

Dr. Thaksin Shinawatra
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7 September 2005

Re: Illegal detention and deportation of 232 Burmese migrant workers

Dear Prime Minister Thaksin Shinawatra,

We write to voice our strong condemnation of the forced deportation of 232 Burmese migrant workers previously working for the Daechapanich fishing net factory in Khon Kaen province, north-east Thailand. Prior to their deportation, the workers had worked 12 hour shifts without a break. They received only 102 Baht (US\$2.50) per day in hand, after 28 Baht was deducted from this to cover their food and accommodation costs. They had only four days leave per month.

The workers contacted MAP Foundation, AMC's long-term partner organization and a member of Mekong Migration Network (MMN), for advice on the laws regarding their working conditions. They were also fearful for their security after a brawl broke out at a football match, and subsequently the security guard at the factory kept a knife with him. On September 1, the Labour Protection officer mediated between the workers and the employer. A signed agreement was made for shorter working days (ten and a half hours), an increase in wages to 140 Baht (US\$3.50) per day, and public holidays off. The workers also requested to have a Labour Committee in the factory, but the employer refused this request.

However, the improved conditions for the Burmese workers lasted only one shift. On September 2, after the workers had finished their day shift at 5.30pm, they soon discovered that their bus to take them home was not coming. They therefore had no choice but to walk home. On their way they met up with the group of night shift workers who were on their way to start work. News quickly spread that the two groups were together and the employer presumed this to mean that they were intending on conducting a demonstration against the factory. The employer immediately contacted the police and other security agencies, calling for their assistance in this matter. When the police arrived, they proceeded to arrest first the leaders of the Burmese group, and then the remaining workers, who together totalled 232. On September 4, the workers were deported back to Burma.

The following day representatives of the group crossed the border legally to lodge a complaint about the case with the Minister of Labour. However, the group were followed by unknown persons in a vehicle who set upon the workers and kidnapped them. They then made the workers take them to a community workers centre and proceeded to assault one of the leaders. This hired gang then took the rest of the workers. The workers rights group gave details of the licence plate of the kidnapper's car to the police who then unsuccessfully searched for the vehicle. Several hours later, the workers rang to say the hired gang had taken them to Mae Sot police station where they were now detained.

We are writing therefore, seeking your immediate intervention in this case to ensure the protection and security of these Burmese workers, by reinstating their legal status (Tor Ror 38/1 and work permit). We also request that you ensure the protection and safety of those providing

assistance to the workers. We urge you to set up an investigation into why the workers were arrested in the first instance and who authorised this. The arrest of the workers violates Thai government policy on migration labour, since the policy on migrant workers allows workers to change employers within the one year registered period. The employer, Labour Protection Office and the police in Khon Kaen disregarded the legal procedure for migrant workers to change employer. The forced deportation of the workers from Mae Sot again violates Thai policy. Disciplinary/legal action should be taken against those who authorised and those who conducted the kidnapping. We also request the Ministry of Labour to assist in the litigation of the exploited workers. This situation has exposed some of the challenges of the migrant labour policy regarding the restrictions on travel of migrants.

Mekong Migration Network (MMN), Action Network for Migrants (ANM), MAP Foundation, Asian Migrant Centre (AMC), and International Organization for Migration (IOM) organized the Mekong Symposium on Migration, entitled "Protecting Migrants' Rights When They Leave the Host Country", in Chiang Mai, 1-3 October 2004. Participants for this symposium included representatives from the Thai Ministry of Labor, Ministry of Public Health, and Ministry of Interior. Participants of the symposium at that time discussed the implication of the MOU on Cooperation in the Employment of Workers, signed between Thailand and three neighboring countries. While they welcomed the legalization of migrants' status in principle, many migrant advocates shared the concern that this system may be used by employers and some government agencies to control the workers, rather than to protect their rights. The incident that took place in Khon Kaen province unfortunately serves as a tragic example of this.

We strongly urge the Thai government to consult with migrant workers and their support groups to develop an effective mechanism to implement the migrant policy on change of employer and province.

We trust that you will use your authority to intervene in this matter.

Sincerely yours,

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(Contact person: Reiko Harima, Program Coordinator for the Migration in the Mekong Program)

Cc:

- Mr. Somsak Thepsutin, Minister of Labour, Office of Ministry of Labour;
- Pol. Gen. Chidchai Wanasatidya, Minister of Justice, Office of the Ministry of Justice;
- Mr. Pornchai Yooprayong and Mr. Suwat Sungtee, Deputy Director General, Department of Labour Protection and Welfare, Ministry of Labour;
- Professor Saneh Chamarik, Chairperson, The National Human Rights Commission of Thailand;
- Ms. Christine Evans-Klock, Director, ILO Regional Office for East Asia (SRO-Bangkok)
- Ms. Gabriela Rodríguez Pizarro, Special Rapporteur on the Human Rights of Migrants; and
- Mr. Doudou Diene, Special Rapporteur on Contemporary Forms of Racism and Racial Discrimination