## Mekong Symposium on Migration: Migrants from the Mekong Neighbourhood

# Livin Jether

SEEKING EFFECTIVE RESPONSES TO ENABLE INTEGRATION AND SOCIAL COHESION

Proceedings of the Symposium organised by the Mekong Migration Network (MMN) 26-28 February 2013 Ibis Riverside Hotel, Bangkok, Thailand

With the Support of the Toyota Foundation

## Mekong Symposium on Migration: Migrants from the Mekong Neighbourhood Living Together Seeking Effective Responses to Enable Integration and Social Cohesion

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#### **Mekong Migration Network (MMN)**

P.O. Box 195, Chiang Mai University, Chiang Mai 50200, Thailand

Phone/Fax: (66) 53 283259
Email: info@mekongmigration.org
Web: www.mekongmigration.org

Cover design:

**Estelle Cohenny-Vallier** 

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#### **Panelists**

Plenary 1: Ms. Jackie Pollock, MMN/MAP Foundation, Dr. Puja Kapai, University of Hong Kong

Plenary 2: Mr. Precha Soravisute, Ministry of Social Development and Human Security, Royal Government of Thailand, Dr. Hongyun Fu, China Yunnan Health and Development Research Institute, Mr. Jai Sak, Migrant Representative, Ms. Anna Olsen, TRIANGLE Project, ILO, H.E. Chou Bun Eng, Ministry of Interior, Royal Government of Cambodia

Plenary 3: Ms. Atchareeya Saisin, Chiang Mai University, Dr. Sriprapha Petcharamesree, Center for Human Rights Studies and Social Development, Mahidol University, Mr. Luca Pierantoni, The Delegation of the European Union to Thailand

Plenary 4: H.E. U Myint Thein, Ministry of Labour, Government of Republic of the Union of Myanmar

#### **Facilitators**

Ms. Reiko Harima, Ms. Jackie Pollock, Ms. Pranom Somwong, Ms. Vichuta Ly, Ms. Wai Hnin Po, Ms. Huynh Thi Ngoc Tuyet, Dr. Puja Kapai, Mr. Sokchar Mom

#### **Organising Team (MMN Secretariat)**

Ms. Reiko Harima, Ms. Omsin Boonlert, Ms. Jessica Marsh, Ms. Hkun Sa Mun Htoi, Ms. Pranom Somwong, Ms. Ratchaklao Kanchanawaha, Ms. Anna Hanssen

#### Advisory Team (MMN Steering Committee)

Ms. Jackie Pollock, Ms. Vichuta Ly, Ms. Huynh Thi Ngoc Tuyet, Ms. Wai Hnin Po, Ms. Zao Peilan, Ms. Kabmanivanh Phouxay

#### **Volunteers**

Ms. Satita Nolpoo, Mr. Sai Soe, Ms. Jiraporn Jaipang

#### **Documentation**

Ms. Estelle Cohenny, Ms. Maria Wahlstrom

#### **Publication of the Proceedings**

Ms. Tracy Swemmer, Ms. Estelle Cohenny, Ms. Maria Wahlstrom, Ms. Jackie Pollock, Ms. Reiko Harima, Ms. Hkun Sa Mun Htoi, Ms. Omsin Boonlert, Ms. Tineke Baird

#### **Cover Design**

Ms. Estelle Cohenny

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Between 26 and 28 February 2013, the Mekong Migration Network hosted the "Mekong Symposium on Migration: Migrants from the Mekong Neighbourhood Living Together: Seeking Effective Responses to Enable Integration and Social Cohesion". The Symposium brought together 72 representatives of governments, academic institutions, INGOs, NGOs and migrant groups from the Greater Mekong Subregion (GMS) countries to share their views on how migrants and host communities can live together.

The Mekong Migration Network (MMN) is a sub-regional network of migrant support NGOs, migrant grassroots groups and research institutes that promotes the recognition and protection of migrants' rights. Despite increased discussion among governments and civil society organisations on labour migration issues in the GMS, there is limited evidence of the comprehensive and long-term vision necessary to achieve social cohesion in the region. It is this which provided the underlying motivation for the conference.

Many of the current migration policies in the region consider migrants as temporary and contribute to a sense of isolation. These policies separate migrant communities from host communities and are in danger of creating tensions and misunderstandings. It was therefore deemed timely for policy makers, migrants' rights advocates, migrant representatives, representatives of intergovernmental organisations, and academic experts to discuss the concept of living together and how best to advocate for this. The Symposium aimed to find methods to raise awareness among the general public and to explore ways to work together; migrants, civil society and government authorities, to create social cohesion.

A press conference was held on the last day of the Symposium to present the outcomes and recommendations, which were also translated into six GMS languages and, together with the proceedings, were submitted to relevant policy makers and other stakeholders.

Cambodia, Lao PDR, Myanmar/Burma, Thailand, Vietnam and the Yunnan province of China



Tuesday, 26 <sup>t</sup>	h of February 2013
8:30-9:00	Registration
9:00	Opening Ceremony by Ms. Jackie Pollock, MMN (MC) Welcome Speech by Mr. Ken Aoo, Toyota Foundation and Ms. Vichuta Ly, MMN Introduction by Ms. Reiko Harima, MMN
9:30	<ul> <li>Plenary 1: Exploring What it Means to Live Together Facilitator: Ms. Reiko Harima</li> <li>1) Introduction to the Concept of Living Together Ms. Jackie Pollock, Executive Director, MAP Foundation/MMN Chairperson</li> <li>2) What does Living Together Mean for Migrants? Dr. Puja Kapai, Associate Professor of Law, University of Hong Kong</li> </ul>
10:30	Q & A
11:20	Discussion: "What is Needed to Enable Migrants to Live Together in the GMS?" Facilitator: Ms. Pranom Somwong
12:00	Lunch
13:00	<ul> <li>Plenary 2: Living Together-Enabling Factors and Obstacles for Migrants in GMS</li> <li>Facilitators: Ms. Vichuta Ly and Ms. Wai Hnin Po</li> <li>1) Thai Policies Towards Migrant Workers Living Together  Mr. Precha Soravisute, General Inspector, Minister of Social Development and Human Security, Ministry of Social Development and Human Security, Royal Government of Thailand</li> <li>2) Migrants' Access to Health Care and Implications for Living Together-Case Study in Yunnan Dr. Hongyun Fu, China Yunnan Health and Development Research Institute</li> <li>3) Migrants' Experiences and Perspectives on Living Together Mr. Jai Sak, Migrant Representative</li> </ul>

#### 14:15 Q & A

- 4) Public Attitudes toward Migrant Workers and Implications for Living Together Ms. Anna Olsen, Technical Officer, Tripartite Action to Protect the Rights of Migrant Workers from Labour Exploitation (TRIANGLE Project), International Labour Organisation (ILO)
- 5) Roles of Countries of Origin H.E. Chou Bun Eng, Secretary of State, Cambodia
- 16:30 Q & A
- 17:15 Day 1 Wrap Up
  Ms. Jackie Pollock and Ms. Pranom Somwong

#### Wednesday, 27th of February 2013

- 9:00 Recap of Day 1
  Ms. Jessica Marsh and Ms. Omsin Boonlert
- 9:30 Plenary 3: Case Studies on Policy Frameworks that Aim to Encourage Migrants and Local People to Live Together

Facilitator: Ms. Jackie Pollock, MAP Foundation & MMN

- 2nd Generation of Migrants from Myanmar and Recommended Frameworks to Promote Their Integration Ms. Atchareeya Saisin, Lecturer, Department of International Affairs, Faculty of Political Science and Public Administration, Chiang Mai University
- ASEAN Framework on Living Together
   Dr. Sriprapha Petcharamesree: Center
   for Human Rights Studies and Social
   Development, Faculty of Graduate Studies,
   Mahidol University, Thailand
- 3) EU Framework on Living Together Mr. Luca Pierantoni, Programme Officer, Human Rights Focal Point, Delegation of the European Union to Thailand
- 11:15 Q & A/Open discussion
- 12:00 Lunch
- 13:00 Small Group Discussion Briefing Ms. Reiko Harima

13:20	Small Group Discussion
15:20	Reporting by Small Groups Facilitator: Ms. Reiko Harima
17:00	Day 2 Wrap Up Ms. Jackie Pollock and Ms. Pranom Somwong

#### Thursday, 28th of February 2013

9:00	Recap of Day 2 Ms. Jessica Marsh and Ms. Omsin Boonlert
9:30	Plenary 4: Myanmar's Perspectives on Living Together and Roles of Countries of Origin in Enabling Migrant Workers to Access Labour Protection and Social Services H.E. U Myint Thein, Deputy Minister, Ministry of Labour, Government of Republic of the Union of Myanmar
11:00	Break
11:20	Developing GMS Recommendations for Living Together Facilitators: Ms. Jackie Pollock and Ms. Reiko Harima
12:00	Lunch
12:45	Drafting committee to refine the text
14:00	Open Discussion Facilitator: Ms. Wai Hnin Po
14:20	Adopting the GMS Recommendations for Living Together Facilitators: Ms. Vichuta Ly and Ms. Pranom Somwong
14:45	Closing Ceremony Ms. Huynh Thi Ngoc Tuyet & Ms. Zhao Peilan
15:00	Break
15:30	Registration for Press Conference
16:00	Press Conference
17:30	Cocktail Reception

#### **PLENARY 1**

### **Exploring What it Means** to Live Together

#### **Opening Ceremony**

The Symposium was opened by Mr. Ken Aoo from the Toyota Foundation and Ms. Vichuta Ly from MMN. In his welcome speech, Mr. Ken Aoo noted the importance of migration for the GMS and stressed the importance of discussing the concept of living together in order to move towards a time when migrants and their communities, countries of origin as well as countries of destination can benefit from migration.

Ms. Vichuta Ly, MMN, noted that although migration is a choice that some people make in order to survive economic crises in their home countries, it is not without its difficulties. Many migrants experience social exclusion and exploitation. She encouraged participants to analyse the concepts of exclusion, inclusion and integration as well as identify the current obstacles to advocating for policies that would enable migrants to become part of local communities, and to live safely and in good health.

#### Introduction to the Concept of Living Together

Ms. Jackie Pollock, Executive Director, MAP Foundation/MMN Chairperson



As. Jackie Pollock and Dr. Puja Kapai

In her presentation, Ms. Jackie Pollock laid down the groundwork for the discussions to follow. She first explored living together at the level of individuals. Some people choose to live with other people, while circumstances require others to do so. Relationships require effort and a give-and-take approach. The company of others requires compromises, and to share enjoyment, we need to be tolerant. To learn from each other, we have to adapt. Mutual understanding is built over time, and with time, relationships become easier. Ms. Pollock went on to explore how these principles feature in relationships on a larger scale.

She reminded participants of the forces in our current environment that bring people together. Mega cities attract migrants from within and outside the country. Modern life has a transnational character. It is not only workers who migrate, but also transnational companies which move in search of cheaper labour, taking their professional employees with them. There are transnational movements, such as the Occupy movement, and the movement for the protection of the environment. People now have many new neighbours who come and go. Ms. Pollock noted that communities are not always prepared for the increase in diversity that such mobility implies. Changes can be sudden and large-scale, as in the case of natural disasters, conflicts, or mega development projects, and movement can be gradual or in constant flux. Migrants come in search of work opportunities in factories, and as more migrants settle in an area, more businesses are created to meet their needs. This can create pressure on services, such as sanitation and garbage removal, which might not initially cope with the population increase. However, such changes can also give rise to new opportunities and vibrant communities. Just as one example, schools in rural areas that were once forced to close may reopen in the wake of an increase in migrant children numbers. Policies shape the way people interact with each other and Ms. Pollock maintained that it is not yet possible to say what will emerge from such interaction.

She continued her presentation by looking at the wide range of attitudes and responses to migration at national policy levels over time and in different places. Referring to *Speaking of Migration*, an MMN publication, she discussed the concepts of cultural assimilation, integration, multiculturalism, social exclusion and segregation. Cultural assimilation requires that migrants acquire the customs and culture of their new society. However, this approach implies that the culture of the newly-arrived migrant is lacking in comparison to that of the host community.

