



Mekong Migration Network (MMN)

Recognize, Respect and Promote the Human Rights of All Migrants in Mekong

MMN Annual Report 2011-2013



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About MMN

The Mekong Migration Network (MMN) is a Subregional network of civil society organizations, research institutes and mass organizations that are committed to working together to promote and protect the rights of migrant workers and their families in the Greater Mekong Subregion (GMS). As a network, MMN conducts joint advocacy, information monitoring and research, capacity building and networking.

MMN celebrated its 10th anniversary in 2013. MMN emerged from a collaborative action research project that the Asian Migrant Centre (AMC) along with over 20 collaborating organizations carried out in 2001—2003 to assess the issues, needs and responses on migration in the GMS. As a result, the first edition of the *Resource Book: Migration in the GMS* was published in 2003, highlighting gaps in responses and laying out comprehensive recommendations for policy reforms.

In October 2003, over 30 civil society organisations in the GMS along with interested advocates met in Phnom Penh, Cambodia, and agreed to formally establish a network to collectively monitor the information on migration in the region and conduct research, advocacy, capacity building and networking. MMN was conceived as a way to fill the gaps identified by organizations in the region, including a lack of cross-border collaboration among civil society organisations in the GMS concerned with promoting and protecting migrants' rights. These participants became the founding members of MMN and developed the MMN Terms of Partnership, which explains the nature and mechanisms of MMN. The founding members also nominated members to the MMN Steering Committee, which has become instrumental in decision-making and coordinating members. As a result, MMN has become a crucial organization linking migration advocacy efforts spanning across the GMS.

MMN's work is deeply rooted in the belief that "migrants' rights are human rights," meaning that the fundamental human rights enshrined in the UN international human rights instruments, standards and treaties apply to all migrant workers. Under this vision, members are committed to advocating for the rights of all migrants in the GMS without discrimination and work towards MMN's central goal of promoting the welfare, well-being, dignity and human rights, with a special emphasis on labour rights, women's rights and family rights, of all migrants in the GMS. Member organizations also strive to strengthen the advocacy of migrants' rights by building mutual support and solidarity among migrants and their advocates within the GMS.

MMN Steering Committee (SC) (2011-2013)

Ms. Jackie Pollock, MAP Foundation, Thailand

*As the chairperson of the SC, Ms. Pollock contributed in developing the MMN enormously. She completed her maximum terms to serve the SC in March 2013.

Mr. Brahm Press, Raks Thai Foundation, Thailand

*During the MMN General Conference in March 2013, Mr Press was elected as a new member of the SC representing MMN members in Thailand.

Ms. Huynh Thi Ngoc Tuyet, the Center for Research and Consultancy for Development (CRCD), Southern Institute of Sustainable Development (SISD), Vietnam

*During this period Ms. Tuyet continued to serve the SC representing MMN members in Vietnam.

Ms. Kabmanivanh Phouxay, National University of Laos

*During this period Ms. Phouxay continued to serve the SC representing MMN members in Lao PDR.

Mr. Htoo Chit, Foundation for Education and Development (FED), representing Burmese communities in Thailand

*Mr Htoo Chit served as a member of the SC throughout 2011.

Ms. Wai Hnin Po, Foundation for Education and Development (FED), representing Burmese communities in Thailand

*In 2012, Ms. Wai Hnin Po replaced Mr Htoo Chit as a member of the SC and continued to serve until the end of the reporting period of this annual report.

Ms. Vichuta Ly, Legal Support for Children and Women, Cambodia

*During this period Ms. Vichuta continued to serve the SC representing MMN members in Cambodia.

Ms. Zao Peilang, Women's Capacity Building and Community Development Committee, Yunnan, China

*Ms. Zao Peilang served as a member of the SC from 2011-2012.

Ms. Han Jialing, Migrant Workers' Education and Action Research Centre (MWEAC), China

*During the MMN General Conference in March 2013, Ms Han Jialing was elected as a new member of the SC representing MMN members in China.

Ms. Reiko Harima, Regional Coordinator (on behalf of the Secretariat, non-voting member)

*Ms. Harima continued to serve the MMN as the Regional Coordinator and sat in the SC.

MMN Secretariat

MMN Secretariat offices are located in Hong Kong and Chiang Mai, Thailand. The Secretariat in HK was established at the time of the launch of MMN and has been hosted by the AMC since that time. The Secretariat office in Chiang Mai was established in 2008 and was hosted by the MAP Foundation until 2011. In November 2011, following the earlier decision by the MMN SC, MMN registered its Secretariat in Thailand as the Foundation for Migrants from the Mekong Neighbourhood (Foundation for MMN). The newly established foundation's board then became in charge of overseeing the administration of MMN's function in Thailand, while MAP Foundation continue to assist the Secretariat as an advisor.

MMN Secretariat Team 2011-2013

Reiko Harima, MMN Regional Coordinator, (to date)

Noriko Morita, MMN Information Officer, (to May 2011)

Omsin Boonlert, MMN Research and Advocacy Officer, (April 2011 to date)

Pranom Somwong, MMN Advocacy Convener, (2012 to date)

Hannah Withers, Project Officer (Australia Young Ambassador for Development program), (August 2011 to July 2012)

Jessica Marsh, Project Officer (Australia Young Ambassador for Development program), (August 2012 to July 2013)

Tineke Baird, Project Officer (Australia Young Ambassador for Development program), (August 2013 to July 2014)

Imogen Howells, (2011 to 2012)

James D. Brown, (2011 to 2012)

Estelle Cohenny-Vallier, Embracing Diversity Project officer (November 2013 to date)

Ratchaklao Kanchanawaha, Administration Officer (2012 to 2013)

Interns and volunteers:

Thu Do, 2011

Jamey Silveira, 2011

Laura Padgett, 2012

Tracy Swemmer, 2013

Anna Hanssen, 2013

Kaozouapa Elizabeth Lee, 2012

MMN Members**Regional**

Asian Migrant Centre (AMC)

Cambodia

Cambodian Women for Peace and Development (CWPD)

Cambodia Human Rights and Development Association (ADHOC)

Cambodian Women's Crisis Center (CWCC)

Coordination of Action Research on AIDS and Mobility (CARAM)-Cambodia

Legal Support for Children & Women (LSCW)

Banteay Srei

China

Migrant Workers' Education and Action Research Centre (MWEAC)

Ruili Women and Children Development Centre

Association for Women's Capacity Building and Community Development in Yunnan

Women Migrant Education Research Professional Association

Yunnan Health and Development Research Association

Lao PDR

Faculty of Social Sciences, National University of Laos

Lao Women Union

Thailand

MAP Foundation

Thai Action Committee for Democracy in Burma (TACDB)

National Catholic Commission on Migration

EMPOWER Foundation

Federation of Trade Unions-Burma (FTUB)

Foundation for AIDS Rights (FAR)

Foundation for Women

Friends of Women Foundation

Foundation for Education and Development (formerly Grassroots HRE)

The Human Rights and Development Foundation (HRDF)

Institute for Population and Social Research (IPSR), Mahidol University

Maryknoll Thailand - Office for Migrants at Immigration Detention Center in Bangkok

The Mekong Ecumenical Partnership Program-Christian Conference of Asia (MEPP-CCA)

Pattanakarn Foundation

Peace Way Foundation

Raks Thai Foundation

Shan Women's Action Network (SWAN)

Yaung Chii Oo Workers Association (YCOWA)

STUDIO XANG

Vietnam

Center of Research and Consultancy for Development (CRCD), Southern Institute of Sustainable Development (SISD)

Education & Psychology Association -Ho Chi Minh City

The Applied Social Work Center

Research Center for Management and Sustainable Development (MSD)

Acknowledgements

MMN would like to express our heartfelt gratitude to the MMN members who have tirelessly worked to advance rights of migrants, the MMN Steering Committee members, who contributed their expertise in realizing MMN's goals and strengthening the network, and all the staff members, interns and volunteers of the Secretariat.

MMN would also like to acknowledge the warm support and contributions of the Foundation for Migrants from the Mekong Neighbourhood, which was registered in November 2011 to manage MMN operations in Thailand. The Asian Migrant Centre, the initiator of the network in 2001, has continued to host the network's Secretariat in Hong Kong and contributed its expertise in carrying out regional work.

MMN would like to express our special gratitude to Ms. Jackie Pollock, who has devoted her energy in developing MMN into the leading advocacy and research network of today, from the time of the network's inception in 2001. She completed the maximum terms as a member of the Steering Committee in March 2013 and handed over the chairpersonship to the new Steering Committee during the fifth MMN General Conference. Jackie inspired migrant advocates in the region to work cooperatively, think creatively, but be critical in our work.

During the reported period, MMN saw an expansion of partnerships. This included a newly formed partnership with the UK based organisation, War on Want, which resulted in releasing a report *Restricted Rights: Migrant Women Workers in Thailand, Cambodia and Malaysia* in 2012.

Last but not least, MMN would like to thank all the supporters who have made it possible for us to continuously strengthen our advocacy work. Supporters of MMN in 2011-2013 were the following: Open Society Foundation (OSF), Rockefeller Foundation, Oxfam-Hong Kong, Oxfam-Solidarity (Belgium), Toyota Foundation, and the Catholic Committee against Hunger and for Development (CCFD).

And to all others not named here but who have contributed their time, expertise, and efforts, MMN would like to extend our gratitude.

July 2014

Overview of Migration in the Greater Mekong Subregion in 2011-2013



The GMS comprises Burma/Myanmar, Thailand, Lao PDR, Cambodia, Vietnam, and the Yunnan and Guangxi provinces of China. Migration in the region takes place mainly through informal channels, making it difficult to estimate accurate numbers of migrants. Gaps in political and economic development throughout the GMS are key drivers of interregional migration. Thailand's period of relatively high economic growth makes it the main destination country for migrants from poorer countries, like Cambodia, Burma and Lao PDR, with an estimated 3-4 million migrants in the country. Similarly, China's recent economic prosperity has led to an increase of two-way movement across the borders between the Yunnan province and Burma, Lao PDR and Vietnam.

