



Open Letter Requesting Investigation of Claims Migrants Deported from Thailand Facing Human Rights Abuses by DKBA

Urgent

Monday 19th July 2010

To: The Honorable Prime Minister Mr. Abhisit Vejjajiva

Supporting Documents:

1. 'Migrants Caught in Vicious Cycle' 17th July 2010, *Al-Jazeera*
2. 'Illegal Labour Scam: Crackdown Boosts Border Rackets' - 13th July 2010, *The Nation*
3. 'DKBA Profits from Migrant Worker Crackdown in Thailand' - 29th June 2010, *Irrawaddy*
4. 'Extortion During Deportations at the Thai-Burma Border' - Extract (page 69 onwards) from Human Rights Watch Report *From the Tiger to the Crocodile* (February 2010)

Recently domestic and international media, as well as Human Rights Watch, reported on the plight of over 2 million migrant workers in Thailand from Burma, Cambodia and Laos, particularly those who did not enter a Nationality Verification (NV) process by a 28th February 2010 deadline and who were rounded up and deported to Burma at border crossings in Tak Province. These reports indicate such migrants faced serious human rights abuses at the hands of the Democratic Karen Buddhist Army (DKBA).

When migrants from Burma (who make up over 80% of all migrants in Thailand) are deported back to Burma, these reports suggest they are invariably handed over to DKBA units stationed at various border crossing gates between Mae Sot district in Tak Province and Myawaddy district in Burma. Migrants deported to these DKBA controlled areas reported they must pay large sums of money to secure their release. They were often then handed over to brokers who arranged their return to work in Thailand as undocumented migrants, or with temporary passports under a Memorandum of Understanding (MoU) between Thai and Burmese Governments that has recently been implemented. Many migrants reported that the DKBA used physical intimidation and sometimes torture and other cruel and degrading treatment to compel such payments. Migrants also reported they were forced to labour until they could pay money the DKBA was demanding from them. In addition, migrants stated that women were sometimes sold to brokers and trafficked into prostitution whilst men were compelled to porter for the Burmese military. Children were similarly subject to these abuses.

By deporting migrants from Burma into the hands of DKBA officials, Royal Thai Government (RTG) officials, and particularly Mae Sot based Immigration officials actually responsible for such deportations, are complicit in placing migrants at risk of serious human rights violations. On 2nd June 2010 you also signed into effect Order 125/2553 re: Establishment of a Special Centre to Suppress, Arrest and Prosecute Alien Workers Who Are Working Underground. This order is resulting in increased numbers of deportations of migrants from Thailand to Burma and hence will only exacerbate the human rights abuses highlighted above.

In the past, the RTG's policies to purge the country of "illegal" migrants have failed to reduce irregular migration into Thailand. Instead these policies have resulted in officials and employers committing ever increasingly grave human rights violations against migrants

working in Thailand and supporting Thailand's economic growth. Migrants face potentially life-threatening use of force during immigration crackdowns and can fall into the hands of trafficking brokers or become victims of systematic corruption amongst government officials at all stages of these arrest and deportation processes.

A key reason for all these serious problems is the ineffectiveness of your Government's NV policy, as applied particularly to migrants from Burma. This policy has pushed hundreds of thousands of migrants from Burma into an irregular or "illegal" status whereby they must live in hiding to avoid arrest and deportation. These "informal" migrants become largely unable to defend themselves against systemic exploitation at the hands of employers and officials. They and their families also end up segregated from mainstream Thai society, unable to access public services such as health and education, and denied basic rights that all people are entitled to under the Thai Constitution and related Thai laws.

Given these documented human rights abuses faced by migrants who are deported from Thailand, as well as the severe abuses also documented against those who remain working here, we strongly urge that your Government's migration policies must now urgently recognize that Thailand will continue to be reliant on migrants, who currently make up 5-10% of the workforce, for the foreseeable future. The RTG should take responsibility for existing shortages of "registered" migrants and the ever increasing number of "unregistered" migrants (particularly those who did not enter NV) by recognizing that this situation results from the RTG's own manifest failures to conduct effective public awareness raising for employers and migrants about migrant registration systems and NV processes. In addition, NV processes and implementation of a new MoU agreement to bring in "fresh" workers from neighbouring countries continue to be slow, complex, costly and lacking in transparency. Migrants and their employers must pay substantial amounts of money to unregulated brokers to complete NV and enter Thailand "legally," making informal and "illegal" options cheaper and preferable.