A policy of integration, which involves a process of inclusion into the institutions and civil society of the host country, is more common. Migrants can be chosen or rejected on the basis of how well they have adapted to the new country and how successfully they have learnt the language. This has raised questions about who defines the values of the host country, and it contains an underlying assumption that the culture and values of host country societies are fixed. Migrants are required to adapt accordingly. Moreover, implementation of such an approach at the local level can be quite different from what was envisaged by policy-makers.

Multiculturalism, on the other hand, is a celebration of diversity in a shared space, although recent critics have pointed out that this approach can unintentionally create distinct communities which do not interact with each other and this may in turn reduce the possibility of integration. In a multicultural approach, diversity itself is viewed as a feature of the national identity, and migrants are regarded as part of the constant evolution of a society. They are thus participants in redefining the culture and society. Because it is recognized that languages evolve, the learning of languages and not only of the host language is promoted.

At the other end of the spectrum are policies which do not promote living together. These policies are aimed at making migrants temporary and discourage migrants from settling, thus instilling a sense of precariousness in migrants' lives. Examples include annual deadlines for registration and repeated threats of deportation. In such circumstances, host communities do not reach out to get to know migrants or include them because soon they will leave. Migrant childen go to school but live in garbage dumps where conditions prevent them from inviting Thai friends home. Labour policies tie migrants to single employers, insist on return, and put restrictions on movement. Migrants are consequently isolated from broader society. According to Ms. Pollock, short term approaches are no longer relevant because they do not reflect the reality of life in the 21st century. It is easier to travel, easier to communicate, and we find ourselves part of a global world where technology makes it possible to maintain connections, and even households, commitments and responsibilities in both a host country and at home. This creates a social transnationalism: a life lived across the boundaries of nationstates, with more than one nationality existing within the same family in some cases.

#### How long is temporary?

- How long does one stay somewhere without hoping for a sense of belonging? Acceptance?
- How long before one wants to have a role to play? Before one wants to contribute?
- Most temporary migrants repeat their temporary stay multiple times, thus becoming unrecognised long term or permanent residents

Although only a few nation-states currently allow multiple citizenship, transnationalism is increasingly recognized and informing new models of citizenship. Some countries accept dual citizenship because their citizens leave and form part of the diaspora, with which the government wishes to maintain contact. This could be an incentive for nations to redefine their models of citizenship.

Ms. Pollock concluded that the goals of living together are clear: achieving peaceful neighbourhoods at the local, national and regional levels; ensuring equal access to services; eliminating intolerance, marginalisation, discrimination and extremism; promoting shared aspirations and values; recognising aspirations to social mobility; and facilitating participation and empowerment at local and national levels. The task at hand now is to determine how these goals can be achieved.

#### What does Living Together Mean for Migrants?

Dr. Puja Kapai, Associate Professor of Law, University of Hong Kong

At the start of her presentation, Dr. Kapai highlighted that the concepts of acculturation, assimilation, and tolerance all carry negative connotations for migrants. Acculturation implies taking on the culture of a particular community; assimilation requires shedding one's personal identity and merging with a larger political identity; whilst tolerance suggests putting up with others despite their differences. In each of these three concepts, the value of a group's

identity is understood to be intrinsically lacking in comparison to the host society's identity. The "other" needs to change in order to merge with the host society. Dr. Kapai explained that because migrants' identities are undervalued, they feel the need to discard these in order to gain recognition or a legitimate political identity in a host community. In addition, current political frameworks fix the political subject into rigid categories, such as citizen and alien, which do not recognise the fluidity of identities possible today. Such labels and negative stereotypes cause minorities to experience discrimination and exclusion.

Dr. Kapai argued that the concepts a society uses as the foundation for laws and policies are already biased in favour of the host culture. Although often the bias is not overt, so such concepts need to be examined carefully. The next step is the formation of a body of laws and policies that springs from these foundations. Despite objectives of fairness, legal institutions implement laws and policies which perpetuate inherent biases. Laws and institutions which do not factor in the needs of migrants or people who are marginalised lead to injustices. Such neglect is evident in the lack of paralegal support for people who do not understand the host country's language, or for people without documents, for example. The law is fair towards those which it recognises but unfair towards those who do not fit in. This marginalises them, and leaves them unable to assert their rights.

Dr. Kapai said that exploring how institutions respond to the needs of those who are different and vulnerable is an essential part of the process of living together. Migrants lack the political power needed to enforce their basic rights. Therefore, she proposed that in addition to strengthening the capacity of migrants to integrate, it was necessary to consider the capacity of legal institutions to include migrants.

Dr. Kapai emphasised that when establishing legal institutions, destination countries have a duty to consider how identities are formed, and how they can be shaped. Too often migrants are framed as the "other" and referred to as aliens. Dr. Kapai argued that this is part of a discourse which contributes to the creation of migrant identities in a society, and it is necessary to intervene in this process so that a positive discourse can be charted. The host society and migrants thus need to co-create a social vision which facilitates a positive discourse.

To illustrate her point, Dr. Kapai described the situation of migrant domestic workers in Hong Kong. Even though they make up a good percentage of the workforce, Hong Kong policies do not allow migrant domestic workers to settle or even to feel at home. Domestic workers are told how long they can stay, where they can stay, how much they will earn, and the conditions under which they can change employers. Such policies deliberately facilitate short-term stays only. Some domestic workers, however, have been living in Hong Kong for 20 to 25 years. Recently, an application for permanent residency by a migrant domestic worker was refused by immigration authorities,

even though the applicant had fulfilled all the legal residency requirements, including seven years of continuous residence. The government argued that the law explicitly states that the seven year rule does not apply to domestic workers. Dr. Kapai noted that migrants who are bankers can become citizens easily, which reflects the value attached to a particular category of "skilled" labour. Such distinctions reveal a great deal about who and what the government values. Dr. Kapai stated that if a host society allows migrant workers to be treated as second class people, members of that society think it is acceptable to do so.

She explained that human beings are naturally social beings and that one's sense of self is derived from one's interaction with others. Lived experiences become critical to how a person defines oneself. If one feels undervalued in a community, one lacks dignity and a feeling of respect. New policies are thus needed to protect migrants and create spaces for mutual interaction to enable living in harmony. Host communities need to help facilitate integration. For migrants to be seen as worthy active agents, host communities need to learn to manage multicultural citizenship and complexity. Accepting migrants for who they are can facilitate the development of feelings of loyalty and belonging in the host society. She added that opening up to multiplicity requires recognizing stereotypes and exclusive identity categorisations in use in current systems. Existing models must be changed and redefined in such a way that people can identify with a nation without feeling they need blood ties to its citizens.

Dr. Kapai concluded her presentation by asserting that policies need to be based on a recognition that we are all human beings, and that institutions cannot be allowed to exclude migrants. She maintained that it is everyone's responsibility to ensure that globalization brings new opportunities for cultural exchange and to think carefully about how identities are formed today. She stressed that the categorization of human beings is inherently problematic, and that the concept of 'us' and 'them' needs to be dismantled. Newly-arrived migrants need to be regarded as people who can contribute to reducing social inequalities. Their inclusion can help achieve a political framework which reflects the reality of our societies and which ensures that there is justice for all migrants in the long term.

#### **Open Forum**

Left: Small group discussions; Right: MMN hosts the Mekong Symposium on Migration





Mr. Sopheap Suong from Cambodian Women's Crisis Centre (CWCC) asked whether the Association of Southeast Asian Nations (ASEAN) upcoming economic integration provided a good opportunity for the promotion of ideas of living together in the GMS. Ms. Pollock responded that the promotion of ASEAN seems to already be creating a new sense of regional affiliation and this may in turn increase the understanding between the countries, the cultures and the languages. Nevertheless, the free movement of labour promised by the ASEAN Economic Community only refers to certain professional groups and not to migrant workers. Indeed, in the GMS migration policies are actually more restrictive for migrants today than 20 years ago. Previously migrants crossed borders without documents; today more and more documents are increasingly required before a migrant can move.

Dr. Hongyun Fu commented that, theoretically, integration in the region should be much easier than in other parts of the world because cultures are in some ways similar but the reality does not reflect this. She proposed drawing on European models to realize living together regionally. Dr. Kapai responded that before deciding to use a model, it was important to observe how particular situations in other countries develop over time. She mentioned that several European countries are now experiencing a multiculturalism backlash. She raised the point that political context and history must be taken into consideration.

Dr. Kapai then responded to a question from Ms. Gaewgarn Fuangtong, from Asylum Access Thailand (AAT), about refugee support resources in Hong Kong by explaining that refugees are sent to other countries for resettlement. There is an enormous backlog in the application process, and while applications are being processed, the Hong Kong government provides applicants with a very small allowance and rental facilities. Refugees work illegally and without protection, often in construction, and sell the food they receive from the government because they need money to survive.

Ms. Pranom Somwong, from MMN, pointed out that although steps had been undertaken to help people in ASEAN countries acquire a sense of belonging, ASEAN countries could still not overcome the history of their past relationships. She stressed that migrants need to be able to live without fear, but that new ASEAN immigration laws and an increase in check points are designed to make migrants more afraid. Ms. Somwong then raised the case of the Rohingya people. She inquired about the best starting point, within the context of the GMS, to address this situation. Ms. Pollock responded by pointing out that the solution should start in the Rohingya's home states, where they should be given citizenship, respect for their human rights and where the rule of law should be established. Failing this, she stressed that when people flee their homes, their rights must be protected. She stated that it was the role of the United Nations High Commission for Refugees (UNHCR) and of transit and third countries to ensure refugees' rights.

Dr. Kapai remarked that before greater movement in the region can be envisaged, economies need strengthening and institutions need to be put in place. She provided an example of how institutions frame people's identities by referring to a Burmese government minister who had described Rohingya people as "ugly and not deserving" in the press. She had been surprised by the lack of reaction from civil society on the matter. Dr. Kapai stressed that it is necessary to respond to these kinds of attitudes immediately.

Mr. Mom Sokchar, from Legal Support for Children & Women (LSCW), asked whether laws and policies were a sufficient step for improving living together, and raised the importance of considering the way migrant workers are treated. He inquired about migrants' aspirations while living in a host country and how host communities perception of migrants can be changed. Ms. Pollock responded that national policy and community level consultation are necessary to improve living together. She noted that sometimes communities need systems to help facilitate cohabitation, such as language skills or forums to share cultural backgrounds, history, politics and of course food. Dr. Kapai added that a nation is built by its people and that laws and policies follow people's thinking. She pointed out that classrooms and public spaces can be used as platforms for people to meet and communicate. She recommended that teachers be better trained to actively facilitate discussion which helps to change mindsets and eliminate negative stereotypes.

#### PLENARY 2

## Living Together-Enabling Factors and Obstacles for Migrants in GMS

Facilitators: Ms. Vichuta Ly and Ms. Wai Hnin Po



Chou Bun Eng and Mr. Precha Soravisute

#### Thai Policies Towards Migrant Workers Living Together

Mr. Precha Soravisute, General Inspector, Minister of Social Development and Human Security, Ministry of Social Development and Human Security, Royal Government of Thailand

Mr. Soravisute started his presentation by saying that migration is an outcome of the capitalist development of Thailand. He recognised that migrant workers face difficulties in Thailand and believed the government's current registration process to be a solution for this. At the time of his presentation, the official deadline for the registration of migrant workers in Thailand was 16 March 2013, which was to be followed by the deportation of unregistered workers. Mr. Soravisute insisted that all employers must allow their workers to register, which will facilitate their protection under labour laws. He noted that there are over 1 million migrant workers from Myanmar in Thailand, with an estimated ninety nine percent having entered illegally. These workers are disadvantaged and are paid low wages.

