labourers (ILO 2013a: 12).

The average hours per week worked by 13- to 14-year-olds in Samut Sakhon was 40 and more, and the group of 15- to 17-year-olds worked more, in most cases above 48 hours. The highest number of working hours among the children was 90 hours per week (ILO 2013a: 13).

Fifty-two per cent of the children were in the age group of 15- to 17-year-olds, and their work was classified as prohibited because it is hazardous according to ILO Convention 182. Many of the children started work as early as age 11 or 12 (ILO 2013a: 7).

The children's main reason for working was to increase family income. Children of migrants were particularly likely to quit school to go to work, or had never gone to school in Thailand at all. Their parents often did not place great value on education (ILO 2013a: 8).

Child labour is used mainly in small businesses and in areas where no training is required (ILO 2013a: 9). According to projections by the NGO LPN, in 2012 there were 6,000 to 8,000 children under 15 working in shrimp plants, with another 20,000 to 30,000 young workers between the ages of 15 and 18. Some of them had lied about their ages to get a job (Tang 2013: 33).

Most of the children worked alongside their parents or relatives. They generally received a lower salary than the adults, or the money was paid directly to their parents. Most children were not registered. If they were caught by the authorities, they were often deported even if their parents were registered employees (Tang 2013: 33).

The working conditions in the shrimp plants are harmful, especially for children: there are repeated injuries,

### »Because we're poor«

Nimu is 15 years old and came to Thailand seven years ago from Mon-State in Myanmar. She lives with her mother, her two sisters, her brother-in-law and her niece. Nimu has been working since she turned ten and began accompanying her mother to the shrimp peeling sheds. »I allowed her to see if she could do the work«, her mother says. »Since her father left us, she has to help earn money.«

Nimu's mother would like her to learn something. But »a poor family doesn't have many options.« Nimu wants to help her mother so they can buy a house in Myanmar. But she would also like to learn a lot and earn a Bachelor's degree with the help of an informal education programme. Nimu therefore goes to school from Monday to Friday and works on the weekends. In a factory with 100 workers, she cleans shrimp that is then sold to other plants. Every 15 days, she receives her salary, how much depends on the amount processed.

Nimu begins work at 4 a.m. The bosses like her, because she speaks both Thai and Mon and can translate. She has a limited work permit on which her age is given as 20 – unlike her student ID, which gives her real age.

»I am glad that my daughter has been able to work since she was a child«, her mother says. »She can take a lot and I let her work, because she needs to take care of herself.« Nimu says: »I want to help my mother earn money, because we're poor.«

(see LPN 2015: 60–63)



Removing heads, guts and shells: the labour-intensive jobs are done usually in small facilities

break times are not adhered to, many work night shifts from six o'clock in the evening to six o'clock in the morning and most of the children do not attend school (Tang 2013: 33).

### 6.3 Case study: the (working) migrant children of Samut Sakhon

The Labour Rights Promotion Network (LPN) has been working with migrant families in Samut Sakhon for over ten years. It helps in cases of unfair treatment by employers, forced labour, debt bondage and problems caused by immigration status. LPN looks out in particular for those children who have no access to education and are forced into work, for example because of debt. LPN has already conducted studies on human trafficking and operates educational facilities for migrant children and adolescents.

In order to capture their living situations and their views accurately, the network launched a study on behalf of terre des hommes in early 2015 in the district of Muang in Samut Sakhon province, surveying 887 of the estimated 20,000 migrant children.

They also conducted in-depth interviews with children, parents, teachers and employers. The LPN study can be downloaded from the terre des hommes website at [www.tdh.de/shrimps](http://www.tdh.de/shrimps). We summarise the main findings below:

#### Living conditions and school attendance

Most of the children live with their parents in rented rooms. Only a few of them live with colleagues or in lodging provided by their employer. Family size varies greatly, with an average of four people (LPN 2015: 39).

Fifty-six per cent of the children surveyed were attending school, which means, conversely, that almost half did not go to school, although Thai laws encourage they do so. A large proportion of surveyed children under 15 were not attending school. Among the working children, a whopping 92 per cent did not attend any kind of educational facility (LPN 2015: 32, 39, 40).

