

August 30th 2007

Asian Migrant Centre (AMC) Statement on the Global Day Against the Implementation of Provincial Orders Concerning Migrant Workers

Statement issued in support of the action initiated by the Action Network for Migrants (ANM)-Thailand. Much of the information in the statement is also provided by the ANM.

Submission of this statement to the Royal Consulate-General in Hong Kong is supported by the Asian Human Right Commission (AHRC) and the Asian Monitor Resource Centre (AMRC).

We, the undersigned organisations, are deeply concerned about the recent implementation of stringent and discriminatory local legislation in five southern provinces of Thailand including Phuket, Surat Thani, Ranong, Rayong and Phang Nga. The legislation in question, which restricts migrant workers' mobility, was first imposed by the Governor of Phuket Province in December 2006 and was quickly followed by others. The most recent issuing of such a decree was in Phang Nga Province, on 9 June 2007.

This legislation is in gross violation of Thailand's obligations under international human rights law and has already had a disturbing impact on migrant workers' lives. We are therefore calling for the immediate abolishment of these decrees.

On vague grounds of national security, these decrees target a specific group of people namely migrant workers from Burma, Laos and Cambodia. They enforce discriminatory measures such as bans on public assemblies of more than five persons without prior permission, control on the use of mobile phones, motorcycles and cars, and a curfew for migrant workers from 8 pm to 6am. It is important to note that the International Convention on the Elimination of all Forms of Racial Discrimination (CERD), to which Thailand has ratified, prohibits discrimination against any particular nationality among non-citizens.

Thailand has also ratified the ILO Abolition of Forced Labour Convention. However, the conditions imposed by these severe restrictions on the liberty of workers are akin to forced labour as workers are effectively unable to leave their place of employment and make contact with people outside their place of employment. The numerous hotline numbers installed by the government for people to contact in case of trafficking, abuse, or other emergency become all but useless when people are not allowed to make phone calls.

The measures are apparently aimed at controlling migrant workers. Such control only empowers employers who may further benefit by employing migrant workers whose labour, social, political and religious rights are restricted as a result of the legislation.

The Action Network for Migrants (ANM) has expressed deep concern that "the decrees adversely affect migrant's ability to access healthcare and to practice health. They are an obstacle to community health education activities and cooperation between the different stakeholders. Migrant's ability to continue to exercise their right to education, particularly non-formal education will be severely impeded by these decrees. Migrants will no longer be able to practice their religion and culture freely."

Indeed, eight months have passed since the issuing of the first decree and the impact of these decrees on migrants' lives has been apparent. Various organizations monitoring the situation have reported the decrees have had the following effects: increased police extortion; confiscation of mobile phones; and increased "participation" in arrests and confiscations by regular Thai citizens. For example, Grassroots Human Rights Education reported that on 17 July 2007, a 23-year old Burmese construction worker in Takuapa district in Phang-Nga province, had an accident while working at a construction site but the employer refused to take him to a hospital as the employer was afraid of the new law.

These restrictions regarding movement, access to information and freedom of assembly furthermore hinders migrant workers in exercising their rights as in accordance with fundamental ILO standards. The freedom of movement and freedom of assembly and the right to information are fundamental human rights that are an essential feature of any truly democratic country to which the Royal Thai Government has aspired to become again.

The segregation of migrants through these measures creates suspicions and fear between the host and migrant communities. The decrees are fuelling xenophobia and destroying social cohesion in these provinces.

We therefore appeal to the Royal Thai Government to take the following action:

1. To advise the Governors of these provinces to immediately withdraw the Provincial decrees
2. To support Provincial authorities to uphold and implement the national policies which grant all registered migrants access to health care and all children of migrants access to education.
3. To ensure that all policies regarding migrant workers are non-discriminatory and protect the human rights of migrants and their families.

Signed organisations:

Asian Migrant Centre (AMC), Hong Kong
Asian Human Right Commission (AHRC), Hong Kong
Asian Monitor Resource Centre (AMRC), Hong Kong
The participants of the AMRC 30th Anniversary Conference entitled Labour Resurgence Under Globalization, held in Hong Kong on 27-28 August 2007.