Mr. Soravisute stressed that the Ministry wants to help migrant workers. He requested that symposium participants disseminate information to migrant workers about the registration process and explain that registration will allow migrant workers and Thai workers to be treated equally and enjoy better compensation and privileges. He believed living together to be something which existed in reality, and pleaded with migrants to enter through legal channels so that they can be protected.

Mr. Soravisute said that Thai workers do not want to do 3D (dirty, dangerous and degrading) jobs and that this was why employers want to employ migrant workers. He also explained that there are worker shortages in certain sectors, such as agriculture. Mr. Soravisute stated that he believed that if migrants participate in the legalisation process they will not be exploited. The authorities, however, can do nothing to protect undocumented migrants who had entered the country illegally.

To conclude, Mr. Soravisute mentioned child labour and human trafficking, and explained that currently Thailand is placed in the Second Tier of the US Trafficking in Persons report. Thailand wishes to avoid falling to the Third Tier, and the authorities are aware that a lack of legal documentation puts workers at high risk of human trafficking.

#### Migrants' Access to Health Care and Implications for Living Together-Case study in Yunnan

Dr. Hongyun Fu, Yunnan Health and Development Research Institute (YHDRA)

At the start of her presentation, Dr. Fu gave an overview of migration in China, where both internal and external migration takes place. Due to economic reforms which got underway in China in 1980, 160 million rural migrants, who account for 12% of the total population, are now working in cities. About 8.3 million Chinese-born people currently live outside the country. In addition, in the last two decades, China has been receiving more and more migrants from GMS and African countries.

Yunnan Province shares long borders with Myanmar, Lao PDR and Vietnam. Though Chinese people have moved from Yunnan to Southeast Asia to engage in trade, or to escape political and social conflicts at different points in time, China is now also becoming a destination country for economic migrants in the GMS. It was estimated that around 10 million people and 160,000 people have crossed the China-Myanmar and China-Vietnam borders respectively every year for business, work, tourism, and entertainment. Dr. Fu noted that these figures do not fully capture the flow of undocumented migrants across the borders.

Dr. Fu stated that migration will continue to increase because of massive construction projects and the development of infrastructure, such as the building and rehabilitation of airports, railways, power generation and distribution infrastructure, and roads and highways between Myanmar, Lao PDR and Vietnam. Transnational marriage migration, mainly between Chinese men and Burmese or Vietnamese women, has also increased recently. Only a small proportion of these marriages are registered, however, and accurate data is unavailable. Marriage migration is, nevertheless, estimated to be taking place on a large scale due to demographic imbalances in China.

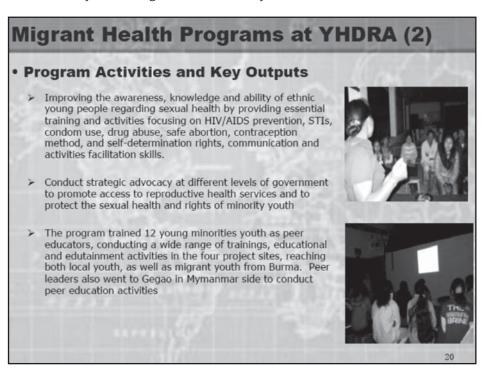
In the past, attitudes towards rural migrants were very negative. Migrants were called "the peasant flow" or the "blind flow" and blamed for rising crime rates, an inflow of drugs and the spread of HIV. Now the media, both at the national and local levels, has been highlighting the need for local governments to assist migrants, who are perceived to be a driving force for development. Whereas migrants used to be seen as disease carriers, people increasingly understand that they are at risk of disease because of their poor living conditions. "Them" has been replaced by "us" in discussions about migrants. Dr. Fu described the shift in the public's attitude towards migrants as a shift from isolation to acceptance, rejection to recognition and integration, discrimination to respect and care, and from control to empowerment.

Dr. Fu then explained that migrants' access to health services in Yunnan is mainly determined by the Hukou policy, whereby individuals are registered with an agricultural or non-agricultural status at birth. A person with a rural Hukou is not entitled to health care in the city. She compared this to a class system, and noted that there is a large gap between the two classes. One of the consequences of this system is that 80% of the rural population does not have access to health care at all. In 2003, the New Cooperative Medical Scheme (NCMS) was created in an effort to address the lack of health insurance among the rural population. However, it mainly covers major illnesses and not primary health care. In 2009 the New Health Care Reform (NHCR) set out to establish universal health coverage through a basic health services system, but migrants are not eligible for this scheme. Dr. Fu was pleased to announce that she had just read a newspaper article announcing that the Yunnan provincial government had promised to give access to health care and pensions to all migrants from 1 March 2013.

Dr. Fu then discussed the positive impacts of three health projects conducted by YHDRA in Yunnan. These included a project aimed at improving the migrants' access to reproductive health services in Xishan, the results of which were used to advocate for improved access to health services for migrants. The project offered free family planning, published information on migrants' rights, and ran a community-based reproductive health campaign. It was successful with both migrants and local residents.

		or reproductive nning Service S		
Client visits	Before Intervention June 2005- March 2006		During Intervention June 2006-March 2007	
	Migrants	Local resident	Migrants	Local resident
Out-patients	327	1,107	747	1472
In-patients	9	26	86	25
Outreach	50	1,725	1,901	2,873
				16

Another project, "Women's Health and Rights Advocacy Partnership (WHRAP)-South East Asia" was an outreach programme to Myanmar youth living in Yunnan and Myanmar.



The last project entailed the publication of "Guideline on the National Campaign on HIV/AIDS Educational Interventions for the Rural-to-Urban Migrants in China". This is to be used in advocacy aimed at local and central governments on the need to respect and protect migrants, and not stigmatise them as HIV-carriers.

In her conclusion, Dr. Fu acknowledged that it had taken ten years of advocacy at all levels, from the community up to the government, to see changes in rural migration policies. To address Mekong migrants' access to health care and services, she highlighted the lack of both national policy and technical guidance on cross-border collaboration and programming as obstacles to the development of systematic health interventions. She stressed that as an emerging migration destination country in the GMS, there is an urgent need for China to develop an immigration policy, as well as targeted health regulations to protect the rights and health of migrants. She emphasized that to achieve social cohesion and harmony in the GMS, regional cooperation mechanisms which integrate the efforts of government and civil society organizations must be established to address challenges to migrants' heath and rights.

#### Roles of Countries of Origin in Enabling Migrant Workers to Access Labour Protection and Social Services

Mr. Jai Sak, Migrant Representative

Mr. Jai Sak introduced himself by explaining that he used to be an undocumented migrant who had come to work in Thailand, not because he wanted to live in Thailand or in search of a better life, but because of the political instability in Burma. At the time he had not realized that crossing into Thailand was illegal and he had had no pre-departure preparation. He had come in order to escape from life in a warzone.

Mr. Jai Sak then described the working and living conditions of migrant workers in construction and agricultural work in Northern Thailand. Occupational health and safety standards are very poor as are the living conditions. Mr. Jai Sak explained that working and living conditions are the same for all migrants, whether they have documents or not. In workers' living areas, electricity supplies are unsafe at best, sanitation is rudimentary and there is no drainage system or clean drinking water. Workers use the same water for drinking and washing, and water is usually obtained from a well and not from public water supplies. Some employers may build a tank and have water delivered but if this runs out, the migrants are left with no water. The large number of people living together adds to the problem of uncleanliness and limited water supplies, while the lack of garbage disposal services increases health risks and contributes to the local population's perception of migrant workers as dirty and unhealthy. Mr. Jai Sak asked how people could feel empowered and confident when they live in these conditions.

Mr. Jai Sak spoke of Thai people's attitudes to migrant workers. He reported that when Thai men hear someone speak in Burmese or Shan, they respond by warning each other to be careful of their belongings. Women migrants are looked upon differently by the older Thai generation. They are perceived as compliant, hardworking, gentle and trustworthy; unlike male migrants. Thai males, on the other hand, see migrant women as easy to abuse. The difference between migrant and local children is felt particularly at school. The former are poorer than Thai children, and their clothes, their limited pocket money and even the food they eat set them apart from other school children. At home, parents do not speak Thai and at school children are thus slower to understand teachers.

Mr. Jai Sak said that migrants want more exchange between communities, improved mutual understanding, and the ability to contribute to the local community. Their living and working conditions, however, do not allow them to do so. He went on to explain that agricultural workers, mostly working in orange orchards in northern Thailand, are only allowed to leave the farm after 5 pm if they are sick. Employers are afraid that workers who go out might talk about their wages with other workers and find out about the minimum wage. To prevent workers from finding another job or even visiting relatives, many employers confiscate workers' papers. For fishermen, when they dock on dry land, some areas restrict their movement to a certain distance from the dock side. Again Mr. Jai Sak asked how these workers could have time to learn, share, and be exposed to the society in which they live.

Migrant workers have to obtain police permission simply in order to travel within Thailand and are subsequently required to report their arrival at their destination and upon their return. The stigma associated with these visits to the police station leads people to shy away from migrants, as Thai people assume that they have committed a crime.

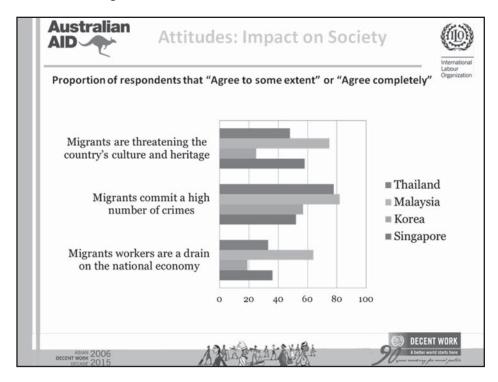
Mr. Jai Sak stated that migrants suffer from an inferiority complex. If local communities could meet workers, they would realise that migrants are normal people. Migrant workers want to interact with other people, and they want working conditions that respect health and safety standards. They want to live in clean places and contribute to society. Mr. Jai Sak emphasized that if all migrant workers were paid THB 300 (USD 9) minimum wage and provided with welfare as other workers are, they would gain confidence and be better able to contribute to society.

He concluded by saying that workers might start as unqualified workers, but that they aspire to become qualified workers, and to contribute to society without being restricted to a few occupations.

#### Public Attitudes to Migrant Workers and Implications for Living Together

Ms. Anna Olsen, Technical Officer, Tripartite Action to Protect the Rights of Migrant Workers from Labour Exploitation (TRIANGLE Project), International Labour Organisation (ILO)

In her presentation, Ms. Olsen presented the findings of the TRIANGLE research project undertaken in December 2010. This project involved a study of public attitudes towards migrant workers in four major destination countries in Asia—namely Malaysia, Singapore, South Korea and Thailand. In each country 1,000 people were interviewed, with the sample controlled for age, gender and, in the cases of Singapore and Malaysia, ethnicity. The aim was to identify key areas for advocacy campaigns to promote positive attitudes towards migrants.



Ms. Olsen remarked that the issues which arise when migrant workers and local populations live together are not exclusive to the GMS, and that the way in which the conflict of living together is framed belongs to an economic and cultural discourse. She added that economic arguments against migration are unfounded in the light of data which show that migrants facilitate economic development. The Thai fishing industry is an example of this.



She noted that although Thailand is both a sending and host country, for the purposes of the study it was defined as a receiving country. Many of the responses selected in the study, such as "Unauthorised migrant workers cannot have any rights", are all contrary to ILO legislation. She argued that these attitudes matter, however, because they inform the access migrant workers have to legal and health services. The study shows that people who have more contact with migrants have more positive attitudes towards them, and she referred to the previous speaker's call for interaction between migrants and the local population. The ways in which migrants co-exist with the local population differs between countries. In Thailand migrant workers live in isolation, which Ms. Olsen called a case of "living alongside". The study also addressed the prevalent myth in Thailand that migrants are a threat to culture and country, and that they contribute to crime. Ms. Olsen pointed out that research has shown this to be untrue.

