A Resource Book

Asian Migrant Centre
Mekong Migration Network

With the support of
The Rockefeller Foundation
# CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preface</td>
<td>iv</td>
</tr>
<tr>
<td>Acknowledgment</td>
<td>vi</td>
</tr>
<tr>
<td>Introduction</td>
<td>viii</td>
</tr>
<tr>
<td>Acronyms</td>
<td>xii</td>
</tr>
<tr>
<td>Regional Synthesis</td>
<td>1-20</td>
</tr>
<tr>
<td><strong>Burma</strong></td>
<td></td>
</tr>
<tr>
<td>Migration flow map</td>
<td>21</td>
</tr>
<tr>
<td>Migration tables</td>
<td>22</td>
</tr>
<tr>
<td>Country report</td>
<td>23-49</td>
</tr>
<tr>
<td><strong>Cambodia</strong></td>
<td></td>
</tr>
<tr>
<td>Migration flow map</td>
<td>51</td>
</tr>
<tr>
<td>Migration tables</td>
<td>52</td>
</tr>
<tr>
<td>Country report</td>
<td>53-82</td>
</tr>
<tr>
<td><strong>China</strong></td>
<td></td>
</tr>
<tr>
<td>Migration flow map</td>
<td>83</td>
</tr>
<tr>
<td>Migration tables</td>
<td>84</td>
</tr>
<tr>
<td>Country report</td>
<td>85-112</td>
</tr>
<tr>
<td><strong>Laos P.D.R.</strong></td>
<td></td>
</tr>
<tr>
<td>Migration flow map</td>
<td>113</td>
</tr>
<tr>
<td>Migration tables</td>
<td>114</td>
</tr>
<tr>
<td>Country report</td>
<td>115-140</td>
</tr>
<tr>
<td><strong>Thailand</strong></td>
<td></td>
</tr>
<tr>
<td>Migration flow map</td>
<td>141</td>
</tr>
<tr>
<td>Migration tables</td>
<td>142</td>
</tr>
<tr>
<td>Country report</td>
<td>143-172</td>
</tr>
<tr>
<td><strong>Vietnam</strong></td>
<td></td>
</tr>
<tr>
<td>Migration flow map</td>
<td>173</td>
</tr>
<tr>
<td>Migration tables</td>
<td>174</td>
</tr>
<tr>
<td>Country report</td>
<td>175-196</td>
</tr>
<tr>
<td>Resource material and groups</td>
<td>197-212</td>
</tr>
</tbody>
</table>
A few months ago, we published the booklet, “Migration in the Mekong: An Annotated Bibliography” listing the major migration-related publications, online materials and resource/action groups in the Greater Mekong Subregion (GMS). This was one of the outputs of the 2001-2002 collaborative research done by AMC and our partners in the ‘Mekong Migration Network.’ That one-year project on “Mapping Migration Issues, Needs and Strategies in the Greater Mekong Subregion (GMS)” aimed to survey and identify the key issues, needs, action groups and responses on migration-related issues in the six countries in the GMS. The resulting publications are intended to serve as a reference for NGOs, governments, IGOs and advocates in formulating better responses and programs promoting migrants’ rights and welfare in the GMS.

This second publication, intended to be a yearly resource book beginning with this volume, is the synthesis of the results of the said research. It is designed as a general circulation reference on the migration issues, needs and responses in the GMS. A final publication from the same research will be the full text of the report of each of the country research teams (CRTs) that helped in the research. This is planned for the first quarter of 2003 and will be for limited circulation only.

This resource book represents the analysis and views of migrant support groups and non-governmental organisations on migration issues in the Mekong. As such, the gaps and recommendations reflect the major policy and action agendas that NGOs are advocating GMS governments, as well as international agencies, to consider.

For this resource book, AMC wrote the country reports primarily, but not exclusively, based on the reports of the CRTs. AMC also used the other published materials, interviews with key informants, and our expert views as a long-standing migrant NGO in Asia. Therefore, the views and analysis in this resource book do not necessarily reflect the views of our partner groups and the CRTs. AMC is responsible for any views, errors and inaccuracies in this resource book. Please alert us of any necessary corrections and more updated information, especially to improve future volumes.

Some views might be critical of the current situation, practices and policies. AMCs intention, as a migrant advocate, is to raise these in the public arena so that constructive actions and changes can be made, by migrants themselves, NGOs, governments, international agencies and all other stakeholders.

This resource book is organized as follows:

- The “Overview” summarizes the highlights of all the country reports and makes a subregional analysis; it includes information on the migration issues in the GMS as well as the regional synthesis based on the country reports.
- Six country reports which discusses in detail the main issues, needs, gaps and recommendations. Each country report has a map that shows the migration flow out of and into the country with arrows specifically indicating the migration routes. Also attached at the beginning of every country report are the tables on migration data and on labor and economic indicators.
The list of resource/action groups at the end of the book features the organizations working on migration-related issues, including the project partners for this research.

There is also a fold-out map on migration flow in the GMS. This is intended to show the general migration trends in the subregion; arrows in the map do not reflect the actual migration routes, unlike the country specific maps in the country reports.

We hope that this book will help readers in understanding the issues around, and formulating/improving the policies and strategies in promoting and protecting the rights and welfare of migrants – workers, their children and their families, both documented and irregular – in the GMS.

Asian Migrant Centre
December 2002
We would like to thank all the members of the country research teams (CRTs) for their hard work in conducting the research and writing the country reports. (The original reports will be published in an upcoming publication, “Research Findings.”) Members of the CRTs follow:

**Burma/Myanmar:**
- Jackie Pollock, Coordinator of the Burma/Myanmar CRT (Migrant Assistance Program)
- Soe Soe (Federation of Trade Unions- Burma)
- Myint Wai (Thai Action Committee for Democracy in Burma)
- Queenie East (Altsean-Burma)
- Nang Hseng Muay (Shan Women’s Action Network)

**Cambodia:**
- In Vuthy, Coordinator of Cambodia CRT(The Cambodian Human Rights Task Force)
- Latt Ky (Cambodia Human Rights and Development Association)
- Mao Kosal (Cambodia Labour Organisation)
- Sen Seth (Khmer Kampuchea Krom Human Rights Association)

**Vietnam:**
- Huynh thi ngoc Tuyet, Coordinator of Vietnam CRT(Center for History, Institute of Social Sciences in Ho Chi Minh City, National Center for Humanities and Social Sciences)
- Nguyen thi Minh Huong (Department of Research, Vietnam Woman Union)
- Le thi Hanh (Center for Social Work and Community Development Research & Consultancy)
- Le thi My Huong (Center for Social Work of Youth Federation)
- Tran Hong Van (Center for Gender and Family, Institute of Social Sciences in Ho Chi Minh City, National Center for Humanities and Social Sciences)

**Yunnan, China:**
- Pu Hongyan, Coordinator of Yunnan CRT (Sociology Institute, Yunnan Academy of Sciences)
- Tong Jieyi (Yunnan Reproductive Health Research Association)
- Ma Lijing (Yunnan Women and Child Development Center)
- Luohan (Yunnan Normal University)

**Thailand:**
- Supawadee Petrat and Pornpimon Rojianapo, writers of the Thailand country report
- Songkiat Tung-yen (The Mekong Subregional Program-Christian Conference in Asia)
- Sr. Meg & Pahubud McGuigan (Catholic Migration Commission-Women’s Desk)
- Fr. Bob & Tu Lu (Catholic Commission for Migrants and Prisoners)
- Porntip Puckmai (EMPOWER Chiangmai)
Supang Chantavanich, Kannika Angsuthanasombat (Asia Research Center for Migration)
Pim Koetsawang (Friends Without Borders)

We are thankful to the following people who gave us a constant advice and feedback throughout the research and writing of the reports:
- Therese M. Caouette
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- Vani Dulaki Ravula (Asia Pacific Forum on Women, Law and Development)
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- Hérve Berger (Mekong Project to Combat Trafficking in Children and Women, ILO International Programme on the Elimination of Child Labour)
- Lee Nah Hsu (UNDPSoutheast Asia HIV and Development Project)
- Farooq Azam (International Organization for Migration, Thailand)

Many more people helped us in publishing this book:
- Christina DeFalco helped us in searching data, writing up country reports and editing;
- May Wong (Asia Monitor Research Center) helped interview some key informants in Yunnan and provided us with advice in writing the Yunnan Report.
- Lakshmi Jacota, now a mother of two gorgeous babies, helped us write up as well as edit some reports despite her busy schedule;
- Jamie Cox helped us edit as well as proofread the book in such a limited time; and
- Boyet Rivera, always the savior of our publication work, designed a beautiful cover and laid the book out.

We gratefully acknowledge the financial support of our core program partners: EZE/EED, NOVIB, the United Church of Canada-DWO, and the Anglican Church of Canada-PWRDF.

Finally, we would like to thank Lia Sciortino of the Rockefeller Foundation and Titos Escueta of OXFAM Hong Kong for their support and advices. Without them, it would not have been possible to conduct the mapping project nor publish this book.

Thanks to all!

Asian Migrant Centre
December 2002
Background of the Research Project

In September 2001, AMC together with our regional and country partners launched a collaborative research project on “Mapping Migration Issues, Needs and Strategies in the GMS.” The purpose of the research was to map (identify, analyze and assess) the needs, issues, strategies and responses relating to migration in the GMS. After the initial researchers’ workshop in November 2001, Country Research Teams (CRTs) were formed for Thailand, Burma, Cambodia, Yunnan and Vietnam. The CRTs were composed of researchers from NGOs, trade unions, churches, migrant support groups, universities and other research institutes; in some cases, government-related agencies and relevant UN and international agencies were also involved. Many of the CRT members had extensive knowledge and experience concerning migration related issues, while some had not worked much on migration issues prior to this research, but were experienced in other human rights/gender/labor issues. All the CRT members were committed to conducting the research from a human rights and gender framework.

Objectives of the Research

Because of the numerous existing situational studies and publications analyzing several aspects of migration in the GMS, we opted to do an issues and strategies mapping instead of another baseline study. This was an action-oriented research, since the results and recommendations are intended to be circulated to key action groups and government agencies/IGOs to help in their program and strategy formulation.

The basic questions that the research partners and AMC agreed needed to be answered were:

- What is the magnitude of migration in the GMS? What are the different types of migrants in the region?
- Regarding cross-border migrants in the GMS: What are the migration patterns and processes? What factors are involved in migration?
- What is the situation of migrants, both documented and undocumented? What are their needs, issues and problems?
- What are the migration-related policies, programs and strategies of governments as well as IGOs in the GMS?
- What are the existing programs, responses and strategies of NGOs and advocates?
- What is missing in the existing responses in terms of protection of migrants?

Methodology

The period of November 2001 to August 2002 was dedicated to conducting research and writing the country reports.

During the initial researchers’ workshop on 1-3 November 2001, the CRTs as well as other project partners discussed the research framework. Based on the discussion, a research guideline was drafted and circulated among the CRTs. The research guideline included the following points:
• Issues of labor migration can be categorized according to the three main stages of the migration: 1) the recruitment, pre-departure/pre-migration, and departure stage; 2) the arrival and onsite stage; and 3) the return and reintegration stage.

• The key migration needs can be categorized as: 1) personal/family-related needs; 2) work-related needs; 3) institutional/legal/government-related needs; 4) gender-related needs; 5) socio-cultural needs; and 6) other needs (if any).

• The research will limit/focus on the issues and needs based on the human rights (political, civil, economic, social, cultural), health, and gender framework.

• Mapping will be on the issues and needs of: 1) migrants, would-be migrants, ex-migrants, migrant organizations, families, and communities; and 2) migrant support groups, NGOs, and advocates.

• Mapping will include the issues and needs of transiting migrants who are regular, irregular, trafficked, smuggled, arrested/detained/imprisoned (before actual deportation/expulsion);

• Children and families of migrants (those left behind in the home country as well as those who reside with migrants in the host country);

• Research will cover the issues and needs in both the home (sending) and host (receiving) countries, and the transit in between.

• The actions, responses, programs, services and strategies of the following groups will be assessed: 1) migrants and migrant grassroots organizations (unions, associations, coalitions); 2) migrant support groups, advocates and NGOs; 3) government (of the host and home country); 4) private sector; media, academic community; 5) INGOs; and 6) IGOs including UN.

• Responses can be categorized into four main types based on the MFA4-levels of strategy framework: 1) level 1: strategies to uphold the personal dignity and self-worth of the migrant (as a person/human being); 2) level 2: strategies to defend/protect the migrants against abuses/violations, expose/prevent the violations, provide redress to violations; 3) level 3: strategies to build the collective (class, sectoral, racial, gender) capacity of migrants and advocates to promote migrants’ agendas and interests; and 4) level 4: strategies to enable migrants to fulfill their social roles as women/men, workers, social agents, to participate in societal processes and to build social alternatives.

• Analyze whether strategies and programs are responsive to the issues and needs identified: compare needs and responses. Which issues and needs are well responded? Are they human rights and gender responsive?

While the research guidelines served as a common framework for the CRTs, the scope of the research, the source of information and research methodologies varied, depending on the CRTs’ capacity or/and prioritizing.

In most cases, research methodologies were: secondary data gathering, key informant interviews, field visits and observations, and experts’ mapping/analysis of issues, needs, responses, and strategies. Some CRTs conducted case study interviews.

Due to the nature of migration, it was difficult to clearly divide the coverage and focus of each CRT. It was agreed that the division would be based on the geographical location of migrants rather
than their nationalities. For example, issues of Burmese migrants at the pre-migration stage and upon return are covered in the Burma Country Report while the on-site issue of Burmese migrants in Thailand is covered in the Thailand Country Report. However, this way of dividing the tasks was never easy and an overlap and a gap remained in some cross-border issues.

In addition to the research conducted by CRTs, in February to March 2002, AMC conducted country visits to all six countries/areas to directly interview key informants, e.g. government officials and advocates, as well as to gather additional data/references. The country visits were also used to solve the research problems encountered by the CRTs. AMC also attempted to fill research gaps e.g. check on the information that the CRT could not verify due to their geographical limitations.

In July 2002, the CRTs and other project partners met at the concluding workshop in Bangkok. The CRTs presented their research, which other CRTs and project partners discussed, clarified, criticized or debated. The mapping exercise on the issues, needs and responses was collectively carried out as well. Based on the comments and feedback during the workshop, the CRTs finalized the reports and submitted them to AMC by September.

Limitations

Major limitations of the research include:

- AMC was unable to form a CRT in Laos due to difficulties in identifying research partners in Laos due to the combined factors of limited time to develop partnerships and the limited number of organizations in Laos comprehensively addressing labor migration.
- Since most of migration in the GMS is irregular/undocumented, there is a lack of, or inconsistent statistics (official or NGO).
- Security and political limitations prevented or hampered some CRTs in certain countries from conducting direct interviews and independent field work.
- Migration flows in the GMS are dynamic. However, due to resource and geographical limitations, the research could not cover all the issues. Some such gaps include: pre-migration or upon return issues of Chinese migrants into Thailand or Laotian migrants in Yunnan.
- Migration remains a sensitive issue in the GMS and many migrants, government officials and even advocates are sometimes reluctant to speak about the issues of migration, especially in a country like Burma. The names of organizations or individuals were not cited in the CRT country reports in instances where security was a concern.
- AMC’s limited staff, resources and time.

Important Notes on Use of Some Terms

- GMS

There are disagreements on the proper term to be used for this region; for convenience, this research used (without implying endorsement) “GMS,” the term used by UN agencies operating in the region.

- Burma/Myanmar

There is an ongoing political debate on the use of “Burma” or “Myanmar.” The research partners prefer to use “Burma,” which is therefore used throughout this book, except in the
original titles of the publications or agencies.

- Burmese

  The majority of people migrating out of Burma are not “Burmese” in terms of their ethnicity, and therefore, it is more accurate to call them “people from Burma”. However this book uses the term, “Burmese migrants” for convenience, but does not intend to provide the wrong impression that they are Burmese in their ethnicity.

- Pre-departure/Pre-migration

  As to the situation in the home country before people migrate abroad, the term, “pre-departure” has been commonly used. However, in the GMS countries where there is no government mechanism to export workers abroad, this word may not reflect the real situation. Therefore, an alternative term, “pre-migration” is introduced. This book uses both terms interchangeably.

- Sex work/sex workers

  Recognition of sex work or sex industry as work/industry remains hotly debated. Whether sex work is work or violence against women, and whether people engaged in this work are all victims of trafficking or workers with their own determination, remain unsolved debates among advocates. For convenience, this book uses the term “sex work” and “sex workers” to reflect usage of the CRTs.

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December 2002
<table>
<thead>
<tr>
<th>Acronyms</th>
<th>Description</th>
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<tbody>
<tr>
<td>AMC</td>
<td>Asian Migrant Centre</td>
</tr>
<tr>
<td>AMY</td>
<td>Asian Migrant Yearbook</td>
</tr>
<tr>
<td>ARCM</td>
<td>Asian Research Center for Migration</td>
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<tr>
<td>ASEAN</td>
<td>Association of Southeast Asian Nations</td>
</tr>
<tr>
<td>ASEM</td>
<td>Asia-Europe Meeting</td>
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<tr>
<td>CATW</td>
<td>Coalition Against Trafficking in Women</td>
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<tr>
<td>CBO</td>
<td>Community Based Organization</td>
</tr>
<tr>
<td>(I)CCPR</td>
<td>(International) Convenant on Civil and Political Rights</td>
</tr>
<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of All Forms of Discrimination Against Women</td>
</tr>
<tr>
<td>(I)CERD</td>
<td>(International) Convention on the Elimination of All Forms of Racial Discrimination</td>
</tr>
<tr>
<td>(I)CESCR</td>
<td>(International) Covenant on Economic, Social and Cultural Rights</td>
</tr>
<tr>
<td>CRC</td>
<td>Convention on the Rights of the Child</td>
</tr>
<tr>
<td>CRT</td>
<td>Country research team (involved in the 2001 “Mapping Migration Needs, Issues and Strategies in the GMS” research project)</td>
</tr>
<tr>
<td>DOLISA</td>
<td>Department of Labor-Invalids and Social Affairs (Vietnam)</td>
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<tr>
<td>EPZ</td>
<td>Export Processing Zones</td>
</tr>
<tr>
<td>ESCAP</td>
<td>Economic and Social Commission for Asia and the Pacific</td>
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<tr>
<td>FTUB</td>
<td>Federation of Trade Unions-Burma</td>
</tr>
<tr>
<td>GAATW</td>
<td>Global Alliance Against Traffic in Women</td>
</tr>
<tr>
<td>GMS</td>
<td>Greater Mekong Subregion</td>
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<tr>
<td>GO</td>
<td>Governmental organization</td>
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<tr>
<td>HDI</td>
<td>Human Development Index</td>
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<tr>
<td>IGO</td>
<td>Inter-governmental organization</td>
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<tr>
<td>ILO</td>
<td>International Labour Organization</td>
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<tr>
<td>INGO</td>
<td>International non-governmental organization</td>
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<tr>
<td>IOM</td>
<td>International Organization for Migration</td>
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<tr>
<td>IPEC</td>
<td>International Programme on the Elimination of Child Labour</td>
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<tr>
<td>IPSR</td>
<td>Institute for Population and Social Research</td>
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<tr>
<td>MFA</td>
<td>Migrant Forum in Asia</td>
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<tr>
<td>MOU</td>
<td>Memorandum of Understanding</td>
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<tr>
<td>MWC</td>
<td>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Migrant Workers Convention)</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-governmental organization</td>
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</tbody>
</table>
**Acronyms**

OSH ................. Occupational Safety and Health
PAR .................. Participatory action research
PLA .................. Participatory Learning and Action
PRC .................. People’s Republic of China
SCF ................. Save the Children Fund
SEAHIV .............. South-East Asia HIV and Development Program
SLORC .............. State Law and Order Restoration Council (Burma)
SPDC ............... State Peace and Development Council (Burma)
STD / STI .......... Sexually-transmitted diseases / sexually-transmitted infections
TB .................. Tuberculosis
UN .................... United Nations
UNAIDS ............. UN Program on HIV/AIDS
UNDP ................. UN Development Program
UNESCO ............ UN Educational, Scientific and Cultural Organization
UNHCR .............. UN High Commission on Refugees
UNIAP ............... UN Inter-agency Project on Trafficking of Women and Children
UNICEF ............. UN Children’s Fund
UNIFEM ............. UN Development Fund for Women
WHO ................. World Health Organization

**Currency Exchange Rates**

<table>
<thead>
<tr>
<th>Country</th>
<th>Currency &amp; Symbol</th>
<th>Value per US$</th>
<th>Date</th>
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<tr>
<td>Burma (official rate)</td>
<td>Kyat (MMK)</td>
<td>6.86</td>
<td>(Jan 2002)</td>
</tr>
<tr>
<td>Burma (unofficial rate)</td>
<td>Kyat (MMK)</td>
<td>435.00</td>
<td>(Dec 2000)</td>
</tr>
<tr>
<td>Cambodia</td>
<td>Riel (KHR)</td>
<td>3,895.00</td>
<td>(Jan 2002)</td>
</tr>
<tr>
<td>China</td>
<td>Renminbi (RMB)</td>
<td>8.28</td>
<td>(Jan 2002)</td>
</tr>
<tr>
<td>Lao PDR</td>
<td>Kip (LAK)</td>
<td>9,467.00</td>
<td>(Dec 2001)</td>
</tr>
<tr>
<td>Thailand</td>
<td>Baht (THB)</td>
<td>43.98</td>
<td>(Jan 2002)</td>
</tr>
<tr>
<td>Vietnam</td>
<td>Dong (VND)</td>
<td>15,085.00</td>
<td>(Jan 2002)</td>
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Migration Needs, Issues & Responses in the Greater Mekong Subregion

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Asian Migrant Centre (AMC)
9/F, Lee Kong Commercial Building,
115 Woo Sung Street, Kowloon, Hong Kong
Tel: (852) 2312-0031 ■ Fax: (852) 2992-0111
Email: amc@pacific.net.hk ■ Web: www.asian-migrants.org

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Tel: 2889-6110 ■ Fax: 2889-6770

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About AMC

The Asian Migrant Centre (AMC) is a regional non-governmental organization established in 1989. Its work focuses on migrant workers’ issues in Asia. AMC’s programs include documentation, information management, research, networking, advocacy work, migrants’ empowerment and reintegration. AMC is a member of Migrant Forum in Asia (MFA) and a Migrants Rights International. AMC’s publications include Asian Migrant Yearbook (1998, 1999, 2000, 2001), AMC monograph series, training manuals, posters and other research outcomes. To find out more about AMC’s activities and publications, please check its homepage.
Regional Synthesis

A. OVERVIEW

The Greater Mekong Subregion (GMS) is composed of the 6 countries/areas in Southeast Asia traversed by the Mekong River: Thailand, Lao PDR (hereafter called Laos), Cambodia, Burma/Myanmar¹, Vietnam, and Southwestern China, particularly Yunnan Province. It is home to over 256 million people: 62 million in Thailand, 5.9 million in Laos, 18 million in Cambodia, 48 million in Burma, 78.7 million in Vietnam, 42.8 million in Yunnan.