Migrant workers are employed in various sectors, including agriculture, fishing, construction, manufacturing, domestic work, entertainment industries, and mining to name but a few. Although migrant workers are the backbone of economic and social development in the region, they continue to be denied many essential rights, benefits and labour protections. The absence of policies or mechanisms to assist migrants to integrate into the local communities, in conjunction with poor living and working conditions, and the widespread criminalization and discrimination against migrants, leads to migrant populations living in social isolation.

The largely informal nature of migration flows in the region has led many of the governments in the region to become focused on issues of national security, the prevention of undocumented migration, the end of trafficking, and the regularization of migrants' immigration statuses. The

implementation of bilateral Memoranda of Understanding (MOUs) on Employment Cooperation, which Thailand signed with Burma, Lao PDR and Cambodia in 2002 and 2003 was central in dictating policy reforms during the time of this report. The implementation of the MOUs took place in two processes. One is the Nationality Verification (NV) process, whereby undocumented migrants in Thailand could have their nationality verified by their countries of origin and obtain a temporary passport and work permit. In the other MOU process fresh workers are recruited from their own country through recruitment agencies. While these measures have increased the number of migrants who have legal status, it remains to be seen how they have impacted labour conditions, access to justice and/or quality of life of migrants. A large number of migrants have also fallen out of the regularization processes and continue to remain undocumented.

Meanwhile GMS governments continued to be pro-active in cooperation to prevent human trafficking, investigate and prosecute perpetrators, protect victims and build capacity to stop trafficking as demonstrated through the numerous agreements that have been signed, as well as through the implementation of Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT).

Simultaneously, border economic zones have emerged as an important part of countries' strategy for economic growth in the region by developing industrial zones that encourage foreign investors to invest along the border regions. To date, several such zones have been established or are in the process of being planned. These zones are typically characterized by poor infrastructure and limited access to trade unions and other services for workers, and thus potentially pose a risk to the rights of workers employed in the zones, including migrant workers.

All GMS countries, except China, belong to the Association of Southeast Asian Nations (ASEAN), which aims to promote economic growth, stability and peace in the region. Although member countries signed the Declaration on the Protection and Promotion of the Rights of Migrant Workers in 2007, there has been little success in establishing an implementation mechanism. As a result, the Declaration has had no real impact on how member countries tackle migration issues. While ASEAN is preparing for greater economic integration in 2015, only migrants in listed professions will be able to enjoy the benefits, which, along with freer movement movement in the region, are a distant reality for the majority of migrant workers who work at the bottom of economic structures.

Many of the countries in the GMS have a long history of border conflicts and disputes, which from time to time affect diplomatic relations and can adversely impact upon the safety of migrants crossing borders. In February 2011, border disputes over the Preah Vihear Hindu temple led to armed conflicts between Thailand and Cambodia. Conflicts in some cases led to xenophobia, which affected Cambodian people working and living in Thailand.

Burma/Myanmar

Since the formation of a nominally civilian government after the November 2010 elections and subsequent political reforms, there has been greater engagement on the part of the authorities on issues of migration. Although Burma signed the MOU on Employment Cooperation with Thailand in 2003, it was initially very slow to begin implementing the subsequent processes. This has drastically changed and since 2011, Thailand and Burma have established stronger bilateral collaboration in implementing NV, as well as recruiting workers through the MOU process. There

have also been greater efforts to reach out to their nationals working abroad, with the appointment of labour attaches in Thailand in December 2011.

These developments have taken place alongside a large increase in the number of private recruitment agencies within the country.

The political transition in Burma was also followed by changes in legislation. In October 2011, the Burma Labour Organisation Law finally allowed workers to form trade unions, opening the political space for workers. Other policy changes include Burma's Minimum Wage Law (2012), which was signed into policy in 2013. This new law stipulates a national policy to set a minimum wage for different work sectors and the minimum wages were to be determined by 2014.

Despite positive political reforms in the capital, conflicts in ethnic states continued. Rohingya people have continued to flee the country against a backdrop of violence in Arakan State, while the government has dismissed the gravity of the situation. Meanwhile, since a 17-year ceasefire broke down in June 2011, more than 100,000 people have been displaced in Kachin State, many of whom have fled to China in search of refuge.

Cambodia

Cambodia has continued with the NV and MOU processes as per the MOU with Thailand. In addition, in 2011 the Cambodian government passed the Sub-decree 190 on Management of the Sending of Khmer Workers Abroad. This policy aimed at improving the management of migration by regulating private recruitment agencies and improving the safety of Cambodian workers abroad. However, the policy has been criticized for being ineffective in regulating a number of problematic practices of private recruitment agencies and neglecting to stipulate clear protection for the people migrating.

Within the country, the garment sector continued to be the largest private employer of workers, employing around 600,000 rural-urban migrant workers, 90% of whom are women. The economy relies on the garment sector as garment products account for 80% of exports. Despite making significant contribution to the country's economy, garment workers are left with few benefits and oppressed political space to exercise their rights. Frustration with the extremely low minimum wage and poor labour conditions was mounting and unions and workers went on 131 strikes throughout 2013, breaking all previous strike records in Cambodia. In December of 2013, the unions staged a strike calling for a \$160 a month minimum wage, which was met with a government crackdown. An agreement between the unions and the government still has not been made regarding the workers' demands for a living wage.

Given such limited economic opportunities in the country, outbound migration is likely to continue.

China

During this period, there was an increase in refugees from Kachin State in Burma seeking safety in China due to the conflict between the Burmese government and the Kachin Independence Army. By late 2011, there were an estimated 7,000 people in temporary camps with a further 6,000 sheltering with the large ethnic Kachin population in China's Yunnan Province. Chinese authorities initially attempted to downplay the number of Kachins entering Yunnan, and denied both their entitlement to refugee status and their sizeable numbers. In March 2012, Chinese

authorities finally acknowledged that there were significant numbers of displaced Kachin people seeking sanctuary on Chinese territory, although they continue to downplay the numbers. Kachin refugees, however, have not been welcomed into China and have faced deportation in some cases. Despite the proximity of the conflict, China's response has been one lacking in compassion towards the Kachin refugees seeking shelter and safety at their borders.

Lao PDR

The Lao PDR government continued with NV and MOU processes for workers going to or in Thailand, although due to the complexity and expense involved more workers continued to migrate without documents.

In conjunction with increased Chinese investment in the country in the last few years, the number of Chinese migrants working in Lao PDR is increasing.

Thailand

Thailand continued to rely on short-term policies in an attempt to both meet labour demands and manage migration. Most notably, deadlines for registration of undocumented migrants for NV procedures were repeatedly extended.



In addition, during this period authorities began collecting biographical data from registered migrants, and in 2011 allowed migrants to register their children. Since 2005, these children have had the right to access the Thai education system. In 2011 the government also authorized a provision that ensures basic education for migrant children through migrant learning centres.

Recent changes in the Thai health care system have increased the number of migrants who are eligible for insurance, including packages for migrants who have not completed the NV process. Prior to the changes made in late 2013, only migrants who had completed the NV process were eligible for Social Security Scheme (SSS), which included health insurance. However, the system was flawed because employers and workers were supposed to split the cost of the security card, but there was little enforcement requiring employers to pay their portion. Likewise, the security card was only available for registered migrants, greatly limiting the number of eligible migrants. Today, however, the new program allows migrants to purchase health care insurance regardless of their NV status.

Restrictions on travelling within Thailand has also continued to be an issue for many migrants. Although migrants who complete NV procedures and obtain temporary passports are, in theory, allowed to travel freely around the country, many find their movement restricted in practice. In 2012, border provinces like Mae Sot placed restrictions on the movement of migrant workers in an attempt to stop them from leaving the province and finding better employment opportunities located in other parts of the country.

At the same time, political changes in Burma and subsequent increased interest by foreign investors in starting businesses there has prompted some sense of panic among Thai business sectors. The business community has expressed concerns that migrant workers from Burma will return to their own country as reforms get underway. The Secretary General of ASEAN, Dr. Surin Pitsuwan, warned Thai businesses of the possibility of labour shortages in March 2012, which would undermine the manufacturing sector since it relies heavily on Burmese migrant labour.

During this period Rohingya refugees from Burma continued to flee their country. However, they were treated as illegal immigrants by the Thai authorities and continued to suffer from human rights violations.

In late 2013, the Thai and Burmese governments discussed amendment of the MOU to allow four-year visas as compared to the current two year visas to Thailand for migrants, as well as reduce the three-year period migrants had to wait between visas in their country of origin before returning to Thailand. There was however no official endorsed by the caretaker cabinet, and the troubled political situation in Bangkok has left a number of migrants who were completing their initial four year period in Thailand in limbo, without knowing what they are supposed to do upon completion of their term. Migrants who have lost their documented status could also lose their job, and may be forced to hide from authorities.

In October 2011, Bangkok and surrounding areas in Thailand were severely flooded. Many of the industrial estates where migrants live were also flooded and the factories closed. Left with no electricity, food and most worryingly, drinking water, migrants were initially excluded from relief efforts and isolated from any assistance. Migrants who wished to go home faced serious obstacles in doing so safely and/or legally. The incident highlighted the vulnerability of migrants during disaster periods.

Vietnam

In order to alleviate unemployment, the Vietnamese government continued with its programme of sending workers abroad to work. Another continuing trend was that of increased marriage migration from the country, particularly to South Korea. With regards to inward migration, there was also a sharp increase in foreign workers migrating to Vietnam.

Historical tensions between Vietnam and Cambodia have led to racial discrimination against Vietnamese migrants living in Cambodia. In some cases, Vietnamese Cambodians have reported that they were blocked from voting and unable to obtain citizenship for their children who were born in Cambodia.