The study also highlighted conflicting views on the role of the authorities. The authorities are perceived as doing enough to protect migrants, but people also think that they should crack down more on employers of unauthorised migrants. Ms. Olsen recommended that this can be used in advocacy campaigns to refocus attention on employers.

The research also focused on how education levels and age affect people's perceptions of migrants. The results for Thailand showed little correlation between levels of education and perceptions, unlike Malaysia where higher levels of education resulted in more positive perceptions. Age also affects people's attitudes. For example, older Malaysians are more supportive of migrants. For more information on the different origins of migrants and attitudes towards them in different places, Ms. Olsen referred participants to the complete study which is available on the ILO website.

There is limited understanding of the impact of migrants on society and a limited awareness of migrants' rights. However, such a situation is not necessarily stagnant. Ms. Olsen referred to recent changes in attitudes towards Hispanic migrants which have been observed in the US. She reiterated the point that greater interaction between communities is crucial to changing attitudes. In this regard, Ms. Olsen mentioned the TRIANGLE campaign in Malaysia, "Working together, walking together". In this campaign, art competitions were organised to bring together a body of stakeholders. In Thailand, the TRIANGLE campaign, "Bridge of Voices", also used art competitions and events to bring young people together.

In her conclusion, Ms. Olsen recommended the European Commission Handbook on Integration to stimulate a discussion of responses in the GMS region. It contains an overview of lessons learned and good practices drawn from the experiences of policy-makers and practitioners across Europe. She added that for those doing advocacy with governments, the ASEAN Forum on Migrant Labour is a useful platform for advocacy.

#### **Roles of Countries of Origin**

H.E. Chou Bun Eng, Secretary of State, Cambodia

H.E. Chou Bun Eng started her presentation by saying that human trafficking is linked to migration in Cambodia, and that it is important to facilitate safe migration in order to eliminate trafficking. She explained that there are two ways to leave Cambodia as a migrant worker, either by using a recruitment agency or by crossing the border as an undocumented worker. She explained that people continue to cross borders without documents due to geographical proximity and the ease with which this can be done. Border villages feel equally like home and people go back and forth between them, with workers sometimes going further into Thailand. Another reason for crossing borders is that most workers are farmers who need seasonal work, whether in Cambodia or abroad. H.E. Chou Bun Eng noted that the agency recruitment procedures can take two to three years while the duration of work contracts is limited to two years. In addition, workers spend the first 6 months of their contract repaying the agency for costs incurred. Workers also prefer working for short periods and then returning to their farms, as opposed to staying away for a long period of time. They therefore opt to cross the border using the services of a broker.

In 2003, Cambodia and Thailand signed a Memorandum of Understanding (MOU) aimed at sending workers to Thailand through legal channels. However, the Ministry of Labour estimated at the time that 183,000 Cambodians were already working in Thailand. It was thus necessary to legalise these workers first. The MOU allows for the Cambodian government to verify the nationality of migrants and to issue them with a Certificate of Identity (CI). This serves then as the basis for the issuing of work permits, which, in theory, entitles migrants to protection under labour laws. Despite this, the number of undocumented workers continues to increase, and workers are exploited whether they are documented or not. H.E. Chou Bun Eng argued that the national verification process is not a solution because, in practice, workers continue to be treated in the same way as those who are working illegally.

She moved on to discuss awareness among workers of laws and policies, which she believed to be low. In Cambodia, the government is now raising awareness about trafficking and encouraging people to apply for work through legal channels, although she noted that the number of workers looking for work abroad exceeds the annual quota.

H.E. Chou Bun Eng said that at least 10,000 people are arrested and deported from Thailand to Cambodia annually. These workers, however, find ways to return to Thailand. She argued that workers continue to migrate illegally because the Certificate of Identity (CI) process does not provide them with safety or a guarantee of legal support. She pointed out that the government is unable to collect

reliable information on where migrant workers are working, or on their working conditions, and it is unable to trace workers after they have moved on. She gave an example of workers sent back to Cambodia from a third, fourth or even fifth host country after originally going to Thailand to work in the fishing sector.

H.E. Chou Bun Eng expressed the view that the role of countries of origin was to help migrant workers learn about their rights. Although people become international migrants only once they leave their own countries, authorities in countries of origin can provide information and formulate relevant policies. In Cambodia there is a gap concerning seasonal migrant workers, and a policy is needed in order to respond to these workers' needs.

H.E. Chou Bun Eng remarked that workers are able to work illegally in Thailand because employers need them. She proposed that in Sakeo province, for example, employers in need of workers could inform the provincial government or local authorities about how many farms needed workers and for how long. A list could be sent to the Cambodian government, which would then disseminate the information. Governments could keep a record of which person went to which farm, and if a worker failed to return this could be followed up with the Thai authorities. Workers would not be trafficked or exploited because the process would be implemented by government institutions.

H.E. Chou Bun Eng continued by addressing the in-country migration and cross border migration cycle whereby farmers migrate for seasonal work and then return home. She asked which authorities should take responsibility for which part of this cycle in order to ensure the safety of workers. Authorities are unable to manage people's movements and whereabouts as they only have information on the number of people who live in a particular home. She announced that a national workshop would be organised to develop a strategy for promoting safe migration, and for finding a balance between retaining human resources for the country's development and sending workers abroad. The size of the labour force is increasing because the average age of the population is increasing, and young people are unable to find jobs. H.E. Chou Bun Eng reiterated that migration needs to be managed in order to ensure that workers and the country benefit from it.

She was pleased to announce that Cambodia has begun to discuss a long-term strategic framework for migration, and that there are plans to improve and update the MOUs with destination countries in ASEAN. H.E. Chou Bun Eng said that no country, even the most powerful, can manage migration alone. She concluded that governments, NGOs and the private sector have to work together to build an accurate picture of the situations in which migrant workers find themselves. She added that without this kind of cooperation, traffickers cannot be stopped.

#### **Open Forum**

Left: A participant addresses a question to the panel; Right: Ms. Jackie Pollock and Ms. Pranom Somwong wrap up the discussion





Concerning the current round of registration in Thailand, Mr. Moe Swe Win Maung from Yaung Chi Oo Workers Association commented that the latest registration procedures, based on national verification and the issuing of temporary passports, provide no benefits for migrant workers. He explained that because workers have to rely on their employer or an agent to register, they are overcharged. Mr. Moe Swe then compared the old and new registration processes. In the past, the cost of a migrant worker's card was THB 3,900 (USD 122), whereas workers are now required to pay THB 15,000 (USD 470) for a temporary passport. This is despite the fact that they still earn only THB 100 (USD 3) per day. In the past employers held workers' cards, but now they seize their passports. Another issue was the discrepancy between contracts and working conditions. Workers who migrate to Thailand with an MOU passport sign a work contract before leaving Myanmar. Once in Thailand, many find themselves working under very different conditions from those that had been stipulated. The Labour Protection Office, however, does not receive their complaints, and workers are told to go back to the agency with which they signed the contract. Thus, when problems arise, the only option that migrants have is to run away, although in doing so, they become undocumented and lose their status. Mr. Soravisute responded that the Thai government wants to educate employers about the legal channels available for documenting workers. He agreed that the Ministry of Labour must protect documented workers and that the MOU process between Myanmar and Thailand seems unsuccessful. He said he would pass the information on to the Ministry.

In response to a question from Dr. Kusakabe on the kind of protection available to undocumented women in transnational marriages in China, Dr. Hu said that the women are not eligible for social services, but that local authorities can grant them access to services if their marriage is recognised by the community. One participant commented that in some cases in China, Burmese women have been forced into marriage, or forced to bear a child under the threat of being expelled from the family. Dr. Hu said that, as a socialist country, China recognises the rights of women, and that the current generation of women, especially those who are well-educated, have been empowered. She noted that there are organisations working on the issue of forced marriages and human trafficking. She argued that it is the responsibility of local governments and communities to identify women in these situations, but that in rural areas these cases often go unrecognised.

Dr. Kyoko Kusakabe asked whether workers had tried to negotiate on the issue of the minimum wage. Mr. Jai Sak responded by saying that many workers try to negotiate, some by themselves directly with their employers, some with the help of NGOs such as MAP using the legal labour mechanisms but the negotiations are unequal as workers have little leverage. If they do not agree with their wages, they have to find a new job and accommodation as the latter is invariably tied to the work place.

Mr. Michael A. Hewitt from Coordination of Action Research on AIDS and Mobility (CARAM) Cambodia inquired about what types of experiences can develop migrant workers' awareness of rights and integration issues. Mr. Jai Sak replied that when he first arrived in Thailand as a young man he had been scared. Meeting with organisations which provide information about rights and culture helped him realise that he is more than just a worker. At first he was in a position of need, but later came to feel that he is now in a position to give to others in the same situation he had been in. The change came from his experience and exposure.

Concerning a question on the role of the media in the portrayal of migrant workers, H.E. Chou Bun Eng stated that the media can exacerbate negative attitudes prevalent in society. She informed participants that the Cambodian government would set up a workshop to develop greater collaboration with the media, and to increase media support for government activities and the public dissemination of information. In response to another question on the degree of access to services for Vietnamese women working in Cambodia, and particularly for sex workers, H.E. Chou Bun Eng replied that foreign workers, including sex workers, are given equal access to social services. She added that the situation had improved since Vietnam and Cambodia signed an MOU in 2012. This document included principles for the repatriation of victims of trafficking as well as collaboration agreements between border provinces.

Dr. Kapai pointed out that in Hong Kong studies have shown that the more educated young people are, the more prejudiced they are against ethnic minorities, and that people adopt their parents' negative views even if their own experiences countered these. Ms. Olsen acknowledged that these results are terrifying and noted that fostering interaction is a complex process that requires in-depth study. She added that using the media is another strategy that can be used to promote positive attitudes. She explained that positive stories about migrants are not as interesting to the media as those that are negative. She suggested attempting to show that negative stories do not reveal much about real people, and steering journalists away from sensational news stories that are not useful in addressing migrant issues.

#### PLENARY 3

#### Case Studies on Policy Frameworks That Aim to Encourage Migrants and Local People to Live Together

Facilitator: Ms. Jackie Pollock, MAP Foundation & MMN



Mr. Luca Pierantoni and Dr. Sriprapha Petcharamesree

#### 2<sup>nd</sup> Generation of Migrants from Myanmar and Recommended Frameworks to Promote their Integration

Ms. Atchareeya Saisin, Lecturer, Department of International Affairs, Faculty of Political Sciences and Public Administration, Chiang Mai University, Thailand

Ms. Saisin presented research comparing the ways in which various groups of migrant children from Myanmar adapted to Thai culture and society. The first group, 1.5 generation migrants, refers to children who were born in Myanmar and moved to Thailand with their parents before they turned 15 years old. The second group, 2<sup>nd</sup> generation migrants, refers to children born in Thailand to migrant workers. The study is based on various migrant ethnic groups from five provinces throughout Thailand. Registration problems made it difficult to ascertain the exact number of 2<sup>nd</sup> generation migrant workers, but in her research Ms. Saisin was able to use the estimated population number of 150,000 supplied by government agencies.

Ms. Saisin's findings suggest that 2<sup>nd</sup> generation migrants who attend Thai schools with the intention of continuing their education and residing permanently in Thailand are able to learn Thai and incorporate Thai culture into their daily lives. 2<sup>nd</sup> generation migrants who attend migrant or Thai schools are able to do the same, although some in this group adopt Burmese and other ethnic neighbours' language and culture. Furthermore, migrants who work as child labourers or are unable to attend school have fewer opportunities to integrate and to uplift their socio-economic status compared to the other two groups.

#### **Factors**

- similarities between Thai and other ethnic language and cultural practices
- the level of interaction with local Thai communities
- the support from families, kinship and ethnic networks and from state, private and local mechanism

She also found that children from Myanmar's Shan ethnic groups are generally more likely to integrate in Thailand than other ethnic groups. She explained that this is probably due to similarities between the Shan and Thai languages, and cultural background. However, she emphasized the need for more support for all ethnic groups, including Shan, in their overall integration in Thai society. She highlighted that Shan migrant workers living in remote areas, such as plantations, find it especially difficult to integrate.

