

Summary of Open Discussion following Plenary 1

Below is a summary of the questions, answers, and open discussion following presentations by La-or Kaewniyom, Chuop Narath, Jai Sak, Ma May Htoo, and Pracha Vasuprasat.

Thailand's Alien Workers Act of 2008: *There were several questions regarding the Alien Workers Act of 2008. Ms. La-or further explained the details of the act, including types of work permitted for migrant workers.*

Effectiveness of labour inspection in Thailand: *A participant from Thailand noted Thailand's Department of Employment's low number of inspectors, and asked whether "monitoring illegal workers" was the duty of the Ministry of Labour or of Immigration Enforcement.*

In response, Ms. La-or suggested that labour inspection proved difficult due to foreign workers switching jobs. She recommended that in order to make labour inspection more effective, responsibility should rest not only with the Department of Employment, but should be shared by multiple government authorities, including the Office of the Prime Minister, the Ministry of Foreign Affairs, and other security actors

Cambodia's legal channels for migration: *A participant from Thailand asked to hear about the process and pros and cons of importing of workers through legal channels other than nationality verification.*

Mr. Chuop Narath's noted that due to the growth of irregular migration and its reputation for being faster and cheaper, the Cambodian government is attempting to lower costs and the time-line for legal channels of migration. It is doing this in part by collecting and providing pre-departure information to migrants on the breakdown of agency fees, to allow migrants to make informed decisions as well as to reduce exposure to agencies. Mr. Chuop mentioned the possible option of migrants to receive support through a microfinance option instead of through agencies, which deduct fees from migrant payments. He also recalled that as a result of a recent bilateral meeting with labour departments on both sides of the border, there an agreement has been reached to set up a border pass and documentation system for seasonal and daily employment in border areas.

Expectations for completion of the Nationality Verification (NV) process: *A participant from Thailand noted that from the Thai government's own figures, only 100,000 migrant workers out of the almost one million registered migrants have completed the NV process. The participant asked what the Thai government's "Plan B" would be if they don't meet their goal for the NV process to be complete by 2012.*

Ms. La-or's response was that she expects NV to be completed within the projected timeframe. She noted that for Cambodia 60,000 out of 100,000 workers have already completed the NV process.

Addressing exploitation and mechanisms for redress: *A participant from Cambodia asked the following questions addressed to the representatives from Thai and Cambodian governments: 1) what are the governments' response to the issue of the **arrest and detention of migrant workers**, particularly on the processes involved?; 2) please clarify about the **Memorandum of Understanding between Thailand and Cambodia**, concerning the MOU's stipulated processes, agency practices, and migrant worker awareness?; 3) what is the existing mechanisms for migrant workers in terms of **complaints and compensation for social justice issues**.*

*A participant from Thailand noted the seeming contradictions between government strategies in Thailand and Cambodia, with Thailand's strategy focusing on criminalization of irregular workers, and Cambodia working more on pre-departure information. She asked about **Thailand's strategy for dealing with exploitation** in the next ten years.*

Mr. Chuop Narath pointed to the difficulties of sharing information between host country and origin country on irregular migrants, noting that though information obtained through Thailand's Ministry of Foreign Affairs is sometimes inaccurate, he is able to find out more through meetings with the Ministry of Labour. In response to the question about the MOU between Thailand and Cambodia, he noted the difficulty of sharing information since it involves multiple authorities including the Ministry of the Interior. In regard to social justice issues, Mr. Chuop Narath gave the example of a shelter run by the Ministry of Social Affairs at Poipet, near the border. He also called attention to the government's efforts to develop a pre-departure training manual, providing information to workers on organizations that provide legal, health, and other assistance to migrants in their destination country.

Monitoring the ILO Conventions & government best practices: *A participant from Vietnam commented on the gap between ILO frameworks, practice, and implementation, and asked about the ILO's documentation and indicators for monitoring good governance. She also asked for any good or bad examples of government efforts to protect migrant worker rights, especially within the Greater Mekong Subregion.*

Mr. Pracha Vasuprasat from the ILO said that governments in the region must ratify ILO conventions, pointing out that only a few countries, including the Philippines and a few South Asian states have ratified conventions 97 and 143. The seven core conventions are subject to monitoring whether or not conventions have been ratified, though it makes such monitoring more difficult. The speaker pointed to the greater need to strengthen the capacity of stakeholders in countries where conventions have not been ratified. In response to the question about good practices, Mr. Pracha Vasuprasat called attention to the section on good practices in the ILO multilateral framework on migration, with forthcoming translations in Thai, Lao, and Cambodian. He also pointed to the New Labour Migration project supported by Australian government, which will also focus on best practices.