MMN's Key Achievements from 2011-2013

MMN continued its work promoting and protecting the rights of migrants in the region, through joint advocacy, information monitoring and research, capacity building and networking. MMN also continued to strengthen its organizational capacity. MMN Steering Committee regularly met to ensure the effective implementation of the projects and evaluate the relevance of MMN strategies on migration issues. MMN Secretariat continued to strengthen its organizational capacity, reach out to new members and expand its operational bases. In particular, MMN has forged partnerships with Burmese civil society organisations, something that was previously very difficult due to the sensitivity of migration issues under the military government.

Between 2011 and 2013, MMN implemented the following key projects.

- i) Mekong Vocabulary on Migration;
- ii) Advocacy on Arrest, Detention and Deportation;
- iii) Living Together;
- iv) Bottom of ASEAN;
- v) Migrant Reflection;
- vi) Border Economic Zones and Migration;
- vii) Women Migrant Workers in Garment Industries;
- viii) Climate Change and Migration; and
- ix) Migrants' Access to Healthcare.

All of MMN's projects complement each other through focusing on the achievement of protection and promotion of rights of migrants, de-criminalization of migrants and promotion of tolerance, advancement of mutual respect and harmony, and the creation of solidarity. While all projects are coordinated by the MMN Secretariat with guidance of the Steering Committee, and in some cases external advisors, MMN emphasizes teamwork and close collaboration between its members and the Secretariat staff members. Most of the projects are multifaceted and serve many functions such as for the purpose of advocacy, building knowledge, strengthening capacity, raising awareness, developing tools and evidence for advocacy, and strengthening mutual understanding and partnership among migrant advocates in the region.

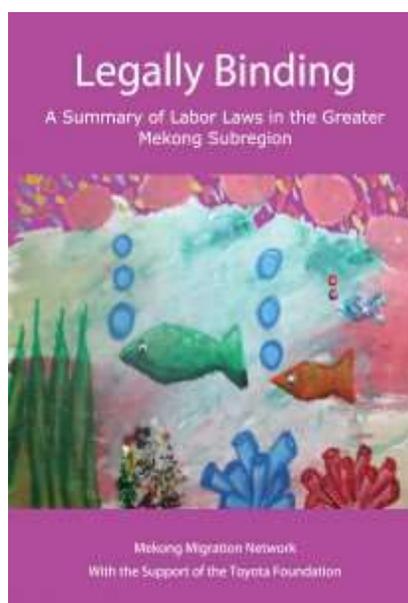
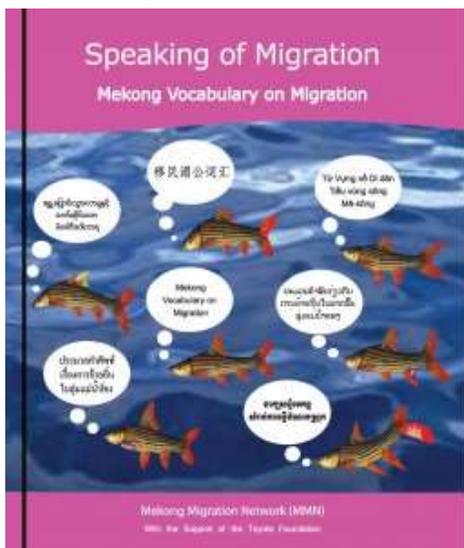
In addition to the above-mentioned thematic projects, MMN continued to actively participate in a number of key regional and international migration forums, including the ASEAN People's Forum (APF), ASEAN Forum on Migrant Labour (AFML), Global Forum on Migration and Development (GFMD), World Social Forum on Migration (WSFM), Asia-Europe People's Forum (AEPF), and International Conference for AIDS in the Asia Pacific. These meetings provided important venues for MMN to bring its advocacy agenda to the regional and international arena. At the meetings, MMN worked to inform broader civil society communities about migration issues in the GMS, as well as to forge partnerships with a number of organizations working on similar issues at global levels.

2013 was an important marker for MMN as the organization celebrated its 10th anniversary and held its 5th General Conference. Throughout 2013, the network reflected on ways to continue to build upon its efforts and momentum borne out of its 10 years of collaboration.

The following provides a summary of outputs of specific projects mentioned above.

Mekong Vocabulary on Migration Project

In January 2012, MMN, in collaboration with over 20 project partners, completed a two-year project that began in November of 2009 to create two reference tools to assist migrants, their advocates, and other civil society organisations. The project was supported by the Toyota Foundation. The project produced two publications, *Speaking of Migration: Mekong Vocabulary on Migration* and *Legally Binding: A Summary of Labour Laws in the Greater Mekong Subregion (GMS)*. *Speaking of Migration* contains definitions for 117 terms regularly used to discuss labour and migration in Burmese, Chinese, Khmer, Lao, Thai, Vietnamese and English. On the other hand, *Legally Binding* is a comparative text on national labour laws in the GMS. In an effort to create an accessible and comprehensive guide to labour standards in the six GMS countries, *Legally Binding* provides a concise explanation of the labor laws in GMS. Labour protection has been classified according to 14 key elements, with relevant international laws also included.



Both publications fill notable gaps in the literature. They also work towards MMN's long standing goals of (1) enhancing government and civil society understanding of labour and migration issues in the GMS; (2) strengthening cross-border and multi-sectoral collaboration to make migration safer and to enhance the social, economic and political benefits of migration in the GMS; and (3) promoting a peaceful and harmonious GMS through regional cooperation and integration.

Common definitions of migration terms and relevant summaries of national labour laws were formulated collaboratively. The draft texts of these books were presented at an open workshop during the ASEAN People's Forum in Jakarta in May 2011. During the workshop, participants gave feedback on the content, format and usefulness the publications might have for advocacy purposes.

In addition to the above-mentioned publications, MMN also developed an online interactive version of both *Speaking of Migration* and *Legally Binding* in December 2011. They are accessible through:

<http://www.mekongmigration.org/vocab/>

<http://www.mekongmigration.org/labourlaw/>

The online version of *Speaking of Migration* contains a new section, "Terms to Avoid", which summarizes terms that are demeaning or disrespectful, such as "illegal alien" "flood of migrants" etc. In addition, MMN explains why it finds them inappropriate and offers alternative terms. MMN regularly refers to this list when challenging public perception on migration and advocating for the use of alternative words with various stakeholders, especially the media. Similarly, the online

version of *Legally Binding* is regularly updated as laws change, thus providing a valuable resource for those monitoring the rapidly changing labour laws in the region.

On 7 December 2011, the two publications were officially launched in Phnom Penh, Cambodia. More than 40 people including representatives of government ministries, UN, civil society organizations and the media attended the launch. The Guest of Honour, Her Excellency Ms. Chou Bun Eng, Secretary of State for the Cambodian Ministry of Interior, gave the keynote speech, in which she emphasized the importance of multi-ministerial and cross-border collaboration in responding to migration issues. She stated that the publications would play an important role in facilitating effective dialogue among ministries as well as among governments, as they often bring a different understanding to the issues. She also declared that she would urge all Cambodian ministries working on migration to use the publications as core reference books.



Advocacy on Arrest, Detention and Deportation in the Mekong



Most migration occurs through informal channels in the GMS, thus arrest, detention and deportation (ADD) have been issues that most migrants are concerned about. Migrants are not only vulnerable to human rights violations during the actual enforcement of the ADD, but the threat and/or fear of ADD also severely impacts the lives of migrants. It hinders migrants' capacity to negotiate fair terms with their employers, bring complaints to labour offices in case of labour exploitation/abuse, report to the police when becoming a victim of a crime, and even go to a hospital.

In 2004, MMN held its first regional symposium focusing on the ADD issues. The symposium, "Mekong Symposium on Migration: Protecting Migrants' Rights When They Leave the Host Country", was organised by MMN in collaboration with Action Network for Migrants (ANM)-Thailand, MAP Foundation, Asian Migrant Centre (AMC) and International Organisation for Migration (IOM). The symposium was highly successful with eighty participants in attendance, including representatives of governments and IGOs, civil society organizations and migrant workers.

From 2005-2007, MMN collaboratively completed regional research on the issues of ADD and assessed the ADD policies and practices in all 6 GMS countries. The outcome publication *Migration in the Greater Mekong Subregion Resource Book-In-depth Study: Arrest Detention and Deportation* was launched in 2008 and MMN constantly followed up on the recommendations arising from this phase of research. The publication is downloadable from: <http://www.mekongmigration.org/?p=1595&preview=true>

To make the book more accessible to a wider audience in Thailand, especially to policy makers, MMN strategically decided to have the book translated into Thai, and in June 2011 MMN released the Thai version.

In 2011, MMN was able to expand its advocacy efforts on ADD with fresh support from the Open Society Foundation (OSF). This new phase of MMN ADD work focuses on ADD issues primarily in Thailand, which is the main destination country of migrants in the region. The new phase of the project has allowed MMN to monitor the ADD situation and collect data on migrants' experiences on ADD in order to build stronger evidence for its advocacy.

Since 2011, in an effort to make monitoring process more systematic, MMN worked towards standardization of data collection and collectively developed standard interview formats. After running an initial pilot project, MMN held a second consultation meeting to discuss ways to improve the project and set about revising the interview process to better capture the desired information, including questions pertaining to law enforcement practices and legal procedures. Then, MMN organized workshops in Chiang Mai, Mae Sot, Rayong and Mukadam with its project partners to train interviewers. At the end of the project period, MMN's partner organizations were able to conduct over 240 interviews with migrants. After assessing the validity of information, MMN used 212 interviews to conduct SPSS analysis of the interview results. In addition, MMN also interviewed a number of key informants, including policy makers and implementers in Thailand, stakeholders from the migrants' countries of origin (NGOs, embassies in Burma, Cambodia, and Laos, and migrants' families), and legal representatives and health professionals.

Coupled with secondary research, the outcome material provided a rich analysis of ADD in Thailand. The report which highlighted key findings was initially launched during MMN's 10th anniversary in June 2013. The report was fully translated into Thai with the executive summary translated also into Burmese and Khmer. In July and August 2013, MMN presented the findings and the key recommendations to the relevant policy makers and implementers in Thailand and in the countries of origin. The summary of these meetings was added as annex to the original report, and in November 2013, a full report entitled "No Choice in the Matter" was published.