To conclude her presentation, Ms. Saisin shared her policy recommendations for 2<sup>nd</sup> generation migrants. Among these were to:

 Establish a database on migrant children at local, regional and national levels to enhance understanding of the present situation and facilitate future research.

- Design clear strategies and approaches to extend education on Thai language, culture, and legal matters to migrant children who are not able to attend Thai schools.
- Support local administration offices to launch and implement policies in sectors where it is necessary to promote peaceful co-existence between migrant and Thai communities.
- Support the roles of religious institutions in improving the quality of life of migrants and their children and promoting peaceful co-existence.
- Create forums to promote cooperation between local, regional, and national agencies to address the needs of migrant children, and increase their potential in the development of Thai society, and to develop a multiculturalist policy.
- Promote understanding of the causes of transnational migration and the necessity for people of different cultures and ethnic backgrounds to peacefully co-exist.
- Support youth organizations in their efforts to increase the potential of the youth, including migrant children, in the development of Thai society.

#### ASEAN Framework on Living Together

Dr. Sriprapha Petcharamesree, Center for Human Rights Studies and Social Development, Faculty of Graduate Studies, Mahidol University, Thailand

In her presentation, Dr. Petcharamesree gave an overview of the ASEAN framework and the terminology the framework uses, and discussed the role of ASEAN in facilitating positive interaction between migrants and local communities. She began by reviewing three topics related to migrants and living together that are mentioned in the ASEAN framework, namely human rights and corporate social responsibility, migration, and trafficking.

Dr. Petcharamesree emphasized that it is important for the ASEAN collective and people in general to pay close attention to terminology when discussing issues of migration and living together. Different terms have different nuances and can thus insinuate different meanings. Dr. Petcharamesree used the example of the term "illegal", describing it as problematic. She explained that she dislikes the term as she believes no human being to be illegal, nor can she accept that an "illegal" status can be assigned to a baby at birth. In another example, she reviewed the phrase, "living together". While some may interpret living together to be assimilation, others interpret it as integration. The phrase is thus ambiguous, and people and ASEAN representatives need to spend time on its clarification. Dr. Petcharamesree said she did not regard the phrase as implying that people need to be the same. Even in countries such as France which are viewed as multicultural, to obtain citizenship, people have to prove that they are assimilated into French society. Thailand also

has a strong belief in "being Thai" in order to get Thai citizenship. It is important to distinguish between integration and assimilation when thinking about national and cultural identities.

Dr. Petcharamesree then shifted her focus to the ASEAN framework and how it relates to migrants and living together. The first thing she noted was that the phrase "living together" does not appear anywhere in ASEAN documents on migration. However, she went on to explain that ASEAN is now advocating for the building of an "ASEAN community", and it has made some progress towards protecting migrant workers by using the term "rights" in the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers. She said that the reference to rights in an official ASEAN document was, in fact, ground-breaking, and it was unfortunate that the Declaration was not being used as much as it should be. She advocated for more coordination on pushing migrant workers' rights in ASEAN discussions.

The ASEAN charter says that members will be "living together in peace", have a "shared destiny", be a "caring and sharing community", and have "one identity of ASEAN", but it is not clear whether the members are the people, the countries or the governments. Serious research on the meaning of these terms is needed as they pose questions of interpretation, as well as implying potential contradictions in ASEAN visions. The term "one identity" is an example of this. Building a shared identity is difficult, especially when the governments of ASEAN countries are prone to pointing out their differences. Diversity and respect for difference within the ASEAN community seems to contradict the goal of establishing one identity. In her analysis of the phrase "sharing and caring community", she emphasized that such an outlook is key for living together. However, this kind of community can only be built when it is based on human rights, which should therefore be a priority on the ASEAN agenda.

When referring to the ASEAN Human Rights Declaration, she highlighted the fact that migrants are mentioned, in addition to other marginalized groups.<sup>2</sup> She believed this to mean that migrants and other marginalized groups are entitled to the same human rights as other citizens. Dr. Petcharamesree ended her presentation by sharing her views on how migrants can live peacefully together with locals. She suggested advocating for an education system that integrates migrants with locals and which facilitates mutual understanding between migrant and local children. If there is mutual understanding between children, it is possible that this could be extended to their parents and families. Next, Dr. Petcharamesree emphasized that it is important to support local administrations in facilitating living together because central governments are too far removed to create local impact. NGOs can play an important role in ensuring this support. Finally, Dr. Petcharamesree discussed the importance of respecting differences. People need to be treated for who they are and in terms of how they self-identify. When we respect these differences as they are, more positive interactions between migrant and local communities may emerge.

2 General Principle 4:
The rights of women,
children, the elderly,
persons with disabilities,
migrant workers
and vulnerable
and marginalised groups
are unalienable, integral
and indivisible part
of human rights
and fundamental freedoms

#### Migration Policy in the EU- Where Do We Stand

Mr. Luca Pierantoni, Programme Officer, Human Rights Focal Point, The Delegation of the European Union to Thailand

Mr. Pierantoni presented an overview of the European Union's perspective and policies on migration. The presentation was intended as an example of the EU's experience from which ASEAN communities can draw in shaping their own migration policies.

Mr. Pierantoni began by providing a brief historical background of the EU and EU migration. He pointed out that there are many cultural differences within the EU and that Europe's recent history is marked by confrontation and war. However, he believed the EU to now have one of the most successful integration models, and suggested that the EU is generally quite tolerant of migration and migrants in general. However, many factors, including Europe's belligerent past, have led to this level of freedom, and history is a key factor in shaping present reality. Therefore, ASEAN, with its own historical context, will have to draw their own conclusions on what to take from the EU's migration policies.

Notwithstanding the EU's more tolerant attitude toward migration and migrant communities, the concept of migration is still quite controversial among the EU population. He pointed out that the media continues to be a powerful tool in shaping attitudes toward migration, with headlines like "How Mass Migration Has Divided our Society", encouraging negative perspectives and fear about migration. Media biases in the portrayal of migration are therefore not only present in ASEAN countries, but also in other parts of the world, including Europe.

Mr. Pierantoni discussed different ideas about why people may migrate. One of these is poverty, although people do not necessarily migrate to the richest countries as generally assumed. Rather people tend to migrate to neighbouring countries with similar levels of economic development. Poverty is, nevertheless, still a main driver of migration, and Mr. Pierantoni noted that economic inequality between ASEAN countries is greater than economic inequality in the EU.

Mr. Pierantoni went on to explain that, in general, migration is a global trend that tends to occur within, rather than across regions. The EU has both internal migrants and migrants from non-European countries, and he noted that migration trends in Thailand are similar to those of European countries. He argued that the EU is becoming increasingly diverse, a phenomenon which is taking place gradually. He referred to how Europeans were once wary of Romanian migration, worrying that large waves of Romanians would enter Europe and drain European resources. This did not happen, however, and he encouraged ASEAN to take this into account.

Mr. Pierantoni explained that a person who is granted nationality in one of the EU states then they are automatically recognized by all member states, they can move freely to other EU countries where they can live and work. The EU is also dedicated to promoting fair treatment of legal migrants and proactively promoting integration. Mr. Pierantoni noted that the legalization of migrants does not eliminate all challenges, pointing out that when the costs of acquiring legal status are too high, exploitation and problems may develop regardless of whether the migrant is regarded as legal or not. Therefore, holding employers accountable is also key.

He then discussed the different priorities that are reflected in the EU's policies towards migrants.

### **Key Areas of EU Migration Policy**

EuropeA

5 areas, with different priorities:

- Organise legal migration
- Control irregular migration
- Make border controls more effective
- Build Europe of asylum
- External Dimension Cooperate with countries of origin and transit favouring synergies between migration and development

While acknowledging that irregular migration to the EU does occur, he maintained that the overwhelming majority of migrants are legal. Mr. Pierantoni then shared his belief that legalization of migrants in the GMS is a positive development as it leads to less crime, improved health among migrants, and stronger protection against exploitation.

He then addressed the question of how countries could legalize migrants when there are large numbers who are irregular. One option is to set a date (or number of years) for applying for nationality. Another option is to target sectors to encourage migrant workers employed there to obtain legal status. A third possibility is the facilitation of applications for citizenship by addressing areas such as knowledge of language and culture. A fourth possibility is to establish multiple phases in the application process. A fifth option is to allow centralized and decentralized institutions and authorities to process and recognize applications. Lastly, countries can grant

legalized long term or short term stays, rather than legalizing workers for indefinite periods. He pointed out that implementation is more important than the choice of approach, as policies which are appealing on paper can be unrealistic when it came to implementation.

He also discussed various approaches to migration, describing multiculturalism as the respect for and preservation of cultural differences within society. Integration was compared with the change in a river when new water runs into it, while assimilation was like a river which remains unchanged when new water flows in.

Mr. Pierantoni concluded that the way in which migration is approached will ultimately depend on ASEAN's underlying goal. He encouraged ASEAN countries to consider whether their intention is to protect migrants in the migration process or control them. He ended his presentation by stating that all systems need improvement, including that of the EU. However, he believed there were useful lessons that ASEAN might be able to extrapolate from the EU experience.

#### **Open Forum**





A question was raised about the government's role in ensuring the right of all children in Thailand to attend school. Dr. Petcharamesree responded that although all children are entitled to an education, local implementation has obstructed the full enactment of the policy. She also pointed out that although Thailand has migrant schools, their certificates are not official, and therefore cannot be used for further education or employment.

Questions were then asked about EU systems and migration. In response to a question on how the EU addressed the issue of stateless people, Mr. Pierantoni responded that groups without nationality face a difficult legal framework in the EU. In Europe, asylum seekers cannot be held for long periods in detention centres and he felt that this was an issue which should be raised more prominently by human rights groups about the extended detention of people in the region. With the exception of Italy, no country in the EU views irregular migration as a crime, an outlook with which he concurred.

Dr. Petcharamesree also commented on the topic of stateless people and migration. She asked if there is space for stateless people in ASEAN, and questioned the meaning of "stateless". She expressed the view that statelessness was a new issue within ASEAN, as was the issue of universalised issuing of a birth certificate.

Dr. Petcharamesree commented that there needs to be a proper system in place that protects the rights of migrants regardless of their legal status. The cost of legalization is an important issue because the current process remains too expensive for migrants and temporary passports and extensions do not guarantee migrant rights. She encouraged the governments of Thailand and Malaysia to think about this more carefully. Mr. Pierantoni noted that the EU incentivises employers in order to facilitate their assistance with the legalisation of migrants. He pointed out that this is not the case in Thailand where procedures for legalisation create additional problems, such as money laundering and trafficking. A participant highlighted a recent research project, Regular Rights, by the MAP Foundation which found that documentation and legal status do not guarantee improvements in working and living conditions for migrants. Using the example of Thailand and the EU, Mr. Pierantoni and participants agreed that improving the legalisation process alone does not completely eradicate the injustices experienced by migrants. However, making this option available to migrants is a step in the right direction.

Questions were then raised regarding the use of cultural and language education as a way of strengthening integration. One participant asked Ms. Saisin whether or not there are 2<sup>nd</sup> generation migrants waiting to return to Myanmar who maintained their culture as a way of possibly re-integrating into a new Myanmar society in the future. Ms. Saisin stated that although some children have maintained cultural roots through their families, many migrant children have not and could therefore face challenges with re-integration.