Thailand currently holds the position of President of the UN Human Rights Council and should comply with international and regional human rights conventions to which it is party. The RTG should also make all efforts to ensure compliance with its membership pledges to this Council, in particular to promote and protect rights of underprivileged groups such as migrants. The RTG should act in adherence with the public statement of concern issued by the UN's Special Rapporteur on Human Rights of Migrants on 18th February 2010 urging that deportations of migrants back to Burma should not be done as such deportations could result in gross human rights violations. Finally, we urge the RTG to urgently extend an invitation for the Special Rapporteur on the Human Rights of Migrants to visit Thailand at this critical time when your Government is developing its long term migration policies.

In addition, the Human Rights and Development Foundation (HRDF), State Enterprise Workers Relations Confederation (SERC), Thai Labour Solidarity Committee (TLSC) and all signatories to this letter request your urgent consideration of the following recommendations:

- 1. The RTG should impartially investigate allegations of human rights abuses against migrants highlighted in this letter and punish any officials or persons found to be involved. The RTG should also raise violations against migrants returned to Burma with the Burmese government to ensure these abuses are genuinely addressed.**
- 2. The RTG should cease all deportations of migrants to Burma until these allegations of abuse are thoroughly investigated and clear steps are taken that ensure future deportations of migrants to Burma are conducted safely.**
- 3. The RTG should revoke its crackdown policy (Order 125/2553) against migrants who did not enter into the NV process and reopen registration so all unregistered migrants in Thailand (estimated at between 1 to 1.4 million persons) can register to legally work, and then later also enter into the NV process.**

We send this letter for your urgent consideration with the hope your Government will take this opportunity to strengthen Thailand's human rights image and affirm that Thailand fully respects international human rights standards for all persons within the country, including migrants and other minority groups.

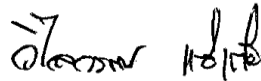
Yours respectfully,



Mr. Sawit Keawan
(General Secretary: The State Enterprise Workers Relations Confederation)



Mr. Somchai Homlaor
(Secretary General: The Human Rights and Development Foundation)



Ms. Wiliawan Saetia
(President: The Thai Labour Solidarity Committee)

Cc:

1. Chairperson, Alien Workers Management Committee
2. Secretary, National Security Council
3. Chairperson, National Human Rights Commission
4. Minister of Labour
5. Minister of Interior
6. Minister of Foreign Affairs
7. Minister of Industry
8. Minister of Defence
9. Commander of the Office of Immigration
10. Chairperson, Senate Sub-Committee on Labour and Social Welfare
11. Chairperson, House of Representatives Sub-Committee on Labour
12. Chairperson, National Economic and Social Advisory Committee

Contact Information:

Human Rights and Development Foundation
109 Suthisarnwinichi Rd., Samsennok, Huaykwang, Bangkok 10320
Tel: (+662) 277 6882, 277 6887 Fax: (+662) 277 6887 (#108)
Email: migrantjustice@hrdfoundation.org

Supporting Signatories

1. Human Rights Watch
2. Amnesty International
3. International Federation Chemical, Energy, Mine and General Workers' Unions (ICEM)
4. Migrant Forum in Asia (MFA)
5. Building and Wood Workers International (BWI) Asia Pacific Region
6. Coordination of Action Research on Aids and Mobility (CARAM-ASIA)
7. Arom Pongpangan Foundation
8. National Coalition Government of the Union of Burma (NCGUB)
9. U.S. Committee for Refugees and Immigrants (USCRI) - Thailand
10. Foundation for Women
11. Foundation for AIDS Rights (FAR)

12. Friends Without Borders Foundation
13. Rangsit and Area Labour Union Group
14. Living Water Center (LWC)
15. Migrant Worker Rights Network (MWRN), Thailand
16. Mekong Ecumenical Partnership Program (MEPP)
17. Christian Conference of Asia (CCA)
18. Think Centre, Singapore
19. Associate Professor Kritaya Archavanitkul, Ph.D. (IPSR, Mahidol University)
20. Julian Pieniazek (Thai Free Burma / Peace for Burma)
21. Ms. Benjamas Boonyarit - Graduate student, U Peace
22. Ms. Thitinob Komalnimi
23. Ms. Sulak Lampubon
24. Ms. Chutimas Suksai