Many of the children who were recent migrants had gone to school in Myanmar and had often completed primary school. A major problem in integrating into the Thai school system is the language barrier: only around 40% of the



LPN staff member asks migrant child in Samut Sakhon about his life

children either can speak Thai moderately or quite fluently, 29% cannot speak Thai at all (LPN 2015: 39).

### Entry and residence status

Most of the children surveyed entered Thailand with their parents (41.6 per cent) or other relatives (23.8 per cent), 13.9 per cent arrived through employment agencies (brokers) and the rest came with friends or alone (LPN 2015: 50).

The average costs of illegal entry with a broker's help are anywhere between 1,000 and 10,000 baht (27 to 270 euros). Some children are brought directly to employers by the brokers, with the entry sum gradually deducted from their wages (LPN 2015: 50).

The implementation of new immigration rules in mid-2014 has meant that it is now easier to get the papers needed for legal residency, but many workers still live in the country without documents, because there is so much red tape involved in obtaining legal residency. Given the poor economic situation in their home country, obtaining employment in the Thai shrimp and fish processing industry remains a lucrative option.

### Risk factors for child labour

The interviews showed that several risk factors are likely to make children enter the labour market early:

- Not in school
- No supervision, because the parents work
- No legal documents
- Parents are employed in shrimp or fish processing plants

In principle, all children of migrants are at risk of entering the workforce at a young age. The risk increases significantly, however, if they were never integrated into the education system.

Another risk factor is the employment of their parents in the shrimp or fish processing industry – especially if their jobs are very close to where they live.

Without other opportunities for day care, many parents take their children to work with them. These children will then help their mother or father as soon as they are able to contribute to the workload – and therefore the family's income.

Many of the children who are not yet working fall into this risk group. This is why there is a risk that the number of working children in a region could increase rapidly depending on the economic situation of the region (LPN 2015: 32–40).

A sizeable share of parents assume that their children are old enough at 14 to work and support the maintenance of the family (LPN 2015: 76).

### Motivation to take up work

More than 80 per cent of the children surveyed took up work to improve their family's livelihood. But some have to work in order to survive or to pay off their family's debts. Other children decide to take up work because they have no access to education (LPN 2015: 44).

Since many employers know of the ban on child labour, minors often falsify their ages; employers generally do not verify these (LPN 2015: 63).

### The spread of child labour

Of the 887 children and adolescents in the study, 101 were working in some manner that violated both local laws and international agreements such as ILO Conventions 138 (minimum age for admission to employment) and 182 (elimination of the worst forms of child labour). Of those affected, 56 are male and 45 female. The majority of them are 16 or 17 years old and are employed in areas or situations that are classi-

fied as harmful or hazardous child labour, and fall under the worst forms of child labour according to ILO Convention 182 (LPN 2015: 32, 37).

Most migrant children do not have the papers to prove their legal status, and many do not know whether their parents possess such documents for them (LPN 2015: 32).

Two-thirds of parents are employed in plants that process shrimp and fish. These operations are also often the first stop for children seeking work (LPN 2015: 35).

Most of the children surveyed began work at the age of 15, but some started as early as 7. The youngest employed child in the study is only ten years old. The largest share of child workers were born in Myanmar, the others in Thailand. Of the working children, only around 10 per cent had a signed employment contract (LPN 2015: 37, 44, 45).

### Labour and working conditions

Of the child workers surveyed, two-thirds were employed in factories that process seafood. The remaining third had previously also worked in this industry and then changed to other fields.



LPN staff researching living conditions and views of migrant children

### Conversation with a group of children who left Myanmar with their parents

*Adult: Are your parents happy with the jobs they have?*

*11-year-old: I don't know but my mother has told me that if she didn't work we would not be able to eat.*

*Adult: Would you want to do the same job as your parents?*

*Silence*

*Adult: What would you like to do later for a job?*

*11-year-old: I would like to be a doctor... I would then be able to take care of my mother if she is ill.*

*Pause*

*11-year-old: But that is a dream.*

*Adult: It is good to have dreams.*

*11-year-old (apparently ignoring the remark): It won't happen because I will soon have to work.*

*10-year-old observing with pride her 14-year-old sister returning from work: I will work like my sister.*

*14-year-old: You won't be able to. The work is too hard.*



LPN staff visiting a 16-year-old girl who works in a shrimp processing unit



Shrimp peeling migrant family from Mon-State (Myanmar)

The children's main task was to wash seafood and clean it, cut it to size or remove the shells. Some children also worked in factories where seafood is packaged and prepared for freezing. Nine per cent loaded and unloaded vehicles and equipment or were responsible for other transport activities (LPN 2015: 41). The children's labour frequently took place in illegal or semi-legal areas: many of the fish and seafood processing operations in Samut Sakhon are not registered.