## **PLENARY 4**

# Developing GMS Recommendations for Living Together

Myanmar's Perspectives on Living Together and Roles of Countries of Origin Enabling Migrant Workers to Access Labour Protection and Social Services

H.E. U Myint Thein, Deputy Minister of Labour, Employment and Social Security, Government of Republic of the Union of Myanmar



H.E. U Myint Thein

H.E. U Myint Thein began his talk by highlighting that Myanmar and Thailand had signed an MOU agreement in 2003 in an effort to cooperate on the issue of Myanmar migrant workers in Thailand, although he noted that implementation had only begun in 2009. The governments of Thailand and Myanmar had subsequently made progress toward legalising migrants, and documents had been issued to 698,693 workers in border towns between 2009 and 2012. H.E. U Myint Thein also highlighted the current efforts to speed up the legalisation process. He explained that 5 offices have been established in Thailand where temporary Myanmar passports can be issued. Additionally, after Thailand's decision to cease the process on 14th December 2012, the Myanmar President and the Thai Premier had agreed to a three month extension of this process. Thailand also agreed to the establishment of 11 new processing centres, and the Thai Labour Departments would be able to issue documents to Myanmar factory and plant workers starting 15<sup>th</sup> March 2013.

H.E. U Myint Thein emphasized that in the documentation process the Labour Department needs to both support and enlist the help of civil society organisations that are working to protect the welfare and rights of workers. He requested their assistance in protecting workers from exploitation and ensuring that workers are only charged the stipulated fee. He recognized that there are employers who do not want documentation for migrants, and stated that the Ministry of Labour will take action on this.

With regards to costs, he said that both the Thai and Myanmar governments do their best to ensure affordable documentation for migrant workers from Myanmar. The Myanmar Government charges THB 550 (USD 17) for a temporary Myanmar Passport and the overseas worker identity card. Given the many key players, the process takes some time to complete.

In order to ensure that workers can work under the terms of their employment contracts and are granted the rights and privileges accorded by Thai law, Myanmar has issued licenses to 62 recruitment companies that will assist workers in transitioning to their new lives in Thailand. He revealed that these processing centres had dispatched a total of 51,380 workers to Thailand under the MOU system. In addition, Thailand and Myanmar are working together to distribute Certificates of Identity to seasonal workers. Both countries are working together to give workers from Myanmar the same privileges and protection as Thai workers.

To effectively ensure that migrant workers can travel abroad and return home smoothly at minimal expense, and also exercise their rights consistent with the host country's labour laws, H.E. U Myint Thein stated that the Myanmar Government had established a Supervisory Committee for Overseas Workers. The Committee would be chaired by the Minister for Labour Employment and Social Security, with the Minister for Border Affairs as vice chair. He also stated that he would serve as the Secretary of this Committee and that an additional 8 relevant ministries would be represented. In addition, in order to settle disputes and protect the rights and privileges of Myanmar workers working in destination countries like Thailand and Korea, Myanmar had appointed labour attachés in both countries. Myanmar also planned to appoint labour attachés in Malaysia and the Middle East, where many Myanmar citizens work.

Referring to Myanmar's recognition as the 147<sup>th</sup> member country of the International Organisation for Migration on November 2012, H.E. U Myint Thein expressed his faith in Myanmar's ability to manage workers' problems more effectively than before. Policies were in place to quickly and effectively facilitate the dispatching of workers abroad; to ensure they enter work environments safely; to ensure that costs incurred are appropriate; and to efficiently address any difficulties and problems that come up. He also noted that the government is working to ensure that the 1999 labour laws are relevant to the current situation and protect migrant workers.

H.E. U Myint Thein emphasized the importance of vocational training for migrant workers. The government is coordinating with the private sector on the opening of vocational training centres within the country and on the Myanmar-Thailand border. He stated that workers going abroad receive pre-departure training and other necessary tools. There is also collaboration with foreign banks to ensure that migrant workers' money orders are safely delivered to their families.

H.E. U Myint Thein expressed his gratitude to the Thai government for enhancing work opportunities for Myanmar migrant workers, and highlighted his belief that the two countries will enjoy longstanding cooperation. He noted that migrant workers are a benefit to the government, Thailand's GDP, and Thailand's employers, and applauded their efforts to uplift their lives.

In conclusion, H.E. U Myint Thein stated his belief that Myanmar migrant workers have ensured a "win-win situation" for both countries. He urged civil society to also join in Myanmar and Thailand's collaboration to protect and care for migrant workers in Thailand.

#### **Open Forum**





Left: Questions addressed to H.E. U Myint Thein Right: Group discussions to develop recommendations

One participant raised the point that many workers have complained about Myanmar's MOU process. In addition to employers withholding their passports as a way of exerting control over workers, many migrant workers discover that their working conditions in Thailand do not reflect the work contracts signed in Myanmar. If migrants choose then to leave their employer, they do so without their passports, thus becoming undocumented. The question was then raised as to who was responsible for addressing these complaints and how the government planned to help. H.E. U Myint Thein acknowledged these problems. He described a visit to construction sites in Chiang Mai where he had met workers who had not known their company's name. This was problematic because it revealed disconnect between workers and their employers. Employers should be responsible for providing information to workers and should not have control over migrant passports. There were 62 recruitment

agencies that were partially responsible for holding companies and employers accountable, and they could help address migrant concerns regarding their passports or work conditions. He explained that migrant workers could access these agencies through a hotline, where they could report their situation.

H.E. U Myint Thein went on to highlight the difficulties the Labour Department encounters in monitoring labour exploitation. He encouraged local civil society to report such situations to the Labour Department. He explained that the government of origin cannot enforce labour laws in the country of destination and that the government's first priority is therefore documentation. Although he recognised the numerous problems with documentation, he emphasised that the documentation of unregistered workers is crucial. The efforts of NGOs and MMN on behalf of migrant workers in this documentation process are critical. H.E. U Myint Thein also highlighted that communication between civil society and government needs to be improved in order to help transfer appropriate information to the authorities.

In terms of workers' contracts, H.E. U Myint Thein also expressed the view that the 2 to 3 year migrant employment contract is too long. He agreed that it should be shortened to one year so that migrant workers can change employers more easily if needed.



... U Myint Thein and Symposium participants

A migrant worker representative commented on the cost of the national verification process, saying it is unclear how much migrants should pay for their passports, THB 550 (USD 17) or THB 2,500 (USD 78). He highlighted that migrant workers face exploitation, earn low wages, and yet are still expected to pay a large sum in order to legalise their status. He suggested that the government of Myanmar carefully investigate the 62 agencies that facilitate the process in order to

protect migrants from exploitation. It was also suggested that both Thailand and Myanmar agree on costs as this is not a current practice. A further point was made that even migrants with temporary passports are forbidden to travel from certain districts due to district laws. The Ministry of Labour needed to address these issues.

H.E. U Myint Thein clarified that the cost of the passport is THB 550 (USD 17) and that migrants should expect to pay an additional THB 4,850 (USD 150) for health and other costs on the Thai side. H.E. U Myint Thein agreed that the Ministry of Labour should monitor the 62 agencies in the future, although it is unable to hold employers accountable. He also suggested that migrant workers always keep a copy of their passports and that they should know which of the 62 agencies had recruited them. H.E. U Myint Thein emphasized again that providing access to information is important in solving these problems.

#### **Developing GMS Recommendations for Living Together**

Facilitators: Ms. Jackie Pollock and Ms. Pranom Somwong, MAP Foundation & MMN

Following group discussions on the recommendations, Ms. Jackie Pollock and Ms. Pranom Somwong of MAP Foundation presented a draft summary document of all the recommendations for the participants review and the final document was developed collectively:



Presentation of group discussions for list of recommendations



#### Recommendations to the Governments of the GMS Countries

#### **Working and Living Conditions**

To set up a GMS regional committee to oversee the working and living conditions of migrants;

To ensure that all workers in all sectors are protected by national and international labour standards;

To enforce employers' compliance with the labour protection laws and employment contracts and sanction employers who persistently disregard or abuse the laws;

To eliminate dangerous working conditions and occupational health hazards and develop and implement decent work and Occupational Health and Safety standards throughout the GMS;

To ensure that migrant communities have essential services (including water supplies, garbage collection, etc.);

To make provisions for equal access to social services (including vocational training, housing, etc.) and social welfare benefits (unemployment, compensation in case of accident, etc.);

To ensure that migrants and their families have equal access to health care;

#### Education

To enable all children in the GMS to have equal access to education that acknowledges and respects their language and culture;

To issue educational certificates to all graduating students regardless of nationality or immigration status;

To develop a committee to explore the future mutual recognition of school qualifications in the GMS;

To develop a topic in school curricula on the history of migration and current day migration;

To support exchange study programmes in the GMS;

To jointly develop curricula that reflect the transnational nature of today's world and include rights education;

To strengthen migrant workers' access to vocational training and further education to enable them to fulfill their potential;

#### Cultural Understanding

To provide orientation for potential migrants and migrants in situ including appropriate language training and audio materials and information on traditions and modern day culture;

To provide orientation trainings for law enforcers, teachers, nurses and other government officials, to develop their skills to work in multi-cultural and multi-lingual settings;

To provide orientation information to host communities about migrant cultures;

#### Access to Information

To provide information about laws and rights and safe migration to migrants and also to provide contact details of available services (legal aid, NGOs, etc.) through consular services, recruitment agencies, relevant government departments and civil society;

For governments to develop mechanisms to disseminate information comprehensively to migrant communities;

To strengthen and expand consular services and make them more accessible to migrants;

#### Discrimination

To legislate and/or adopt policies on anti-discrimination laws on grounds of ethnicity, culture and gender;

To review periodically the content and implementation of antidiscrimination laws and policies to bring these in line with international standards;

To develop curriculum, workplace policies, and public service practices to reflect international standards and good practices on the management of diversity and multiculturalism in the region;

#### Recommendations to ASEAN

In collaboration with civil society, including migrant workers, to agree on respectful terminology to describe migrants and migration;

To support the ASEAN group on Standard Education Qualifications to raise awareness about portable educational qualifications and to develop recommendations for mutual recognition of qualifications;

To implement the recommendations from the 4<sup>th</sup> ASEAN Forum on Migrant Labour (Bali, 2011) especially the section on the "promotion of positive image, rights and dignity of migrant workers";

To delay no longer in developing an ASEAN instrument on the implementation of the Declaration on Protection and Promotion of the Rights of Migrant Workers that includes family members and complies with international human rights and labour standards;

To collect and disseminate accurate data on migration to inform social dialogues on different approaches to social cohesion and integration;

#### **Recommendations to Civil Society**

Leaders of both host and migrant communities (trade unions, women leaders, religious leaders, community leaders, etc.) need to create common spaces for positive interactions between the host community and migrant communities;

#### **Recommendations to Media**

To raise awareness among media to use terminology that is respectful of migrants and their cultures;

To ensure that media stories of migrants and migration issues do not contribute to discrimination and negative attitudes. Media coverage should never incite hatred, violence or degrade the dignity of migrants.



#### **Press Conference**

Facilitator: Ms. Wai Hnin Po, Foundation for Education and Development

Speakers: H.E. U Myint Thein, Deputy Minister of Labour,

Myanmar

Ms. Sunee Chaiyarose, Deputy Chairwoman, Law

Reform Commission, Thailand

Mr. Jai Sak, Migrant Representative



Participants at the Press Conference

To conclude the Symposium, the recommendations for enabling integration and social cohesion between migrant and local communities in the Greater Mekong Subregion were presented at a press conference.

To open the press conference, Myanmar's Deputy Minister of Labour, H.E. U Myint Thein, stated that the Ministry of Labour's primary goal is documenting undocumented workers. Over 2.5 million migrant workers are in Thailand, with 1.2 to 1.3 million of these unregistered. H.E. U Myint Thein requested that the Prime Minister extend the documentation process for 3 months. He further maintained that the cost of documentation remains high, and that both Myanmar and Thailand have an obligation to improve upon

this. He also mentioned that proper data collection among unregistered workers is important for both countries. The existence of accurate data and documentation will facilitate greater protection for migrant workers. H.E. U Myint Thein also stated that education for migrant children is particularly important in light of the 200,000 plus migrant children in Thailand. He stressed the urgency of solving education problems between the two countries with a bilateral agreement.

