



11 December 2021

Press Release by the Migrant Working Group (MWG)

Ministry of Labour urged to help the seven migrant workers being detained and to immediately drop cases against Human Rights Defender

On 8 December 2021. Around 14.00, Ms. Thanaphon Wichan with her legal representative have met with the inquiry officials of the Din Daeng Police Station pursuant to the first summon of suspect dated 18 November 2021. The case has been reported by Mr. Nathakorn Chankuen, the Central Employment Registration and Workers Protection Division allegedly for “harbouring, hiding or in any manner assisting...” The inquiry officials have been informed that four persons have been authorized by the Ministry of Labour including Mr. Nathakorn Chankuen, Mr. Thiraphat Jaytinai, Mr. Nirat Wejnusit, and Mr. Sakonnathapit Puangklang who allege that Ms. Thanaphon Wichan is culpable for harbouring, hiding or in any manner assisting aliens to evade arrest. The inquiry officials have embarked on its investigation of the allegation by sending a letter to the Immigration Bureau asking to defer the deportation of the seven migrant workers from Cambodia who have been held in custody by the Immigration Bureau in order to examine the witnesses relating to the incidence of the arrests of the workers on 29 October 2021 at the Ministry of Labour. According to the interview, the seven workers said that they do not know Ms. Thanaphon and have gone to the Ministry of Labour by themselves. ***Therefore, the allegation as reported by authorized persons of the Department of Employment fails to yield all the elements of the crime.*** As a result, the inquiry officials have pressed a new charge to Ms. Thanaphon for “ being complicit in the organization of a gathering and an illegal assembly in a manner that risks spreading the disease in the area designated by an announcement or an order as a maximum and strict control zone and an area under strict surveillance except for permission has been obtained from competent officials, an act of which is a breach of the Regulation no. 11 issued under Section 9 of the Emergency Decree on Public Administration in Emergency Situations.”

Ms. Thanaphon pleaded not guilty to all charges since prior to the day when the incidence took place (28 October 2021), she as a representative of the Union of Workers had directly informed Mr. Wannarat Srisuksai, Deputy Director General of the Department of Labour Protection and Welfare (his position then), the Ministry of Labour, that on 29 October, she and the Union of Workers were going to submit a letter to follow up on the previous petition submitted to the representatives of the Ministry of Labour on 30 August 2021 regarding the management of migrant workers and labour rights amidst the Covid-19 pandemic.

Then on 29 October, Ms. Thanaphon Wichan as representative of the Union of Workers, the Labor Network for People’s Rights and representatives of migrant workers, altogether about 30 persons, have gone to the Ministry of Labour and submitted a letter which was received by the Deputy

Director General of the Department of Labour Protection and Welfare on behalf of the Ministry of Labour. The representative of the Ministry of Labour has invited four or five petitioners to meet in a meeting room and discuss detail while the other workers were waiting outside on the ground floor of the Ministry of Labour

(<https://www.labour.go.th/index.php/60828-2021-10-29-09-56-02>). During the meeting, some officials have identified themselves and carried out an arrest of the migrant workers who were waiting on the ground floor of the Ministry of Labour. Seven migrant workers were arrested (for more detail, please read <https://mwgthailand.org/en/press/1635725152>)

Ms. Koreeyor Manuchae, Coordinator of the Migrant Working Group (MWG), says that the Ministry of Labour serves as a grievance mechanism and is part of the justice process. Therefore, it should be a safe space without discrimination based on the grounds of differences in race or personal status to ensure access to all persons to complain and demand justice equally pursuant to the Constitution of the Kingdom of Thailand BE 2560's Section 68 which "upholds the right of the people to have access to justice as it prescribes that the State should organise a management system of justice process in every aspect to ensure efficiency, fairness and non-discrimination and shall ensure that the people have access to justice process in a convenient and swift manner without delay and does not have to bear excessive expenses." This also serves a goal of the Ministry of Labour whose commitment is to ensure respect and remedy according to the National Action Plan on Business and Human Rights as the government led by the Prime Minister has given its voluntary pledges and accept the recommendations made by Sweden during the Universal Periodic Review (UPR), second round, the 25th session in Geneva. Ms. Thanaphon is a Labour Human Rights Defender and has been unfairly charged by the Ministry of Labour. It constitutes a harassment against a Human Rights Defender and a breach of the Declaration on Human Rights Defenders and the National Action Plan on Business and Human Rights.

The Migrant Working Group (MWG) therefore demands that the Ministry of Labour urgently explore options to help the seven migrant workers under custody to ensure they are released and are allowed to promptly get registered pursuant to the policy of the Ministry and the cabinet resolution on 28 September 2021. All cases against Ms. Thanaphon Wichan, a Human Rights Defender, must be immediately dropped.

“Migrant workers are workers
Labour rights are human rights”

Migrant Working Group (MWG)

For more information, please contact: Ms. Koreeyor Manuchae, attorney and coordinator of the Migrant Working Group (MWG), 091 838 6265