The GMS is a subregion rich in ancient cultures and civilizations, which, with the exception of Thailand, also has a long history of colonization. Up to the latter half of the 1990s, most of the countries (Vietnam, Cambodia, Laos, Burma) were embroiled in internal strife, repressive regimes (Burma remains under a military junta), cross-border conflicts, recurring political instability and economic stagnation. The relations among the countries and ethnic groups also vary. The Lao-Thailand border area extending on both sides of the Mekong River, for example, was traditionally considered a single region dominated by one ethnic group, which continues to maintain close ties despite the demarcation of national boundaries. The Vietnam-China and Thailand-Burma borders, on the other hand, have been sore spots that in the not-so-distant past caused strife between the neighbors.
In addition to the cultural complexity of the region, the Mekong Region is home to a multitude of ethnic groups whose varied cultures, languages and traditions impact internal and cross-border relations among Mekong Region countries.

The years of social upheavals, including wars with the West, resulted in the decimation of large sections of the population; caused irreversible physical and psychological scars and disabilities among the survivors (Cambodia leads the world in terms of amputees as a percentage of the population); rendered vast tracts of land unusable (e.g. due to land mines, defoliants like Agent Orange and napalm bombing; the number of bombs dropped during the Vietnam War was more than the total of all bombs used in World War II); spurred massive internal, cross-border and international movements of the population (especially as refugees); destroyed factories, infrastructure, productive capabilities and the economies of these countries; and isolated them from international commerce and intercourse.

Therefore, at the beginning of the new millennium, these countries (Laos, Cambodia, Vietnam, Burma) are the least developed in Southeast Asia. In the past two decades, as the conflicts diminished, these countries increasingly embarked on development efforts to catch up with the rest of Asia. They have thus pursued aggressive economic and social reform, liberalized their economies, and integrated with the global capitalist economy. All of these countries have opened their doors to some extent in search of foreign investment. Some have registered impressive economic growth, which has faltered after the 1997 Asian crisis.

It will take decades, and massive amounts of resources, just to undo the destruction of the past years, much less catch up with the rapidly globalizing and developing economies of other Asian countries, e.g. Thailand and China. These two countries represent the other end of the wealth disparity spectrum in the GMS. Having developed their economies more successfully over the past two decades while the rest of the region was mired in conflict, Thailand and Yunnan have become logical magnets for people fleeing turmoil or simply seeking jobs and means of survival.

Today, AMC estimates that there are at least 1.6 –2 million migrants\(^2\) in the GMS, most of whom are undocumented. Since governments in the region are not able to track their mobile populations, these are only rough estimates.

The troubled economies of Laos, Cambodia, Vietnam and Burma have a “stand-by army” of millions of unemployed. Therefore, there is an intense “labor push” from these countries, resulting in both documented and undocumented migration without government intervention. Additional push factors for Burmese include forced relocation/internal displacement, forced labor, violence against women and lack of social services, especially health care and education. People wanting to seek work or better lives in neighboring countries often resort to syndicates and unscrupulous agents for help in crossing the porous borders. This phenomenon was not so evident before the 1990s in the socialist countries like Vietnam, and some argue that the shift to the market economy may have contributed to the increase.

Even in the receiving countries in the GMS (Thailand, Yunnan/China), many people, especially in rural areas, still face poverty. There is thus a significant level of rural-to-urban migration within the country, as well as cross-border migration from these countries to countries outside the GMS.
The higher purchasing power and the more vibrant economies of Thailand and China create a corresponding demand for labor, attracting migrants from their poorer neighbors. There is demand for cheap labor and cheap and young sexual services. Therefore, there is rampant undocumented migration in the GMS for sex trafficking. Some countries in the GMS such as Thailand and Cambodia, have also been used as transit points for the trafficking of migrants to other parts of Asia and the world.

Migration to Thailand

Thailand is itself a labor exporting country, but to the other richer countries of Asia (e.g. Hong Kong, Japan). It has around 200,000 migrants in more than 20 countries.

While its nationals migrate to more developed countries outside the Mekong Region, Thailand has become the central receiving county of migrants from the neighboring countries in the GMS.

Since the early 1970s, Thai people have migrated abroad due to the uneven development that has widened the gap between rich and poor combined with the rising consumer-oriented values of Thai people and the current unemployment problem. The most popular destinations for Thai migrants are Taiwan, Japan, Singapore, Brunei, Malaysia, Hong Kong, and Middle Eastern countries.

Thailand’s general prosperity and political stability in relation to its neighbors have attracted more than 1 million migrants, mostly undocumented. As of March 2002, a total of 428,431 migrants had registered, following the Thai Government’s decision to allow undocumented migrants to register with the government. Among those registered, 348,747 are Burmese, 42,085
Laotian, and 37,595 Cambodian. Many groups estimate that the number of migrants who did not register is much higher perhaps at least double the number who registered.

**Migration to Yunnan**

Yunnan is easily accessible to neighboring countries via a number of routes including informal ones. The first railroad in China was built from Kunming to Vietnam via Hekou. Over the centuries, a large number of people from Yunnan have immigrated to Southeast Asia; some engaging in trade, others inter-marrying with the local people; and others fleeing the ravages of war. This makes Yunnan the third largest source of migrants in China after Canton (Guangdong) and Fukian (Fujian) provinces.

After the Open Door and Reform policies were initiated in 1979, China started its transition from a state-planned economy to a “socialist-market economy.” This led to a serious labor surplus in the agrarian sector; the mass of rural unemployed migrated to the cities, especially the southern coastal cities. There is now an estimated 100-200 million “floating population” of unemployed workers in the urban areas.

Economic factors, traditionally secondary only to political pressures, became the key push factor for cross-border migration in the 1990s. The direction of the migration changed from one-way (Yunnan to Southeast Asia) to two-way as a result of the growth of China’s market economy, the increasing mobility of China’s population, the normalization of relations between China and Burma, Laos and Vietnam in the 1980’s and 90’s, and the opening of its border with neighboring countries for trade and communication. While population pressures combined with other factors ensure that Yunnan to Southeast Asia migration continues to be far greater than the reverse, the relative poverty of Burma, Laos, and Vietnam compared to China has made Yunnan a destination for cross-border migration from these countries.

There is also evidence of trafficking victims being sold as brides or for sex work. There are no official statistics on the number of Vietnamese women and children who have been trafficked. A research project in 1999 reported that an estimated 10,000 people had been trafficked since the early 1990s. A more recent research indicates that the phenomenon is growing.

**Migration to Cambodia**

Cambodia attracts migrants primarily from Vietnam and China. Chinese migrants may enter the country through legal channels and have work contracts as factory managers or other skilled or semi-skilled positions. An increasing number of Chinese migrants use Cambodia as a transit country on their way to other destinations, such as the United States.

Data from the Ministry of Economy and Finance indicate that roughly 1.1 million immigrants relocated to Cambodia between 1985 and 1998, a substantial portion of whom were Vietnamese. An increasing trend, however, is irregular migration, including trafficking of Vietnamese women and children to the sex industry in Cambodia.

**Migration to Lao PDR**

Although Laos is mainly a sending country of migrants to Thailand, and to a lesser extent, to
Regional Synthesis

China, there are Vietnamese, Chinese and Thai migrants working in Laos. Those from Vietnam and especially China are also said to use Laos as a transit point to Thailand. Chinese migrant workers work in different sectors and occupy both professional and low-status positions. Many Chinese companies, as part of joint venture developments in Laos, arrive with a complete set of workers: from managers and engineers, to highly skilled technicians, to rank-and-file construction workers. Most of these migrants are documented, but there are also an unspecified number of undocumented workers from China. Chinese girls and women are also trafficked largely into Northern Laos, and Vietnamese girls into the South, to work in the sex industry and serve the same nationals.

B. ISSUES AND NEEDS

Although there are significant numbers of skilled workers and expatriates in the GMS, this resource book focuses on the more vulnerable groups, i.e. low-skilled, low-paid and often undocumented migrant workers and their families. Most low-skilled migrant workers and their families are undocumented; they have multiple vulnerabilities and suffer many forms of exploitation and abuse.

There are limited mechanisms in place in the GMS to protect these migrants’ rights. None of the GMS countries have ratified the International Convention on the Protection of the Rights of
All Migrant Workers and Members of Their Families (hereafter called the Migrant Workers’ Convention; MWC); ILO Convention 97 (Migration for Employment Convention); or ILO Convention 143 (Migrant Workers Convention).

The International Convenant on Economic, Social and Cultural Rights (CESCR) and the International Convenant on Civil and Political Rights (CCPR) have been ratified by all the GMS countries except for Burma. The International Convention on the Elimination of All Forms of Racial Discrimination (CERD) has been ratified by four countries (Cambodia, China, Laos, Vietnam).

Even when a government has ratified some conventions, it does not automatically guarantee that all national polices and laws are in line with the conventions. All the GMS countries, for instance, have ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). However, on 29 August 1999, Thailand passed a Cabinet resolution banning pregnancy among migrant women and imposing mandatory pregnancy testing for women migrants, contravening the principles of CEDAW, e.g. Article 11.

In the absence of protection mechanisms for migrants in the GMS, this section attempts to map out their issues and needs based on seven categories: personal/family related issues; institutional/legal issues; work-related issues; gender issues; socio-cultural issues; social welfare issues; and other issues.

1. Personal/Family Related Issues

   At the family and personal level, most of the migrants are pushed to migrate by inadequate or no income and/or employment opportunities in the village, financial crisis due to illness or gambling, the heavy demands or boredom associated with the agrarian lifestyle and women’s multiple burdens. Additional factors for Burmese are forced relocation, forced labor practices, heavy taxes, high inflation, severe economic problems, and violence against women by the military, including rape. Among Cambodians, landlessness is a major problem.

   If sustainable livelihoods were available in their villages, potential migrants would have options other than migration to support themselves and their families. Livelihood assistance e.g. training and technology as well as emergency loans or funds with low interest rates may empower rural people to a certain extent, but such assistance needs to be implemented in a gender sensitive way, and combined with a more macro-sustainable development policy.

   Migrants and their families also need to access information on the realities and dangers of irregular migration, working and living conditions in the host countries and the precautions and protective measures they must take should they choose to migrate.

   While working in the host countries, migrants experience a variety of personal or family-related issues including psycho-emotional, health, personal security, and channels for remitting money to, and communicating with, their families. Fear of arrest and deportation, uncertainty in their work and their vulnerability to exploitation and abuse make the migrants stressed, anxious and depressed. Feelings of isolation due to the language barriers and the prejudiced and racist attitudes towards migrants by locals add to the psycho-emotional burden on migrants. In the case of Burmese migrants, communication with family members back home is often extremely
difficult, making them feel even more isolated, lonely and worried. In some cases e.g. Laotians in Thailand, migrants share a similar language and culture, thus it’s easier for them to integrate to the communities.

It is not clear whether migrants have safe channels to remit money; in many instances migrants report that they bring their earnings back with them, leaving them vulnerable to corruption when crossing the border or if arrested.

Return and reintegration processes vary greatly depending on the home country and the personal situation. For Burmese, return and reintegration is often not an option since most want to flee the military regime. For other returning migrants, the common return/reintegration issues are: the lack of savings upon return and/or lack of opportunities that result in repeated migration; psycho-emotional and social baggage; and health problems.

The degree of personal/family trauma is much higher for those who have been abused or contracted STIs including HIV/AIDS, and those who have been incapacitated by work-related accidents. Those who have engaged in sex work often feel shame and guilt, and may face rejection from their family or/and community, especially if they contracted STIs abroad. Migrants who were subjected to abuse may be distressed and traumatized, but may keep the abuse a secret due to shame and the absence of channels to cope with it.

Migrants need post-return health checks, counseling and other support services to cope with psycho-social trauma. Communities also need to learn from such experiences to prevent repeated mis-informed migration. Moreover, the very reasons for migration: poverty and lack of opportunities need to be addressed, so that returnees will not need to migrant again.
2. Legal/Institutional Issues

Many of the countries in the GMS have a clear policy to expand labor export. Vietnam, for instance, has a declared policy to expand its exportation of labor, primarily to Taiwan and Korea. Cambodia signed a labor export agreement with Malaysia in 1997 and provides its citizens with legal channels to seek employment in Malaysia.

However, all the sending countries of migrants in the GMS currently lack a clear policy on intra-Mekong labor migration, leaving the migrants with little option but to migrate through irregular means, which leave them vulnerable. (Many governments are in negotiation with Thailand on a possible agreement to legalize the migration flow, but as of December 2002, no official policy or agreement has been announced.) Only people who are considered “skilled workers/professional” and/or wealthy and well-connected individuals can seek a legal migration channel: In Burma, a passport for men can cost between 30,000 to 70,000 kyat, while women reported paying 60,000 to 300,000 kyat.

Under Lao PDR, Cambodian and Burmese law, illegal migration is punishable by fines or even prison. The imposition of legal penalties for migrants crossing the border illegally was intended to penalize traffickers and deter migrants. However, as long as the pull and push factors remain, people will continue to migrate, and such policies only open up more opportunities for corruption and extortion. Such corrupt and abusive practices may involve traffickers, smugglers, agents, employers and immigration and police officials, on both sides of the border and at all stages of migration: pre-departure, on site, upon return/reintegration. The line agencies, such as the police, can easily pervert the course of justice by using the undocumented status of migrants as a pretext for cracking down, while actually exploiting such vulnerability for extortion. In Thailand, it has been reported that migrants also pay their employers every month for the bribes that employers pay to the police.

The Thai and Cambodian governments have initiated a registration scheme for undocumented migrants. Although such a registration policy may be a positive step to legalize the status of migrants, thus enabling them to protect their rights without fear of arrest and deportation, there are a number of shortcomings, such as the government’s lack of long term-policy on registered migrants, and limited access to information regarding the registration system among the migrants.

All the receiving counties in the Mekong Region appear to deport undocumented migrants, regardless of the situation in the migrants’ home countries. The fate of deportees, especially deported Burmese, many of whom have fled military repression, remains uncertain.

In many countries, even documented migrants are vulnerable to abuses and exploitation due to their language limitations, cultural differences, limited knowledge of national laws, prejudice and racial/class/gender discrimination by the local society as well as among migrantcommunities, and lack of mechanisms to protect their rights. In Yunnan, although a number of migrants are documented, no laws and regulations exist designed to meet the needs of the migrant population, protect their rights, settle economic disputes or assure the provision of health and social services. In Thailand, migrant workers are not covered by the labor laws and are denied their rights to unionize.

While migration remains a highly sensitive issue, most of the governments in the GMS outlaw
trafficking in persons and are collaborating with other governments and IGOs on the issue.

Although the governments’ efforts to combat trafficking may help to a certain extent, people will continue to be pushed out of the countries as long as the root causes of migration remain unaddressed, and migrants will continue to be vulnerable to exploitation and abuse. Governments need to design and implement politically, socially, environmentally and economically stable national development policies, and migration should not become the only viable option for national development. Recognizing the economic contribution of migrants to both the sending and receiving countries, governments need to create clear and safe migration processes, along with bilateral agreements between sending and receiving countries, to institute protection of the rights of migrants.

3. Work Related Issues

Most of the unskilled and/or undocumented migrants in the Mekong Region have no job security. Burmese unskilled migrant workers, as well as most of the Vietnamese in Yunnan, have no written employment contract, leaving them vulnerable to exploitation. Burmese businessmen in Yunnan generally have proper documentation and are better off than local Chinese. The situation is no better for undocumented migrants in the other countries in the GMS. In Thailand, the majority of migrants work based on verbal agreements and such agreements are often violated or terminated at the will of the employers. If employers are fined due to the hiring of an undocumented migrant, the migrant will often be forced to work and repay the employer. Irregular migrants are less likely to report abuses in the workplace or community for fear of arrest, deportation or fines by the police.

Those migrant workers who registered under Thailand’s registration system are not spared from exploitation. Despite the 6 August 1996 Cabinet Resolution mandating that migrants’ working conditions be in compliance with Thai labor laws, migrants are usually paid a lower wage than the legal minimum wage. They are sometimes not paid in full, or do not receive their wages on a timely basis, while working long hours in slavery-like conditions.

Many of the migrant workers in the GMS work in “3D” jobs and encounter poor OSH standards at the workplace. Employers do not provide employees with the information or equipment to protect themselves from occupational hazards. Migrant workers in agriculture come
into frequent contact with pesticides and harmful chemicals in fertilizers that may cause illness.

Migrant workers are not allowed to unionize in most of the receiving countries in the Mekong Region, making it harder for them to struggle for their labor rights.

It should be noted that for a large number of migrants, it is not only their immigration status that is undocumented, but also the jobs/activities e.g. sex work, begging etc. where migrants are deployed are also illegal under national laws. This may make them prime targets for police crackdowns, arrests, detentions, fines and deportation. Migrants may be asked to pay large bribes to avoid all these penalties, and migrant sex workers have reportedly been asked by police to provide free sex.

4. Gender Issues

Women in many of the Mekong Region countries are increasingly obliged to engage in income producing tasks, in addition to performing almost the entirety of reproductive work. In some countries, women’s traditional roles in the households are changing due to economic reasons. In Burma, women traditionally liked to stay home and work, but poverty now forces them to leave the home and find employment. In Vietnam, women make up two-thirds of the population and are on average aged between 16 and 26. This effect of years of war on the male-female ratio, combined with traditional gender roles, push Vietnamese women migrants to financially support their families.

Women need to be apprised of the dangers for women working abroad at all stages of migration. Women (and children) are primary targets of trafficking and they, along with their families, need to be well informed of the dangers prior to departure. Burmese women also face the risk of being raped if caught by soldiers.

Upon arrival in receiving countries, most of the jobs that are available to migrant women are those that are traditionally considered “women’s work” such as domestic work, work in the service sector, and work in the sex industry. These types of work are often stigmatized as being “inferior and unskilled,” and they are associated with low wages, and specific gender-based vulnerabilities (physical, emotional, sexual, rights-based). Domestic work typically requires long hours of work and the wages are among the lowest. Domestic workers are often denied their labor rights or are not even recognized as workers. Sex work may pay more than other sectors, but the risk of being arrested or facing prejudice/discrimination by society, and being under the control of pimps make the women highly vulnerable. Migrant women generally receive lower pay than local sex workers and may have to deal with a worse quality of customer. They are also vulnerable to contracting STIs including HIV/AIDS. Migrant women who work in other sectors reportedly receive lower wages than their male counterparts.

Female migrants face sexual as well as other forms of harassment. Due to the more hidden and clandestine nature of their work, women who work as sex workers or domestic workers in private households are even more vulnerable than other migrants and women. Violators may be their employers, local police and sometimes even government officials.

In Thailand, a work permit will not be extended if a migrant woman becomes pregnant. All migrant women have to undergo a mandatory pregnancy test upon renewing a work permit, and
if found to be pregnant, will be deported along with her family. This discriminatory policy has had a severe impact on female migrants, putting their reproductive health at risk. The issue of unhygienic and unsafe abortions, a serious problem among migrant women, may be worsened through this discriminatory policy. Migrant women’s reproductive rights need to be protected while providing them with reproductive health, and STI, HIV/AIDS awareness education.

Migrant women continue to face gender-specific issues upon their return, be it voluntary or forced. Burmese migrant women, in both Thailand and Yunnan, are reportedly called on to sleep with police and military officers or have their money confiscated after crossing the border. Women whose contract were not renewed in Thailand because of pregnancy may return home where they will give birth to a fatherless child. Those who have contracted STIs while engaged in sex work, or have been abused require health and psychological assistance. One common denominator however is outright rejection and stigmatization from their community or even from their families. It is therefore necessary to provide a range of specialized assistance including counselling services, health care, shelter, and financial assistance in order to help them to start a sustainable livelihood.

5. Socio-cultural Issues

While working in a receiving country, migrants may face difficulties in integrating into the society of the receiving country. Differences in language and culture, manifested by ethnic differences, and the obstacles these pose between migrants’ and locals’ understanding of the other, also leads to alienation of migrants at the individual level, and segregation of migrant communities. Undocumented migrants may isolate themselves even more due to the fear of arrest and deportation.

Lack of understanding, interaction and communication between migrants and local people has led to xenophobia in some cases. Migrants may face prejudice, discrimination, criminalization and stigmatization; they have been accused of competing for local jobs, as well as being the cause of rising unemployment, crime and spreading disease e.g. HIV/AIDS. In many cases, migrants may simply be used as the scapegoat for these problems—often reinforced by both the governments’ insensitive/discriminatory comments and policies and the media—as has been the case in many other receiving countries outside the GMS.

Discrimination against migrants has mixed components, and is based on race, class and gender. Certain races are reportedly discriminated against more than other races, e.g. Burmese in Thailand. Migrants in the higher classes e.g. Burmese businessmen in Yunnan, may not experience the same discrimination that fellow migrants in the lower classes do. Migrant women, especially migrant sex workers, may be more vulnerable to discrimination and stigmatization.

The level of these problems may vary; Laotians are reportedly able to integrate more easily into Thai society due to their similarities in culture, language, physical features and to some extent ethnic traditions. Vietnamese migrants in Cambodia may face more obstacles due to the historical and political rift between the countries.


The living conditions endured by migrants are typically poor and include overcrowded and
unhygienic housing. The poor living conditions, combined with a poor diet due to the limited income of migrants, have serious consequences for the migrants’ health. In many cases, migrants’ stress from living in fear of arrest or in isolation also results in psychological health issues.

However, as a result of language problems, the high cost of seeking medical treatment and their undocumented immigration status, migrants are reluctant to use health services; they generally treat minor illnesses themselves, prescribing medications for themselves or resorting to folk medicine. They tend to seek treatment only when illnesses are more serious. In Thailand, documented migrants have paid for the state health insurance scheme, but few avail themselves of such services as they have little understanding about their rights to the services and systems.