Please find a copy of the publication in both English and Thai:

http://www.mekongmigration.org/No%20Choice_Eng.pdf

http://www.mekongmigration.org/No%20Choice_Thai.pdf.

Along with the report, MMN designed a website that monitors and alerts MMN members and advocates of serious rights violations. The website was launched in December 2012 and it continues to remain updated today as an important form for information sharing among migrants' advocates. Please view the website here: http://mekongmigration.org/add/?page_id=13.

While working to collect more evidence on the patterns of ADD in Thailand, MMN and its partner organizations continued to advocate for avoidance of using such law enforcement as a way to control undocumented migrants, and became actively involved when there were particularly serious right violations in the course of ADD. For example, in April 2012 MMN responded to a serious incident in which two Burmese migrants were discovered dead in the back of a deportation vehicle while being transported from Sadao Immigration office in Songkla Province, Thailand to Burma via the Mae Sot border crossing. MMN and its partners utilized the network in an attempt to find out more information about the tragedy. As a result, MMN issued a press release calling on the royal Thai Government to initiate a full and impartial investigation into the

incident and attended the investigation meeting organized by the Thai National Human Rights Commission. This example highlights the ways that MMN and its partners can use their connections, resources, and expertise to jointly respond to serious human rights violations quickly and effectively.

Moreover, MMN has participated in both regional and international meetings on ADD to raise awareness about human rights violations in the Mekong region. In November 2011, MMN forged new partnerships during its attendance of the *Asia Pacific Immigration Detention Working Group Regional Workshop* in Kuala Lumpur, Malaysia. The meeting was co-organized by the Asia Pacific Refugee Rights Network (APRRN) and International Detention Coalition (IDC). During the 9th Asia-Europe People's Forum in October 2012, MMN co-hosted a workshop with the Global Detention Project entitled "Challenging Immigration Detention: From Asia to Europe." The workshop provided an overview of trends relating to immigration detention in Europe, migration flows in the GMS, immigration detention practices in Thailand, and reflections from migrant countries of origin, including Laos, Cambodia and Burma, on the role of countries of origin to reduce the vulnerability of migrants to arrest, detention, and deportation and also to protect migrants' rights when they are subjected to arrest, detention, and deportation.

On the international level, MMN submitted its ADD research to the UN Special Rapporteur on the Human Rights of Migrants, François Crépeau, on 28 January 2012 concerning the use of immigration detention in Thailand. The submission referred to earlier reports of the ill treatment of migrants who have been detained, and also highlighted the lengthy detention periods, the detention of vulnerable people who by international standards should not be detained, the poor conditions in which migrants are detained, and the lack of access to legal representation and interpretation services. The thematic report was then presented to the 20th session of the Human Rights Council in June 2012. MMN plans on continuing efforts on the international level with plans to further submit its research to the Special Rapporteur on Trafficking in Persons and the Special Rapporteur on Health.

Finally, in 2013, MMN also drafted a handbook on ADD, which includes a summary of relevant ADD policies, explanations of key terms, and practical advice to migrant advocates on what can be done when they are contacted by migrants who are subject to ADD. In 2014, MMN plans to host workshops on ADD to further consult with migrant advocates and incorporate their ideas and feedback in the handbook.

As ADD continues to be used to control migrant populations and pose a major threat to migrants, MMN will continue to advocate for policy reforms so that migrants will be able to work and live without fear of ADD, and urge the authorities to seek alternatives to ADD in controlling undocumented migrant populations.

Living Together

In an effort to improve relations between migrants and their host communities, in February 2013 MMN brought together 72 representatives from governments, academic institutions, INGOs, NGOs, and migrant groups from Cambodia, Lao PDR, Myanmar/Burma, Thailand, Vietnam and Yunnan province of China to share perspectives on how migrants and host communities can better live together. During the Mekong Symposium on Migration: “Migrants from the Mekong Neighbourhood Living Together: Seeking Effective Responses to Enable Integration and Social Cohesion,” the participants jointly developed strategies and recommendations to enhance social cohesion in the Mekong region and enable migrant and host communities to live together peacefully.



*“How long is temporary?—How long does one stay somewhere without hoping for a sense of belonging?”
Ms. Jackie Pollock, during the Mekong Symposium on Migration: Migrants from the Mekong Neighbourhood Living Together, 2013*

The symposium was constructed to have participants challenge the premise that migrants are temporary residents in the communities in which they live and work. These views are harmful to migrants who may feel isolated and stigmatized. In the GMS there is a lack



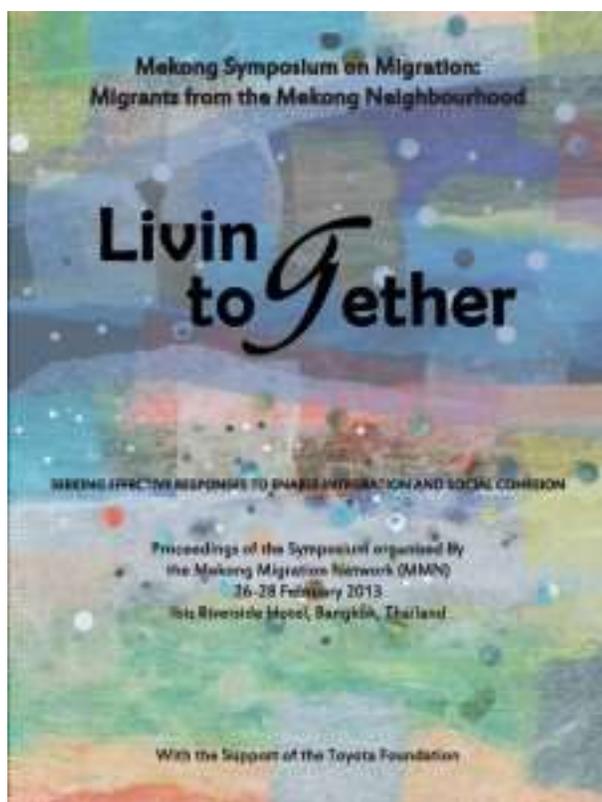
“The role of countries of origin is to help migrant workers learn about their rights.” H. E. Chou Bun Eng, Secretary of State, Ministry of Interior, Royal Kingdom of Cambodia, during the Mekong Symposium on Migration: Migrants from the Mekong Neighbourhood Living Together, 2013

of comprehensive and long-term vision necessary to achieve social cohesion in the region. MMN organised the symposium to advocate for strategies to integrate migrants into their destination countries’ society. In particular, the symposium aimed to find methods to raise awareness among the general

public and explore ways to work together, and create social cohesion.

Please see the proceedings of the symposium in English here: http://www.mekongmigration.org/Symposium%20Proceedings_Final.pdf.

To view the executive summary in Burmese, Chinese, Lao, Khmer, Thai, Vietnamese, and English, please see: http://www.mekongmigration.org/Executive%20Summary_Final.pdf.



“Living together does not mean that people need to be the same.” Dr. Sriprapha Petcharamesree, Center for Human Rights Studies and Social Development, Faculty of Graduate Studies, Mahidol University, Thailand, during the Mekong Symposium on Migration: Migrants from the Mekong Neighbourhood Living Together, 2013

“Working together to enable living together requires efforts from all, and that this should include migrant workers.” Ms. Jackie Pollock, during the Mekong Symposium on Migration: Migrants from the Mekong Neighbourhood Living Together, 2013

Bottom of ASEAN project



Following the election in November 2011 in Burma, the political climate in Burma has continued to evolve.

In March 2012, in response to the rapidly changing political climate in Burma/Myanmar, MMN and its partners organized a strategy meeting in Chiang Mai, Thailand. Representatives from MAP Foundation, Foundation for Education and Development (FED), Empower Foundation, Shan Women Action Network (SWAN), Kachin Women Association in Thailand (KWAT), Women League of Burma (WLB), MMN Secretariat and MMN members from Cambodia attended the meeting. As a result of the meeting, the MMN Burma Action

Group (BAG) was formed to jointly monitor the unfolding situation inside Burma/Myanmar. As reforms in the country get underway and the government moves to attract foreign investment, there is considerable risk that workers will find their working conditions and wages falling in the so-called ‘race to the bottom.’ Thus monitoring the impact of rushed inward investment became one of MMN’s priorities.

Initially, MMN discussions focused on the changing situation in Burma/Myanmar and its impact on labor and migration, but MMN partners also saw the possibility that workers in other Mekong countries would face renewed challenges as a result of an exacerbated race to the bottom. Indeed, it became increasingly common for investors to refer to Burma/Myanmar, Cambodia and Laos, as the “last frontiers” of Asia where “young and cheap labour is abundant”.

Hence in March 2012, during the ASEAN People’s Forum held in Phnom Penh, Cambodia, MMN held its first “Bottom of ASEAN” workshop. Fifty participants from various ASEAN countries attended the workshop.

The workshop convened to examine the impact that the ASEAN Economic Integration of 2015 will have on the countries of the Greater Mekong Subregion. In addition to increased flows of investment to Burma, regional integration is both an opportunity to attract skilled labour and increase foreign investment, but it could also become a threat to the current migration patterns and labour standards. The workshop was comprised of MMN speakers who addressed these potential impacts and concluded the meeting with recommendations for the ASEAN leadership.

Please find a link to webpage here: http://www.mekongmigration.org/?page_id=1135.

Since the workshop in Phnom Penh, MMN has titled this project “Bottom of ASEAN”. MMN aims to advocate for improved labor protection and fairer wages for all the workers left at the bottom of economic structures – including both migrant and local workers

In June 2012, MMN BAG wrote an article entitled “Recent Changes in Burma and Its Implication”, which was published in *Migrants Network*, No. 150 June 2012. Through the article, MMN explained the situation in Yangon and the capital city Nay Pi Daw, where people were experiencing positive changes, as well as the situation in the ethnic rural areas where conflicts continued. The article also highlighted opportunities and challenges in advocating for migrants’

rights given the change of political climate.

