

Joint Open Letter

1/11/2021

Prime Minister Prayut Chan-o-cha
Royal Thai Government
Government House
1 Phitsanulok Road
Dusit, Bangkok
Thailand

c.c.

1. Minister of Labour
2. Minister of Interior
3. National Human Rights Commission of Thailand (NHRCT)
4. The UN Special Rapporteur on the human rights of migrants
5. UN Special Rapporteur on the situation of human rights defenders
5. President of the National Assembly and Speaker of the House of Representatives, Thailand
6. International Labour Organisation (ILO)
7. The Office of the High Commissioner for Human Rights (UN Human Rights)

Concern regarding seven migrant workers arrested at Ministry of Labour despite Thailand government's decision on amnesty pending regularization and demand for Protection of the Right to Defend Human Rights of migrant workers.

Dear Prime Minister Prayut Chan-o-cha,

We, the undersigned organizations, write to express our concern and call for action regarding the following.

On 29/10/2021, seven migrant workers from Cambodia were arrested and detained at Ministry of Labour (MOL) Thailand. This occurred whilst they were part of a Delegation submitting a Petition to the Minister of Labour demanding better welfare and rights of migrant workers working in Thailand, affected by the Covid-19 pandemic. The arrests occurred despite announcement on official government websites regarding the Cabinets

decision to give an amnesty on documentation requirements for migrants and whilst the migrants were exercising their human rights as Human Rights Defenders.

One of the main duties of MOL is “to consider complaints or requests filled to Minister”. The Minister failed in his duty to the seven migrant workers who were making an official request.

On 29 October 2021, at about 9 am, a delegation from the Taskforce to Monitor the Provision of Support to Workers in Construction Sector, which included the Workers’ Union, the Labor Network for People’s Rights and migrant workers, went to meet the Minister of Labour petitioning that the MOL ensure better welfare and rights to migrant workers especially during this Covid-19 pandemic.

Their demands included, (1) the appointment of the Working Committee on the Management of Foreign Workers from the Three Countries (Myanmar, Laos and Cambodia) with representation from the workers, civil society and state; (2) the reduction of fees and expenses, particularly for those migrants with permission to remain in the Kingdom; (3) the provision of Mandatory Health Insurance for migrant workers from these three countries who are employed in the private sector to be at the same rate and benefits as provided in the health insurance scheme of the Ministry of Public Health or Social Security; and (4) the repeal of Social Security Office’s regulations which impede the migrant workers’ access to protection under the Workmen's Compensation Fund Act.

Around 11 am while negotiations were on-going between the representatives of the delegation and the authorities, seven migrant workers who were waiting outside the Ministry of Labour were arrested by plainclothes police officers, Immigration officers and other unidentified officials wearing vests bearing the name “The Minister of Labour Suchart Chomklin”. The authorities barged in and demanded to examine the personal documents of the seven workers. Photos were taken.

The seven Cambodian migrant workers (3 women and 4 men) were arrested and taken to the Din Daeng Police Station. One of them is a single mother, who had that morning told her children she would be out to process her work permit, but will come back in the evening. Now, her two children are left motherless having no idea where their mother is.

Charges against the seven were for allegedly illegally entering the country, an offense punishable under the Immigration Act B.E. 2522 (1979).

Denial of access to lawyers and questionable investigations

The seven allegedly were then pressured into rushing to sign the charge sheets, which can be taken as an admission of guilt. This was done before they were granted access to lawyers and/or legal representatives. There were no qualified interpreters present. Access to lawyers was subsequently granted only at around 3 pm. The police then transferred the seven to the Immigration Detention Centre (Soi Suan Plu IDC), where they still remain in detention.

Arresting these migrant workers, who are Human Rights and Labour Rights Defenders, who went to the Ministry to submit representations is wrong and a violation of human and labour rights.

When Minister and Ministries Disrespect Thailand Cabinet's Decision of 28/9/2021.