Migrants are vulnerable to various diseases and infections, but are often stigmatized for spreading diseases. Migrant sex workers generally lack HIV/AIDS-related and reproductive health knowledge, do not know how to protect themselves from risk and are powerless to do so even when they do know, thus making them a high-risk group. Some male migrants go to bars and brothels, and have unsafe sex with sex workers, making the men, the sex workers, and the wives and girlfriends of the men at risk.

While the focal attention of governments as well as NGOs, IGOs and academics tends to be on HIV/AIDS issues, there are many other diseases and infections to which migrants are vulnerable. In Thailand, it has been reported that many migrants contract and die from malaria as well as tuberculosis (TB). TB cases are anticipated to continue to rise in the next few years as the TB epidemic goes hand in hand with HIV/AIDS.

Migrants need access to the government health insurance scheme regardless of their immigration status, concrete and clear guidance as to how to avail themselves of such schemes, along with awareness raising about health including, but by no means limited to, HIV/AIDS. Distressed migrants may also need access to psycho-emotional counseling, including shelter.

Undocumented migrant workers arrested by the officials of receiving or home countries may be given a mandatory blood test for HIV and other disease in the process of repatriation. Migrants who test positive are sent to a hospital. Such a practice requires highly sensitive processes to prevent further stigmatization of migrants. Migrants are often blamed for spreading HIV, and mandatory blood tests must not be used to reinforce such stigmatization. In a country like Burma, where the military refers to migration in relation to HIV/AIDS, linking HIV/AIDS causes to neighboring countries such as Thailand, the issue becomes even more sensitive. A mandatory blood test should be conducted in a framework of providing proper treatment, information and counseling, to HIV-infected migrants.

Another concern is the education of migrant children. Some children have to work to support their families instead of going to school. Others have little or no access to school. In Yunnan, the ethnic Burmese have no schools (the Muslims, most of whom belong to the upper classes, run small classes) and children of the poorer migrants are left without educational opportunities. Children of Vietnamese migrants in Cambodia face the same problem of not being accepted in the mainstream education system.

In Thailand, there are a large number of stateless migrant children. This is likely to cause serious concerns in the future in terms of societal stability and human rights protection. The
stateless children can attend a local school, but are not able to receive a school certificate.

C. RESPONSES

Various organizations undertake a wide range of responses on migration-related issues in the GMS. However, most responses, especially by IGOs, tend to focus on specific topics like the trafficking of women and children or HIV/AIDS, rather than on migration as a whole.

Responses by UN/Inter-Governmental Organizations (IGOs)

The major migration-related programs of IGOs in the GMS are:

- The “Return and Reintegration of Trafficked and Other Vulnerable Women and Children Between Selected Countries in the Mekong Region” program of the International Organisation for Migration (IOM) attempts to rescue the victims of trafficking and facilitate their return to their home countries.
- The International Labour Organization (ILO), through its International Programme on the Elimination of Child Labour (IPEC), has a program called the “Mekong Sub-regional Project to Combat Trafficking in Children and Women.” The focus of the program is prevention of trafficking by creating jobs, conducting skills-training, and an awareness raising campaign among potential migrants.
- The UN Inter-Agency Project (UNAIP) on Trafficking of Women and Children is a joint effort of twelve UN agencies and a number of international NGOs. The UNIAP’s functions include coordination among the different agencies, research, data collection, public education materials and pilot community intervention projects, as well as periodic meetings of the steering committee headed by UNIAP.
- The UN Educational, Scientific and Cultural Organization (UNESCO), through its Social Sentinel Surveillance for Trafficking Project, is developing a sentinel surveillance system and database for monitoring and analyzing patterns in the trade in girls and women in the upper Mekong sub-region. UNESCO has another project, the “Research on the Trade in Minority Girls and Women from Yunnan, Myanmar/Burma and Lao PDR into Thailand,” which focuses on analyzing trafficking trends among minority girls and women in Burma, Lao PDR and Yunnan Province.
- The UN Development Fund for Women (UNIFEM) and Economic and Social Commission for Asia and the Pacific (ESCAP) also look into trafficking issues, respectively highlighting the gender and legal components.
- The UN Development Program (UNDP), under its South East Asia HIV and Development Project (SEA-DEV), focuses on mobile populations in southeast Asia, including migrants in the GMS, and examines their vulnerability to HIV/AIDS and the key development issues and causes that impact on mobility and HIV/AIDS vulnerability. Its main approach is to put together governments, UN agencies, NGOs, and organizations of people living with HIV/AIDS and support their efforts towards reduction of HIV/AIDS vulnerability, and support research, and
training, especially among frontline government agencies, leaders in villages and other concerned people, publishing of manuals, awareness-raising, and the promotion of good models/practices on community development and HIV/AIDS reduction.

**Responses by Regional and International NGOs**

- Save the Children Fund (SCF)-UK has done a participatory action research project among migrant children in the GMS. The report has been published.
- Oxfams GB, HK, America, Belgium, Netherlands are some of the Oxfams that have ongoing programs in the Mekong, ranging from welfare assistance to advocacy, capacity-building, and community development.
- Migrant Forum in Asia (MFA), an Asia-wide network of migrants’ grassroots organizations, NGOs and advocates, has collectively advocated for legal and institutional protections for migrants in Asia including the countries in the GMS; advocated for ratification of UN and ILO conventions; linked together NGOs and grassroots groups to learn, support, and share each other’s strategies in tackling similar issues/problems. It also conducts bilateral study exchanges between member organizations.
- The Asian Migrant Centre (AMC), in collaboration with MFA, publishes The Asian Migrant Yearbook (AMY) which has provided annual reports since 1999 on the situation of migrant workers, issues and responses in 22 Asian countries, including the 6 GMS countries; organized Regional Conference on Migration (RCM) since 1995; and has spearheaded Migrants’ Saving and Alternative Investment (MSAI) program in Thailand. AMC, Asia Pacific Women, Law and Development (APWLD), Canadian Human Rights Foundation (CHRF) collaborate to conduct migrants’ human rights training for government frontline agencies and NGOs.

A more systematic and focused effort of AMC and partners in addressing the broader migration phenomenon in the GMS was started in 2001 through the “Mekong and Migration Project.” The first phase, which focused on mapping of migration issues, needs and responses, was concluded in 2002 and produced this and two other publications. It also brought together the ‘Mekong migration network’ which will continue to collaborate for the second phase – focusing on more specific research, publication of an annual ‘Mekong and Migration resource book,’ networking and capacity-building of NGOs/action groups and civil society partners in the GMS.

- Several NGOs specialize on the trafficking of women and children in Asia including the GMS. These include the Global Alliance Against Traffic in Women (GAATW), Coalition Against Trafficking in Women (CATW)-Asia Pacific and Asia ACTS. They publish newsletters, websites and various reports on trafficking issues in the GMS (see Migration in the Mekong: An Annotated Bibliography)
- Asia Monitor Research Center (AMRC) has an ongoing networking, capacity-building, and advocacy program on OHS issues, including in the GMS.
- CARAM Asia and CARE have focused on HIV/AIDS and reproductive health issues including on migrants in the GMS, and provide a host of services and projects.
Country-level Responses by GMS Governments and NGOs

The nature and levels of intervention by governments vary depending on each country. Most of the governments in the GMS follow the “managed migration” approach promoted by the IOM. The focus of this is developing legal and regular mechanisms and channels for migration, preventing undocumented migration including trafficking, deporting undocumented migrants, legalizing migrants’ status by registration, and penalizing the traffickers.

Some of the initiatives are done in cooperation with other governments and/or IGOs (i.e. bilateral and multilateral collaborations). IGOs often play a key role in training government officials or formulating policies. In Thailand, IOM influenced much of the government’s policy to allow undocumented migrants to register and it has several joint programs with the government, mainly related to the rescue of trafficking victims.

Responses by NGOs in the GMS countries vary depending on the country’s political situation, especially the ‘democratic space’ available to NGOs, advocates and civil society groups. The most vibrant and independent NGOs, migrants’ rights advocacy groups and civil society movements are in Thailand. At least 13 of the migrant-related NGOs have recently formed a consultative network to address common migration issues and coordinate efforts in Thailand. Relative to other Asian countries (e.g. Hong Kong, Korea, Japan, Philippines, Indonesia), the migrant NGO/grassroots sector is still small and weak. However, in relation to other GMS countries, the sector has already a much advanced capacity.

Cambodia comes next in terms of migrant support groups, NGOs, and labor groups supporting migrants. Yet, these groups have repeatedly expressed concern about the sensitivity of addressing migration issues in Cambodia, which hamper their efforts. In the rest of the GMS countries, independent NGOs and civil society groups are emerging phenomena, and governments are still forming their perspectives and attitudes towards civil society groups. The military government in Burma, meanwhile, forces migrant support NGOs to operate outside the country.

The existing responses by NGOs in the GMS include: counseling and legal services, emergency home/shelter services, reproductive health/HIV/AIDS education, training on migrants’ rights, education for migrant children, raising public awareness, policy research, social interaction, unionizing/organizing of migrant workers, language lessons, assistance for migrants in detention centers and/or jails, advocacy for human rights, community development and livelihood programs, etc.

Migration is a sensitive issue for many GMS governments; however, all of them are more open to addressing trafficking and HIV/AIDS issues of mobile populations. There some programs on prevention of the trafficking of women and children, onsite counseling, emergency and medical assistance, and facilitation of return/reintegration of migrants.

In 2001, AMC and the GMS partners conducted a needs/strategies mapping action research. A 3-year follow-up project will be implemented in 2003 to follow-up on recommendations of the first phase, publish more resource materials, and do capacity-building and networking for the “Mekong migration network.”
D. GAPS AND RECOMMENDATIONS

A. Recruitment and Pre-Departure/Pre-Migration Responses

Although there are initiatives by some governments in the GMS to regularize the intra-GMS migration flow, a huge number of people in the GMS continue to have few actual options, and little access to, knowledge of – or worse, desire to use – the legal channels for cross-border migration. This is evidenced by the greater number of irregular migrants who, despite registration processes instituted since 1996 (Thailand), continue to choose being undocumented. And today, the dominant mode of migrant movement in the GMS, especially among Vietnamese, Laotians and Cambodians, continues to be irregular migration.

Most migrants leave their country without sufficient information about working and living conditions in the receiving countries, or a work contract in the receiving countries. In the absence of updated and effective information on migration realities and problems, rosy promises by recruiters and traffickers, as well as “the good life” advertised in the media, migration becomes irresistible to hundreds of thousands of migrants who choose to try their luck across the border through irregular migration. In the process they become more vulnerable to unscrupulous agents.

There are limited measures in place to ensure the safety of these undocumented migrants as well as to protect their rights, as there is to date no bilateral agreement among the GMS country governments in regards to the protection of migrants. Some of the sending countries have a clear policy on labor export and have bilateral agreements with host countries, mainly ASEAN members (e.g. Vietnam with Taiwan, Cambodia with Malaysia) and others are in dialogue with Thailand concerning bilateral agreements. It remains to be seen how these agreements may serve as a tool to protect migrants’ rights, rather than simply as a mechanism to send workers abroad as a solution to the local unemployment and other social and economic factors contributing to the migration.

Meanwhile, the existing responses of government agencies, INGOs and IGOs tend to focus on the prevention of trafficking and undocumented migration, through encouraging people to remain in rural areas through providing scholarships for further education, vocational training, agricultural development, job creation schemes and awareness raising about the risk of trafficking and undocumented migration. Although these measures are necessary, it is important to recognize that the migration flow will continue unless the root causes of migration is tackled and as long as there is a demand for the cheap labor provided by migrants in the host countries.

Recommendations:

- NGOs/support groups to reach out to migrants, public; to expose problems/ abuses; to lobby for appropriate mechanisms, services from governments; to organize migrants/families; to engage in dialogue with government agencies, to provide feedback on services.
- Government of sending and receiving countries in the GMS to develop clear, rights-based, gender-fair migration policies and bilateral agreements that ensure legal, safe, and transparent migration processes that primarily protect migrants’ rights, welfare, and
right to migrate legally/legitimately.

- Crackdown on corruption, lack of professionalism, lack of human rights/gender/racial consciousness especially among frontline government agencies in the GMS (border guards, police, immigration officials.)

- Crackdown on unscrupulous agencies/recruiters; monitoring and regulating these agents/recruiters.

- Governments and/or NGOs to provide pre-departure programs, and training and information including workers’ rights (or lack of rights) for migrants in receiving country.

- Home governments to adopt politically, socially, environmentally and economically sustainable approach to development, and frame migration only within such a development strategy (i.e. migration should not become the only viable option for national development).

**B. On-Site Responses**

1) **Personal/Family-related Issues**

   In most cases, migrants, especially unskilled and/or undocumented migrants, are exposed to abuses, exploitation, corruption/bribes, and the fear of arrest and deportation. Although there are some NGOs making efforts to provide services to these distressed migrants, they are limited in number and location. Some government agencies provide psychological counseling, mostly for trafficking victims.

   **Recommendations:**

   - NGOs and government to work together and develop/improve social services (including the creation of social safety nets) for migrants that meet their psycho-social needs (e.g. counseling, interventions, assistance for personal and family problems and abuse prevention).

   - Government to support and encourage NGOs to conduct baseline research on the prevalence of inter-communal problems, discrimination and psycho-social problems experienced by migrants.

2) **Institutional/Legal Issues**

   Although there are some positive policy shifts in some countries, e.g. registration of undocumented migrants in Thailand and Cambodia, there is an overall lack of government policies regarding the protection of migrants’ rights. Most of the CRT country reports refer to the corruption of some officials, especially border police, while migrants are left with few, if any, options to redress the abuses and exploitation.

   On the other hand, the political systems in many GMS countries constrain civil society organizations in working on the labor migration issues, resulting in the limited participation and intervention from these actors, especially from NGOs. Existing initiatives to respond to migration issues in these countries primarily come from the IGOs and UNs, or regional
Regional Synthesis

NGOs and INGOs.

**Recommendations:**
- Governments to develop and publicize transparent and just conditions of stay for migrant workers that are in line with the labor demands of their national economies.
- Governments to assess current law enforcement (especially immigration and police) policies, practices and procedures towards migrant workers and change existing policies/create new policies in light of international human rights standards.
- Governments to strongly enforce practices and procedures among all law enforcement officials that guarantee migrants are free from harassment, and corrupt and exploitative practices.
- Governments to provide the democratic space to allow local organizations to develop and serve as integral actors of civil society.
- Local NGOs and other organizations to build linkages and share experiences with regional networks, such as the Migrant Forum in Asia.
- IGOs, INGOs and regional NGOs to provide institution- and capacity-building for local groups wanting to work on labor migration issues.
- NGOs to actively advocate the government, media, general public and other NGOs on migrants’ right to migrate through regular channels.
- Governments to re-assess and change repatriation policies so they are in line with international standards and grant migrants the right to make informed choices on repatriation.
- Review of national policies and how they breach international standards of protection for migrant workers, such as the Migrants Convention, CEDAW, CESR, CERD, CCPR, ILO Conventions 143 and 97.
- Governments to ratify key international conventions such as the Migrants Convention, CEDAW, CESR, CERD, CCPR, ILO Conventions 143 and 97; IGOs and NGOs to lobby governments to ratify these conventions.

3) Work-Related Issues

Most migrants have no employment contract, leaving them highly vulnerable to exploitation by their employers. As migrant workers are not allowed to unionize, it is almost impossible for migrants to collectively bargain for fair conditions or to redress the rights violations.

**Recommendations:**
- Governments to recognize migrants’right to an employment contract that provides clear and fair conditions of work (e.g. wages, rest days, benefits, etc).
- Governments to assess existing national employment legislation and amend/create new policies to assure migrant workers’rights to fair and equal employment conditions and opportunities.
- Governments to recognize and legislate to promote migrant workers’right to organize and unionize.
• Government to recognize and legislate for migrants’ right to bargain for terms and conditions of employment.
• NGOs and governments to conduct baseline research on labor violations and contract abuses.

4) Gender Aspects

Although there are a number of services for migrant women, most of them focus on the prevention of trafficking and the rescue of trafficking victims and on providing such victims with counseling and assistance in their return and reintegration. Another common response is reproductive health and HIV/AIDS awareness raising/education. While these responses are crucial and need to be strengthened, there seems to be a gap in addressing migrant women’s issues from more holistic gender perspectives as well as from the perspectives recognizing migrant women as workers.

Recommendations:
• NGOs to advocate and conduct public education promoting awareness/recognition on migrant women’s role (as breadwinners, care-givers, etc.) and their economic and social contributions.
• Governments to recognize and permit domestic workers as workers and ensure that they are covered under labor laws.
• Governments to enact protective regulations for migrants in the sex industry.
• Governments and NGOs to create policies and services to enable migrant women’s easy and safe access to information and reproductive health care.
• NGOs to help organize support groups and programs (such as gender-awareness training) to discuss changes in migrants’ transformed gender roles and status.

5) Socio-cultural issues

In many cases, migrants face obstacles in integrating into the local community due to difference in language, culture, religion and ethnicity or the fear of arrest. Lack of understanding between the migrants and locals may lead to, or reinforce, xenophobia and racial discrimination against migrants. Migrants are often stigmatized as a cause of unemployment, crimes, and spreading disease, e.g. HIV/AIDS.

Recommendations:
• Governments and NGOs to recognize the manifestation of racial discrimination against migrant workers in government policies/practices and prevalent public/social attitudes and practices.
• Governments to review and amend policies of all ministries/departments dealing with migrants (e.g. immigration, police, social welfare, education, health) in light of how these reinforce discriminatory practices.
6) Social welfare issues

Migrants’ living conditions are typically poor and many are vulnerable to diseases and infection. They have limited access to public health care and often leave illnesses untreated until they become serious. The responses of many governments may concentrate on awareness campaigns on HIV/AIDS, but these need to be implemented carefully to avoid reinforcing the stigmatization of migrants as a cause of spreading the infection. Another common issue across the GMS is migrant children’s access to education. It should be the primary responsibility of governments to ensure that all children have easy access to school in line with the principles of the Convention on the Rights of Child.

Recommendations:

- Governments to ensure that migrant communities have full access to health, education and public amenities/services (water, sanitation, electricity, etc.).
- Health and psycho-social support services for distressed migrants, especially women and migrants in the deportation and detention processes.
- Governments and NGOs to conduct baseline research on migrant workers’ personal, family, gender, social welfare and work-related needs and issues.
- Governments to recognize and provide migrants with easy access to the formal education system for migrant children and support migrant communities organizing their own schools if necessary; NGOs to provide informal education opportunities in the absence/limitation of government services.
- Government and NGOs to develop and provide child development and child-care services and activities for migrant children.

Endnotes

1 It is a politically sensitive issue whether the country is referred to as Burma or Myanmar. Hereafter this report refers to the country as Burma following the position of the country research team, whose country report we used as a main reference.

2 This figure does not include refugees.


5 Paula Frances Kelly, and Le Bach Duong. Trafficking in Humans from and within Vietnam: the Known from Literature Review, Key Informant Interviews and Analysis. 1999
## Basic Migration & Socio-Economic Data

### A. Total Stock (Number) of Migrants, as of 2002

<table>
<thead>
<tr>
<th>Migrants Abroad</th>
<th>Migrants in the Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated stock: migrants outside the country</td>
<td>Estimated stock: migrants in the country</td>
</tr>
<tr>
<td>TOTAL</td>
<td>—</td>
</tr>
<tr>
<td><strong>a. By visa status</strong></td>
<td></td>
</tr>
<tr>
<td>Documented migrant workers*</td>
<td>1,500,000</td>
</tr>
<tr>
<td>Emigrants/residents</td>
<td>—</td>
</tr>
<tr>
<td>Undocumented migrants**</td>
<td>165,497</td>
</tr>
<tr>
<td>Refugees***</td>
<td>120,000</td>
</tr>
<tr>
<td><strong>b. By sex</strong></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>—</td>
</tr>
<tr>
<td>Female</td>
<td>—</td>
</tr>
<tr>
<td><strong>c. Top 10 destination countries (thousand)</strong></td>
<td><strong>c. Top 10 countries of origin (thousand)</strong></td>
</tr>
<tr>
<td>1 Thailand (1,000-1,500)</td>
<td>6 Korea (2)</td>
</tr>
<tr>
<td>2 Bangladesh (290)</td>
<td>7 China</td>
</tr>
<tr>
<td>3 India (70)</td>
<td>8</td>
</tr>
<tr>
<td>4 Malaysia (25)</td>
<td>9</td>
</tr>
<tr>
<td>5 Singapora (7)</td>
<td>10</td>
</tr>
</tbody>
</table>

*Non-resident, temporary, or contract workers **Includes illegal entrants, overstayed or ‘jumped’ visa, trafficked/smuggled people ***As defined by the government, or in accordance with the UN refugee convention

### B. Annual Socio-Economic Data and Migration Flow

<table>
<thead>
<tr>
<th>Indicators</th>
<th>1997</th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population (million)</td>
<td>46.70</td>
<td>47.60</td>
<td>48.08</td>
<td>48.99</td>
<td>—</td>
<td>48.31</td>
</tr>
<tr>
<td>Economic growth: real GDP (%)</td>
<td>5.9</td>
<td>4.7</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>2.3</td>
</tr>
<tr>
<td>Per capita GDP (US$)</td>
<td>63</td>
<td>5,370</td>
<td>7,241</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Inflation rate: CPI (%; annual average)</td>
<td>32</td>
<td>34</td>
<td>18</td>
<td>—</td>
<td>20</td>
<td>—</td>
</tr>
<tr>
<td>Exchange rate (Kyat per US$; annual average)</td>
<td>260.7</td>
<td>340.0</td>
<td>340.0</td>
<td>435.0</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Total foreign debt (US$ million; yearend)</td>
<td>4.3</td>
<td>5.6</td>
<td>6.0</td>
<td>6.0</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>International reserves (US$ million; yearend)</td>
<td>260.0</td>
<td>314.9</td>
<td>255.5</td>
<td>222.8</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Foreign direct investment (US$ billion)</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Trade balance (US$ billion; yearend)</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Labor force (million)</td>
<td>22.5</td>
<td>23.7</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Unemployment rate (% of labor force)</td>
<td>—</td>
<td>7.1</td>
<td>—</td>
<td>—</td>
<td>5.1</td>
<td>—</td>
</tr>
<tr>
<td>Underemployment rate (% of labor force)</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Average income: urban (Kyat/month)</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Annual outflow of MWs (legally deployed + irregular exit)</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>% women in annual outflow</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Annual inflow of MWs (legally accepted + irregular entry)</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>% women in annual inflow</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Annual migrants’ remittance (US$)</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
</tbody>
</table>

Sources: AMCInfobank, Asian Migrant Yearbook, reports of country research teams (CRTs)
Burma (Myanmar) Country Report

A. OVERVIEW

1. Burma and Migration

Burma is composed of 14 States and Divisions, out of which 7 States and 2 Divisions have borders with neighboring countries. Burma shares common borders with Bangladesh and India in the West, China in the north and northeast, Laos and Thailand in the east. The Bay of Bengal lies to the west and the Andaman Sea to the south of the country. The population is estimated to be about 48.3 million, according to a Report on the Global HIV/AIDS Epidemic 2002, UNAIDS.