With the rapidly changing political climate in mind, the project aims to build the capacity of migrant advocates to monitor and analyze issues of exploitation in supply chains and to promote workers' rights in this context. The target for this capacity building will include advocates who are likely to experience the impact of changes in investment trends in the region. Since 2012, MMN has been facilitating regular information exchanges between migrant advocates and advocates working on supply chains and/or corporate social responsibilities (CSR) in these countries.

MMN also invested time and effort in building a foundation for meaningful participation and engagement at the ASEAN meetings to be held in Burma in 2014.

During 2013, MMN participated in a number of meetings, including the ASEAN Civil Society Conference/ASEAN People's Forum (ACSC/APF) Preparatory Meeting in June. MMN attended as an observer since the meeting was meant to encourage other organizations to participate in the drafting process of the structure of ACSC/APF 2014. Later that year in August, MMN attended the 1st ACSC/APF Regional Consultation Meeting in Yangon. There, the regional organisations and networks had to self-nominate to join the various committees of the ACSC/APF and pass the online vetting test. MMN joined the Steering Committee and Programme Committee as a regional network.

Throughout 2013, MMN networked with civil society organisations in Burma, including the 88 Generation Open and Peace Society; Thabyay Education Foundation; National YMCAs Myanmar; Lawyers' Network Myanmar; Women Organisations Network (WON); Women Galaxy; Farmers Union; Action Labour Righters; Labour Rights Defenders and Promoters; Rural Development Network; and Migrant Worker Rights Network. Since political sensitivity to migration issues in Burma made it previously impossible for MMN to formally network with organisations based there, this was a historic process.

In October of 2013, MMN organized a meeting with CSOs in Yangon, Myanmar. There were 17 representatives from ten CSOs in Myanmar in attendance. The objectives of the meeting included the exchange of information, ideas and experiences about labour and migration, and to identify key issues for the network's activities in Myanmar.

By the end of 2013, several local CSOs have formally applied for the MMN membership. MMN hopes to continue to strengthen its partnership with interested Burmese organisations and to search for new, interested organisations.



Migrant Reflection: From Our Eyes: Mekong Migration Reflections 2000-2012

In an effort to highlight migrant voices, MMN published *From Our Eyes: Mekong Migrant Reflections 2000 – 2012* in August 2012. The book is a collection of diverse personal stories, insight and analysis from 15 migrants from various Mekong countries speaking about their lives over the past 12 years. The interviewed migrants have worked in different sectors, including fisheries, sex work, factories, construction, mining and domestic work. Their perspectives are conveyed on the practical impact of migrant-related policies, with the hope of countering the general lack of recognition of migrant voices in public forums.

“One of the biggest changes in the last ten years was that in the past I was afraid to speak openly, I am not afraid anymore. I think this is because of changing conditions like having the temporary passport but also there being more factories to work in and more NGOs to turn for support.”, Ma Soe, garment factory worker from Burma, interviewed in Mae Sot. Taken from From Our Eyes: Mekong Migrant Reflections 2000-2012, published by MMN and AMC, 2013.



During a workshop on “Migration Trends and Responses in the Greater Mekong Subregion” co-organized by MMN, MAP Foundation and the Asian Migrant Centre, in August 2010, Chiang Mai, migrants presented their personal stories. Their experiences and insight were unique and highlighted a genre missing from discourse on migration in the Mekong region: migrant voices. As a result, MMN organised a project to share migrant stories.

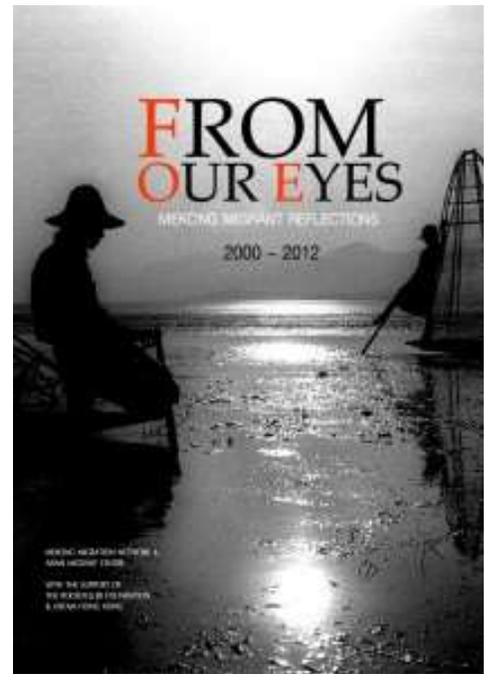
While all migrant stories are unique and valued, MMN and its partners reached out to migrants who were willing to share their personal narratives, had been migrant workers for at least 10 years, and were willing to contribute to producing and promoting this book. Through this process, 15 migrants came forward and agreed to help with the project. Their stories and their reflections comprise the contents of the book and offer an often unheard or ignored perspective.



“Laws should protect people and not push them away from protection”, Nuan, sex worker from Burma interviewed in Chiang Mai. Taken from From Our Eyes: Mekong Migrant Reflections 2000-2012, published by MMN and AMC, 2013.

Each of the migrants participating in the project was interviewed about their background; high and low points in the past ten years; education and vocational training; health insurance and medical check-ups; pre-departure processes; access to government support; personal identification documentation and travel documentation; rights in the workplace; safety at work and training; rights in society; access to justice; trafficking and smuggling; arrest, detention and deportation; extortion; social exclusion and prejudice; process of return to home country; major improvements or deterioration; worries and desires; and recommendations.

From Our Eyes importantly and uniquely brings migrant voices, views, and insights to the forefront of the discussion, reminding policymakers, advocates, and civil society groups of the effects that policy changes and advocacy have on migrants. Please find a copy of the publication here:



<http://www.mekongmigration.org/publications%202012/final%20printed%20version%20from%20our%20eyes.pdf>.

“Most of the migrant workers do not know how to work safely and use the equipment properly, including explosives.” Ko Ba Din, mining worker from Burma, interviewed in Southern Thailand. Taken from From Our Eyes: Mekong Migrant Reflections 2000-2012, published by MMN and AMC, 2013.



“We are migrants from the Mekong neighbourhood, working and living to support ourselves and our families, with the dream of getting some savings together in order to have some security for the future. We have rarely been asked about our views. We have often been asked for our stories. Others have often interpreted our stories and not always in a way we understand.

Over the past 12 years, millions of people have moved around the Mekong region-looking for work, looking for refuge and safety, looking for somewhere they can fulfil their dreams. We hope that through our stories the reader will hear that:

- If we could find work and access livelihoods to survive and support our families, most of us would prefer to stay in our home countries.
- We need to be able to move more freely. We do not understand why we have to pay so much to be allowed to travel, to get a passport, and to get a work permit, for security. We see other people-tourists, business people, researchers, and students-all moving without having to pay these costs.
- We want to be able to be responsible members of society. We need to be treated equally and with respect. We face too many obstacles in just living life and taking care of our families. Our children have not always been welcomed into schools, we have not always been able to access health care, and we are often poorly treated at work.
- The Mekong region has multiple languages. We all face difficulties with communication and understanding. We ask for greater acknowledgement of these different languages.
- We do all that we can to follow rules and regulations. We would prefer to be called legal and be paid legal wages and work in legal condition. But for some of us, there are so many barriers that we have to stay unregulated in order to survive.

[Taken from *From Our Eyes: Mekong Migrant Reflection 2011-2012*, “Preface”, page iii.]

Border Economic Zones and Migration

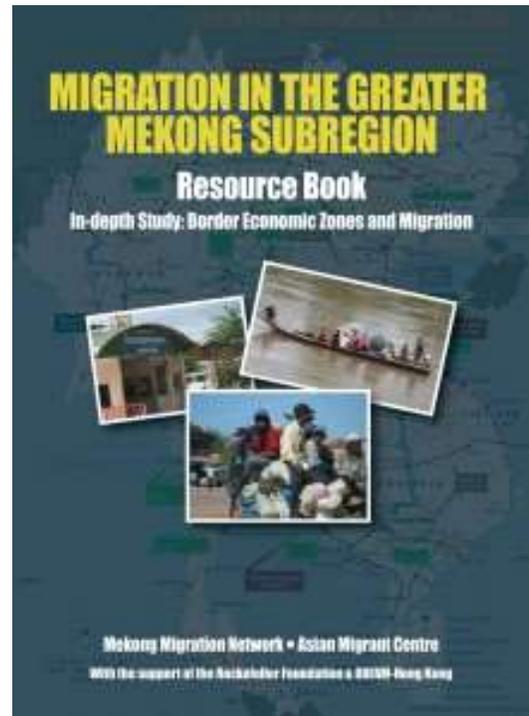


The fourth edition of *Migration in the Greater Mekong Subregion Resource Book: In-depth Study: Border Economic Zones and Migration* was released on 7 March 2013, marking more than five years since the project was conceived at a workshop entitled “Migrants, Migration and Development in the Greater Mekong Subregion (GMS) in July of 2008. Since the initial conception of the project, MMN and its members have worked to research Border Economic Zones (BEZs) throughout the GMS. The new edition includes updates on

migration issues, policy and regulations, and responses at national and regional levels during 2009 to 2012; as well as an in-depth study on border economic zones and migration.

Many countries develop BEZs believing that they will increase investment in these areas and create jobs. While the BEZs may create new jobs for migrants, MMN and member organizations fear that they will negatively impact migrants by decreasing government regulation, leaving migrants vulnerable to human rights violations, and isolating migrants in remote areas.

As a result, MMN members agreed to collaboratively research the impact of BEZs on migrants and migration patterns at the MMN General Conferences. Since the initial agreement, MMN and its partners have continued to make this research a priority as the political, social, and economic situation in the Mekong Region is rapidly changing with Burma's entrance into the international markets.



Please find a link to the publication here:
<http://www.mekongmigration.org/finalised%20BEZ%20pdf%20file.pdf>.