The children are usually employed six days a week and work nine and a half hours per day including overtime. During peak periods of demand, however, there may be days on which they work 14 to 15 hours. Some of the children have to work night and weekend shifts (LPN 2015: 45).

The usual work day begins around 6 a.m. and ends at 8 p.m. If a lot of raw material is delivered that needs processing however, the work pressure increases enormously, especially in the small shrimp processing factories. The average number of hours worked for children in these is already higher, at about 11 hours a day. The pressure is particularly high and child labour especially common in companies that work as subcontractors for other factories (LPN 2015: 45).

Around half of the children indicated working three to five hours of overtime per day, for which they received an average of 55 baht per hour extra. The working conditions

for children and adolescents are thus no different from those of adults (LPN 2015: 45).

Payment is sometimes daily; in approximately half of the cases, it is every two weeks, and in approximately 5 per cent of the companies it occurs on a monthly basis. Many working children and adolescents are able to obtain the minimum wage of 300 baht per day, but this highly depends on their yield, since they are often paid by the processed weight. This means that the size of the shrimp delivered has a significant impact on the wage level (LPN 2015: 45).

Nearly three quarters of the children have never received any safety training. They do not know what to do in the case of an accident, fire or incident of handling toxic substances. Another problem for two thirds of the children is that warnings, if any, are written in Thai or Burmese and cannot be read or understood by children because of their insufficient education or membership in an ethnic group with a different language (LPN 2015: 46).

### »It was my own decision«

Thanipo is 15 years old. He and his brother came to Thailand one year ago with the help of a broker. They paid the smuggler 7,000 baht (around 190 euros), a relatively low sum, to bring them across the Myanmar-Thailand border over the Bilaukaung range, and on to Samut Sakhon.

Some of their relatives already lived in Samut Sakhon, including their father and their mother. Why did they come? »My children have enough to eat here and we can even send some money home to our family«, says Thanipo's father, who was a farmer in Myanmar. With his salary, Thanipo wants to support his aunt and his grandmother back home. And he wants his little brother to not have to work and to continue to go to school.

Together with his mother he works in a peeling shed, cleaning shrimp. »I'm not a kid anymore«, he says. »I have no choice, I have to work«. His uncle, who began working here first, taught him to peel shrimp.

In Myanmar, Thanipo went to school up to sixth year. »Now he wants to work to support his family«, his mother says, »Nobody talked him into it.«

Thanipo and his mother are paid by the kilo. They spend every day but Sunday in the peeling shed from eight o'clock in the morning to five o'clock in the evening. Together they earn around 500 baht (13 euros). Sometimes, during holidays, his little brother helps too. »Nobody forced me to work«, says Thanipo, »it was my own decision.«

Thanipo does not plan to stay in Thailand: »I've never felt at home here. And I miss my family in Myanmar«. The family wants to spend one more year making money and then go back to their home town in Mon-State, Myanmar.

(see LPN 2015: 59, 60)



Migrant workers waiting for the bus to their company in the early morning

Although 80 per cent of the children said they would classify their work as risk-free, 17.8 per cent also said they had already suffered accidents during working hours. These included slipping on wet ground, bruising from conveyor belts and other causes, injuries from cuts or falling transport baskets for shrimp, and scalding from hot oil. Many children also complained of heavy lifting that was not made easier with assistive machinery (LPN 2015: 46).

Many of the operations had no dedicated space for medical care. Since the children usually do not have access to health insurance and other benefits, they must either pay for treatment themselves or rely on support from their employers (LPN 2015: 48).

