



31 October 2021

Public Statement of the Migrant Working Group (MWG)

The government urged to replace the Minister of Labour to show their responsibility for failure in the management of foreign workers and to address human trafficking

On 29 October 2021, representatives of migrant workers together with the Workers' Union, the Migrant Working Group (MWG) and the Labour Network for Peoples Rights have gone to the Ministry of Labour to submit a letter of petition to the Minister of Labour regarding the monitoring of the proposals to address the problems of construction workers and migrant workers amidst the Covid-19 pandemic. They also demanded other solutions including the bribery demanded from the workers, expenses incurred from the regularization process, a lack of clarity in the policy concerning the regularization process and the procedure for the registration of the migrant workers according to the cabinet resolution made on 28 September 2021 (more detail, please see <https://m.facebook.com/labornetworkforpeoplesright/posts/398840005277170>)

During the handing of the letter and the negotiation with officials at the Ministry of Labour, police officials, Immigration officials and other unidentified officials clad in vests bearing the name of "Minister of Labour Suchart Chomklin" have barged in and demanded the examination of the personal documents of the workers as well as taken their photo while they were in the premises of the Ministry of Labour. Eight of the migrant workers were then taken immediately to the Din Daeng Police Station. The inquiry officials have later prepared a charge sheet made at the Immigration Bureau alleging that of the eight migrant workers held in custody, seven were allegedly aliens who have entered and lived in the Kingdom without permission. While being deprived of their liberty, all the migrant workers were denied access to their legal counsel and interpreter that they could trust.

In response to the incidence, the Migrant Working Group (MWG) and partner organizations condemn the arrests of the workers while they were handing a letter to the Minister of Labour to explore solutions to the problems they were facing as a result of the policy concerning the management of migrant workers. To prevent them from having to live and work illegally in the Thai Kingdom and to prevent them from becoming victims of exploitation, MWG have these opinions and urgent recommendations as follows;

1. As a leading agency taking charge of policies concerning the management of migrant workers in the past several decades, the Ministry of Labour has not seriously learned from lessons to ensure the sustainable management migrant workers. As a result, the country has been downgraded in terms of its credibility for the promotion of safe migration and has become a hub of exploitation, human trafficking, and the use of child labour. The mass arrests of migrant workers during the political crisis in 2014 due to ignorance among the leaderships and a lack of clear policy for the renewal of work permit for migrant workers whose employment permits were going to expire, has prompted an exodus of hundreds of thousands of migrant workers back to their countries out of their fear of the hardline crackdown. This has caused the downgrading of Thailand in terms of its response to trafficking in persons to the lowest tier (Tier 3-TIP report).
2. During the crisis of labour management in 2014, the government's only solution to the problems was the promulgation of the Royal Decree Concerning the

Management of Foreign Workers in 2017. But a lack of legal enforcement or fair policies on employment have failed to give rise to a genuinely safe migration. Regarding the appointment of the Minister of Labour in the current coalition, MWG has found the Minister lacks visions, knowledge and leaderships essential for the enhancement of the quality of life of the workers, particularly during this major crisis due to the Covid-19 pandemic. Despite being the host agency to propose solutions to the management of migrant workers, the head of the Ministry of Labour has failed to prevent the arrests of migrant workers whose employments in various sectors have been affected. A case in point was the arrests of migrant workers right in the premises of the Ministry of Labour, or the case against Ms. P who was subject to an unlawful arrest and later released after receiving legal assistance from civil society (more detail here <http://hrdfoundation.org/?p=2655>).

3. MWG urges the Ministry of Labour to immediately release all the seven migrant workers being held in custody and promptly address the gaps in the enforcement of the laws to ensure compliance with the cabinet resolution. Apart from proposing the management of migrant worker plan to seek approval from the cabinet, the Ministry of Labour has to expedite its effort to collaborate with concerned agencies to issue relevant Notifications and propose them to the cabinet meeting. For example, during the latest meeting on 28 September 2021, it was approved in principle to determine the goals for the management of migrant workers during the crisis to enhance disease surveillance and prevention and the undocumented migrant workers shall be allowed to continue staying and working in Thailand (https://resolution.soc.go.th/PDF_UPLOAD/2564/P_404607_7.pdf). The delay to issue the Notifications and the arrests of migrant workers at the Ministry of Labour have led to the deprivation of liberty of the migrant workers.

4. MWG has found that responses by the Ministry of Labour affect the image and investment prospect of the country since Thailand continues to be looked at as a country not supportive of safe migration and it may lead to exploitation, human trafficking, and the use of child labour. We therefore demand the Prime Minister consider appointing a new Minister of Labour. The head of the Ministry of Labour must be recruited from leaders with visions, knowledge and leadership to enhance the quality of life of the workers and to promote the economic development with the understanding of Sustainable Development Goals (SDGs) and respect of labour rights based on international laws and international labour standards. It also includes all the pledges on the protection of migrant workers without discrimination given by the delegations of Thailand in various global forums including the Global Compact for Safe, Orderly and Regular Migration (GCM) and the National Action Plan on Business and Human Rights meetings.

“Migrant workers are labour
Labour rights are human rights”

Migrant Working Group (MWG)

For more information, please contact:

Ms. Koreeyor Manuchae, lawyer and MWG’s Coordinator 091 838 6265

Papob Siamhan, lawyer 0945485306