Women Migrant Workers in Garment Industries



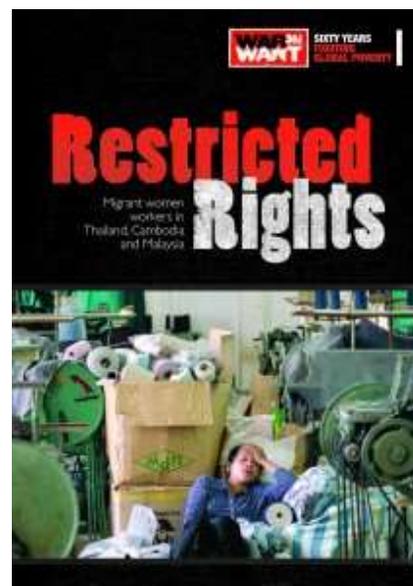
In 2012, MMN conducted a research project on migrant women in Thailand, Cambodia and Malaysia in collaboration with Asian Migrant Centre (AMC) and the UK based organisation, War on Want. AMC coordinated a group of research partners, namely MAP Foundation, Legal Support for Children and Women (LSCW) and Workers Hub for Change, who conducted the interviews with migrant women in the garment and electronic industries in Thailand, Cambodia and Malaysia. The interviews highlighted the experiences of migrant women in these

industries.

Thirty women migrants were interviewed in each of the respective countries along with workers organizations and support NGOs. During the interviews, these organisations were asked to share their strategies in promoting fairer working conditions and wages for women workers. In May 2012 the outcome report entitled *Restricted Rights: Migrant women workers in Thailand, Cambodia and Malaysia*, was launched. The report highlighted the exploitative conditions of

migrant workers in the garment and textile industry in Cambodia, Malaysia and Thailand and the electronics industry in Malaysia. With policies aimed at enhancing the export sectors in the countries, migrant workers find themselves working outside the reach of labour laws, even where there is governmental protection of labour rights.

For MMN, the project gave the network a valuable opportunity to strengthen its relationship with War on Want, a UK based labor NGO. The connection is a valuable one that links MMN with advocacy groups targeting consumers, in this case in the UK. In the future, MMN hopes to continue to work with labour NGOs and CSR campaigners to promote human rights for migrants not just in destination countries and countries of origin, but also raise awareness among consumers who may not realize the conditions in which the products they are buying were produced.



Please find a copy of the publication here:

<http://www.mekongmigration.org/WOW%20Migration%20Report.pdf>.

Climate Change and Migration

In a world of rapid climate change, MMN and the AMC, with support from the Rockefeller Foundation, commenced a pilot research project to explore the link between climate change and migration in the GMS. The project involved primary and secondary research in Vietnam and Myanmar in order to contribute to a greater understanding of climate change in the GMS and the effects that it has on migration.

The effects that climate change has had (and will continue to have) on migration are little understood, making this project unique. In the future, environmental migration is likely to increase as droughts, warmer weather, flooding, and other changes in the climate make it harder or impossible for migrants to maintain their livelihoods without migrating.



On 17 – 18 August 2012 MMN, in collaboration with AMC, held the First Consultation Meeting for the research project: “Climate Change and Migration: Exploring the Impacts of Climate Change on People’s Livelihoods and Migration in the Greater Mekong Subregion (GMS)” in Chiang Mai.

The primary research for the project took place in two different sites: Ma Gyi Chay Htaut Village, Magway Region, in Burma’s central “Dry Zone” and Thanh An Commune, Vinh Thanh District, Can Tho City, in the Mekong Delta region of Vietnam. These two locations were chosen because it was hypothesized that these communities would be experiencing environmental changes that could be linked to the probable impacts of climate change, causing people to migrate

away from them. As part of MMN's celebration of its 10th Anniversary, all of the findings were published on 5 June 2013 in *Climate Change and Migration: Exploring the Impacts of Climate Change on People's Livelihoods and Migration in the Greater Mekong Subregion (GMS)*. Please find a link to the publication here: <http://www.mekongmigration.org/CC-M%20Report%20Final.pdf>.

The primary research in Burma was undertaken by ECODEV, an environmental NGO based in Burma, and the Foundation for Education and Development, a migrant support NGO based in Thailand. The chosen site, the "Dry Zone", gave the researchers ample material to work with. The area receives limited rainfall, which puts stress on the residents in the area who mainly rely on agriculture and natural resources, making them highly susceptible to water stress and environmental changes. The primary research methods included a survey of 50 households, focus group discussions, and key informant interviews.

During the research, which was conducted throughout 2012, researchers found that the greatest environmental change felt in Ma Gyi Chay Htaut Village was less rainfall, followed by more extreme warm weather. The findings also point to higher climatic variability such as increased flooding and other weather events such as storms and torrential rain. These environmental changes were found to have significant impacts on people's lives, in particular in relation to increasing debt, decreasing income, unemployment, access to food, health, and the quality and quantity of crops.

The site had a high rate of out-migration, with Yangon, Mandalay, Nay Pyi Taw and Magway being the primary destinations. Overall, the research indicates that the changing environment is an important reason for migration because many local people depend directly on the climate and therefore may be adversely affected by even small environmental and climatic fluctuations. More respondents cited economic drivers as the main reason to migrate, however with a majority of the population dependent on the land and productive resources, and the decline in productivity and income, both economic and environmental factors are inextricably linked.

In a similar process, the research in Vietnam was conducted by the Center for Research & Consultancy for Development (CRCDC), Southern Institute of Sustainable Development. Like in Burma, the research methodology included a survey of 50 households, focus group discussions and key informant interviews.

Vietnam's Mekong Delta is facing simultaneous impacts from flooding of the Mekong River and rising sea levels in the region. Many hydropower projects, construction and agricultural production upstream have been changing the water flow. Coupled with high tides and monsoons, these factors are leading to a change in the flood regime. There is also increasing drought and saltwater intrusion in the dry season. Limited development of commerce and industry means that the local economy is primarily dependent on pure wet rice agriculture. When agriculture production is negatively affected by climate change related impacts, the livelihoods of local people are usually adversely affected.

The household survey results indicate that there have been many changes in the environment over the last ten years, such as an increase in extreme hydro-climatic weather, irregular flooding, more extreme warm weather, less rainfall, drought, and desertification. Salinity is also an impending threat that is not yet evident to residents, but is known to commune leaders and local authorities. Environmental changes are having significant negative impacts on the health of

local people, the water quality and the soil quality. Changes are also seen to be generating insects or pests in the area, which harms plants and crops, leading to a decrease in the quality and quantity of cultivated crops. Furthermore, a majority of respondents expressed that the environmental changes are impacting their lives, causing a decrease in the quality of life, decreasing incomes and livelihoods, less employment, increasing debt, and less economic development.

Out-migration is occurring primarily to Ho Chi Minh City, Can Tho City, Lam Dong, and Dong Nai provinces. The main factors driving out-migration from the origin community are a lack of jobs, environmental changes, and health hazards. People are migrating to new places because many perceive there to be more job opportunities and better education opportunities in destination places.

This research provides evidence that climate change and environmental factors are altering migration patterns in the GMS. Although research was only conducted in these two communities, it indicates that climatic changes will have large-scale effects. The outcome of this project recognizes the complexity and linkages between environmental changes and economic factors. MMN believes in the future it can serve as a basis for further research, a tool for advocacy for the protection of migrant rights in the face of increasing environmental and climate change, and a foundation for further developing partnerships in the region between climate change experts and migrant advocates, including strengthening those partnerships formed in the course of this project.

Migrants' access to health care



Faced with poor living conditions, inadequate occupational and health standards, social exclusion, restrictive immigration policies and disruption of family and social ties, it is extremely difficult for migrants to look after their health and wellbeing. Their access to health care and health education are also hindered by a number of factors. As a result, migrants face a number of health risks including vulnerability to HIV/AIDS.

In 2013, in preparation for the 11th International Conference on HIV/AIDS in Asia and the Pacific (ICAAP) to be held in Bangkok, Thailand, from 18 to 22 November 2013, MMN collectively prepared a briefing paper on HIV and migration, and migrants' access to health care in the Mekong region. The report, titled, *Health Access for Migrants from the Mekong Neighbourhood: With or Without Borders?*, highlighted the particular challenges migrants face in HIV/AIDS education, prevention, testing, and treatment; health and social services available to migrant



workers in the GMS; and regional responses, and presented MMN recommendations. In November 2013, MMN participated in the ICAAP held in Bangkok. To increase awareness on the issues faced by migrants, MMN distributed the briefing paper, and hosted an information booth entitled “Who is the Alien?”. On 21 November, MMN organised an open event called Migrant Health Snakes and Ladders. Thirty-five people participated in the activity, including migrant workers, migrant advocates, civil society representatives, researchers and other delegates to ICAAP.

Through playing the game, participants discussed various barriers that migrants face when trying to access health care. Ways to overcome these obstacles were discussed after the game and included mobilizing in the workplace to negotiate better working conditions, forming networks to provide translation services and peer support, and ensuring that all migrant workers have health insurance and access to affordable treatment.

Please find a copy of “With or Without Borders” at http://www.mekongmigration.org/wp-content/uploads/2013/11/ICAAP_final_web.pdf.

Find more information about MMN’s participation at ICAAP here: <http://www.mekongmigration.org/?cat=13&page=2>.

ASEAN advocacy

At a regional level, MMN has explored ASEAN mechanisms as strategic venues where MMN may intervene to influence the discourse and regional framework concerning migration. MMN takes multi-level approaches to lobby ASEAN, including by meeting country representatives, such as the focal points under the Ministry of Labour for the implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (“ASEAN Declaration on Migrant Workers”), and country representatives to the ASEAN Intergovernmental Commission on Human Rights (AICHR). Since the ASEAN Declaration on Migrant Workers was signed in January 2007, MMN has continuously worked towards influencing the two follow up processes: first, the process in which the ASEAN member states (namely Thailand, the Philippines, Indonesia and Malaysia) were to develop a framework for implementation of the Declaration on Migrant Workers; and secondly, annual ASEAN Forum on Migrant Labour (AFML), which is an open platform for review, discussion and exchange of best practices and ideas between governments, workers’ and employers’ organizations, and civil society stakeholders on key issues facing migrant workers in South-East Asia, and develop recommendations to advance the implementation of the principles of the ASEAN Declaration on Migrant Workers.