Within the Mekong sub-region, Burma borders both Thailand and Yunnan, China. On the Burma-Thailand border there are four permanent crossing points between Tachilek and Mae Sai; Myawaddy and Mae Sot and Kawthaung and Ranong, Kanchanburi and Three Pagodas Pass. In addition there are hundreds of points along the border where migrants cross on foot.

Although around one tenth of the population of Burma migrate, there appears to be little management of the migration though a great deal of force is involved. There are over one
million internally displaced persons in Burma, 120,000 refugees housed in camps along the Thai-Burma border, two million people migrate for work in mines and for fishing in rural areas of Burma: and an estimated one million people in Thailand. There are also significant numbers of Burmese migrants in China, Malaysia, and Bangladesh. In addition, there are Burmese professionals such as doctors, who have emigrated all around the world.

Thailand officially acknowledged the presence of cross-border migrants in 1996 when a policy of ‘temporary stay awaiting deportation’ was introduced for a quota of 300,000 migrants in specified provinces and specified jobs. Migrants were allowed to register for a two year stay under this policy. When the economic crisis hit in 1997, the employment of Thai nationals became a priority for the Royal Thai Government and the subsequent policy in 1998 reduced the quota of migrants from Burma, Cambodia and Laos to 100,000 and for a period of one year only. This same policy was re-enacted in 1999 and 2000. However, in September 2001, a radically different policy was introduced. All migrants presently living in Thailand could register for a work permit with their employer, or independently, for a six month period, after which they had to undergo a health check in order to re-register for the following six months. During the September registration, 451,335 migrants from Burma registered to work in Thailand. Each registration period was followed by a period of mass deportations of migrants who failed to register, or who were duped into buying false registration cards. In 2001, the Thai Police Immigration Bureau arrested and deported some 215,546 illegal immigrants. This figure included 165,497 Burmese, 13,325 Laotians, 34,382 Cambodians, and 2,342 people of other nationalities.
It is impossible to estimate the actual number of people migrating from Burma to Thailand; most reports suggest that the number of migrants who registered is less than half of the migrants actually in Thailand. The Former Permanent Secretary of Ministry of Labour has put the figure at 1.5 million. But figures from the border suggest that, at least in border towns, it may be a much higher number. A Public Health Ministry Report from Mae Sot in June 2002 states that 210,043 Burmese sought hospital treatment, while only 50,253 were registered to work. This is four times the number of migrants registered. This is one of the indicative statistics that the numbers are higher than the official registration.

Migrants from Burma form a large part of the “unskilled” or low-status working population in all provinces of Thailand, but they are particularly highly represented in border areas with industries such as Mae Sot and Ranong, in agricultural areas such as Chiang Mai province and in industrial areas around Bangkok. The fifty migrants interviewed for this report were staying in Fang, Chiang Mai province, Mae Sot and Samutsakorn (Mahachai).

The following table shows the ethnicity and gender of the migrants interviewed:

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shan</td>
<td>15</td>
</tr>
<tr>
<td>Burman</td>
<td>12</td>
</tr>
<tr>
<td>Karen</td>
<td>8</td>
</tr>
<tr>
<td>Mon</td>
<td>3</td>
</tr>
<tr>
<td>Pa-O</td>
<td>5</td>
</tr>
<tr>
<td>Chin</td>
<td>1</td>
</tr>
<tr>
<td>Others</td>
<td>6</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Gender</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>22</td>
</tr>
<tr>
<td>Female</td>
<td>28</td>
</tr>
</tbody>
</table>

Just over half the migrants interviewed were unemployed at the time of the interview, having just arrived and looking for work; or having just lost their employment. Migrants who are working were more difficult to contact as they work extremely long hours and are often forbidden contact with outsiders.

The migrants interviewed were working or had worked in the following jobs: as fishermen, construction site workers, shop attendants, garbage recyclers, or ironing at laundries, as waiters/waitresses, furniture polishers, domestic workers, by spinning cotton and in textile, plastic, recycling and plywood factories. They also worked as handymen, taking care of the elderly.

Migrants interviewed had been in Thailand anywhere from a few hours to 8 years. Most of the migrants interviewed had made several trips to Thailand to work. Some of the migrants interviewed were expecting to use Thailand as a transit country on their way to work in Malaysia.

2. Life in Burma – Push Factors for Migration

**Economic Hardship**

The UN places Burma among the world’s least developed countries in the low income category (GNP per capita of $755 or less). The Burmese currency, the kyat plummeted on the blackmarket throughout 2002. In July, the street rate was around 700 kyats to the dollar, and as of September 2002 it had hit an unprecedented level of 1,200 kyats.
All the migrants interviewed reported that it was impossible to make a living in Burma. Some of the migrants had run small family businesses, but could not make enough money to keep them going. Others had worked in the agricultural sector. Tea plantation work was done mainly by women and they reported that they earned around 500 kyat per day. Others had worked in sugar cane plantations, in orange orchards, rice farms, sesame farms and poppy farms.

“The Burmese military came and forced us, the villagers, to grow poppy crops. We were not able to refuse them. After harvesting it, they forced us to sell it to them. After that we shared into three parts. The military took two parts and gave us only one part.”

Farmers reported a never-ending cycle of debt, having to borrow money to buy seeds for the next harvest, trying to repay the loan with interest and the high inflation rate, and paying the taxes imposed when the crop was harvested.

“Our farm produced 60 baskets; we had to give 12 to the government.”

“In our village we always have to pay porter fees, voluntary labor fees, fire watch fees, people’s militia fees, and other social donations that come up to about (Ks 3,000) a month. So, people with an average income of less than (Ks 20,000) a month cannot survive without getting into debt.”

“I had to pay tax to government and rice from my plantation. If I didn’t work, I had to pay tax for idleness once a year. Whether I had a husband or not.”

The army taxes the rice crop in kind, which often means that subsistence farmers are required to give, or sell, at well below the market rate, a fixed amount of their harvest, regardless of yields. The result is that farmers do not have enough rice left for themselves and their families on which to survive. In her paper, “Rural Women to Urban Factories in Myanmar” Ohnmar Ei Ei Chaw asks the rhetorical question: What is the impact of the rice-price policy on small farmers? And answers: The result is indebtedness.

In order to survive, people migrate internally for work. Two migrants interviewed had migrated to find work in Korean factories in the industrial zones outside Rangoon. During the period of 1988-1999, two types of zones were developed in and around Rangoon. The first type is oriented towards general industries owned by local entrepreneurs, whereas the second type is targeted to attract foreign investors. Altogether 8 industrial zones were developed by the Department of Human Settlement and Housing Development (DHSHD) in the satellite towns of Rangoon. Hlaing Thar Yar New Township was established in 1995, in a township built to settle relocated squatters. A new Foreign Investment Law was passed in November 1988 and the Private Industrial Enterprise Law passed in 1990 offered favorable conditions for foreign companies to set up factories in Burma (Lutkenhorst, 1990). Most of the foreign garment factories are owned by Korean, Taiwanese and Hong Kong manufacturers. Burma exported USD407.7m worth of apparel to the US, and USD29.5m worth of garments to
Canada in 2000 (Vicary and Turnell, 2001). The migrants reported that they earned around 4,000 kyat a month; and if there was overtime they could earn up to 9,000 kyat a month. Most of these factories have subsequently closed down.

Other workers in Rangoon fared less well with salaries. One woman who worked in a department store in Rangoon was paid 2,500 kyat a month while another migrant working in a small shop in Rangoon earned 600 kyat a month. Atrishaw driver was paid 85 kyat a day. One migrant worked in the Sanitation Department in Rangoon for 1,500 kyat per month.

Two migrants had migrated to cotton growing areas. Other interviewees had migrated to mining areas; one young man migrated to work in a jade mine, where he was paid 90 kyat a day. He had to pay 35 kyat for each meal. He mentioned a song called “A Young Miner” which he said was popular with the miners because it reflected their lives and the endless cycle of indebtedness. Another migrant interviewed had migrated from Moulmein, Mon State to Mong Shu, Northern Shan State to work as a miner in a ruby mine for 5 years. The development of the mining and fishing industries in Burma has increased the amount of internal migration with up to 2 million people migrating internally to mines, and fishing areas.7

“Repression by the military regime drives many Burmese migrate abroad on the contrary to the positive image of the regime presented in the poster, Rangoon, Burma, March 2002.

“Our family’s economic situation was very bad and survival was difficult. I have a baby

“It is because of the economy. No one can survive with this very bad economy and that’s because of commodity prices. People’s income and spending can never be balanced. If you are a laborer you will earn 200 kyat a day. You can neither eat out nor bring lunch from home with that earning. So you have to borrow money from others and you become heavily in debt.”8
daughter in Burma and a wife too. If I worked harvesting peanuts or rice, I would get 400 kyat per day. I could not do anything with that 400. It costs over 1,000 kyat for one Paitha of dried fish. The prices of rice and cooking oil are increasing.”

“I got about 1,000 to 2,000 a month, but it isn’t enough to eat for whole month. If I work on a farm I would get 200 kyat. But I have to spend about 300 kyat for a meal.”

**Health**

While there is little comprehensive information about the state of health care in Burma, the regime’s lack of commitment to the health of the people is reflected in their public health expenditure. In 1990 public expenditure as percentage of GDP was 1%, by 1995–7 this fell to 0.2%, the lowest in the world.

The extent of the health problems of people from Burma are visible in Thailand. Dr Cynthia Maung who runs a clinic in Mae Sot says that people risk to crossing the border into Thailand to get medical treatment as it is their only chance of getting health care. The major health problems of people from Burma are malaria, tuberculosis, acute diarrhea and respiratory infections. There is also an abnormally high level of mental health problems caused by frequent displacement, lack of security and violence.

Dr Cynthia also sees rising numbers of child malnutrition and considers unplanned pregnancies as a major health problem for women. In Burma, only 33% of the population has access to contraceptives.

During 2001 more than 200,000 Burmese sought medical treatment in Tak according to the Public Health Ministry. From January 2002 until June 2002, 36,635 Burmese sought treatment in Mae Sot state hospital. Of these, 999 migrants needed treatment for TB, but 250 stopped their hospital visits before completion of the treatment. There were also 542 pregnant women, 282 cases of syphilis, 110 cases of elephantiasis, 8 drug addicts and 6 HIV positive cases.

**Education**

The regime’s lack of commitment to education is equally worrisome. Its public expenditure on education as a percentage of GNP, as with health, has dropped from 1.9% in 1985-7, to 1.2% in 1995-7, ranking second to Nigeria which has the lowest level of public expenditure on education in the world.

Schools and universities have been subject to constant closures during the last 14 years and when they are open it is difficult for families to afford to send their children to school. In families with sons and daughters and limited funds, the boys are generally given priority for education.

Migrant interviewees from Shan state had significantly lower education levels than migrants from other areas. Nearly all the female interviewees had never attended school and were illiterate, while only some of the men had some education, mainly traditional education in monasteries.

In other areas of Burma, many of the migrants had attended school until 8th or 10th
grade. They reported that they did not continue their education due to lack of money, failure in exams and because there were no further education facilities to attend. One of the migrants interviewed had migrated to Rangoon to go to university, but would have had to wait for three years for the university to open and to get a place. She migrated to Thailand in that time. There was a general feeling among the migrants that it was not worth studying because the standard of education was so low and there were no work opportunities available.

**Forced Relocation Program**

“They had guns and all we had were our hands. It was like thorns had fallen on the leaves.”  

Many of the Shan migrants interviewed had been forced to move from their homes under the forced relocation program of the regime in 1996. Between March 1996 and early 1998, the regime implemented a four cut policy which included a program of forced relocation in an attempt to forestall any local support for the SURA (Shan Union Revolutionary Army) rebels and to force Shan soldiers to surrender. Covering an area of 5,000 square miles, the total effort involved nearly 22,000 households from 605 villages in eight townships; about 100,000 people were forced at gunpoint to leave most of their belongings and move to one of the 45 relocation sites approved by the junta. Relocation instantly rendered once-prosperous people destitute. Most villagers were given three to five days to leave their homes. Anyone caught returning to their villages without prior permission, even those foraging for food near relocation sites faced summary execution (including a woman blown up with a grenade for collecting bamboo shoots in a field). Relocation sites were no safer. In 1997 alone, 664 people were reported killed in nine relocation areas. Between 1996 and 1998, one relocated township recorded 300 killings.

“There were 60 households in my former village and all had to move. They fired bombs into the village. We moved in December 1996.”

The Burmese military expelled us to the town, but we didn’t move to the town. We hid in the jungle instead. Because we hadn’t harvested the plants in the farm yet; they made some trouble to us like whenever they saw cows and buffaloes, they would shoot them right away…They burned down all our properties and house too…They said that the properties in the jungle had no owners and took all with them away. They also burned up my sewing machine.”

Some of the migrants had fled directly to Thailand after being forcibly transferred in Burma, while others had moved inside Shan State several times, trying to find a place to live and survive. For many it has been impossible to find enough security to continue to stay there, so they decided to move to Thailand.
“We moved often in Shan State, because the military forced us to move …They always beat and hit the villagers, so we moved.”

For people from Shan state there is a pattern of migration enforced by the military. People are moved from their rural village to a town. At this point some people go into hiding hoping to go back to their village. When they return to their village they are forced out again by the military.

A pattern emerges of people being moved back and forth, until there is no sense of security.

“Frequent migration, because the Burmese military always forced us to move to Murng Kher town. …If the situation was quiet, we came back to my village again and so on.”

On 27 January 2001, 120 households from Hofailong village in Mongpan Township were ordered without notice, to relocate 200 meters from the town, because the villagers were suspected to be harboring members of the Shan State Army.

There is also systematic displacement of people in the Shan state. In January 2000 the SPDC and Wa army launched a forced relocation program to move 50,000 Wa families (250,000 people) out of mountainous opium growing areas in Wa State to more southern lowland fertile plains under a plan, hailed by SPDC, supposedly to turn the area into drug free zone by 2005. The displaced people have been moved to newly created towns along the Thai border adjacent to Chiang Mai and Chiang Rai. Indigenous people of the area were in their turn displaced to accommodate the new arrivals. People from both displacements have moved across the border into Thailand to survive.

People are also forcibly transferred in other areas of Burma. Between 7-26 June; 39 families of a village in north-western part of Arakan state in Burma were relocated to a village further north. An Amnesty International and Danish Medical Group study found in interviews that of the 129 persons who arrived in Thai refugee camps for Karen and Karenni during the period February 1999 to March 2000, 54% had been forcibly relocated from their villages.

“My village is located in Karen State. One day the Burmese military came and burnt down our village, my family had to run to the border village in Thai side. We don’t want to be refugees. We don’t want to leave our house but we have no choice. My father is now working in a Thai farm, but my mother is sick. So I had to work in a factory in Mae Sod. My family always wants to go back to Burma but we don’t know where to go back as our village is not there anymore.”

In addition to the victims of forced migration who make it across the border, there is also a large population of one million to two million internally displaced people in Burma, living in dire circumstances with no support.
“Our house was situated near a newly built pagoda. The Burmese military said that they were afraid of our stepping on the shadow of it. They didn’t give us anything, just made us move.”

Forced Labor

The practice of forced labor by the military regime has been well documented. The ILO has adopted a series of measures to urge the regime to comply with Convention 29 to eradicate forced labor. A report to the ILO Governing Body in November 2001, concluded that forced labor of civilians was continuing in some areas, particularly in highly militarized parts of the country. It also expressed concern that no prosecution of people allegedly responsible for the practice had been initiated. In March 2002 the ILO was still concerned that legislation to eradicate forced labor was only having a limited impact.

Migrants interviewed talked about their experiences of forced labor...

“Men have to carry the heavy loads but women have to [build a] fence for the army, around the military camp and they have to make suu hnjaun (a weapon crafted from a tree that is not very long about 12 –15 inches although sometimes it is longer if used for trapping, and the tip is sharpened at one side so that it can be used for stabbing or pegging down tents.) It is used for a weapon in a trap. I had to make these, 50 or 100 suu hnjaun have to be made...
per person. Then we have to tie them together and put the head of the household name attached to them, that is, my husband’s name, so that they know this household has contributed their voluntary work.\textsuperscript{24}

Other migrants talked of forced voluntary work with no pay.

“There is no army in our village, but volunteers are used to build roads. Every household has to provide one person. No food is given, we have to take own meals.\textsuperscript{25}”

And in some areas these practices may have stopped.

“There is no more volunteering for the government.

(When did it stop?)

I don’t know. I went back to Burma in 2000. I was in Singapore from 1995 to 2000.\textsuperscript{26}

Portering

Many migrants also referred to one of the worst forms of forced labor, portering for the army.

“The people who were porters before me, told me that I had six more days before I would be called to porter. So I prepared for it by paying 6,000 kyat, then I packed my clothes and came right away.

I worked on my own farm and plantation. I didn’t hire anybody. I had to pay for tax from farm and plantation to the Burmese military. If I didn’t pay the money, they would take the rice instead. If we the villagers said we didn’t have rice for the tax, they made us go portering for about a month, sometimes half a month depending on their whims.\textsuperscript{27}”

Women are also forced to do portering which makes them extremely vulnerable to rape and gang rape by soldiers.

“The more [longer] I didn’t have a husband, the more suffering I had as I neither have farm nor plantation. I also had to pay 1,000 kyat for tax…Sometimes I had to go portering for them (Burmese soldiers) because there was no man in my family…\textsuperscript{28}”

Sexual and Gender-Based Violence

In Licence to Rape a recent report released by the Shan Human Rights Foundation and Shan Women’s Action Network, 22 (13\%) of the 173 rape victims/survivors of the interviewed for the report had moved to Thailand after they had been raped by members of the army, often captains.

In some cases the women moved immediately after the rape, in fear of further assault. In one of the cases, an 18 year old woman was encouraged to leave by the village headman; she
moved from place to place until her mother, fearing for her security, took her to Thailand.

In other cases, the women left for Thailand after one or two months or an unspecified period of time. The report tells the story of a 16 year old woman who was gang-raped by ten SPDC soldiers in front of her husband when she was 7 months pregnant. The husband was taken away and killed. She was left alone to give birth prematurely to her child. She was found by some relatives and together they fled to Thailand where, supported by other relatives, she worked on an orange orchard; this was subsequently raided by the Thai authorities and she had to flee again. For some women the decision to migrate is motivated by the need for safety from a situation of domestic violence. One Shan woman interviewed for this report described how she left Burma for Thailand to flee her husband who had become a drug addict and beat her every day. Her neighbors saw her suffering and agreed to look after the children, so she could migrate to work in Thailand.

“Physical suffering is easy to live with, but mental suffering is hard. It didn’t work if he just beat me every day. I couldn’t go anywhere. He always misunderstood me.”

Women and Migration

Women face a mixed dilemma in the question of migration. On the one hand, they are expected to take care of their parents, particularly if they are the eldest daughter, but on the other hand, as women it is not considered culturally acceptable for them to move to work in another place, particularly not another country.

“I am the eldest (daughter) and that is why I have to sacrifice my time and education to save some money here.”

“My parents are old so they can not work. I wanted to look after them so I decided to come to Thailand and work with my sister. She was already here and working in Thailand when I joined with her. She asked me to come and work here.”

“My parents told me that I was a girl and being far away from them was not easy.”

Families may be more inclined to ask their female members to migrate since it is generally perceived that women are more careful with their income and will send more money home to the family.

“If it’s good, they can send 100,000 kyat within three months. I am talking about the girls, not the boys. They (the boys) cannot send 100,000 kyat even for a whole year. The girls are good and clever.”

Land Confiscation

In 1997 a military program of self-sufficiency reportedly included issuing orders to local military commands to instruct troops to feed themselves. Subsequently troops began
confiscating land farmed for generations by members of ethnic groups, and forcing these farmers to cultivate their land to provide food for the military.

“There is “khwe yay twe yay” divide and rule. This means the army is trying to get things out of the people, from the public. The military actually took our family’s farming land to build a military base on June 6th 2001. So now we have no land, we went out of business”35

3. Pull Factors

People had seen and heard from migrants returning with money and believed that they could make more money in Thailand.

“I have decided to come to Thailand because my friend told me I could send home ten thousand kyat per month. In Burma I could not make any money. My father was only a public employee earning 3,800 kyat. We could not make our ends meet. Therefore I have decided to leave for Thailand.”36

Thailand also feels familiar to migrants

“As my parents’ store was selling Thai goods, I felt that I was more close to Thailand.”37

The demand for unskilled labor in Thailand is obviously a pull factor, although in this small sampling of migrants one third were unemployed at the time of the interview. Thailand cannot find Thai workers to do the jobs that migrants are doing. In January 2000 a government plan to retrain Thai workers to replace migrant workers failed completely when 80% of the local Thais replacing migrant workers quit within two or three weeks complaining about the hard work.

Migrants speak of the greater freedom in Thailand, even as illegal residents.

Some migrants move to Thailand because they have lost contact with family members who migrated. One of the interviewees had migrated to Thailand in search of her husband who had migrated several years earlier. A Shan radio programme in Chiang Mai receives frequent letters from migrants trying to locate members of their family and community.

Dreams

“I will work, save money, send money back home and then I will go back home. The quicker I can save money, the sooner I can go home. If I can save about 100,000 or 200,000 kyat I will go back.”38

“I want to have my own business to earn good money so that I can spend a bit and live like everybody else. I had summer school holiday. I came here to work. This is my third time. Now I will work until I get enough money to do something in my hometown.”39
“I could save about 400,000 to 500,000 kyat on my first time here. I had to pay 6,000 baht when I got arrested so I could only bring back about 400,000 kyat back home.”

4. Migration Channels and Processes

Burma-Thai Border Situation

The border towns between Burma and Thailand thrive due to their proximity with each other. Up until the 80’s the borders of both countries were remote and cut off from the mainland of their respective countries and the border areas consequently developed their own links. With the development of Thailand, the borders have become more integrated into mainstream Thailand and have been promoted as tourist destinations and cross border trade has flourished. In the last decade, Thailand has improved its road system to the border; and also has airports at all the major crossing points (Chiang Rai for Mae Sai, Mae Sot, and Ranong).