The descriptions from these children and adolescents show how powerless they are, especially if they are working in unregistered enterprises. Their working hours, and hence their income situation as well as their working conditions, are greatly dependent on their workload.

Despite the problems, many of the children said that they were reasonably satisfied with their jobs. They do not know what they conceivably could demand from their employers; they adapt because they want to keep their jobs. A significant proportion of respondents expressed interest in receiving training about labour rights and conflicts with employers (LPN 2015: 48–49).



### Destination Unknown – to Protect Children on the Move

Approximately 232 million people are on the move outside their home country (IOM 2014: 1). Many of them are children and young people who have fled poverty, violence and disasters on their own or accompanied by an adult. They are looking for a better life, but they are easy victims for exploitation, abuse and violence. They are hardly able to demand their rights, if they know them at all. An estimated 33 million migrants are under the age of 20, and 11 million of these are between the ages of 15 and 19 (UNICEF et.al.2012).

The terre des hommes international federation, an association of terre des hommes in Switzerland, Germany, the Netherlands, Italy, France, Denmark, Spain, Luxembourg and Canada, has launched a campaign, Destination Unknown – To Protect Children on the Move, to aid these children and adolescents. They want to draw the public's attention to those boys and girls whose rights are often trampled on, because no state feels responsible for them and their protection.

The campaign aims to illuminate the situation of these children and young people and tell their stories. No matter where a child lives or was born, they have the right to be protected from exploitation and violence. The Convention on the Rights of the Child requires states to ensure this right for children. In this context, terre des hommes aims to influence policy and legislation, taking constant guidance from the views and perspectives of the children themselves.

In addition, the terre des hommes member organisations provide local support to migrant children: they manage projects where the children can receive advice and get support, protection and training opportunities.

[www.destination-unknown.org](http://www.destination-unknown.org)



Migrant children at the LPN center in Samut Sakhon

### terre des hommes assists migrant children in Samut Sakhon

The results of the case study are clear: education for migrant children and adolescents in Samut Sakhon that is high in quality, culturally appropriate and locally accessible is a very promising approach to qualify them for the Thai education system and keep them out of early and harmful work.

For these reasons, terre des hommes supports LPN's educational programme so that they can reach more children, especially those from the poorest migrant family neighbourhoods.

In addition, LPN is encouraged in its efforts to call upon Thailand's government and its authorities to respect the rights of migrant children documented in the Convention on the Rights of the Child, with the right to education, the right to the best possible health, and the right to protection from exploitation and violence paramount among these. But it is still a long road to making these rights a reality for migrant children in Samut Sakhon. LPN and terre des hommes will stand behind these children for as long as it takes.



Children from Myanmar go to a Thai school cooperating with LPN

## 7. First improvements

Reports on the scandalous conditions in the Thai fish and seafood industry have led to pressures on the shrimp export industry from many sides. Chain retailers from various countries have visited Thailand to see if they could buy traceable shrimp. Working conditions in the shrimp sector have been a repeated topic of European Parliament meetings, without however resulting in decisions upon concrete measures. Pressure on the Thai government rose when, in July 2014, the EU suspended talks on a free trade agreement, just as preferential tariffs had ended or were slated to end. EU tariffs on processed Thai shrimp thus rose from 7 to 20 per cent in 2014 and from 4.2 to 12 per cent for unprocessed shrimp in 2015. However negotiation breakdown was due less to labour conditions in the fishing sector and more to the military coup (Seafish 2014: 6–7). But for the Thai producers, the higher tariffs put pressure on production costs.

Although they are not very broad, US sanctions prohibiting the procurement of Thai shrimp by federal agencies have put the sector under pressure, as does the threat of import restrictions for Thai fishing industry products proposed by the EU (see p.10, 19).

### 7.1 Diverse cooperative schemes and model projects for children

The Thai government has reacted with a series of decrees and has mandated increased monitoring of the sector. These measures begin at the first step of the value chain: the production of fishmeal. To improve conditions aboard fishing vessels, among other measures all ships should be registered and maintain lists of the names of all crew members.



Migrant children in a Thai school

This ruling applies to both Thais and migrants. Furthermore, 12 migrant registration centres should simplify registration process and reduce registration costs while improving the reliability of data. Thailand also plans to cooperate more with its neighbours to stop trafficking and open avenues for legal immigration (Seafish 2014: 3).