The second speaker, Ms. Sunee Chaiyarose, Deputy Chairwoman of the Law Reform Commission, talked about establishing labour standards in the ASEAN community that draw on international labour standards. She acknowledged that a standardisation process would not be easy, but that it is necessary in the light of the current exploitation of workers. She stressed the need for a sub-committee that will work on improving law and policies pertaining to labour rights. She pointed out that Thailand is also a country of origin, and that many Thais work abroad. She hoped there would therefore be more collaboration among ASEAN members.

The third speaker was a Thailand-based migrant representative, Mr. Jai Sak, who described the obstacles faced by migrants. He discussed issues surrounding the MOU between two countries; the establishment of the service sector in Thailand; and documentation costs and processes. He also raised concerns about how migrant conditions and stereotypes had prevented living together.

He explained that migrant workers represent many ethnic groups and cultures, and that it is not easy to adapt to a new culture. In addition, the quality of housing and services for migrants in Thailand is still substandard. Migrants continue to live in unsanitary and poor conditions, with men and women having to share the same shower area, for example. It was also noted that access to public health services is still limited, leaving migrant workers more vulnerable to disease and sickness. While the Thai government has made some progress on these issues, Mr. Jai Sak stated that this is inadequate and needs to be addressed further.

He argued that the low standards of living and lack of health services for migrants perpetuated the negative perceptions that locals have of migrants. Migrants often experienced discrimination and encountered stereotypes which portrayed them as "dirty" and "disease-carriers". Mr. Jai Sak pointed out that if poor living environments are not improved, it will be difficult to challenge these stereotypes and for migrants and locals to ever truly live together in harmony. In addition to this, migrants in farms and rural areas are especially vulnerable to toxic chemicals. He noted that many migrants are unaware that they are exposed to toxins, do not have protective clothes and equipment and do not wash in clean water afterwards. Mr. Jai Sak emphasised that these circumstances are harmful and feed into the disconnect between migrants and Thai people. Migrants are also stereotyped as criminals. The media contributes to the portrayal of migrant men as "dangerous" and female migrants as "sexually easy". Mr. Jai Sak stated that these

portrayals are inaccurate, and concluded that these perceptions must be addressed and altered because they posed a major threat to social cohesion in general.

To conclude the press conference presentations, Ms. Reiko Harima of MMN, read the final recommendations from the Mekong Symposium on Migration.

#### **Open Forum**

Left: Attendees address questions to the speakers at the Press Conference; Right: Mr. Jai Sak and Ms. Sunee Chaiyarose discuss with participants after the Press Conference





To begin the discussion, a member of the press asked the Deputy Minister of Labour H.E. U Myint Thein about how he planned to address Mr. Jai Sak's concerns about the daily lives and working conditions of migrants. H.E. U Myint Thein responded by highlighting the importance of collaboration between the state parliaments and civil society. He expressed the view that assistance from officials in local areas would contribute greatly to the Ministry of Labour's efforts on the issue.

H.E. U Myint Thein also responded to the issue of the violation of workers' human rights, including workers in the fisheries sector. He explained that the government's first priority in addressing this issue is to document undocumented workers. In order to protect migrant workers further, the Ministry of Labour of Myanmar established 11 service centres in Thailand and designated the head of the centre, who is also the labour attaché, to respond directly to migrant concerns. He also highlighted that there is a hotline number for the 11 centres, which migrants should use to voice their concerns and request services. When asked how many migrant workers had used the hotline number, Mr. Thein explained that not many had done so as they are unaware of the service centres. He stated that it was important to communicate this information to migrant workers.

The Minister of Labour stated that it remains very difficult to protect migrant workers, despite the 2003 bilateral agreement with the Thai government, which had begun the process of increasing protection for migrant workers. Some employers do not understand the effects of the current situation in Myanmar on migrant workers, nor the value that migrants bring to Thailand. This is a problem because the

value of migrant workers' work is consequently unrecognised. He then pointed out that both governments had agreed on an extension of the registration period, which he considered positive.

Concerns were also raised about the enforcement of labour laws. One participant referred to the fact that migrants are supposed to be covered by the social security scheme, but that this is not the case in practice. The law is insufficient because the government fails to ensure that it is enforced. In addition, laws fail to adequately cover domestic workers, and migrants are not allowed to form labour unions. Ms. Chaiyarose agreed with this point and encouraged researchers to help identify limitations in the law. She also pointed out that since the National Human Rights Commission does not represent the government, there are limits to what it can do. Ultimately, the government needs to be engaged in addressing these concerns. H.E. U Myint Thein also called for a push among ASEAN countries and countries of origin to work together to address these issues.

H.E. U Myint Thein was also asked to comment on the effects of migration in the country of origin. He replied that remittances to Myanmar came to about 4 million, compared to Bangladesh, where remittances totaled 4 billion. This was problematic, as were the wages which workers are paid. Ms. Chaiyarose responded by saying that migrant workers are vulnerable to exploitation, and that it is necessary to work together to identify appropriate measures to address this and to hold employers accountable.

Ms. Jackie Pollock from the MAP Foundation concluded the press conference by reiterating that working together on these issues will require efforts from all, and that this should include migrant workers. She expressed the view that there is a lack of communication between migrant workers and authorities regarding the national verification process and the day-to-day experiences of migrant workers. She pointed out that ASEAN efforts to promote living together should be based on the perspectives of all groups, including migrants. As it was noted in the first session of the meeting, to live together peacefully and harmoniously requires effort and work but most of all it requires the will to make it really happen. Ms. Pollock hoped that this Symposium represented the will of different stakeholders to make living together in the Greater Mekong Subregion contribute to a new vibrant, diverse and respectful society crossing borders and rivers in the Mekong.

## ■ ■ Directory of Participants

Ms. Hongyun Fu

(Programme Director)

Ms. Anna Elisabeth Olsen

(Technical Officer)

Ms. Atchareeya Saisin

(Lecturer)

Ms. Puja Kapai (Professor)

Mr. Precha Sorivasute (General Inspector)

H.E. Chou Bun Eng (Secretary of State)

H.E. U Myint Thein

(Deputy Minister)

Population Services International/China

B-21F Zhiyuan Building

No.389 Qingnian Road, Kunming Yunnan, P.R. China, 650021 Tel.: + 86 871 6316 4075

Fax: + 86 87 1316 5598 E-mail: fuhongyun@gmail.com

International Labour Organization (ILO)

Rajadamnern Nok Avenue, Bangkok

Tel.: + 66 2288 2233 Fax: + 66 2288 3063 E-mail: olsena@ilo.org

Department of International Affairs,

Faculty of Political Science, Chiang Mai University Tel.: + 668 1716 8779

E-mail: Moomim1@gmail.com

Hong Kong University

A609, G/F Cheng Yu Tung Tower

University of Hong Kong

Pokfulam Road Pokfulam Hong Kong E-mail: puja@hku.hk

Ministry of Social Development

and Human Security Government of Thailand

E-mail: precha.s@m-society.go.th

Ministry of Interior, Royal Government

of Cambodia

E-mail: cbeng1155@gmail.com

Ministry of Labour, Employment and Social

Security, Government of Republic

of the Union of Myanmar

Building No.51 Nay Pyi Taw Myanmar

Tel: + 95 6743 0078 Fax: + 95 6743 0118

Email: dm-labour@myanmar.com.mm,

khinnnway@gmail.com

Mr. Jai Sak Migrant Representative

c/o MAP Foundation, Chiang Mai

Tel/Fax: + 66 5381 1202 Email: jai.sak@hotmail.com

Dr. Sriprapha Petcharamesree **Mahidol University** 

> Center for Human Rights Studies and Social Development, Faculty of Graduate Studies,

Mahidol University, Thailand

Mr. Luca Pierantoni The Delegation of the European Union

to Thailand

Tel.: + 66 2305 2750

E-mail: Luca.pierantoni@ec.europe.eu

Law Reform Commission of Thailand Ms. Sunee Chaiyarose

(Vice President) E-mail: csunee97@gmail.com

Ms. Jackie Pollock MAP Foundation

(Executive Director Chiang Mai of MAP Foundation Tel/Fax: + 66 5381 1202

and MMN Chair Person) Email: jackie\_pollock@yahoo.com, map@mapfoundationcm.org

#### **Participants**

#### Cambodia

of Safe House Project)

Cambodian Women's Crisis Center (CWCC) Mr. Sopheap Suong (Regional Manager,

#80-81, Palelai, Poipet, Poipet, Northwest Region) Banteay Meanchey, Cambodia

> Tel.: + 855 5496 7144 Fax: + 855 5496 7144

> > E-mail: BMCmanager@cwcc.org.kh,

sopheap.suong@gmail.com

Cambodian Women for Peace Mr. Tola Heng and Development (CWPD) (M & E Manager)

#21B, St. Lum, Sangkat Teuk Thla,

Khan Sen Sok, Phonm Penh,

Cambodia

Tel.: + 855 1277 4557

E-mail: tola.heng@cwpd.net

Ms. Maly Sun Banteay Srei

(Team Leader Battambang Province,

Cambodia

Tel.: + 855 1722 0110/+ 855 2321 6922

Fax: + 855 5395 2432

E-mail: banteaysrei\_shtl@yahoo.com

Ms. Ly Vichuta

(Director)

Legal Support for Children and Women (LSCW)

Phnom Penh, Cambodia

Tel.: + 855 2322 0626 Fax: + 855 2322 0626

E-mail: Vichuta\_ly@lscw.org

Mr. Mom Sokchar (Programme Manager) Legal Support for Children and Women (LSCW)

Phnom Penh, Cambodia

Tel.: + 855 2322 0626 Fax: + 855 2322 0626

E-mail: sokchar\_mom@lscw.org

Mr. Michael Alan Hewitt

(Advisor)

CARAM

No.193AEo, Street 63, Boeung Keng Kang 1,

Khan Chamcarmorn, Phnom Penh, Cambodia Tel.: + 855 2321 8065

E-mail: Hewitt.michael@gmail.com

China

Ms. Jiaxin Wang

(Project Coordinator)

Women Migrant Education Research Professional Association (WMERPA)

Kunming, Yunnan Province, China

Tel.: + 86 152 1050 8837 E-mail: wjx0307@163.com

Ms. Zhao Peilan

(Director)

Society of Strengthening Capability

of Women and Communities Development

in Yunnan

Kunming, Yunnan Province, China

Tel.: + 86 159 1174 8518 E-mail: Peilanzhao@gmail.com

Ms. Han Jialing

(Director)

Migrant Worker's Education and Action Research Centre

Caoyan District, Beijing Tel.: + 86 10 6484 5915

E-mail: sdrcbj@yahoo.com.cn,

jialinghan@126.com

Ms. Christie-Zhangyue

Ruili Women and Children Development

Centre

E-mail: jhyzzy@163.com

#### Japan

Mr. Ken Aoo

(Programme Officer Leader, Group For International

Grants)

Toyota Foundation

Shinjuku Mitsui Building 37F,

2-1-1 Nishi-Shinjuku

Shinjuku-Ku, Tokyo, 163-0437 Japan

Tel: + 813 3344 1701 Fax: + 813 3342 6911

E-mail: aoo-k@toyotafound.or.jp

Ms. Fabiola Tsugami Waseda University

E-mail: fabiola.tsugami@gmail.com

#### Lao PDR

Ms. Ninpaseuth Xayaphonesy

(Deputy-Director General)

Lao Women's Union Manthatulath Road,

P.O. Box 59, Vientiane Capital Tel.: + 856 20 9666 8666

Fax: + 856 2121 4304

E-mail: ninpaseuthx@yahoo.com

Ms. Engsone Sisomphone

(Lecturer)

National University of Lao, Faculty of Social Science, Social Work and Development Department

Tanmisay Village, Saithany District, Vientiane, Lao PDR

Tel.: + 856 20 5540 8699 Fax: + 856 2174 0505

E-mail: esisomphone@yahoo.com

Ms. Maliphone Douangphachanh

(Head of statistics and registration unit)

National University of Lao, Faculty

of Social Sciences

Academic Affairs Division, Vientiane, Lao PDR Tel.: + 856 20 5556 6607 Fax: + 856 21 7774 0505