Although the border towns have created their own unique cross-cultural environment, the central governments of Burma and Thailand are often in dispute. Historically there has been a great deal of enmity between the countries and more recently their political systems have become further and further opposed, thus making it difficult to reach bilateral agreements which would satisfy both a democratic government and a dictatorship. The difficulties are often played out on the borders. At the time of writing this report, all border crossings have been closed since May 2002. After Rangoon accused the Thai army of firing artillery into its territory to support attacks on Burmese outposts by ethnic Shan rebels on May 20th 2002, Rangoon closed the entire border. The only points of entry still open are for clients of the casinos along the border.

During border closures, all legitimate trade between the two countries stops. Burma exports 1.5 million tons of soy bean and 2.5 million tons of corn to Thailand each year, and 130 million baht worth of frozen fish and shrimps per month. In 2001, exports from Thailand to Burma were worth 15.7 billion baht while imports came to 35.8 billion baht.

By the beginning of August, the Thai Chamber of Commerce estimated that traders’ losses came to more than five billion baht. Niyom Wairatpanich, from the Chamber of Commerce, said that the value of border trade between April and May had dropped by 202 million baht in Ranong, 158 million in Tak, 53 million baht in Chiang Rai, and 4 million baht in Mae Hong Son. Thailand continued to allow gas from the Yadana field in Burma through Kanchanburi, resulting in a trade deficit with Burma. Natural gas imports cost about 2.5 billion baht a month.

Each time the border is closed, the situation is ripe for a revival of the black market. From 1962 until 1990, the regime in Burma prohibited imported foreign goods and the border became a major black market trading route. When the regime introduced the Open Door Policy, regular trading at the borders also started.

The infrastructure of black market trading continues, especially in illegal commodities, like drugs, timber, wildlife and gems. People smuggling also occurs. Methamphetamine is
produced in 55 border factories, each capable of producing one million pills per month. It was estimated that 600 million speed pills flooded into Thailand in 2001.43

Consumer goods become an integral part of the blackmarket system every time that the border is closed. At Mae Sai two unofficial piers opened during the recent closure, “...one run by an influential local politician, the other by the Wa ethnic group are thought to be raking in at least 100,000 baht each a day.”44

Vested interests on the border are numerous and varied. While transportation to the border is efficient in Thailand, the roads and infrastructure in Burma remain undeveloped and thus a stumbling block to capitalizing on trade and tourism. Since 1998, numerous surveys, meetings and discussions have been held regarding the construction of a road linking Mae Sot with Rangoon, a route of 420 kms, which currently takes 15 hours to travel. The various players in the discussions have included private operators, the Asian Development Bank, the Thai military and the Tourism Authority of Thailand. One agreement on transport and trade co-operation was made after a visit to the Burmese military base in Myawaddy by General

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### Migration costs, learned from the interviews

- **Pa-An, Karen State to border town of Myawaddy - 2,900 kyat (= 170 Baht)**
  - Pa An - Kawkarait = 1,000
  - Kawkarai - Myawaddy = 1,300
  - Food = 500
  - Pa An - Myawaddy total = 2,900 kyat

- **Moulamain, Mon State to Three Pagoda Pass total - 11,000 kyats (=647 Baht)**
  - Moulamain - Mudon = 300 kyat
  - Mudon - Kyangnitkwa = 500
  - Kyangnitkwa - Kyarinn = 1,000
  - Kyarinn - Kyangson = 7,500
  - Kyangson - Three Pagoda = 1,700
  - Moulamain-Three Pagoda pass Total = 11,000 kyat (647 Baht)

- **Tee Tain, Chin State to border town Myawaddy - Total 9,500 kyats (=557Baht)**
  - Tee Tain - Kale - Mandalay = 4,000 kyat
  - Mandalay - Rangoon = 2,000
  - Rangoon - Myawaddy = 3,500
  - Tee Tain - Myawaddy Total = 9,500 kyat

- **Rangoon city to border town of Myawaddy - 3,500 kyats (=205 Baht)**
  - Yangoon - Myaikalay = 600
  - Myaikalay - Pa An = 100
  - Pa An - Kawkarate = 1,000
  - Kawkarate - Myawaddy = 1,300
  - Food = 500
  - Yangoon - Myawaddy Total = 3,500 kyats
Phat Akkhanibut, Advisor to Defence Minister Chawalit Yongchayudh and also chairperson of the Thai-Burmese Cultural and Economic Association.

The Journey

The journey from Burma to Thailand takes most migrants at least four days and three nights; passing checkpoints on both sides of the border and being asked for bribes to get through. On the way migrants have said that they stay with friends, with brokers, or just sleep in the jungle. In the south, the migrants made part of the journey by sea. One migrant came across at Myawaddy and passed through a refugee camp where a broker took him to Tak and then to Bangkok on a pick-up truck, with eleven others from his village, who he never saw again.

Migrants made the journey with brokers on both sides of the border. These two sets of brokers have to be paid and if no money is forthcoming, then the fees are deducted from their salaries, thus leaving them in a situation of debt-bondage. Brokers are both Thai and Burmese of various ethnicities, and include both men and women.

On February 17 2002, people believed to be Karen workers from Burma, were found dead in a stream in Tak province. Another 13 migrants from Burma died of suffocation while being smuggled from Tak to factories in Nakhon Pathom on 5 March 2002.

“I came via Mae Sot” and was escorted by a female broker. She didn’t charge me anything, but she took 7500 Baht from the employer.”

“We rested a night at the village near by Mae Sot at the home of a Thai broker’s home. The next day, we were brought to Bangkok by police car.”

“I came to Thailand by crossing the Myawaddy to Mae Sot. I came with two Burmese and Pa-O brokers and four of our people. They collected 5,000 Baht per head for the travelling charges. When we were in the belly of the Tak province, a broker and one of his people were arrested by the Thai soldiers and were sent back to Mae Sot. The Thai soldiers also got four of us out after taking 800 Baht. The brokers had no money to pay for their release and they were arrested. I lead the group from the forest to the high way by walking. Then I brought tickets and we took the bus to Bangkok. So, we did not need to pay for the expense of travelling.”

“I paid 7,000 Baht to the broker to come to Bangkok. We walked in the forest for a day and half and then took a car. There were many difficulties on the way to Bangkok. We rode in the baggage compartment of the highway bus, cramped and huddled together in a small space.”

“We came through Laikha town to Pang Loung by car, then to Langker and stayed one night, then to Loi Dao where we stayed two nights, then on to Na Kong Mu village, which is near the border by car. Then we walked to Thailand, but on the way the Wa army checked us in two places. We had to pay some money. The Wa armies also checked our bags, looking for drugs. There was another checkpoint, a Shan checkpoint. They checked our bags too, but didn’t ask us anything. We stayed on the mountain for a night because there were so many
children in our group, altogether more than 20. Most of them were from Laikha township. They were going to see their relatives at Wan Wiang Horm village.”

“I left my village quite a long time ago and I don’t remember how many nights we travelled. I have now been here for about ten days. We came through the jungle from BP1 to Nong Ook. My children and I paid 1,500 Baht each and travelled at night through the jungle. They didn’t let us speak. It was so dark. I had to carry my child on my back. We walked for about 3 hours to avoid any checkpoint.”

“I came via the Murng Ton route from KoLum and there were no problems at the Burmese military checkpoint. I lied to them that I was just going to the next village and so on, all the way to Thailand. I took two or three pieces of clothes with me.”

Only one of the migrants interviewed had come alone and he had already been to Thailand. It was the first time to Thailand for several of the migrants, while others had been in and out of the country, some up to 15 times since 1986. Most migrants travelled with family members, (although brothers and sisters may refer to close friends); most travelled with people they knew and also with a broker. Only those who had been to Thailand before did not use a broker. Many of the migrants lost contact with their group shortly after starting work.

**B.RESPONSES**

**1.SPDC Responses to Migration**

Most of the laws regarding migration in Burma refer to incoming migration. However, one clause in the Burma Immigration (Emergency Provisions) Act 1947 is relevant to returning migrants:

“No citizen of the Union of Myanmar shall enter the Union of Myanmar without a valid Union of Myanmar Passport or a certificate in lieu thereof, issued by a competent authority (Act 3.2)

Whoever enters or attempts to enter the Union of Myanmar ....[is] in contravention of any of this act of the rules made thereunder …shall be punished with six months to five years imprisonment or with a fine of a minimum of 1,000 Kyats or with both (Act 13.1).”

This law has been utilized to penalize migrant workers who left Burma to work in neighbouring countries without proper documentation. On several occasions when Thailand has tried to deport migrant workers, the regime in Burma has refused to accept them back or has threatened to imprison them citing this act. The Royal Thai Government policy of deporting illegal foreign workers has failed, said deputy Labour Minister Jongchai Thiengtham, because undocumented migrant workers, mostly Burmese, were not welcome in their home countries and the majority of them had simply returned to Thailand.”
Since 1964, teams for the prevention of illegal immigration have been stationed along or near borders to prevent illegal immigration. Duties and powers: to prevent illegal immigration, watch and serve as mobile troops at border areas. Without accusation, deportation of illegal immigrants can be done at the border.

Kachin State: Putao, Chibwe, Myitkyina, Bamaw
Shan State: Lashio, Kunlong, Kyaing Tong, Tachileik, Maingtong
Tanintharyi Division: Dawei, Myeik, Kawthaung
Kayah State: Loikaw
Kayin State: Pa-an, Kawkareik

Border Trade Transit Camps
To facilitate Myanmar's Open Door Economic Policy, 22 Transit camps opened at the border areas during the State Law and Order Restoration Council.

Thai border: Myawaddy, Mehseh, Pharyarthonzu, Tachileik, Parkhoke, Kawthaung
China border: Kunlong, Muse, Kyukok, Namkham, Nantane, Hopang, Chinshwewaw, Manwanegyi, Lwekyai, Mainglar

Shan State:
Kyaing Tong, Tachileik, Maingtong

Kayin State:
Pa-an, Kawkareik

Tanintharyi Division:
Dawei, Myeik, Kawthaung

Border Checkpoints of Points of Entry/Exit (POE)
There are 16 POE opened at the borders. The purpose is to enable crossing of borders by local inhabitants from both sides. Day return is allowed by issuing a Border Pass which permits travel within 10 miles of the border.

Although steps are being taken to promote legal migration and discourage illegal immigration, very few cases of illegal migration are documented. This is because of very long borders which have no fences or walls, and most border are hilly and heavily forested.

### Table 1. Seized Illegal Migration Cases, 1995–6*

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
<th>Myanmar</th>
<th>China</th>
<th>Thai</th>
<th>India</th>
<th>Bangladesh</th>
</tr>
</thead>
<tbody>
<tr>
<td>1995</td>
<td>1,723</td>
<td>1,352</td>
<td>285</td>
<td>54</td>
<td>20</td>
<td>12</td>
</tr>
<tr>
<td>1996</td>
<td>1,093</td>
<td>1,027</td>
<td>34</td>
<td>26</td>
<td>6</td>
<td>—</td>
</tr>
</tbody>
</table>

*Notes: 1. Two-thirds of Chinese cases are found at Kachin state POE and the rest are nearly all at Shan state POE
2. Two-thirds of seized cases of Thai are found at Tanintharyi Division POE and the rest nearly all are Mon and Kayan POE
3. Three-fourths of India cases are found at Sagaing Division POE
4. All of Bangladeshi cases are found at Rakhine State POE

### Table 2. Population of Migration at the Myanmar Border Area 1992–96

<table>
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</tr>
</thead>
<tbody>
<tr>
<td>Migrants</td>
<td>1,120,514</td>
<td>1,216,823</td>
<td>1,277,410</td>
<td>596,914</td>
<td>1,230,451</td>
</tr>
</tbody>
</table>

IPD placed Immigration Points of Entry/Exit (POE) along the Union of Myanmar border line. There they take records of migrants passing through; issue monthly reports to the IPD Head Office.

Immigration POE are located as follows:

Thai border: Myawaddy, Mehseh, Pharyarthonzu, Tachileik, Parkhoke, Kawthaung
China border: Kunlong, Muse, Kyukok, Namkham, Nantane, Hopang, Chinshwewaw, Manwanegyi, Lwekyai, Mainglar

And others at India and Bangladesh borders

Studying the 1996 report, the Immigration has found that migrants passing through or crossing the border rates are Thai border: 74.1%; China border 17.6%; India border 6.3% and Bangladesh border 2.0%

Of the eight Thai border gates, three account for most migration activity: Tachileik 63.8%; Myawaddy 9.0%, and Kawthaung 6.5%. On the China border, Muse accounts for 55.5%; Namkhan 22.1% and Kyukok 17.6%

**Union of Myanmar Border Area Migration and HIV/AIDS: Country Paper**

U Min Han, assistant director Immigration and Population Department, Ministry of Immigration and Population Union of Myanmar

Presented at the Second Technical Consultation on Transnational Population Movement and HIV/AIDS in South East Asian countries, Thailand May 1997
The central SPDC government in July and August 2001 ordered all SPDC states/divisions/towns/villages/suburbs authorities to produce warning signs and messages to the citizens. The main message was “Do not leave the country and work overseas without legal documents issued by the authority. [The] Government will take legal action against the people who attempt to go out to neighboring countries illegally.”

Warning signs and billboard, reminding everyone who leaves and returns to Burma of the harsh penalties and punishments, hang at the Kawthong Immigration Gates.

- According to the SPDC’s Regulation 367/120 – (b) (1), any Burmese citizen who illegally goes and works in Thailand will be sentenced to seven years in prison.

“Residents say that earlier this week (June, 2002) Burmese authorities in Tachilek began arresting anyone caught illegally crossing the border - including migrant workers and traders whose livelihoods depend on the markets of Mae Sai.” “Anyone caught with wet clothing below the waist is being sentenced to six months in jail, and any person found near the river, but not yet wet, is being handed a three-month sentence, according to residents of Tachilek.”

Obtaining legal documents to move around in Burma, or to leave the country is fraught with difficulties. One of the migrants interviewed, said that migrating from Karenni state to Rangoon they faced restrictions and discrimination. They had to report to the local council every week and pay 1,000 kyat each time, although the actual payment was set at 100 – 150 kyat. Others reported difficulties getting proper identity papers when they moved. Since documents are so difficult to obtain in the first place, many migrants are afraid to carry them when they travel to Thailand both for fear of losing them and then not being able to replace them. They also feared having them confiscated at the numerous check-points they had to pass through to get to Thailand.

Legal travel documents such as passports are very hard to obtain in Burma and are also very expensive. Government documents are referred to a special board by the Ministry of Immigration and Population, particularly to screen women’s applications for passports. All passports must be returned to the Government passport office when the holder returns to the country, so each trip abroad technically requires a new application, unless the returnee stays less than 60 days in Burma. Changes to the passport application process in 1996 exacerbated the corruption in the Ministry of Immigration and Population, so that it is now almost impossible for any woman under the age of 50 to obtain a passport without going through a broker. According to the report “Gathering Strength” men’s passports are also difficult to acquire, but the fees are typically 30,000 – 70,000 kyat and men are permitted to apply for work passports, while women cannot apply for work passports and must pay from 60,000 to 300,000 kyat; a male interviewee for this report said that passports now cost 700,000 kyats and a recent interview from someone returning from the Burma-China border reported a woman applying and being told to prepare 1 million kyat.

There are many restrictions and difficulties even for professional migrants; and policies
can change with little notice. For example, in February 2000, the SPDC released a decree ordering anyone seeking overseas employment to register with the Department of Labour before departure. Just a month later, the Directorate of Labour ordered that all Burmese citizens working overseas to remit 50% of their annual income in foreign exchange in addition to an annual income tax of 10%. Since many of these overseas workers were diplomats and government officials who were in a position to protest, the decree was revoked within a few days. For low-status or undocumented migrant workers it is not possible to have such a voice of protest policies and laws which affect them.

2. SPDC Responses to Trafficking

In recent years, one of the main areas of engagement with the regime in Burma on migration issues has been on trafficking. It is possibly a more acceptable form of migration to talk about, because the migrant has not left willingly but has been coerced or deceived or forced by an unspecified broker or syndicate. To date, there have been two major responses to the issue of trafficking. The first was to impose specific restrictions to prevent women from crossing the land border from Eastern Shan State. All women in this area between the ages of 16 and 25 are required to travel with a legal guardian within the country. In other border areas, all women are required to carry special permits to travel between towns or near borders, and women under 35 are more likely to be stopped and questioned.

“Recently, all the Government’s checkpoints stop young people, especially women and girls from going to border towns. They also dragged me out from the bus at a checkpoint along with many others young girls. We had to pay 1,000 kyat each, then they allowed us to go with the same bus.”

The second response was, in 1992, to introduce preventative educational measures. A number of vocational schools operate under the auspices of the Ministry for Progress of Border Areas and National Races and Development Affairs, and the Department of Social Welfare. The Ministry administers eight training centers, where women learn income-generating activities. “As the women in the border areas are more simple and vulnerable, the Ministry of Progress of Border Areas and National Races Development Affairs has established eight training centers in towns adjacent to neighbouring countries since 1992.” According to the Union of Myanmar, “Report on the CEDAW,” The Department of Social Welfare runs two training schools for girls, and four vocational training schools for adult women, established under the Suppression of Prostitution Act of 1949. These institutions are not closed institutions, since every inmate has to attend compulsory education.

3. Cross Border Response to Migration

In January 2002 Thai officials prepared for the Thai-Burma Joint Commission and tabled
options on how to send illegal workers back to Burma and attempted to create a framework for the legal entry of workers. Prior to the talks in February in Phuket, the Thai Foreign Minister visited Rangoon and said that they wanted Thailand to submit a list of the names of illegal migrant workers to be sent back to Burma so their nationality could be verified first. Burma was ready to admit repatriated Burmese migrants to a holding center at the border town of Myawaddy. Thailand instructed Burmese officials not to subject returnees to punishment for having left Burma illegally, according to Mr Tej, who co-chairs a Joint Task Force on the Repatriation of Illegal Workers. Rangoon also agreed to open more joint holding centers in Kawthaung and Pyathoungzu, opposite Kanchanburi, to accommodate migrants sent back from Thailand who failed to register for the health checks.

At a meeting in Phuket on 12 March 2002 of a joint Thai-Burmese Task Force, Thailand offered to submit to Burma the names of the workers to be repatriated, together with their photographs, parents identities, and domiciles. Burma was expected to take between 7 and 10 days to verify the information and approve the repatriation. Thailand submitted a draft Memorandum of Understanding (MOU) on the employment of cross-border workers in a bid to regulate the movement. Burma was expected to submit a counter-draft and its Foreign Ministry was compiling information from other agencies concerned. At the Phuket meeting the discussion also included Thailand giving Burma information about the HIV status of returning migrants. Thailand was asked to separate HIV positive migrants in the deportation process. After strong voices of protest, the Ministry of Health advised the Ministry of Foreign Affairs against testing migrants and revealing their status.

Holding Center

On March 1st 2002 Burmese migrant workers who had been arrested in Bangkok on 24 February after a series of raids by police, were deported to a holding center/labor deportation coordinating center/reception center in the Burmese town of Myawaddy. According to an SPDC’s newspaper article, the SPDC Government did not take legal actions towards the migrant returnees at the reception center in Myawaddy.

“The Government has been systematically receiving illegal Burmese workers from Thailand and rescuing them from all kinds of trouble, including being arrested by the Thai Government. The operation began in February of this year with the cooperation of the government organizations. Although these Burmese workers entered Thailand illegally to work and therefore are thus eligible for the penalties or punishment, the country received them back like its own children. Out of pure goodness of the government, they were returned to their homes without being charged. Recently arrived illegal Burmese workers from Thailand were given help in returning to their homes. They were given medical check-ups and medicines and further treatments were given to anyone that was in need. From the time the reception center was opened, and up until April 19th, 2002, a total of 2,208 men, women and children were received. First, they were registered, photographed, and had their citizenship checked. After that, they were checked for any criminal records. Then a record of the type of
job they had and their salaries were obtained. And at last, they were given medical check-ups and were given help in returning to their homes.”

3,000 migrants, deported from Mae Sot, Thailand to Myawaddy, Burma during the last four months have had to undergo mandatory HIV tests in the holding center/labor deportation coordinating center on the Burmese side of the border. The 20 migrants who tested positive, were sent to a hospital in Rangoon. Migrants who have been through the holding centre have reported that they have been sent from desk to desk for interviews as if they were criminals, have had to pay 3,000 kyat each and have been threatened with six months imprisonment if they are returned to the holding center a second time. As of August the detention centre was closed because the area was flooded.

4. Other Responses

- Save the Children (UK): Child Protection and Rights (Social) to reduce the risks of trafficking of children and youth in cross-border areas and improve services for vulnerable children and youth, Northern Shan State, Mon State and Kayin State.
- International Committee of the Red Cross: Protection of and assistance to civilians in border areas, Mon State, Kayin State and Shan State.
- The United Nations Inter-Agency Project on Combating the Trafficking of Women and Children works through the government women’s organization.
- Some small projects organize cross border assistance, such as the backpack medics.

C. CONCLUSIONS AND RECOMMENDATIONS

1. Push Factors

Forced migration policies in Burma have long-term effects on the general migration. Forcibly moving people not only results in people not being able to make a living but also in their not being able to settle down. Being moved backwards and forwards results in a general sense of insecurity, a familiarity with being “illegal” and with being abused. Thus migrating to Thailand is not seen as a huge undertaking, and the migrants’ undocumented status is not new to them. This should be taken into account in any intervention aimed at providing information to potential migrants. Migrants are at least aware that Thailand has more humanitarian values than the SPDC, and given the choice of insecurity and illegality under a dictatorship and the same under a democracy, many will opt for the latter.

Although economic hardship and the system of taxation are cited by many migrants as
reasons for their migration, in fact migrants face both economic hardship and having to pay a large part of their incomes for registration and travel in Thailand. The registration fee for migrants is the equivalent of between two and four months salary for most migrants. It is therefore clear that it is the link with the human rights abuses, insecurity and fear which push people to migrate.

**Recommendations:**

- Regional and international bodies must insist that the SPDC stop forced relocation practices.
- Regional and international bodies should actively promote political change in Burma.
- Implementation of decrees banning forced labor should be monitored by the ILO Liaison Officer, and INGOs should report any abuses.
- The four cuts policy and targeting of ethnic nationality civilian populations must stop.