MMN has remained highly involved with AFML and has attended all the annual meetings since

the first forum in the Philippines in 2008, except for the 6th forum held in Brunei. In addition to intervention with the governmental processes, MMN has also worked towards forging solidarity with civil society organizations working on various human rights issues in South East Asia. The network has also worked on raising awareness on current issues on migration in the region through actively participating in the civil society processes, namely ASEAN People's Forum (APF) and ASEAN Civil Society Conference (ACSC).

The following are some of the meetings relating to ASEAN that MMN participated in 2011-2013.

ASEAN People's Forum, May 2011

In May 2011, MMN representatives attended the ASEAN People's Forum, held in Jakarta, Indonesia. Ten MMN delegates participated in the APF plenary and thematic workshops. MMN also organised a workshop on Mekong Vocabulary on Migration to present and pre-test the definitions that MMN had developed for an extensive list of migration and labour terminology, which later was published as *Speaking of Migration*, a publication mentioned above.

Later that year, in October 2011, MMN attended the Civil Society's Strategic Meeting at the 4th AFML in Bali, Indonesia. The meeting was organised by the Indonesia Working Group on ASEAN Migrant Workers in cooperation with the Task Force of ASEAN Migrant Workers. The objectives of this meeting were to provide a platform for organizations working on the rights of migrant workers in ASEAN, to discuss challenges and good practices in dealing with the ASEAN mechanism on migrant workers; and to formulate a joint civil society strategy for engaging with the 4th AFML.

MMN also attended in the 4th AFML on 24-25 October 2011 in Bali, Indonesia. The meeting provided an opportunity for a wide-range of representatives, including representatives from governments, both employers' and workers' organisations, and civil society organisations to convene to discuss two challenges to the ASEAN Declaration on Migrant Workers. The first challenge has been promoting migrant workers' rights in the destination countries, while the second has been attempts to expand the number of available alternative opportunities for migrant workers within their country of origin. MMN's participation and attendance in the meeting allowed the network to gain access to policy makers and provided opportunities to meet with other civil society organisations.

On 29-31 March 2012, MMN attended the 8th ACSC/APF: Transforming ASEAN into a People-Centered Community meeting in Phnom Penh, Cambodia along with around 1,000 other civil society representatives. As part of the APF program, MMN organized a thematic workshop entitled "The Bottom of ASEAN" on 30 March 2012. Please see the above section on Bottom of ASEAN for more information about the workshop.

In October 2012, MMN attended the 5th AFML in Siem Reap, Cambodia. The theme was "Protection and Promotion of the Rights of Migrant Workers: Towards Effective Recruitment Practices and Regulations." Along with other participants, MMN contributed towards recommendations pertaining to the promotion of universal human rights and fundamental principles and rights at work, transparency, accountability and affordability, information sharing and awareness of the public, effective monitoring and complaint mechanisms, and meaningful involvement of multi-stakeholders.

Within Thailand, MMN also regularly participated in the civil society consultation meetings organised by the Thai Representative to the AICHR. The meetings aimed to update civil society on the outcome of the AICHR meetings and activities, as well as to consult with civil society on particular issues to be discussed in the official meetings. In September 2011, MMN also participated in the 2nd Seminar on Developing Effective Partnership and Cooperation to Support ASEAN Community, held in Bangkok and organised by the Thai permanent representatives to ASEAN.

Global Forum on Migration and Development and High Level Dialogue on Migration and Development

MMN has constantly participated in the civil society space in the High Level Dialogue on Migration and Development (HLD), and the Global Forum on Migration and Development (GFMD) since their first HLD in September 2006 and their first GFMD held in 2007. The 2006 HLD was held under the leadership of UN, whereas the respective hosting countries outside the UN system on a voluntary, non-binding basis convened the GFMD in order to continue to discuss issues brought up in HLD. In addition to the annual global meetings, MMN has also regularly participated in the regional preparatory processes for these meetings.

In November 2011, MMN, represented by Ms. Jackie Pollock, Chairperson of the MMN Steering Committee, participated in the 5th Global Forum on Migration and Development Civil Society Days held in Geneva. During this meeting, MMN released a statement calling on governments of GMS to devote greater resources to essential social services for everyone in the region; to provide migrants with more opportunities to study; to take immediate action against all forms of harassment, discrimination and violence that migrants experience on a daily basis; to advocate that governments halt ADD procedures and instead provide migrants with a status which enables them to stay and work; and to insist that governments and UN agencies do more to assist forced migrants, stateless people and those who have been trafficked. It was also noted that the UN is the most appropriate host for a global discussion on migration.

Mekong Migration Network Statement to the 5th Global Forum on Migration and Development

Migrants from the Mekong neighbourhood are hugely resourceful and resilient, and they demand recognition and respect from their governments.

Migrants in the Mekong cannot afford to rely on any government or inter-governmental organization to facilitate or manage their migration or to protect their rights. Instead, migrants rely on themselves by self-managing their mobility and self-organising themselves to demand their rights. Migrants have sustained their families and communities without any recognition or facilitation. They have organized systems that are efficient, convenient and appropriate.

In times of crisis, migrants organize their communities to provide shelter and support to migrants in need. Recently, migrant communities throughout Thailand organized fund raising events to support migrants and local people affected by the floods. Meanwhile migrants' communities on the borders welcomed their compatriots fleeing the floods in Bangkok and Central Thailand, despite the threat of a crackdown on undocumented migrants by the authorities.

While migrants from the Mekong neighbourhood are hugely resourceful and resilient, they do require recognition and respect from their governments and look forward to governments delivering the following actions:

Migrants would very much like the governments of the Mekong to devote greater resources to essential social services for everyone in the region, which migrants could access in the country of origin and in the country of destination. Migration and migrants should be included in the National and Subregional Economic and Social Plans.

To be able to participate in the development of their communities and countries, migrants also require more opportunities to study in academic and vocational institutions. Migrants request that governments in the region invest in such institutions not only nationally, but also regionally for a future fair and equitable regional development.

Migrants require the governments to take immediate actions against all forms of harassment, discrimination and violence that migrants experience on a daily basis from police, immigration, employers, and others who exploit and take advantage of the migration process. Such violence has negative impacts on the development and security of the people of the Mekong.

Migrants from the Mekong would like the governments to understand that arresting, detaining and deporting migrants on immigration irregularities is a futile activity and a waste of time and money. Migrants need to work, the industry and economy needs the workers and therefore they will return. To solve this situation, migrants request the governments to provide migrants with a status that enables them to stay and work.

This region also witnesses various forms of forced migration and the migrants in these situations require particular protections from governments and UN agencies.

Migrants fleeing the on-going political suppression and armed conflicts in the region, particularly against the Kachin and Karen in Burma, are not in a position to immediately organize themselves and require assistance and protection in the short-term, and stability and integration in the long-term. Governments should uphold the principle of non-refoulement of refugees, or asylum seekers.

Migrants who have been trafficked are also not in a position to immediately organize themselves. They require that governments uphold their right to justice and provide access to adequate remedies and compensation. They should not be held in shelters against their will.

In situations where trafficked persons have requested to stay in a shelter, the shelters should be welcoming and provide appropriate, dignified facilities and services.

There are people in the region who have lost their citizenship or have been born without recognition from any state. The governments of the region and the UN must develop a comprehensive response for all stateless peoples in the region and ensure that they have the right to citizenship.

The Mekong Migration Network acknowledges that while some of the concerns raised in this statement can and should be addressed by the governments of the region, both at national and Subregional level, there are also some concerns that will require inter-regional cooperation with the UN's assistance.

We feel that the UN is the most appropriate host for global discussion on migration and trust that the member states will see fit to return the GFMD permanently to the UN body. We are however concerned that currently the UN has no specific agency to protect and promote the rights of migrants. It has been 21 years after the UN Convention on the Protection of the Rights of All Migrants and Members of their families (1990) was adopted, and we strongly believe that it is time for the UN to create its own dedicated agency for migrants.

In November 2012, MMN represented by Ms. Jackie Pollock and Ms. Wai Hnin Po (Foundation for Education and Development) attended the sixth GFMD Civil Society Days in Mauritius. During the two days of civil society days and two days of government meeting, linked by half a day of joint meeting ("Open Space"), more than 800 representatives from civil society and governments from some 160 countries gathered to discuss changes needed in labour migration, protection of migrants, promotion of their rights and development.

In 2013, MMN actively participated in the regional consultation process while UN member states organized a HLD that was scheduled to be held on 3-4 October 2013.

Ms. Jackie Pollock represented MMN in the Asia Pacific regional preparatory meeting for the HLD on 29-31 May 2013 in Bangkok. During the meeting, a side event was organized to promote domestic worker's rights and to promote the ratification of the International Labour Organisation (ILO) Convention Concerning Decent Work for Domestic Workers (Convention 189). MMN spearheaded organizing concerned migrant advocates for the event and prepared a

presentation entitled “Domestic Workers Rap - Protecting Migrant Domestic Workers: Enhancing their development potential”, which was presented in front of the official delegates.



Please see <https://www.youtube.com/watch?v=X2iHSSH9o5k> for the video.



During the Asia Pacific regional preparatory meeting for the HLD, the ILO also organized a side event. During this event, with prior permission from MMN, ILO representatives read out three migrants’ stories selected from the above mentioned MMN publication *From Our Eyes*, in front of all the government delegations. Such initiatives contributed in promoting a positive image of migration and migrants’ voices.

MMN also attended a regional CSO Consultation on the 2nd HLD on 27-28 May 2013, where various networks met ahead of the above-mentioned meeting. On 3-4 October 2013, the UN General Assembly held the second HLD in New York, the second time ever since its first meeting in 2006 that the forum took place under the UN leadership.