It is shocking that this happens after the Thai Cabinet on 28 September 2021 had made and publicized a decision to allow undocumented migrant workers from Myanmar, Laos and Cambodia to continue to stay in Thailand to enable time for employers and migrant workers to apply and receive official permits. The Cabinet's reasonable decision comes in response to the Covid-19 pandemic that has affected employers, workers and also government administration.

Despite this government decision, the Ministry of Interior and/or the Ministry of Labour has still failed to put in place the necessary mechanisms and procedures to give effect to the government's decision.

This government decision will apply to two groups of migrant workers including (1) undocumented workers from the said three countries who have yet to obtain their work permits; and (2) migrant workers from the said three countries who have already applied for work permits pursuant to the earlier 29 December 2020 Cabinet resolution, but have yet to receive their permits.

The reported government decision was that these 2 categories of workers shall be treated as follows: **The undocumented migrant workers who have yet to apply for work permits shall remain in the Kingdom and continue to work legally, and their employers must apply for work permits on behalf of the workers within 30 days after the Notification of the relevant Ministry, being the Ministry of Labour and/or Ministry of Interior, is issued and published in The Royal Thai Government Gazette. Migrant workers will be allowed to continue staying and working in the Kingdom until 28 February 2023.**

Over a month after the government's decision, the needed Notification from the relevant Ministry is yet to be issued. This procrastination and neglect of duty has also impacted on the ability of Public Health to successfully implement its Covid19 prevention program

The procrastination of Ministers and their Ministry is appalling as it will cause great suffering not just to migrant workers but also their employers.

It has been reported on the Facebook Page of Labor Network for People's Rights that on the evening of 29 October 2021, negotiations concluded that the said seven migrant workers will be placed under Covid-19 quarantine for at least 14 days or until the Ministry Notification pursuant the 28 September 2021 Cabinet decision is issued and despite the high risk of Covid-19 infection at detention facilities.

We, the undersigned, therefore

Call for the immediate release of the seven migrant human rights defenders, noting that this arrest is a violation of human rights following Thailand's decision to grant amnesty pending regularization;

Call also that the Thai government to forthwith apologize and to provide an effective remedy and compensation for seven migrants victims of human rights violation;

Call on the Ministry of Labour and/or the Ministry of Interior to respect the Thai government/Cabinet decision of 28 September 2021, stop procrastinating and immediately proceed on the regularization of migrant workers and to adopt legislative, administrative and other steps as may be necessary to ensure effective implementation of rights and freedoms of migrant workers.

Call also for a moratorium on arrest and detention of migrant workers on the basis on being undocumented pending the completion of the regularization exercise.

Call on the Thailand's National Human Rights Commission, UN and others responsible and concerned for defending human rights to act to end this human rights violation.

Signatory

1. Asian Muslim Action Network (AMAN)
2. Asian Resource Foundation (ARF)
3. Legal Support for Children and Women (LSCW), Cambodia
4. Society of Young Social Innovators (SYSI), Thailand
5. Young Leadership for Social Change Network, Thailand
6. People Go Network, Thailand
7. MAP Foundation, Thailand
8. Migrant Workers Federation (MWF), Thailand
9. Women Workers for Justice (WJG), Thailand
10. Salaya Students and Worker Union, Thailand
11. Clean Cloth Campaign (CCC), South East Asia Coalition
12. Persatuan Sahabat Wanita Selangor, Malaysia
13. Foundation for Aids Rights (FAR), Thailand
14. Workers Assistance Center, Inc. Philippine
15. MADPET-Malaysians Against Death Penalty and Torture, Malaysia
16. National Catholic Commissions on Migration NCCM, Thailand
17. The Building and Wood Workers International (BWI) Asia Pacific
18. Persatuan Komuniti Prihatin Selangor & Kuala Lumpur, Malaysia
19. Justice for Peace Foundation, Thailand
20. Safety and Rights Society (SRS), Bangladesh,
21. Women's Centre, Sri Lanka
22. Legal Action for Women, UK