E-mail: maliphoned@gmail.com

#### Myanmar

Ms. Kyu Kyu Win (Assistant Director) Ministry of Labour, Employment and Social Security, Myanmar (Leader of Samut Prakan Myanmar Temporary

Passport Issuing Centre)

E-mail: samutprakan@gmail.com

Mr. Kyaw Kyaw Lwin

(Labour Attaché)

Myanmar Embassy, Bangkok

132 Sathorn Nua Road

Bangkok, 10500 Thailand

Tel: + 66 2234 4698 Fax: + 66 2236 6898 Mobile: + 668 6774 6825

Email: kklwinlabor@gmail.com

Mr. Kyee Myint

(Member)

Lawyers' Network (Myanmar)

Yangon, Myanmar Tel.: + 959 4316 2091

E-mail: ukyeemyint.p@gmail.com

Ms. Thiri Myat Htin

(Programme Manager)

Thabyay Education Foundation

Yangon, Myanmar

Tel.: + 95 950 2884/+ 95 94 2105 7353 E-mail: thiri.internshipsasia@gmail.com

Ms. Naw Eve Nan (Position Secretary) National Council of YMCAs of Myanmar

Yangon, Myanmar

Tel.: + 95 129 6434/+ 95 94305 1411 E-mail: Evenan.ym@gmail.com

Ms. Thet Thet Aung

(Labour Section Deputy in Charge)

88 Generation Peace and Open Society

Yangon, Myanmar Tel.: + 95 9730 46768

E-mail: Thet2aung2012@gmail.com

#### **Switzerland**

Mr. Michael John Flynn (Coordinator and Lead Researcher) Global Detention Project (GDP) (Programme for the Study of Global Migration, The Graduate Institute)

Global Detention Project Programme for the Study of Global Migration The Graduate Institute P.O. Box 136-1211 Geneva 21, Switzerland

Tel.: + 41 22 908 4556 Fax: +41 22 908 4594

michael.flynn@graduateinstitute.ch

#### Thailand

Mr. Anusorn Kraiwatnussorn

(Vice Minister of Labour)

Ministry of Labour, Government

of Thailand Mitmaitri Road, Dindaeng District

Bangkok 10400 Thailand

Tel.: + 66 2245 2888/+ 66 2232 1021

Fax: + 66 2247 6735

E-mail: kanusorn@gmail.com

Ms. Ratchanee Netchanee

Labour Protection Office Government of Thailand

E-mail: ratchanee.v@labour.mail.go.th

Ms. Suparut Boonyami

Ministry of Labour

E-mail: iamsuparut@gmail.com

Mr. Anek Kulpuang

Labour Protection Office Government of Thailand

E-mail: Anek\_gs1@hotmail.com

Mr. John Patrick Murray (Position Director)

National Catholic Commission

on Migration (NCCM)

Bangkok

Tel: + 66 2681 3900 Fax: + 66 2681 3477

E-mail: fjyogi@yahoo.com.au

Ms. Sasivara Tulyayon

(Project Officer)

Oxfam

43 Phaholyothin 37, Jatujak, Bangkok, 10900

Tel: + 668 9443 3034

E-mail: tulyayons@oxfam.qc.ca

Mr. Moe Swe Win Maung

(Secretary General)

Yaung Chi Oo Workers Association

(YCOWA)

Mae Sot, Tak

Tel.: +668 9565 9899 Fax: +66 5554 2622

E-mail: newdawnzaw@gmail.com

Su Myat Htet

Yaung Chi Oo Workers Association

(YCOWA)

E-mail: whiteangle478@gmail.com

Ms. Kyoko Kusakabe (Associate Professor) Asian Institute of Technology

P.O. Box 4, Klong Luang, Pathumthani, 12120

Thailand

Tel.: + 668 9984 7785 Fax: + 66 2524 6166 E-mail: kyokok@ait.ac.th Ms. Gaewgarn Fuangtong

(Legal and Policy Advocate)

Ms. Chantal Hudson

(Legal Services Coordinator)

Ms. Julia Symes (Programme Director)

Ms. Wai Hnin Po (Director)

Ms. Rachael Molly Blumenthal (Intern)

Ms. Chatchalawan Muangjan

Ms. Nawaporn Suwanrat (Position Coordinator)

Mr. Chollapat Vichean

Ms. Patima Tungpuchayakul

Ms. Sutthida Malikaew (Consultant)

Mr. Cheanchom Thongjen (Economic Specialist) Asylum Access Thailand

Bangkok

Tel.: + 66 2691 9231

E-mail: gaew@asylumaccess.org

Asylum Access Thailand

Bangkok

Tel.: + 66 2691 9231

E-mail: chantal.hudson@asylumaccess.org

ADRA Thailand Chiang Mai

Tel.: + 66 8190 64750

E-mail: julia@adrathailand.org

Foundation for Education and Development

Phang Nga

Tel.: + 66 8444 77061 Fax: + 66 7648 6351 E-mail: popo@ghre.org

International Labor Organization (ILO)

United Nations Building, Rajdamnern Nok Avenue, Bangkok, 10200 Thailand Tel.: + 66 2288 1234

Fax: + 66 2288 1735

E-mail: rmb324@cornell.edu

Empower (Chiang Mai)

Email: chatchalawan@hotmail.com

Empower (Bangkok) Tel.: + 66 2526 8311 Fax: + 66 2526 3294

E-mail: nawapornn.s@gmail.com

Labour Rights Promotion Network

Foundation (LPN)

Labour Rights Promotion Network

Foundation (LPN)

Email: patimalpn2012@gmail.com

Mekong Migration Network Associate

Email: smalikaew@gmail.com

**Embassy of the United States of America** 

120-122 Wireless Road Bangkok, 10330 Tel: + 66 2205 4709

Fax: + 66 2205 4106

E-mail: cheanchom@state.gov

Ms. Leslie Marie Mongin (Assistant Regional Refugee

Coordinator)

Embassy of the United States of America

120-122 Wireless Road Bangkok, 10330 Tel: + 66 2205 4579 Fax: + 66 2253 3876

E-mail: monginlm@state.gov

Ms. Andrea Doyle

(Refugee Coordinator)

Embassy of the United States of America

120-122 Wireless Road

Bangkok, 10330

E-mail: doyleal@state.gov

Mr. Myint Wai

Thai Action Committee for Democracy

in Burma (TACDB) Bangkok, Thailand

E-mail: tacdb@truemail.co.th

Saw Khu

International Rescue Committee (IRC)

E-mail: saw.khu@rescue.org

Roisai Wongsuban

International Rescue Committee (IRC)

E-mail: roisai.wb@gmail.com

Mr. Amir Farid Abu Hasan

(Second Secretary Political)

Malaysian Embassy

33-35 South Sathorn Road

Bangkok, 10120 Tel: + 66 2629 6800 Fax: + 66 2679 2270

E-mail: amirfarid@kln.gov.my

Ms. Lisa Morrison

The Delegation of the European Union

to Thailand

E-mail: lisa.morrison@eeas.europa.eu

Sathien Than Phrom

Asia Network for Migrants (ANM) E-mail: carthailand@gmail.com

Sakoldet Silapong

American Centre for International (Programme Officer) **Labor Solidarity** 

Kasemkij Building Suite 402

120 Silom Road, Bangrak, Bangkok, 10500 Thailand

Tel: + 66 2632 7159/ + 66 2267 0366 E-mail: sakoldet@scthailand.org

Kohnwilai Teppunkoonngam (Koi)

(Migrant Outreach Officer)

Jesuit Refugee Service Thailand

Bangkok, Thailand Tel: + 66 2278 4182

E-mail: kohnwilai@jrs.or.th

#### Vietnam

Ms. Tuyet Thi Ngoc Huynh Center for Research & Consultancy

(Former Director) for Development (CRCD)

Ho Chi Minh City, Vietnam

Ho Chi Minh City, Vietnam Tel.: + 84 809 0816 0458

E-mail: tuyethuynh253@gmail.com

Ms. Trang Thu Hoang Research Center for Management (Project Manager) and Sustainable Development (MSD)

Ha Noi, Vietnam Tel.: + 844 3775 6805

E-mail: contact@msdvietnam.org

Mr. Thibaut Hanquet Oxfam Solidarity Belgium

(Regional Liaison Officer) 22 Le Dai Hanh, Hanoi, Vietnam

I P.O. Box 61

Tel.: + 849 1334 9011 Fax: + 844 3945 4449 E-mail: Thibaut@osb.org.vn

#### **Press conference**

Pongphon Sarnsamak The Nation

E-mail: swasdeepat@gmail.com

Bandana Pattanaik GAATW

E-mail: bandana@gaatw.org

Rebecca Napier-Moore GAATW

E-mail: Rebecca\_napier@yahoo.com

Sommanassa Ngernsa-ard Asahi Shimbun (Japan's daily newspaper)

E-mail: asahi@adsl.cslox.com

Chanida Sa-ngiamphaisalsuk Asahi Shimbun (Japan's daily newspaper)

E-mail: asahi@adsl.cslox.com

Tawan Wangcharoenwongse Post Today

E-mail: pttpmaster\_mrp@hotmail.com

Ta Lu LWC

E-mail: lwc\_thailand@hotmail.com

Andy Hall IMC

E-mail: andyhall1979@gmail.com

Sakoldet Silapong SC Thailand

E-mail: sakoldet@scthailand.org

Puangthong Chokbooncharoen DLPW

E-mail: puangthong.c@labour.mail.go.th

Bert Gehrt WRC

E-mail: bgehrt@workersrights.org

Benjamas Sirirerk IYCC

E-mail: peterpandaa@hotmail.com

Michael Miner

E-mail: Miner.michael2@gmail.com

Vietnam News Agency Le Minh Huong

E-mail: lehuong\_vna@yahoo.com.vn

#### **Secretariat**

Ms. Reiko Harima Mekong Migration Network (MMN) (Regional Coordinator)

Secretariat, Hong Kong Office c/o Asian Migrant Centre, Kowloon Union Church

4 Jordan Road, Kowloon, Hong Kong

Tel: + 852 2312 0031 Fax: +852 2992 0111

E-mail: reiko@mekongmigration.org

Ms. Jessica Marsh Mekong Migration Network (MMN)

(Project Officer) Chiang Mai Office 156/118 Moo 10

Khlong Chonlaprathan Rd., T. Suthep

A. Muang, Chiang Mai, 50200

Tel: + 66 5328 3259 Fax: + 66 5328 3259

E-mail: Jessica@mekongmigration.org

Mekong Migration Network (MMN) Ms. Omsin (Plaii) Boonlert

(Advocacy and Research Officer) Chiang Mai Office

156/118 Moo 10

Khlong Chonlaprathan Rd., T. Suthep

A. Muang, Chiang Mai, 50200

Tel: + 66 5328 3259 Fax: + 66 5328 3259

E-mail: plaii@mekongmigration.org

Ms. Pranom Somwong Mekong Migration Network (MMN) (MMN Associate) E-mail: p\_somwong@yahoo.com

Ms. Ratchaklao (Eid) Kanchanawaha Mekong Migration Network (MMN)

(Management Staff) Chiang Mai Office E-mail: rklao@yahoo.com

Mekong Migration Network (MMN) Ms. Anna Hanssen

Chiang Mai Office

E-mail: amh34@sussex.ac.uk

#### **Volunteers**

Mr. Sai Soe Community Interpreter

E-mail: pongnoimu13@gmail.com

Ms. Jiraporn Jaipang (Jang) Volunteer

Email: dearjiraporn@gmail.com

Ms. Satita Norpo (Nang) Volunteer

Email: satitanorpo@gmail.com

Ms. Estelle Cohenny-Vallier (Dao) Documentation Team

Tel.: + 668 5624 3170

E-mail: ecv\_2001@yahoo.com

Ms. Maria Wahlstrom Documentation Team

Tel.: + 090 671 5938

E-mail: maria.j.wahlstrom@gmail.com