**2. Health and Education**

There is clear evidence that migrants come across the border in search of health care due to a lack of health care facilities in rural areas in Burma. The migrants who register have paid for their health care and the health care of other migrants. However the unregistered migrants are asked to pay full costs for their health care when they visit Thai hospitals. Families of migrants are not covered under the health insurance scheme.

The lack of literacy skills among migrants suggests much higher rates of illiteracy in Burma than those reported officially in UN documents. Female adult illiteracy appears to be very high. Migrants reported a lack of access to education and lack of job opportunities as two factors for leaving Burma.

**Recommendations to the SPDC:**

- To provide primary health care and education to all citizens of Burma
- To ensure gender equality in access to education and health care.
- To increase public expenditure on health and education. To re-allocate the budget for the armed forces to essential services for the citizens of Burma.
- To re-open further education establishments, develop vocational training and job opportunities.

**Recommendations to the International Community:**

- To link aid for health issues to reallocation of public spending and to withhold aid until such time that political commitment to the health of the nation has been proven by a reallocation of funds and a time-bound plan of action for implementation.

**Recommendations to the Thai Government:**

- To allow all migrants in Thailand to pay into the state health insurance scheme, without
linked to work registration.

- To allow family members of registered migrants equal access to Government health services.
- To fulfil obligations to the Convention on the Rights of the Child and ensure that all migrant children have access to education.

There are serious concerns raised about resistance to drugs, such as TB. It should be expected that TB cases will continue to rise in the next few years as the TB epidemic goes hand in hand with HIV/AIDS.

**Recommendations:**

- To develop a system of cross-border mobile TB clinics.
- To allow migrants receiving TB treatment in Thailand temporary stay for the length of their treatment.

### 3. Post-Arrival

Many of the migrants from Burma are fleeing forcible transfers, systematic rape, forced labor, portering and armed conflict. These people are refugees, not economic migrants, and need safe refuge with psycho-social services to recover from these traumas.

**Recommendations:**

- The Thai Government should provide effective and appropriate protection (including safe refuge, physical and mental health services) for all people fleeing systematic abuses of their rights in Burma.
- UN, INGO and NGO staff should receive gender training and projects and services should be designed and implemented with a gender perspective.

**Recommendations to the SPDC:**

- The SPDC must immediately stop the systematic forcible transfers, rapes, forced labor and portering.
- There should be a nationwide ceasefire together with political dialogue with ethnic nationalities.

Of the migrants interviewed, one third were unemployed. Although this figure cannot be taken as representative of the overall situation, NGOs that work with migrants all report the dilemma they face: the major problem for migrant workers is finding work, but NGOs cannot provide any service to respond to this. If there are actually large numbers of unemployed migrant workers, it also points to an internal, informal system of social support that helps to sustain the unemployed. This network of support needs further consideration in any planned intervention with migrants to understand and work with the current networks rather than
imposing new systems. In order for networks to operate openly, migrants will need to be able to exercise certain rights.

**Recommendations to the Thai Government:**
- To protect migrants rights to associate.
- To provide special temporary work permits to migrant peer educators.

**Recommendations to NGOs and academic institutions:**
- To carry out a nationwide survey of the employment rates among migrants.
- To facilitate the representation of migrant voices at local and national level meetings on policy decisions affecting their work and lives.
- To provide health and rights information to key persons in informal networks of migrants.

**4. Policy Development**

The borders are governed by a variety of sectors, each with their own interests: business, tourism, the military, different ministries and government sectors. In some cases there are conflicts of interest.

**Recommendations:**
- Thai and Thai –Burma policy decisions should be taken after a round of local level border meetings, including the various sectors involved and including local NGOs, and representatives of migrant workers.
- Policies should be developed within a human rights framework and take into consideration the special situation of Burma.

Piecemeal interventions, which do not take into account the whole picture result in unforeseen and undesirable consequences, as for example the drug eradication policy leading to the displacement of the Wa and then the displacement of the local inhabitants.

**Recommendations:**
- International bodies should consult local people, CBOs and NGOs in developing interventions and should ensure their participation and representation in the planning, implementation and evaluation of all projects.
- If it is not possible to consult and ensure their participation, international bodies should refrain from starting interventions and should first pressure the regime to allow their citizens the freedom and right to associate and community mobilization.

SPDC imposes strict penalties for migrants leaving the country, but the survival of the people, particularly in border states, depends on remittances from migrants. The humanitarian
crisis in Burma would be much greater without migration. While there is no regular migration from Burma across the border, migrants have no choice but to use brokers and agents. Thus leaving themselves completely dependent on the connections of these brokers. Migrants do not choose their place or type of work, it is decided by the brokers.

**Recommendations:**

- To develop bi-lateral and multi-lateral agreements on migration which respect and protect the rights of migrants in pre-departure, post-arrival and re-integration stages.

**To the Thai Government:**

- To allow migrants to open bank accounts in Thailand in order to keep money safely and to legally and safely remit money to their families and communities.
- Until bi-lateral agreements are in place: to develop systems whereby migrants who enter the country, are provided with some immediate documentation at the borders (border employment offices, three-month travel papers etd.).

5. **Return and Re-integration**

The holding centers raise particular concerns. They do not appear to be addressing any of the needs of migrants, but are being used to collect data on the migrants, to do mandatory HIV tests and to segregate people with HIV.

**Recommendations**

To the SPDC:

- To immediately stop mandatory HIV testing.
- To offer free, voluntary, confidential HIV testing facilities in anonymous clinics with pre and post-test counselling.

To international bodies:

- To withdraw funding and technical support for the HIV tests while mandatory testing persists.
- To train medical personnel on the rights of patients.

To the Thai Government:

- To refuse to turn over deported migrants to holding centers which perform mandatory HIV testing.

**IMPORTANT NOTE:** This report is primarily, but not exclusively, based on the report submitted by the Burma Country Research Team (CRT).
ENDNOTES

159,358 Laotians and 57,556 Cambodians
3Information from returning tourists to Burma.
4Interview with a 25 year-old Burmese man from Waw Township, Pegu Division.
5Interview on 13 February 2002 with a 25 year-old female farmer from Tavoy Township, Taninthayee Division, who recently migrated to Thailand.
6Interview in Mae Sai District, Chiang Mai Province with a Shan woman from Keng Tung Township, Eastern Shan State.
7Personal communication with INGO worker inside Burma.
8Interview in Mae Sai District, Chiang Mai Province in January 2002 with a 42 year-old migrant man who newly arrived.
91 Paitha is equal to 1.63 kilogram.
10Interview in Mae Sai District, Chiang Mai Province in January 2002 with a 30 year-old Karen man who recently arrived in Thailand.
11Interview in Mae Sai District, Chiang Mai Province in February 2002 with a 22 year-old Chin man who recently arrived in Thailand.
13Dr Cynthia Maung, Health on the other side, Altsean.
15Interview in Fang District with a Shan man from Eastern Shan State.
17Interview in Fang District on 21 April 2002 with a Shan man.
18Interview in Fang District in March 2002 with a Shan woman from Murng Kung Township, Southern Shan State.
19Interview in Fang District, with a Shan woman from Wan Gart village, Loung tract, Southern Shan State.
20Interview in Fang District on 23 March 23 2002 with a Shan woman from Loikher village, Si Paw Township, Northern Shan State.
21Amnesty International/Danish Churchaid 14 March 2000 “88% reported forced labour and 77% porter service, 54% had ben forcibly relocated from their villages, 87% had had their possessions looted and 46% had lost at least one relative through killing, disappearance or landmine accident.”
22Interview in Mae Sod District, Tak Province in December 2001 with a 17 year-old migrant girl working in textile factory.
23Interview on 27 March 2002 with a Shan woman from Kung Hing Township, Southern Shan State.
24Interview in Mae Sot District, Tak Province on 20 Feb 2002 with a Burman woman from Bago Division.
25 Interview with a Pa O migrant from Ah Paung Township.
26 Interview in Mae Sot District, Tak Province in January 2002 with a 42-year old Burman from Rangoon.
27 Interview on 25 March 2002 with a migrant from Eastern Shan State.
28 Interview in Mae Sai District, Chiang Mai District on 25 March 2002 with a Shan woman from Wan Nar Nyong, Mung Peng District, Keng Tung Township, Eastern Shan State.
30 Interview in Fang District, Chiang Mai Province on 24 March 2002 with a Shan woman.
31 Interview in Mae Sot District, Tak Province on 19 February 2002 with a Karen woman.
32 Interview in Mae Sod District, Tak Province in February 2002 with a 18-year-old migrant girl who newly arrived in Thailand and is currently working in a textile factory.
33 Interview in Fang District, Chiang Mai Province on 23 March 2002 with a Shan woman. She talked about studying in Rangoon.
34 Interview in Mae Sot District, Tak Province in January 2002 with a 52 year-old Pa-O woman who newly arrived in Thailand.
35 Interview in Mae Sot District, Tak Province on 20 February 2002 with a man.
36 Interview with a Karen man from Kyar Inn Seikgyi Township, Karen State.
37 ibid.
38 Interview in Mae Sot District, Tak Province in January 2002 with a 52 year-old Pa-O woman who newly arrived in Thailand.
39 Interview in February 2002 with 23 year-old student, who recently migrated to Thailand.
40 Interview in Mae Sod District, Tak Province in January 2002 with a 30 year-old Karen man.
43 “Good neighbours help one another” in Bangkok Post, 14 April 2000.
44 Bangkok Post, 19 August 2002.
45 Ibid.
47 Interview in Nakorn Pathom with a female Burmese domestic worker from Karen State.
48 Interview in Bangkok with a Pa-O woman from Mon State.
49 Interview in Bangkok with a male Karen carpenter.
50 Interview in Bangkok with a Pa-O woman from Mon State.
51 Interview with a Shan woman from Si Paw Township, Northern Shan State.
Interview in Fang District with a Shan woman from Goon Loung Tract, Southern Shan State.

Interview in Fang District with a Shan man from Num Zarng Tract, Southern Shan State.


Translation of the leaflet paper issued by the Mon State SPDC authority.

Translation of the signs/billboards in the photos taken by FTUB.


Brenda Belak, *Gathering Strength Women from Burma on their Rights*, Images Asia: Bangkok, Thailand.

Interview in Mae Sod, Tak Province in January 2002 with a 17 year-old man who newly arrived in Thailand.

*Trafficking in Women; A Myanmar Perspective*, p 20.


Although the officials describe these migrants as ‘migrant returnees at the reception center’, they, in fact, did not return home based on their own will. They were arrested by the Thai Government, and then transferred to the SPDC authority’s reception center.

Translation of the article from *The New Light of Myanmar* (SPDC’s newspaper), 21 April 2002, pp. 9 and 16.
## Basic Migration & Socio-Economic Data

### A. Total Stock (Number) of Migrants, as of 2002

<table>
<thead>
<tr>
<th>Migrants Abroad</th>
<th>Migrants in the Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated stock: migrants outside the country</td>
<td>Estimated stock: migrants in the country</td>
</tr>
<tr>
<td>TOTAL</td>
<td>112,000</td>
</tr>
<tr>
<td><strong>a. By visa status</strong></td>
<td><strong>a. By visa status</strong></td>
</tr>
<tr>
<td>Documented migrant workers*</td>
<td>Documented migrant workers*</td>
</tr>
<tr>
<td>Emigrants/residents</td>
<td>Immigrants/residents</td>
</tr>
<tr>
<td>Undocumented migrants**</td>
<td>Undocumented migrants**</td>
</tr>
<tr>
<td>Refugees***</td>
<td>Refugees***</td>
</tr>
<tr>
<td><strong>b. By sex</strong></td>
<td><strong>b. By sex</strong></td>
</tr>
<tr>
<td>Male</td>
<td>Male</td>
</tr>
<tr>
<td>Female</td>
<td>Female</td>
</tr>
<tr>
<td><strong>c. Top 10 destination countries (thousand)</strong></td>
<td><strong>c. Top 10 countries of origin (thousand)</strong></td>
</tr>
<tr>
<td>1 Thailand (88)</td>
<td>1 Vietnam (1,000)</td>
</tr>
<tr>
<td>2 Malaysia (11)</td>
<td>2 China (55)</td>
</tr>
<tr>
<td>3</td>
<td>3</td>
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<tr>
<td>4</td>
<td>4</td>
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<tr>
<td>5</td>
<td>5</td>
</tr>
</tbody>
</table>

*Non-resident, temporary, or contract workers  **Includes illegal entrants, overstayed or 'jumped' visa, trafficked/smuggled people  ***As defined by the government, or in accordance with the UN refugee convention

### B. Annual Socio-Economic Data and Migration Flow

<table>
<thead>
<tr>
<th>Indicators</th>
<th>1997</th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population (million)</td>
<td>11.00</td>
<td>11.44</td>
<td>12.77</td>
<td>13.10</td>
<td>12.49</td>
<td>12.78</td>
</tr>
<tr>
<td>Economic growth: real GDP (%)</td>
<td>2.0</td>
<td></td>
<td>4.0</td>
<td>4.0</td>
<td>5.3</td>
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</tr>
<tr>
<td>Per capita GDP (US$)</td>
<td>300</td>
<td>246</td>
<td>240</td>
<td>237</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inflation rate: CPI (%; annual average)</td>
<td>7.9</td>
<td>17.0</td>
<td>4.5</td>
<td>1.6</td>
<td>1.0</td>
<td></td>
</tr>
<tr>
<td>Exchange rate (Riel per US$, annual average)</td>
<td>3,452</td>
<td>3,537</td>
<td>3,807</td>
<td>3,840</td>
<td>3,909</td>
<td>3,895/Jul</td>
</tr>
<tr>
<td>Total foreign debt (US$ million; yearend)</td>
<td></td>
<td></td>
<td>0.83</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>International reserves (US$ billion; yearend)</td>
<td>298.5</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Foreign direct investment (US$ billion)</td>
<td>343.4</td>
<td></td>
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<tr>
<td>Trade balance (US$ billion; yearend)</td>
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<tr>
<td>Labor force (million)</td>
<td></td>
<td></td>
<td>6.0</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Unemployment rate (% of labor force)</td>
<td></td>
<td>2.8</td>
<td>2.8</td>
<td>2.5</td>
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<td></td>
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<tr>
<td>Underemployment rate (% of labor force)</td>
<td></td>
<td></td>
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<tr>
<td>Average income: urban (Riel/month)</td>
<td></td>
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<tr>
<td>Annual outflow of MWs (legally deployed + irregular exit)</td>
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<tr>
<td>% women in annual outflow</td>
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<tr>
<td>Annual inflow of MWs (legally accepted + irregular entry)</td>
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<tr>
<td>% women in annual inflow</td>
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<tr>
<td>Annual migrants’ remittance (US$)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Sources: AMCInfobank, Asian Migrant Yearbook, reports of country research teams (CRTs)
Cambodia Country Report

A. OVERVIEW

1. Background

Cambodia is bordered by Thailand to the west, Laos and Thailand to the north, the Gulf of Thailand to the south, and Vietnam to the east. Its population characteristics are similar to that of its poor neighbors: over 80% of the 12.5 million population still lives in rural areas, the population grows at an estimated 2.5% annually, and the average family size is a little over five people.\(^1\) The population base is young: over 43% are in the 14-years or younger age group.\(^2\)

Agriculture is the core of the Cambodian economy, accounting for 43% of the GDP and employing 73% of the population.\(^3\) Industry accounts for 20% of GDP, with the garment industry being one of the most significant and fastest growing sectors – the latest report says that there are 178 garment factories, up from only 70 in 1997.\(^4\) The services sector comprises about 37% of the economy, with tourism playing an increasingly important role.\(^5\) Overall, the economy grew 5.3% in 2001 – outperforming many other Asian countries. However, it
remains among the poorest in Asia, and ranks 127 out of 191 countries in terms of GDP.\(^6\)

In order to achieve high economic growth, the government is trying hard to attract much-needed foreign investment. Thus, it is reforming its banking sector, initiating major infrastructure expansion, and undertaking a nationwide electrification program. But this is an uphill fight, considering the steep competition for similar investments from its neighbors in the Mekong. Almost three decades of civil war have left the country with enormous development challenges, including a large rural-urban gap (over 30% of Cambodians currently live below the poverty level, 90% of these are in rural areas), a fast-growing population with a high dependency ratio, a dearth of physical and human capital,\(^7\) a weak legal system and other governance institutions, and limited infrastructure, power, schools, health care and basic social services.\(^8\)

Paradoxically, Cambodia is both a migrant labor sending and receiving country. Thailand is the primary destination for Cambodians, while Cambodia receives the biggest chunk of Vietnamese migrants among the GMS countries. Cambodia is also used as a transit point by criminal syndicates in trafficking people to other countries, especially the West.

### 2. Migration Patterns and Processes

#### a) Cambodian Migration to Thailand

There are no reliable figures on the number of Cambodian migrants abroad; the *Asian Migrant Yearbook 2000* cites at least 112,000, mostly in Thailand and Malaysia.

Thailand is accessible to Cambodians in several ways. Three large checkpoints are located along the Thai-Cambodia border – in Surin (Karbcherng, Prasart, and Ban Kok districts), Sra Kaew (Tapraya and Aranyaprathet districts), and Trad (Klong Yai and Koh Kong districts). There are an additional, unofficial 320 entry points by land or sea.\(^9\) Due to the large number of entry points (especially remote crossing points with little or no border guards), as well as corruption, it is extremely difficult for both sides to monitor the border, making Thailand virtually open to Cambodian migrants (see Thailand report).\(^10\) As GMS governments and various international agencies (e.g. the ADB, World Bank) build ever-expanding networks of access roads in the Mekong region, isolated villages become connected to international highways, thus facilitating more migration. Villagers living along the borders make daily crossings to work for employers along the Thai-Cambodia border. Would-be migrants can obtain a 24-hour pass at the border, and then overstay.\(^11\)

Opportunistic agents also constantly exploit the migration process. There is reportedly a high incidence of minors being recruited in villages and then transported into Thailand for work. Such recruiters are easy to find, and are scattered throughout Cambodia, particularly in provinces along the border such as Battambang, Banteay, Meanchey and Siem Reap.

According to Cambodian migrants interviewed in Thailand, landlessness, poverty and economic reasons are the main factors that drove them to seek work in Thailand and countries outside the GMS. Landlessness, especially among rural Cambodians, translates to deeper poverty and the lack of means of survival, income, and economic opportunities even, in the
villages. Landlessness has been aggravated in recent years by land seizures, and more especially by the increasing selling-off of lands by the rural poor since the 1990s.\(^\text{12}\) The sale of land was previously prohibited; this only became permissible under a Cambodian law adopted in the late 1980s.

A survey conducted by the Cambodia Development Resource Institute (CDRI) in 2000 interviewed migrant laborers who went to Thailand. The migrants said that there were few job opportunities in the villages. Even in rice cultivation, only one rice crop was produced per year. Severe flooding in recent years – e.g. the flood in 2000 which was the worst in 70 years and caused extensive damage to agriculture – has increased the poverty of many villagers, especially the landless.\(^\text{13}\)

The survey also indicated that most of the migrants interviewed were from poor or very poor households. Of the 163 households surveyed, 23% owned one hectare or less of land, and 47% were landless.\(^\text{14}\) Female-headed households were particularly vulnerable to land displacement\(^\text{15}\) because of the highly patriarchal community values. Once the land has been sold, the family is cut off from a stable, though minimal, source of income. This forces them to support their most basic needs for food and other necessities from meager wage income. A family crisis such as illness, gambling or debt (with onerous interest rates), can often leave a family with little option but to send one or more family members to migrate for work.

Apart from the more observable economic “push factors,” there are also less obvious but equally powerful personal and social factors. Many of these are results of the war and the accompanying devastation which left deep scars in the personal and social psyche of many Cambodians. In a joint research project entitled “Mapping Migration Issues, Needs and

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<table>
<thead>
<tr>
<th>Type of Work</th>
<th>Average Earnings</th>
<th>Type of Work</th>
<th>Average Earnings</th>
</tr>
</thead>
<tbody>
<tr>
<td>In Cambodia</td>
<td></td>
<td>In Thailand</td>
<td></td>
</tr>
<tr>
<td>Fishing</td>
<td>0.5</td>
<td>Fishing</td>
<td>3.5</td>
</tr>
<tr>
<td>Agriculture</td>
<td>0.8</td>
<td>Agriculture</td>
<td>2.2</td>
</tr>
<tr>
<td>Construction</td>
<td>1.6</td>
<td>Construction</td>
<td>3.7</td>
</tr>
<tr>
<td>Small trader</td>
<td>1.5</td>
<td>Food processing</td>
<td>3.9</td>
</tr>
<tr>
<td>Hunting/gathering</td>
<td>0.5</td>
<td>Porter</td>
<td>6.1</td>
</tr>
<tr>
<td>Firewood collection</td>
<td>0.7</td>
<td>Garments</td>
<td>3.5</td>
</tr>
<tr>
<td>Motor taxi driver</td>
<td>1.9</td>
<td>Shop-work</td>
<td>3.2</td>
</tr>
<tr>
<td>Handicrafts</td>
<td>0.8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>0.9</td>
<td>Other</td>
<td>4.8</td>
</tr>
<tr>
<td>Average</td>
<td>0.8</td>
<td>Average</td>
<td>4.0</td>
</tr>
</tbody>
</table>

Note: CDRI interviews with 163 households, April-May 2000.\(^\text{15}\)
Strategies in the GMS’’ conducted by AMC and country research teams (CRTs) in 2001, the Cambodia CRT reported that the war played an important role in the increased breakdown of traditional values, the disintegration of families, lack of trust among neighbors, and the weakening of community spirit. These in turn have reduced resistance, even at the village level, to the idea of migration for work. Therefore, many men from the villages have sought work in Thailand. The vast majority of Cambodian migrants in Thailand (72% of the total registered) are men in the traditionally male-associated jobs e.g. fisheries, agriculture and construction. Women are concentrated in female-stereotyped jobs e.g. domestic work.

Support NGOs in Thailand have also reported that some Cambodian women have migrated to Thailand due to a combination of poverty, pressure to support the family, and an unhappy marriage or family life (sometimes involving domestic violence).