The 5th World Social Forum on Migration

Seeing the importance of converging the efforts by various organizations and networks to strengthen the social movement protecting and promoting migrants’ rights and seeking social justice in general, MMN has continued to take action in solidarity with migrants’, women’s and other social movements. It also worked towards mainstreaming migrants’ rights issues in civil society forums and networking with potential partners.

In November 2012, MMN attended the 5th World Social Forum on Migration (WSFM) in Manila. The delegation included network members from Cambodia, Burma, Thailand, and Vietnam. MMN organised two workshops at the forum.

MMN organised the first workshop, “Last Frontiers” in which panelists and participants examined the changes in social, political and economic landscapes that are shaping new trends in trade

and investment in Asia, in particular in relation to two of Asia's "last frontiers": Burma and Cambodia. Participants also discussed the impact of regional development frameworks on migration. Ms. Jackie Pollock, Chairperson of the MMN Steering Committee, provided an overview of GMS context. Mr. Mom Sokchar from network member Legal Support for Children and Women, discussed the current situation in Cambodia while Ms. Wai Hnin Po, from network member Foundation for Education and Development in Thailand outlined recent changes in Burma.



During the Q&A section of the session there was an interesting discussion regarding grassroots campaigns in Mekong countries; linkages between migration and other issues such as land rights and labour movements; and the predicted impacts on migrants of the impending ASEAN integration.

Recommendations that were developed through the discussions included: the importance of developing alliances at the local and national level between landless peasants, labourers (migrant and non-migrant), trade unions and NGOs; and the need to continue enhancing the visibility of Mekong migration in ASEAN forums.

MMN organised another workshop, "Networks of Resistance: Cross-Border Collaboration on Safe Migration and Prevention of Labour Exploitation in the GMS Region", in partnership with Oxfam-Quebec.

The aim of the workshop was to share experiences of collaboration in GMS and discuss the keys to success in being able to mobilise collective action in otherwise divided areas, including the

importance of networks.

Oxfam-Quebec partners gave overviews of the cross-border collaborative work of the Cambodia and Thailand Anti-Human Trafficking (CAHT) Network. MMN provided examples of its regional collaboration and networking activities, including collaborative research and joint advocacy.



Southern Africa Social Forum on Migration and Mobility

On 11-14 June 2012, Ms Jackie Pollock, Chairperson of the MMN SC and Ms Reiko Harima, MMN Regional Coordinator, attended the Southern Africa Forum on Migration and Mobility held in Johannesburg, Republic of South Africa.



The forum was organised by the Agency for Refugee Education, Skills Training & Advocacy (ARESTA) and the African Centre for Migrations & Society (ACMS) in partnership with the Catholic Committee against Hunger and for Development (CCFD). The purposes of the forum were to reflect on migrations policies, trends, dynamics and determinants, and to share experiences and practices of migrations in the Southern African Development Community (SADC) region. The forum was also looking to create a network of migrant advocates among the various organizations working in

the SADC region, which is why MMN was invited: the organizers invited MMN to share its

experiences on forming and strengthening a Subregional network. Ms Jackie Pollock and Ms Reiko Harima made a presentation reflecting MMN experiences and also provided their inputs to the discussion throughout the forum.

MMN Website

Throughout 2011-2013, MMN regularly updated its homepage, www.mekongmigration.org. The homepage contains MMN updates, migration news in GMS, advocacy calls on various thematic issues that MMN work on, and resources. Resource sections include the following that are constantly updated to assist migrant rights advocates and researchers in the region to have a better understanding on migration.

- i) MMN publications - all MMN publications from 2003 onwards are downloadable.
- ii) MMN press releases
- iii) Legally Binding: Summary of Labour Laws in the GMS
<http://www.mekongmigration.org/labourlaw/>

As noted earlier, MMN published *Legally Binding: A Summary of Labour Laws in the Greater Mekong Subregion* in October 2011. The online version contains 14 key elements on labour protection in the Mekong countries, and is regularly updated, with new labour laws added as they come out.

- iv) Speaking of Migration: Mekong Vocabulary on Migration
<http://www.mekongmigration.org/vocab/>

The online *Speaking of Migration: Mekong Vocabulary on Migration* includes approximately 117 terms on migration issues translated into Burmese, Chinese, Khmer, Lao, Thai and Vietnamese. It also has a new section on “Terms to Avoid”, which was not included in the original book. The purpose of this new section is to raise awareness among media, policy makers, and other stakeholders and to promote just, fair and inclusive attitudes towards migration and migrants within Mekong governments and communities. The section on “Terms to Avoid”, new migration terms in Mekong countries and new examples of usage of Terms will be regularly updated on the online version.

- v) Annotated Bibliography: A Guide to Publications on Migration in the GMS
<http://www.mekongmigration.org/bibliography/>

MMN has published a bibliography since 2002 as a companion publication of the resource book on migration in the Greater Mekong Subregion. In 2009, it launched an online Annotated Bibliography so that information can be updated more regularly. The Annotated Bibliography serves as a guide to the information currently available on the issue and also highlights some of the research gaps that currently exist.

- vi) International obligations to respect human rights and labour standards in GMS countries
http://www.mekongmigration.org/?page_id=2008 (observation and comments)

http://www.mekongmigration.org/?page_id=2138 (ratification table)

Under this section, MMN updates GMS governments' ratification of the UN and ILO convention relevant to migrants. It also provides links to the observations and comments on implementation of these conventions addressed to the respective GMS countries, made by the relevant UN and ILO bodies. Specific sections of UN and ILO reports relevant to migrant populations in Mekong countries are highlighted. MMN hopes that such information can be used by migrant advocates to press their respective governments for reforms of national laws and policies and/or ratification of relevant conventions.

Furthermore, the reference section of the MMN homepage has "Recommended Books" through which MMN introduces reports and books that it finds useful and thought provoking. The reference section also has "Reflection by MMN partners" through which MMN partners' critical views on recently published books or reports are introduced.

MMN continues to update all the sections of the MMN homepage, to make it continually more useful.

MMN General Conference

Based on the MMN Terms of Partnership, MMN makes its best efforts to organize the General Conference (GC) bi-annually. The GC is the highest decision making forum. Having organised the previous (the 4th) GC in August 2010, MMN held its 5th GC in Bangkok on 2 March 2013. The GC began with an introduction of current members and each member confirmed their participation in the network. During the conference, MMN and its members conducted a self-evaluation of the network, including reviewing the MMN Terms of Partnership and the governance structure of the key decision-making and operational bodies.

During the GC, it was also announced that Ms. Jackie Pollock, who has been instrumental in building MMN from the very beginning and has tirelessly worked on strengthening the network, had completed her maximum terms to serve the SC. For Thailand, Mr. Brahm Press from Raks Thai was elected as a new SC member representing members in Thailand. Ms. Vichuta Ly, from the Legal Support for Children and Women, Cambodia, expressed her sincere gratitude to Ms. Pollock's long contribution and devotion to the network.

Nomination of the new SC members ensued with the following results.

Thailand: Mr. Brahm Press, Raks Thai Foundation

Laos: Ms. Kabmanivanh Phouxay, National University of Laos

Vietnam: Ms. Huynh Thi Ngoc Tuyet, Center for Research and Consultancy for Development, Southern Institute of Sustainable Development (SISD)

Burmese community in Thailand: Ms. Wai Hnin Po, Foundation for Education and Development

China: Ms. Han Jialing, Migrant Workers' Education and Action Research Centre

Regional Coordinator: Ms. Reiko Harima

The MMN members also discussed advocacy strategies and key issues for the network to pursue in the coming years. They included: fighting against criminalization of migrants; promoting social cohesion and integration; and advocating for social protection including social security, health care, labour rights and living wages. There was also discussion on the need for examining the impact of the ASEAN economic integration on migration. The members agreed

that the network should continue to engage on various regional and international advocacy forums including AMLF, APF, HLD, GFMD, WSFM, and AEPF but also agreed the importance of advocacy at national levels. Respective members should inform other network members of the outcome of national advocacy, so there can be better coordinated advocacy efforts, which can produce stronger impacts.

Conclusion

Throughout 2011-2013, MMN continued to strengthen its work on promoting and protecting migrants' rights in the region. It has developed a number of advocacy and reference tools to increase the capacity of migrant advocates in the region to carry out advocacy; carried out research to build knowledge on migration; held consultation meetings to ensure MMN action reflects the needs and views of its members and the process is owned by the members; issued statements and made submissions to Special Rapporteurs to increase pressure on governments to respect rights of migrants; carried out policy dialogue meetings; intervened in a number of regional and international forums; networked with a number of organizations and allies; and constantly worked towards strengthening the network's capacity. To enable the network to act promptly and strategically on relevant issues, MMN also continuously monitored policies, practices and emerging issues. MMN is committed to stepping up such efforts in 2014 and beyond.

Acronyms

| | |
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| ACSC | ASEAN Civil Society Conference |
| ADD | Arrest, Detention and Deportation |
| AEC | ASEAN Economic community |
| AFML | ASEAN Forum on Migrant Labour |
| AICHR | ASEAN Intergovernmental Commission on Human Rights |
| AMC | Asian Migrant Centre |
| ANM | Action Network for Migrants |
| APF | ASEAN People's Forum |
| ASEAN | Association of Southeast Asian Nations |
| BAG | Burma Action Group |
| CAHT | Cambodia and Thailand Anti-Human Trafficking |
| FED | Foundation for Education and Development |
| GFMD | Global Forum on Migration and Development |
| GMS | Greater Mekong Subregion |
| HIV/AIDS | Human immunodeficiency virus infection / acquired immunodeficiency syndrome |
| HLD | High Level Dialogue |
| ICAAP | International Conference for AIDS in the Asia Pacific |
| ILO | International Labour Organisation |
| IOM | International Organisation for Migrants |
| MMN | Mekong Migration Network |
| MOU | Memoranda of Understanding |
| NV | National Verification |
| UN | United Nations |
| WSFM | World Social Forum on Migration |