23. Global Women's Strike, UK
24. Center for Alliance of Labor and Human Rights (CENTRAL), Cambodia
25. We Women Lanka
26. Think Centre, Singapore
27. Equitable Cambodia, Cambodia
28. Mekong Migration Network (MMN)
29. Foundation for Education and Development (FED)
30. Empower Foundation, Thailand
31. Focus on the Global South
32. Union for Civil Liberty, Thailand
33. Social Action for Community and Development (SACD),Cambodia
34. Manushya Foundation., Thailand
35. Women of Color, USA
36. Global Women's Strike USA
37. International Black Women for Wages for Housework
38. Labour Behind the Label, UK
39. Global Women Against Deportations, UK
40. Defenders in Dordrecht, Netherlands
41. Lawyers' Rights Watch Canada
42. Nijera Kori , Bangladesh
43. People's empowerment Foundation, Thailand
44. Campaign for Public Policy on Mineral Resources (PPM), Thailand
45. Ecological and Cultural Study Group, Thailand
46. Thai Network of People Who Own Mineral Resources, Thailand
47. KhonRakBamnetNarong , The Anti- Potash mining group, Chaiyaphume, Thailand
48. KhonRakBanKerd in 6 villages, The Anti gold mining group, Loei, Thailand
49. RakWanonNiwat , The Anti Mining group ,Sakon Nakhon , Thailand
50. RakKhamPaLai , The Anti Mining group , Mukdahan,Thailand
51. The Community of Khao Lao Yai-Pha Jun Dai Forest Conservation Group, NongBualamphu, Thailand
52. RakBanHeang,The anti-mining group, Lampang, Thailand
53. RakLamKhoHong The anti-mining group, Nakhon Ratchasima, Thailand
54. KhonLaoHaiNgam Anti mining group, Kalasin, Thailand
55. Center for Orang Asli Concerns, Malaysia
56. National Union of Transport Equipment & Allied Industries Workers. Malaysia
57. Korea Center for United Nations Human Rights Policy (KOCUN), Korea
58. Internet Law Reform Dialogue (iLaw), Thailand
59. The Southern Peasant Federation of Thailand (SPFT)

60. Raks Thai Foundations, Thailand
61. Protection International
62. Independent Trade Union Federation (INTUFE)
63. Worker's Information Center (WIC), Cambodia
64. Social Action for Community and Development (SACD)
65. Youth Resource Development Program (YRDP)
66. Cambodia Human Rights and Development Association (ADHOC)
67. Global Women's Strike Ireland
68. Asian Forum for Human Rights and Development (FORUM-ASIA)
69. RESISTERS DIALOGUE
70. Human Rights and Development Foundation (HRDF) , Thailand
71. Media for Citizenship Group, Thailand
72. Dao Din, Thailand
73. Legal Center for Human Rights, Thailand
74. New E san Movement, Thailand
75. Banpak Group, Thailand
76. MSU Revolutionary Party (MRP), Thailand
77. Move High Group, Thailand
78. New Surin Movement, Thailand
79. UDdone , Thailand
80. Korphue dismantle dictator Group, Thailand
81. People's Party of Buengkan, Thailand
82. Korat Movement, Thailand
83. KhonKhaneporguntee Group , Thailand
84. KKC KKC students association, Thailand
85. The International Service for Human Rights (ISHR)
86. Awaj Foundation, Bangladesh
87. Women's Studies Center, Chiang Mai University, Thailand
88. Foundation for Women, Law and Rural Development (FORWARD)
89. Green Advocates International, Liberia
- 90 .Payday men's Network,UK
91. PINAY Quebec, Canada
92. The Community Women Human Rights Defenders (WHRDs) Collective in Thailand
93. Community Resources Centre (CRC) Thailand
94. Isaan land Reform Network, Thailand
95. DuayJairak Group Thailand
96. Try Arm" Underwear "Fair Trade Fashion", Thailand
97. ENLAW Foundation, Thailand

98. Thai Lawyers for Human Rights (TLHR), Thailand
99. Labor network for people rights, Thailand
100. Aliran, Malaysia