The pressure for out-migration is reinforced by demand (“pull factors”) for migrant laborers in Thailand. Since migrant laborers, who are mostly undocumented, can be paid less and are not in a position to negotiate for better pay or working conditions, they are in high demand in “3D” (dirty, dangerous, disdained) jobs in Thailand, e.g. fishery, agriculture, construction, and domestic work. Among Cambodians, there is a popular impression that Thailand is a land of wealth and opportunity. This is strengthened by the large wage differential between the two countries for similar jobs – e.g. fishery workers in Thailand receive 7 times the wage in Cambodia; construction workers receive 2.3 times more (see

### Cambodian Migrant Workers in Malaysia

<table>
<thead>
<tr>
<th>As a potential model for migration within the GMS, the Cambodian government does provide its citizens with legal channels to seek employment in Malaysia. The Cambodian government signed a labor export agreement with Malaysia in 1997, and has given two agencies, namely, Cambodian Labor Supply and Human Resource Development, authorization to recruit Cambodians and issue permits for them to work in Malaysia.</th>
</tr>
</thead>
<tbody>
<tr>
<td>According to research done by CARAM-Malaysia, there are approximately 10,000 Cambodians working in Malaysia. They hold jobs such as domestic helpers, construction workers, factory workers and sex workers. According to the report, however, while the majority of Cambodians entered Malaysia with proper documentation, many later became irregular migrants, particularly upon leaving their original place of employment. On 20 March 2002, the Malaysian government deported 20 irregular Cambodian migrant workers to Cambodia.</td>
</tr>
<tr>
<td>Problems reportedly faced by Cambodians working in Malaysia include contract wages and conditions which differ from those promised, as well as communication problems due to language barriers.</td>
</tr>
</tbody>
</table>
Table 1). This impression is also played up by recruiters and traffickers who invoke success stories of migrants returning from Thailand, in order to recruit more migrants.\textsuperscript{17}

Cambodian migrants in Thailand are employed mostly in agriculture (“field crops”), mining, pottery, construction, rice mills, livestock, fishery, warehouse transportation and domestic help.\textsuperscript{18} There were migrants working as ferry porters and in manufacturing or food-processing.\textsuperscript{19} Many work along the Thai-Cambodian border doing agricultural work for daily wages.

There is no Thailand-wide baseline survey, but a study conducted in March 2000 along the Thai-Cambodia border at Aranyaprathet and Khlong Yai\textsuperscript{20} gives an indicative profile of the Cambodian migrants in Thailand. The report said that 58\% of the Cambodian migrant workers were male, 43\% of whom were in the 21-30 age group. The women were generally older, with an average age of 30.4 (compared to 26.7 for men). Around 40\% were single, while 15\% said they were or had been married, widowed or divorced. The majority (60\%) had completed primary and lower secondary education, while 28\% said they had no formal education. The majority (57\%) of those without formal education were women. The majority (66\%) of the migrants understood some Thai (of which 45\% were fluent in Thai); the rest could not understand the language at all.

\textbf{b) Cambodian Migration to Malaysia}

In the late 1990s, the Cambodian government opened another legal and official migration channel: labor export to other (non-GMS) countries. The Cambodian government signed a bilateral labor export agreement with Malaysia in 1997. Two agencies (Cambodian Labor
Supply, and Human Resource Development) were authorized to recruit Cambodians and issue permits for them to work in Malaysia. The Cambodian government is considering if this can become a labor export model for other countries, including those in the GMS.

According to a report by CARAM-Malaysia (see story box), there are approximately 10,000 Cambodians working in Malaysia, mostly as domestic helpers, construction workers, factory workers and sex workers. The majority entered legally, but many later became irregular, e.g. upon leaving their original place of employment. The Malaysian government deported 20 irregular Cambodian migrant workers in March 2002.

Problems reportedly faced by Cambodians included contract and wage violations and communication/language difficulties.

c) Migrants in Cambodia

Cambodia attracts migrants primarily from Vietnam and China.

There are legal channels for Chinese migrants to work in Cambodia. Normally, Chinese migrants work out a contract with a Cambodian employer prior to arrival. According to the Cambodia CRT, the Chinese migrants come to Cambodia largely for economic reasons and often hold higher-ranking jobs as factory managers, supervisors, or other skilled or semi-skilled positions. Therefore, they normally receive better wages than the rank-and-file Cambodian workers.

In the past couple of years, another aspect of Chinese migration involving Cambodia has been the increasing use by criminal syndicates of Cambodia as a transit point in smuggling or trafficking Chinese people to other destinations, such as the United States.21

The Vietnamese are by far the largest economic migrant group in Cambodia. There is no reliable estimate of the number of Vietnamese migrants in the country. Data from the Ministry of Economy and Finance indicate that roughly 1.1 million immigrants relocated to Cambodia between 1985 and 1998, a substantial portion of whom were Vietnamese.

NGO sources have a similar estimate of a little over one million Vietnamese migrants living or working in Cambodia.22 The Cambodia CRT report said that the Vietnamese in Cambodia can be divided into two groups: (1) those who came between 1979 and 1988 (i.e. period of Vietnam’s occupation of Cambodia), and (2) those who came after 1988. The latter are mostly immediate family members or relatives of those who came during the first wave. The report also said that Vietnamese migrants crossed the border on their own, or through middlemen. Those who entered without proper documentation bribed corrupt border guards, police or officials at the border or in Cambodia.

Cambodian NGOs cite the lack of government policies and corruption at the border

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Average Daily Wage (Riel)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Fishing</td>
<td>10,314</td>
</tr>
<tr>
<td>2. Traders / shop-keepers</td>
<td>13,419</td>
</tr>
<tr>
<td>3. Other skilled workers</td>
<td>20,511</td>
</tr>
<tr>
<td>4. Construction workers</td>
<td>18,882</td>
</tr>
<tr>
<td>5. Service workers</td>
<td>12,231</td>
</tr>
<tr>
<td>6. Unskilled workers</td>
<td>8,567</td>
</tr>
</tbody>
</table>

Source: CDRI Interviews, April 2000
control points as factors contributing to the large numbers of irregular Vietnamese migrants in the country. At major checkpoints in Chrey Thom, Bavet and Ka-om Samnor, the migrants reportedly pay US$30-50 to corrupt Cambodian border officials. Other migrants, particularly those trafficked by agents, avoid border controls altogether by using remote crossings. Others cross on their own or with the help of friends or relatives.

Key informant interviews conducted by the Cambodia CRT provide the following indicative figures: 37% crossed the border on their own, 6% were assisted by relatives, and 57% paid agents to help them. Agents were reported to have charged fees ranging from VND 100,000 to 350,000 (US$7-23) for transport from Vietnam to Cambodia; similar fees are charged for a return trip to Vietnam. Others reported that some traffickers/recruiters colluded with the police by stopping migrants at numerous checkpoints, only to collect multiple, often exorbitant, bribes. While most Vietnamese going into Cambodia come from the border or adjacent areas, some have reportedly travelled for as many as 2-3 days and nights to reach the border.

What are the ‘pull factors’ that draw Vietnamese migrants into Cambodia? The key factor is believed to be the ongoing expansion of the service and construction sectors, which has increased the demand for better skilled labor (than is available locally), increased the wage differential between the two countries, and reinforced the gender division of labor, drawing more women into the expanding entertainment and sex industries.

As mentioned in the earlier part of this report, Cambodia needs skilled labor, such as construction foremen, wood craftsmen, and mechanics. Ironically, many Vietnamese migrants are hired to fill this need. Field studies have indicated that employers view Vietnamese workers as better skilled, and more hardworking and patient than Cambodian workers. In some industries, Vietnamese predominate: about 80% of the small contractors and supervisors in the construction industry are said to be Vietnamese; the Vietnamese have also retained a strong presence in the fishing industry due to a reputedly superior dexterity. Skilled workers, such as construction foremen and mechanics, are able to earn two to three times more money in Cambodia than in Vietnam.

The above jobs, where men predominate, also reflect the reinforcement of the gender division of labor, and the corollary use of women are ‘service providers.’ The expansion of the male-dominated sectors stimulate the corresponding growth in the entertainment and sex industries. Thus, the Cambodia CRT reported that many jobs available to Vietnamese women are in the sex industry, massage parlors and dance halls.

Lax border controls, and the cultural affinity of some Vietnamese with Cambodians (particularly the Khmer Kampuchea Krom ethnic group) make irregular migration between the two countries hard to control. Key informants interviewed by the Cambodia CRT and AMC staff in 2002 claimed that the number of Vietnamese migrants would increase as long as the Cambodian government lacked coherent and comprehensive policies to address the issue. Several of them believe that the main reason for the reluctance of the Cambodian government to officially tackle the Vietnamese migration issue is the history of conflict between the two countries (Vietnam occupied Cambodia in 1978-1988; it was also involved
in ousting Pol Pot and installing a Vietnam-backed government in Cambodia; see Asian Migrant Yearbook 1999, p. 91 ff for fuller discussion). Relations between Cambodia and Vietnam remain a highly sensitive matter even today. “Anyone talking about the issue of migrants in Cambodia will be in a difficult situation and so people are afraid to talk about this,” said some groups who have already experienced some harassment or pressure.

**B. ISSUES AND NEEDS**

1. Cambodian Migrants in Thailand

   a) Personal and Family-Related Issues

   Landlessness, poverty, and the lack of sustainable livelihoods in rural areas drive tens of thousands of Cambodians to flock to the cities (e.g. Phnom Penh) or work across the border, e.g. as agricultural laborers in Thailand. Building community livelihoods and support systems are issues that need to be addressed.

   Villagers who end up being recruited for jobs in the cities (e.g. garment factories or construction sites in Phnom Penh) have inadequate skills and knowledge, especially women, who have registered particularly high rates of no formal schooling. They need relevant training in order to compete for the available ‘skilled’ jobs which are currently largely filled by Vietnamese migrants.

   Further studies are needed on the deeper impacts of the war on family and community values, cooperation, support and survival systems, and how these translate into an increased impetus for migration, and risky undocumented jobs. It is also necessary to look more deeply into the reported role of parents/families in consciously or inadvertently facilitating the trafficking of Cambodians, especially women into the sex industry. There is a need for government and civil society groups to reach the village level in terms of providing dependable information to families and aspiring migrants about the realities of migration, trafficking, deception by traffickers and corrupt officials, etc.

   While working in Thailand, Cambodian migrants (both registered and undocumented, but especially the latter) feel alone and isolated. Since many face a language barrier, they encounter many personal, health, security, family or social problems that they cannot share with others or seek redress for. Many migrants have also articulated their need for channels for remitting money and communicating with their families back home. (See also Thailand country report.)

   Support groups in Cambodia and Thailand believe that the majority of Cambodians who return home – voluntarily or otherwise – have little or no money. Those who have been abused, victimized, or contracted sexually-transmitted infections (STI) including HIV, or have been disabled by accidents at work, need significant care and support upon their return, creating more burdens for their families. Many, fearful of being a further burden to their families, or facing the painful rejection of their families or communities, refuse to return and therefore suffer alone. These situations highlight the need for return/reintegration services, especially health services, counseling, treatment/therapy facilities, and mutual support groups/systems.
Community education seems especially necessary and vital in locations where large numbers of migrants leave, and eventually return, to Cambodia. Such activities need to include the realities of the migration process, migrants’ situation across the border, risks and vulnerabilities, rights and support groups, and triumphs and tragedies. Ex-migrants, where possible, can help share their experiences in order to help fellow villagers make educated decisions.

b) Institutional/Legal Issues and National Development Policy of Cambodia

Cambodia has been one of the most prolific countries in the GMS (and Asia) in ratifying the key UN and ILO conventions relevant to migrants, women and workers (e.g. international conventions on civil and political rights, economic and social rights, racial discrimination, discrimination against women, children’s rights). However, there is a need to further study how these have been translated into national legislation, and what implementing mechanisms or capacities are in place.

It is also significant to note that those few conventions that the government has not ratified – the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the UN convention on the trafficking of persons, and ILO Conventions 97 and 143 – are those focusing precisely on the rights of migrants. This shows that the government is consciously avoiding responsibility for protecting its citizens who are

Svay Pak—a settlement of Vietnamese migrant workers on the outskirts of Phnom Penh. Many of the undocumented Vietnamese women here survive by working in the sex industry.
going to Thailand, Malaysia and other countries, as well as the millions of migrants who are in Cambodia.

A clear human rights framework on the part of the government in addressing migration is urgent, since Cambodia has already begun its purposive labor export program — as signalled by the deployment of Cambodian migrants to, and a bilateral deal with, Malaysia. Knowing Malaysia’s dismal record in migrants’ rights protection, it is doubtful that such a deal promotes Cambodian migrants’ rights. Since Cambodia might use this agreement as a model in an increased ‘managed migration’ approach within the GMS (e.g. with Thailand and Vietnam), international human rights standards should serve as the basis/reference.

Cambodia, as a member of the various UN projects and programs on mobility, HIV/AIDS and trafficking in the GMS, has declared its commitment to combat trafficking in persons.

These initiatives and commitments however need to be reinforced by an unequivocal commitment to protect migrants’ rights (e.g. by ratifying the migrant-oriented UN and ILO conventions), and translating these and other positive initiatives mentioned above into a comprehensive, rights-based migration framework, policies and practice. The Migrant Forum in Asia has observed that a crime-control-oriented anti-trafficking policy tends to further victimize the victims (e.g. arrest and punish them, rather than punishing the traffickers). Therefore, a rights-based policy needs to be put in place, and resolutely implemented in order to strike hard at human traffickers, recruiters and middlemen, as well as corrupt border guards or authorities, who prey on Cambodians going to or returning from across the border. The CDRI study confirmed that many Cambodian migrants had been cheated both by those they paid to guide them, and/or their employers in Thailand.\(^{30}\) On their return to Cambodia, migrant workers also face the same situation. According to another study,\(^ {31}\) migrants caught illegally crossing the border by Thai police are stripped of their valuables and imprisoned for a few months before being deported. They then face arrest, fines and detention upon their return to Cambodia.

A comprehensive migration policy needs to address the exploitation and abuse of Vietnamese in Cambodia, especially women and children who end up in sex work.

One important feature of Cambodia today is that next to Thailand, it has the most vibrant and relatively independent civil society sector among the GMS countries. There are a number of international and local NGOs, including several which are human rights-oriented, operating in the country. These groups can play the important role of social/government watchdogs in monitoring compliance and advocating for the protection and promotion of migrants’ rights. The weakness, on the other hand, is the lack of migrant-focused NGOs and advocates. Therefore, work on migration issues tends to be a secondary item on the agendas of support groups in Cambodia.

Another institutional issue that the Cambodian government needs to work out with Thailand is the mass deportation of undocumented migrants. Procedural, legal and welfare assistance is needed in these cases. Deportation processes should be proper, humane, and conducted by the appropriate authorities, including relevant UN agencies. NGOs in Thailand
have reported that deportees are sometimes transported in dump trucks like cattle. Little is known about what happens to the migrants after they are returned to Cambodia. Cambodia will face a similar dilemma once it begins to tackle the estimated one million Vietnamese, mostly undocumented, on its soil.

Many returning or deported migrants have also lost their documentation, or had it confiscated. Migrants who have returned or been deported need to have access to legal channels to obtain proper documentation again.

Cambodia’s economic development policy should not solely promote investment, or even worse, the mass export of Cambodian labor. The AMC has consistently criticized the manner in which migrant sending countries in Asia have often made labor export their convenient ‘instant solution’ to generate foreign currency and ease unemployment – at the expense of the lives and rights of migrant workers. Now that Cambodia has embarked on the same path, it must critically assess how it can rebuild the country and alleviate chronic economic problems, landlessness and poverty in the rural areas. The GMS and Asian migrant labor markets are overcrowded, especially now that the global economic uncertainty and recession are being felt in most migrant receiving countries. If Cambodia wants to access these markets (as it did in Malaysia), it can compete only by undercutting other migrants (e.g. Indonesians, Filipinos, Bangladeshis) by offering its workers for cheaper wages, a lesser degree of human rights protection, and by deploying them in the lower rungs of the 3D (dirty, dangerous, disdained) job categories.

Cambodia and Thailand are State-parties to several of the same UN and ILO conventions. These can serve as the common basis for clear legal agreements in protecting Cambodians in Thailand and improving/expanding legal avenues for the employment of migrants. Cambodia and Thailand also belong to multilateral programs, especially those run by UNDP, ILO and various UN agencies dealing with migration, trafficking, development, and HIV/AIDS, many of which have been in place for a number of years. Therefore, bilateral deals protecting migrants would not be coming out of thin air. These institutional channels or agreements can cover not only legal and redress procedures, but also the labor rights and gender, health and family concerns of migrants.

c) Work-Related Issues

The CDRI report found that Cambodians are required to work longer hours than Thai workers, working almost ten hours per day for most jobs, and up to 18 hours per day for fishermen or 24 hours per day for porters. Other labor issues include occupational hazards, arbitrary deductions, withholding of salary, limited food, physical abuses/beating and false accusations. Women migrants, particularly in the sex and domestic work sectors, have gender-specific vulnerabilities, as previously discussed.

Cases of debt bondage have also been reported – e.g. where employers hire undocumented migrants, pay middlemen’s fees ‘on behalf’ of the migrants, and force the migrants to work for nothing until the amount is paid off. A related problem is the penalty for hiring undocumented migrants. The government imposes fines on employers hiring
undocumented workers; however, NGOs have reported that employers simply transfer the burden to the workers, since the workers are highly unlikely to complain. The policy, meant to discourage hiring of undocumented migrants, effectively penalizes them.

Since 1996, Thailand has required the registration of migrant workers, especially Burmese, Cambodians and Laotians. This provides legitimacy to those who register; but more than half have not registered, partly due to high fees, but also due to the complaint by many registered migrants that the problems (including extortion by corrupt Thai authorities) continue. Therefore beyond simply issuing color-coded IDs and collecting fees from migrants, registration needs to be transformed into a regularization process where regularized migrants have recognized rights, contracts and protections that enable them to function freely and productively as part of Thailand’s workforce. Standard contracts for the key job categories, which detail the rights and responsibilities of the employee and the employer, would be a good start. Such contracts should also explicitly recognize the right of the migrants to organize or join local unions. Information about Thailand’s registration system, labor laws etc. should be provided to employers and migrants in forms, methods and languages that migrants can understand and appreciate.

d) Gender-Related Issues

Just over a quarter (27%) of all registered Cambodians working in Thailand are women; that is, male Cambodian migrants predominate (the highest male predominance compared to Burmese and Laotians). Cambodians are therefore found mostly in male-stereotyped jobs like warehouse labor, construction and fisheries. Due to their relatively smaller numbers, Cambodian women migrants tend to be less visible than other women migrants in Thailand. Further studies are needed as regards the specific conditions, and gender-based vulnerabilities and discrimination faced by Cambodian women migrants.

These women are most visible – as usual – in the domestic help sector, the only job category where they outnumber the men (1:7 male-to-female ratio). Domestic work has typical problems, e.g. long working hours, lower wage compared to other migrants, and overwork. And as women living in their employers’ homes, they are more prone to gender-based violence or vulnerabilities, including sexual harassment, rape, and verbal and physical abuse. The CDRI study found that female migrants face sexual as well as other forms of harassment, and that conditions have worsened rather than improved since early 1998.33

There are also a number of Cambodian women engaged in sex work and begging in Thailand – jobs which are not recognized as legitimate work and are controlled by criminal syndicates. These women face specific problems and vulnerabilities including exploitation by the syndicates, sexual slavery, debt bondage, HIV/AIDS, physical abuses and corruption.

Thailand’s 1999 Cabinet resolution ordering the mandatory pregnancy testing of registering migrants, and their forced deportation if found pregnant, violates Article 11 of CEDAW. So far, neither the Cambodian nor Thai governments have made significant efforts to scrap this anti-women policy.

Returning migrant women also have gender-specific issues. As a result of the same 1999
Thai cabinet resolution, deported pregnant women have to deal with their maternity needs, as well as a fatherless child, upon their return to Cambodia. It is not known what services or facilities the Cambodian government provides in such cases. Those who have contracted STIs or other diseases while in Thailand, and those abused, psychologically troubled, traumatized or incapacitated by occupational accidents need health, psychological and welfare assistance upon their return. There is also a major need for community reintegration support/facilitation for the above victims, as well as for the thousands of Cambodians who are periodically deported by the Thai authorities. In cases where the community or family rejects or stigmatizes the ex-migrant, the Cambodian government and/or support groups need to provide the necessary assistance, including a place to stay/settle.

These are heavy costs of migration that the Cambodian government needs to realize and consider when it exports and fails to protect migrants, and fails to stop corruption, illegal recruitment and trafficking, thereby giving rise to massive irregular migration.

e) Socio-Cultural Issues

The Thailand CRT reported that Cambodian migrants may face more prejudice or discrimination than Laotian migrants for instance, because fewer Cambodians speak Thai. It said that there have been instances where migrants were falsely accused of theft or crimes, or were used as scapegoats by others. Young migrants who become accustomed to life in Thailand may experience difficulties in readjusting to a village lifestyle when they return.
home, due to changed standards of living or lifestyles, especially if they stay in Thailand for several years.

2. Migrants in Cambodia

Much of the literature discussing the issues and needs of migrants in Cambodia concentrates on Vietnamese women, particularly sex workers. There is a definite lack of information or analysis on other aspects of migration and the broader phenomenon of migrants in Cambodia. The issues and needs discussed below therefore tend to focus on the Vietnamese women migrants.

One possible reason for this is that Vietnamese men, as well as the Chinese in Cambodia, often hold higher-level positions (e.g. as skilled laborers, construction foremen, supervisors, or craftsmen) than women; therefore, they may be viewed as less vulnerable, and are thus not as well monitored/observed as the women and sex workers.

a) Personal and Family-Related Issues

Cambodia’s growing sex industry, and the proliferation of networks of agents and traffickers, have helped build up demand, recruitment and transport, and thus the number of Vietnamese women in the sex trade. Some research has reported the phenomenon of some Vietnamese families making deals involving their daughters (purportedly for some kind of legitimate work, and in exchange for lump-sum payments, ‘loans’ or ‘advances’) with agents known to be connected with brothels in Cambodia. Another study reports that some women had migrated and become involved in sex work despite the wishes of their families, or had done so to financially support their families but kept their sex work a secret. Several Vietnamese women included in this study “lost their virginity for money” by going to Cambodia. Apart from women, some migrant children (mostly girls and a number of boys under 15) have also been reported to be working in the sex industry.

This practice, also mentioned in the report of the Vietnam CRT, underscores a strongly patriarchal family structure and system of values that encourages young Vietnamese women to make sacrifices so that their families can survive.

According to the Vietnam CRT report, the main problems of the Vietnamese sex workers in Cambodia are: physical and health risks, security concerns because they are undocumented and the work is also considered illegal, loneliness, loss of self-esteem, and feelings of guilt and shame. Many sex workers have expressed intense fear of being sold to other brothels. The women’s fear and insecurity prevent them from going out, and trusting or establishing relationships with others. Aside from these psycho-emotional burdens, they also feel vulnerable and powerless due to their inability to change the oppressive situation and negotiate better living or working terms. This is particularly true for newcomers, those with little formal education and women who cannot speak Khmer or English.