To counter the disastrous social and environmental effects at all levels of the value chain, the Thai government and the Thai fish and seafood industry is increasingly working together with sustainability initiatives, non-governmental organisations and the ILO. In cooperation with the ILO, model projects have been implemented to improve the situation of migrant children in the Samut Sakhon region. These projects aim to allow boys and girls to receive an education, for example through informal schools that

prepare them for state schools. Other projects target pre-school children so that they may learn Thai and have better chances of scholastic success. There are also projects in place to integrate 12- to 14-year-olds, who are at the greatest risk of being forced into child labour, into the formal school sector. For 15- to 18-year-olds, avenues to legal employment are sought, in order to prevent exploitation (Tang 2013: 44-45).

## 7.2 Certification

Currently only a small percentage of globally-produced shrimp is certified; estimates of the percentage vary widely. The most common certifications are the standards Global G.A.P., Aquaculture Stewardship Council Shrimp Standards (ASC) and Best Agriculture Practices (BAP).

### Global G.A.P. (Good Agricultural Praxis)

The Global G.A.P. was founded in 1997 by the retail industry to develop and set standards for aquaculture. In the shrimp industry, the main concern was monitoring animal health and animal protection standards as well as minimum standards for workers including training, first-aid measures and protective clothing. There were little or no standards for social issues. For this reason, an additional element was added to Global G.A.P. to address this lack, GRASP (Global G.A.P. Risk Assessment on Social Practices). GRASP guidelines demand, among other measures, the documentation of all workers and of working hours, occupational safety measures, regular salaries and no child labour. According to our information however, GRASP guidelines are not yet applied to Thai shrimp.

### Best Aquaculture Practices (BAP)

The Global Aquaculture Alliance aims to provide high-quality aquaculture products on the international market guaranteed to have been produced under humane conditions. Best Aquaculture Practices (BAP) – meant to apply to the entire value chain – was created to meet this goal. Quality control is meant to ensure traceability along the supply chain, food safety and environmental protection. Basic social standards, including a ban of child labour and forced labour, payment of minimum wage, provision of protective clothing and medical coverage for workers are among the requirements.

### Aquaculture Stewardship Council Shrimp Standards (ASC)

The goal of the ASC is to create traceable supply chains for seafood aquaculture. The standard works with producers, sellers, and research institutions to certify environmental and social criteria in production. Social conditions are monitored during audits. ASC was founded in January 2012 and is based on principles set by ISEAL Alliance, a global membership organisation for sustainability standards. These principles promote broad participation of all members of the value chain to create and develop criteria. The Aquaculture Stewardship Council Shrimp Standard was created especially for the shrimp sector.

Alongside these three major standards, there are many others that however, apply only to niche production and certify only small quantities of shrimp.

Among those organisations that have become more active in the shrimp sector are Fair Trade USA, SA 8000 and Naturland Wildfisch (Fishwise 2014: 31–35).

Naturland is the most significant for the German market. Naturland standards originally focused mostly on environmental criteria. In recent years however, additional social criteria were added, including ILO core labour standards. Shrimp certified by Naturland are therefore both environmentally and socially sustainable.

The small niche standards and the large standards Global G.A.P., ASC and BAP have however as yet failed to make widespread improvements of the situation in the shrimp sector – as the conditions uncovered in Thailand and elsewhere have proven. Reasons for this failure may be varied. Global GAP and BAP concentrate on product quality, social standards were merely tangential for many years. ASC is still young and has not yet been able to have much effect.

A major problem in Thailand is the complexity of the shrimp sector. Many different companies are involved in production and processing, as well as numerous middlemen. This makes traceability challenging. What is more, many of the existing standards are confusing for both consumers and producers. This makes producers less willing to adhere to sustainability criteria, especially since the merciless price war on the global market encourages producers to keep costs as low as possible (Sustainalytics 2014: 3; Accenture 2013: 40–44).

## 8. Recommendations

### Recommendations to the Thai government

Thailand has ratified the United Nations Convention on the Rights of the Child (CRC) and is legally obliged to protect the rights enshrined therein for all children – regardless of their own or their parents' migration status.

- The Thai government is thus asked to act in compliance with the CRC and to protect all children (18 years and younger) from exploitation and hazardous work. The Thai government should address the root causes of migrant child labour and guarantee the **right to education**. Further efforts should be made involving the children, their families and educational institutions to make education better correspond to the needs and expectations of migrant populations.
- Transparent structures, **connecting young labour-migrants to decent work places**, should be established in order to weaken the power of and the exploitation by brokers. Working migrants should receive a legal migration status in a simple and quick procedure free of charge.
- **Monitoring and reporting systems** should be established for identifying and remedying child rights violations in work contexts, particularly in informal situations and unregistered companies. These systems should be transparent and under the supervision of independent organisations. A national action plan for social and environmental standards in the shrimp industry, specifically tackling child rights violations, should be developed together with migrant organisations, NGOs, trade unions and the business sector. Law enforcement should always place the best interests of the child as a primary consideration.

### Recommendations to global business based in Europe

Trading with products without caring about social and environmental production standards violates international norms, for instance the UN Guiding Principles on Business and Human Rights (UNGPR) adopted by the UN-Human Rights Council in 2011. A central aspect is companies' obligation to carry out human rights due diligence.

- Companies are called to uphold **human rights in all their business connections** and along the entire supply chain, including all subcontractors and suppliers. In order to do so they need full supply chain transparency based upon long-term relationships with producers.
- International companies should **support producers in improving human rights** standards in the production process and clarify that they are not willing to maintain business connections to producers that violate these rights.

### Recommendations to European governments:

States are obliged by international conventions to protect human rights in their own country but also in third countries as extraterritorial obligations. They have to ensure human rights due diligence of companies residing in their country.

- We call upon European governments to ensure that European companies respect human rights when they act abroad and insist upon **human rights due diligence** across their supply chain, including subsidiaries, subcontractors and suppliers. They should adopt a **legislative framework** and policy on corporate responsibility and operationalise the concept of due diligence, thus creating a level playing field within the EU.
- Companies should be legally liable for human rights violations by their subsidiaries and in their supply chains. States have to guarantee the **access to legal remedy and compensation for victims**.

## Recommendations to the European Union

Europe is an important trading partner for Thailand and the European Union has the possibility to integrate child rights and human rights into trade agreement negotiations.

- We ask the Commissioner for Environment, Maritime Affairs and Fisheries **to include the rights of the migrant children** working in the seafood processing industry into the formal talks with the Thai authorities he initiated in April 2015 (see p. 10). He should not only press for measures against illegal fishing practices but also for measures that aim to protect children's rights as recommended above.
- We ask the European Parliament, especially the Committee on Fisheries, to insist that **child rights violations** and forced labour in the Thai fishing and shrimp industry, as exposed in the present study, **must be part of any trade negotiations** between the EU and Thailand. Clear and substantial progress in protecting child rights and human rights in the fishing and seafood sector must be the condition of any trade agreement between the EU and Thailand.

## Recommendations to Labelling Organisations

Labelling organisations are setting important standards. Nevertheless the current standard setting in shrimp production is concentrated on environmental aspects rather than social standards, human rights and child rights.

- We call upon shrimps labelling organisations to **include meaningful social standards**, human rights and especially child rights into their standards and to monitor compliance.

## Recommendations to consumers in Europe

Consumers of shrimps and shrimp-based products are accustomed to low prices. Frequently they do not know about exploitative working conditions and low environmental standards.

- Customers should make clear that they do not want to eat shrimps whose production has damaged the environment and violated human rights, even if this means paying higher prices. Customers should **ask retailers and restaurants**, for instance on their websites and social media, about the origin and the production standards of all shrimp sold and served.
- Consumers should demand the introduction of **binding laws** from their governments concerning the **responsibility of companies** for human rights abuses across their value chain.



The right to education applies to all children – regardless of their migration status

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Destination Unknown is an **international campaign to protect children on the move** led by Terre des Hommes International Federation (TDHIF) and its member organisations. It is supported by partners who join forces to develop protection mechanisms for children on the move, raise awareness about the campaign messages and advocate for policy change. [www.destination-unknown.org](http://www.destination-unknown.org)

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