Pressure from their families to remit money also discourages them from being assertive, as customers may complain to brothel owners, to whom their parents owe money. Those who
are in debt need to, or are forced to, work hard to pay their debts as soon as possible.

Considering the high risk or actual incidence of diseases and STIs, some brothel owners reportedly prohibit women from seeking treatment, prompting some NGOs to offer free medical services to sex workers through outreach programs.

The priority need here is the provision of health services and psycho-emotional counseling support. Facilities are needed where these women can learn the language, form mutual support groups, link up with NGOs, and develop their capacity to assert themselves, negotiate for better deals and protect themselves from abuses and diseases. There is also a priority need for awareness-raising programs directed at brothel owners, specifically on how they can help protect the women from diseases and facilitate their access to health services.

b) Institutional/Legal Issues and Government Policy on Migrants in Cambodia

Despite the huge population of Vietnamese in Cambodia, little substantive action has been taken by the Cambodian government to tackle the problem of migrants in the country. As mentioned earlier, key informants interviewed by AMC believe that Vietnamese migration remains a sensitive issue for Cambodia, because of the past conflict between the two neighbors. The lack of a clear government position or policy on migration has resulted in bits and pieces of policies and proclamations over the past several years.

For example, on 22 December 1992, the King made an announcement granting citizenship to all Khmer Kampuchea Krom people who come to Cambodia. It is not clear, however, how, or if, this pronouncement has been implemented.

In 1996, the National Assembly of Cambodia passed the “Law on Suppression of Kidnapping, Trafficking and Exploitation of Persons.” Consequently, the government formed the National Committee Against the Trafficking and Sexual Exploitation of Persons. The committee’s main task is to implement the policy and seek bilateral agreements on cross-border human trafficking. By mid-2002, the Cambodian and Thai governments had worked out the details of a bilateral agreement on trafficking, and were expected to sign the deal by the end of 2002.

However, it seems that no such progress has been made on a bilateral agreement between Cambodia and Vietnam. So far, the committee’s work has also failed to tackle the issue of the status of the Vietnamese in Cambodia, i.e. whether they should be considered refugees, migrants or residents.

A more recent initiative by the government was the registration of undocumented migrants in Cambodia. The Cambodia CRT reported that as of May 2002, at least 70,000 undocumented Vietnamese migrants had registered. This is a very welcome move, considering the slow and sporadic action by the government on the issue. However, whether it is based on a long term coherent government policy, or is just a one-off gesture, is not yet known. Although the government seems to have discussed broader policies on migrants in Cambodia, the CRT could not find documentary evidence explicitly laying down such a policy.

The lack of a coherent, consistent and clear government policy and position on migrants
in Cambodia has helped create the conditions of vulnerability for the migrants, e.g. the lack of legal entry and exit procedures, absence of channels for regularization, inability of the migrants to enter into legal contracts and transactions, and exclusion from redress and social services. The children of the irregular migrants likewise become stateless children, with no legal identity or access to education. The continued irregularization of the migrants prevents the government from properly benefiting from them, e.g. in terms of taxes, fees, or ability to put/channel the migrants into sectors where they could best help the Cambodian economy and society. Indeed, the clandestine status of the migrants force them into self-contained enclaves (even ghettos), sex work and other disdained activities. Local people may view skilled undocumented migrants (who are reportedly preferred in certain job categories in Cambodia) as opportunists who take away local jobs. A comprehensive migration policy framework is therefore long overdue, so that the migrant population in Cambodia can be properly handled.

c) Work-Related Issues

There are a number of Chinese migrants working in factories in Cambodia. Many of them are in better-paying positions, and are better off than local workers, and so local NGOs and labor groups don’t normally provide services for them. The Cambodia CRT reported that if these Chinese migrant workers have disputes with their employers, they receive no support from their embassy or other support groups, and are thus vulnerable to labor violations. The CDRI report on the other hand, said that many Vietnamese workers, although they are undocumented, actually fetch higher wages than Cambodians due to their skilled status.40

Another report41 said that Vietnamese fishermen, generally successful in Cambodia, are subjected to more extortion and corrupt practices by police or local authorities. In order to raise more money to pay off the bribes, many have resorted to the use of harmful and illegal fishing practices. More investigation and study on the conditions of the migrant fishermen are needed. There have been some studies in the past, but these mostly centered on assessing their vulnerability to HIV/AIDS.

Vietnamese sex workers are one of the most significant sectors of the migrant population in Cambodia, in terms of numbers, issues and needs. Fear of arrest, harassment, extortion and abuse by the police are some of the major issues they face. Since sex work is illegal in Cambodia, police take advantage of periodic crackdowns to extort bribes and favors from the brothel owners and sex workers. Payments are made in cash or free sex, among other forms. The sex workers have told support NGOs that police or other officials often force them to engage in unprotected sex.42

d) Gender-Related Issues

The broader gender issue concerning migrants in Cambodia is that job placements for migrants are highly gender-determined and segregated. The men (Vietnamese and some Chinese) are in higher-paying, industry-related jobs (e.g. factory technicians, skilled craftsmen), even if they are undocumented. Most of the Vietnamese women migrants end up
servicing the men’s needs, and are therefore concentrated in brothels, massage parlors or entertainment-related work.

The status and situation of Vietnamese women sex workers need to be more closely examined using rights-based and empowerment perspectives. Published reports indicate that they find little support both at home and in Cambodia. Back in Vietnam, their families normally don’t know about their actual work, or their families ‘arranged’ for them to go to Cambodia despite sex-trafficking risks. Most sex workers fear that they will be rejected for dishonoring the family if they return home. Many of these women are in Cambodia because strongly patriarchal values and practices pressure them to support their families, and deemed it ‘appropriate’ to send them across the border. In Cambodia, sex work is illegal, although demand for sexual services, corruption (including protection) by some authorities, and exploitation by traffickers, recruiters and brothel owners have built up a vibrant sex industry. Social condemnation of sex work also stigmatizes the women (and their children), and thus prevents them from meaningful social interaction, integration or participation.

These legal, institutional and social conditions create an environment of multiple oppressions for the women sex workers (race, gender, class, social). Existing responses (including collaboration by the Cambodian government and UN/inter-agency projects to combat sex trafficking and HIV/AIDS) are absolutely necessary; they need to be expanded and made more accessible to the women migrants and their children. However, they are not sufficient, since most are framed on the perspective of crime-control and suppression. Given that among the owners/traffickers/exploiters and the victims (women and their children), it is the latter who are disempowered and more publicly visible, it is the women who tend to be victimized again in government drives against undocumented sex workers. At best, the crime-control approach offers crisis-intervention, shelter or refuge services.

Therefore, there is a strong need to explore and adopt new, more gender-empowerment approaches, especially those that give legal, practical and collective capacity for the women to be publicly/legally recognized, self-organized, and therefore able to confront and fight back against the exploiters and abusers — instead of being summarily deported, only to reappear a few months later.

This is an approach still hotly debated by women’s advocacy groups, but one that certainly merits deeper consideration. In the end, the women — whether as sex workers, factory laborers, domestic helpers, etc. — need to assert their own identities. ‘Spaces for self-determination’ are necessary to allow them to define how they view themselves (e.g. as victims or as professionals) and their work. It is also necessary to provide support mechanisms for women who want to disengage from the existing situation and/or return or go somewhere else, as well as for those who are forced, or want to, remain.

e) Socio-Cultural Issues

Vietnamese migrants typically live in distinct communities that grow over time. New arrivals normally live with their relatives, find a job, and when their finances allow,
purchase a piece of land where they can erect their huts. Unless they commit a crime, they can, in most circumstances, live peacefully. In some of these communities, sex work is the predominant means of survival.

Many children, who become undocumented if their parents are undocumented, also become stateless because their mothers can’t send them back to Vietnam. These children have no access to proper education and live in society’s margins. Therefore, they potentially end up in the same kinds of work, or even in criminal activities in order to survive.

The presence of distinct, generally separate Vietnamese communities (or worse, ghetto-like enclaves) in Cambodia, might provide a familiar cultural environment and strong support system for the migrants; however, they have also become a source of irritation for many Cambodians.

Meanwhile, many Vietnamese (especially men) work in more skilled occupations, and command better pay. Therefore, they also become a source of tension if local people dislike them for competing for scarce jobs, or getting better wages. The more paranoid Cambodians, who may invoke the past political conflict between the two countries, have expressed concern of the possibility of the million-strong, mostly undocumented Vietnamese in the country being used to create trouble or meddle in the internal affairs of Cambodia.

Many Vietnamese have shared with NGOs the strong discrimination that they feel in Cambodia. There are historical reasons for this, e.g. Vietnam’s occupation of Cambodia in 1978-88. Some politicians have also used anti-Vietnamese propaganda to agitate local people against the Vietnamese community. An important example was in the lead up to the July 1998 general elections, and the subsequent post-election protests mobilized by the opposition. The anti-Vietnamese rhetoric of a leading opposition politician fired up some supporters to beat to death four innocent Vietnamese.43

Some of the ways by which some Vietnamese cope and avoid discrimination or detection by others is by changing their names to sound like Cambodian names; others try as much as they can to blend with the general population, integrate with the local culture, and learn to speak the language. In some cases, Vietnamese factory workers deny their nationality to evade arrest, or their employers simply tell authorities that all employees are Cambodian.44 Some NGOs also say that anti-Vietnamese sentiments manifest in many anecdotes that stereotype, and are prejudiced against, Vietnamese migrants.

Sensitization of the broader community may lessen the prejudice against Vietnamese migrants. Government officials, UN agencies and NGOs play an important role in the sensitization process and therefore there is a need for these key actors to possess gender and cultural sensitivity and a human rights perspective. Capacity-building for frontline government authorities (police, etc.) on gender and cultural sensitivity and migrants’ human rights may also be necessary.

**f) Health and Welfare Issues**

Access to healthcare and psycho-emotional counseling, shelter, and welfare support are immediate needs—especially for Vietnamese sex workers and the migrants’ children. It is
also important to provide venues where Vietnamese sex workers can access language classes, information on the dangers of unprotected sex and be afforded the necessary skills to negotiate with their clients.

The status of undocumented/stateless Vietnamese children needs to be urgently addressed, lest they become future social problems due to denial of education and channels for a productive life. The issue of children being forced into prostitution also needs to be immediately addressed.

C. RESPONSES

The following are some of the existing responses and interventions made by different actors to address the issues of Cambodian migrant workers in Thailand, and migrants within Cambodia. Some programs for Cambodian migrants outside the GMS (e.g. Malaysia) will also be mentioned.

1. NGO Programs and Responses (for Cambodian Migrants)

   a) Scholarships
   The Kampuchean Action for Primary Education, with assistance from The Asia Foundation, provides scholarships for girls from low-income families to enable them to continue their education beyond primary school.

   b) Vocational and Skills Training and Micro-enterprise Programs
   Available programs are not specifically or exclusively focusing on, but are open to, migrants. Vocational training by Enterprise Development Cambodia, aims to increase vocational skills. The specific program works with miller associations and brick and tile manufacturers to provide technical assistance, training, exposure trips to neighboring countries, and guidance for members in applying for credit. The Urban Sector Group, run by the Cambodian League for the Promotion and Defense of Human Rights and The Asia Foundation works to train and organize women market vendors. Another NGO, Khemara, is also involved in micro-enterprise development programs.

   c) Human Rights Education
   These are also not exclusive, but are open to migrants. The Cambodia Defenders Project Legal Awareness Program holds workshops that generally promote legal awareness in Cambodia. The Cambodian Labor Organization conducts training and education in workers’ rights as basic human rights and dignity, trade union rights and collective bargaining skills, and gender issues. This training may assist in raising Cambodians’ awareness of legal rights and help them to seek assistance to enforce their rights while working in Thailand. This may also involve Vietnamese migrants in Cambodia.
d) Community Organizing and Counseling
The Cambodian League for the Promotion and Defense of Human Rights is carrying out its Urban Sector Group program, which aims to advance the social and economic empowerment of women market vendors through training and community organizing.

e) Shelter, Counseling and Crisis-Intervention Services for Women Migrants
The Cambodia Defenders’ Project runs a Women’s Resource Center and provides legal counselling for battered women, which may address the poor family relations and living conditions which push some women to migrate. The program focuses on legal strategy, safety and protection issues, and the need to empower battered women by involving them in the legal decision-making process. Khemara also provides counseling and shelter for women who are victims of domestic violence through their women in crisis program.

f) Research and Publishing
The Asian Migrant Yearbook (AMY), published annually by AMC and the Migrant Forum in Asia, makes regular reports on the current migration issues and responses in 22 Asian countries, including Cambodia.

There have also been a number of research projects and reports published by different organizations. Please see “Migration in the Mekong: An Annotated Bibliography” published earlier by AMC and its partners for a listing of these.

2. NGO Programs and Responses (for Migrants in Cambodia)

a) Shelter, Counseling, Training for Vietnamese Sex Workers
The Lotus Club, a program of Khemara based in Svay Pak, runs a number of programs for Vietnamese sex workers. They also provide services for the children of the migrants. These include skills workshops, language classes (English, Khmer and Vietnamese), awareness raising and training on safe sex, the dangers of STI/HIV, and temporary shelter for sex workers and children. The center also provides psycho-social counseling.

b) STI/HIV/AIDS Education and Outreach
Khemara, as mentioned above, provides this program.

CARAM Cambodia also offers similar services to Vietnamese sex workers. Their services include outreach activities for the sex workers, various health tests especially on STI/HIV/AIDS, counseling and peer education on the dangers of unprotected sex, and promotion of the use and distribution of condoms. Their office also serves as a drop-in shelter/refuge center where the women can also watch educational videos and read health related publications. The center maintains good relations with, and works closely with, several Vietnamese communities.
c) Advocacy for Recognition of Sex Workers’ Rights
The Cambodian Prostitutes Union is spearheading advocacy for the recognition of sex work as a profession, and the documentation and exposé of violations and abuses against sex workers. Currently however, the union doesn’t have Vietnamese members.

3. Programs by the Cambodian Government and U.N. Agencies

As earlier mentioned, Cambodia adopted the Law on Suppression of Kidnapping, Trafficking and Exploitation of Persons in 1996. There is a National Committee Against Trafficking and Sexual Exploitation of Persons that is working for a bilateral deal with Thailand. In May 2002, the government registered 70,000 undocumented Vietnamese migrants, although it is not clear if this is a one-off action or reflects a more long-term policy.

The Cambodian government has also been involved in various projects by UN agencies (e.g. UNDP, IOM, ILO, etc.), and has allowed various international development organizations (e.g. Oxfam, Save the Children, CARE, etc.) to undertake migrant-related projects — even if most of these focus on trafficking and HIV/AIDS.

Following are the major collaborative initiatives involving the Cambodian government, IOM and other UN line agencies:

a) Migrant health services
- Migration and Travel Health Assessment – the program determines whether migrants are fit to travel, and provides testing and counseling services for tuberculosis and HIV sufferers. The program served 3,530 Cambodian migrants in 2001.
- Cambodia Mental Health Development Program – Partnership between the Cambodian Ministry of Health, the University of Oslo, and the Government of Norway. The program aims to provide clinical and mental health services, establish mental health clinics and a rehabilitation center. The program also trains Cambodian psychiatrists and nurses. Around 30,000 medical consultations were done in 2001 in four provinces.
- Care and Voluntary Return of Irregular Migrants in Cambodia program – Collaboration between the Cambodian government and Australia, which provides financial support; helps ensure that humanitarian support and medical care are provided to undocumented migrants in Cambodia.

b) Counter-trafficking measures
- Return and reintegration of trafficked and other vulnerable women and children, Cambodia component – The project started in 1996 in cooperation with the Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation (MoSALVY). The program aims to facilitate the reintegration of trafficked persons back to their communities. Up to 2001, the program had assisted 683 Cambodian women and children return home from Thailand, and 19 Vietnamese return home from Cambodia.
● Project for Law Enforcement Against Sexual Exploitation of Children – Partnership between the Ministry of Interior, UNICEF, World Vision, Save the Children Norway and the UNHCR. The two year project was set up to address the severe problem of child exploitation and trafficking. The overall goal is to improve the capacity of police, investigating judges and prosecutors to handle victims of child sexual exploitation and trafficking.46

● Prevention of All Forms of Trafficking in Cambodia - Capacity Building Project for the Ministry of Women’s and Veterans Affairs (MWVA) - to strengthen the human resources and program capacity of MWVA to facilitate preventive measures against trafficking. One of the program’s goals is to train at least 2,000 staff of MWVA from national to village level to enable them to plan and implement activities on the issues of orderly migration, the dangers of trafficking and measures to protect at-risk-women and children in over 900 villages in four provinces.47

● Research and seminars – IOM and various UN agencies have organized seminars and conferences on trafficking issues, and irregular migration.

c) Technical cooperation on migration

● Cambodian enhanced migration management system – Partnership between the Department for Foreigners and the Ministry of Interior. The project aims to devise an effective migration management regime and improve Cambodia’s migration legislation, policy, procedures, planning and development, information systems and international relations.

D. GAPS AND RECOMMENDATIONS

1. Pre-departure/Pre-migration Responses

The strategic “push and pull” factors discussed above need to be addressed by the Cambodian government and all groups dealing with the migration issue. There is less effort along these lines, since most of the government and UN initiatives focus on the trafficking and HIV/AIDS aspects. Emphasis on this area should not be reduced. A major strategic gap is in developing options for survival at the village level, so that local people, especially women, don’t see trafficking/irregular work across the border as a “better” option. Strategic responses to the underlying causes of Cambodian migration require action on the landlessness issue, providing infrastructure and access to technical/skills and technological support, and providing access to funds and resources for rural communities to build sustainable livelihoods and sources of income.

At present, several NGOs are involved in community-development programs. However, many of these programs are micro-level. International development organizations and UN agencies need to scale up, and focus more resources and staffpower on these. It is tempting
to focus on the ‘worst practices/forms’ of abuse against migrants (e.g. trafficking of women and children); however, if the bulk of the resources and staffpower are fixed on these for decades, it will prove a myopic approach and be doomed to failure in the end because trafficking and irregular migration will simply intensify with the continued collapse of rural economies or urban jobs. At least a substantive portion of international and UN resources should not be diverted from addressing the long term, strategic community development agenda.

Free and meaningful participation of both the people in the community, and of migrants and their families, are essential if community development processes are to succeed and become sustainable. The intervention of NGOs has proven critical in assisting grassroots initiatives. Therefore, policy measures have to be put in place by the Cambodian government which will further encourage the building of independent, vibrant grassroots organisations and NGOs/support groups focusing on migration.

Sustained information activities in villages and communities where migrants come from (both in Cambodia and Vietnam), including those directed at parents and children, are important. Currently, they remain limited; therefore community education efforts need to be increased and expanded, especially on topics like realities/consequences of migration, abuses/exploitation by local agents, traffickers, corrupt authorities, employers, etc. These educational activities can help people in the community assess the social/economic costs and benefits of working across the border, especially as irregular migrants/trafficked/sex workers. Information/education channels should try to optimize the mass media (print, radio, TV) and community communication channels.

2. Return/Reintegration Responses and Building of Sustainable Communities

Welfare support for returning migrants, especially those who were victimized abroad, needs to be strengthened.

Existing reintegration programs tend to focus on trafficked persons and are victim-oriented. More comprehensive, social development-oriented reintegration programs need to be explored, especially since Thailand periodically deports tens of thousands of undocumented migrants, including Cambodians. In particular, there is an immediate and strategic need to create employment opportunities in the villages that returning migrants can engage in. Local livelihood/economic alternative programs can include access to emergency loans at reasonable interest rates, migrant savings-for-social entrepreneurship (e.g. similar to those spearheaded by AMC among Thai, Indonesian and Filipino migrants), livelihood assistance, training and technical help. Current initiatives on community development and the rebuilding of community support systems (especially for those experiencing family, financial or survival problems) need to be increased and strengthened. Community development and national social development agendas need to be strongly gender-oriented, since the migration patterns follow, and reinforce, existing gender oppressions and biases.
3. Anti-trafficking Responses

There are already many government and UN initiatives in this area. However, some aspects that need to be strengthened are on consciousness-raising at the village level, and sustained and effective action against the traffickers. The latter means effective law enforcement and stamping out corruption among government authorities so that traffickers are identified, caught and jailed.

4. Institutional/Legal Responses and Migration Policies

The particular vulnerability of migrants is connected to their being foreigners. From a legislative point of view, migrants, especially undocumented, are automatically excluded from accessing basic services available to locals and policies are created to prosecute rather than protect them. At the workplace, this fact is often exploited by unscrupulous employers.

The reported bilateral agreement between Cambodia and Thailand, expected by end-2002, needs to be pursued. However, it is not just any bilateral agreement that is important, but one that is rights-based and gender-oriented so that regular, just channels for migration is established between Thailand and Cambodia.

In the same vein, the Cambodian government needs to definitively confront the Vietnamese migrant phenomenon in the country. A clear and comprehensive government position and policy is needed here. While this is being addressed, future waves of Vietnamese migrants can be protected and more properly handled if Cambodia initiates discussions for a possible bilateral agreement with Vietnam on the issue. As emphasized above, this agreement has to be based on human rights and gender frameworks.

The comprehensive Cambodian government policy on migration should include perspectives/protection of its workers sent to other non-GMS countries, e.g. Malaysia, on the same principle, it should commit to protect the Vietnamese and other migrants in Cambodia. The same policy needs to spell out how it plans to treat the Vietnamese (and their families) who are already in the country, and define legal channels for those who are planning to work in the country and how they should return.

The same procedures/channels are also needed for Cambodians returning from Thailand.

All these policies, bilateral agreements and protection mechanisms need to be guided by international standards and principles. Therefore, to be consistent with its past record of enthusiastic support for many UN/ILO conventions, Cambodia needs to adopt and ratify the UN and ILO conventions on migrant workers and trafficking.

It is also extremely important to identify implementers (government line agencies, NGOs) and recognize/support their roles. Capacity-building programs need to be provided to help these government agencies and NGOs become effective service-providers for migrants.

Many of the problems, especially with trafficking and irregular migration, are due to traffickers, unscrupulous recruiters, and corrupt officials (who therefore become part of the trafficking network). Tough policies are needed to deal with these opportunistic entities.
5. Responses/Programs Addressing Onsite Living and Working Conditions

a) Cambodian Migrants in Thailand

Responses are extensive on information dissemination on the dangers of trafficking. There are also a sprinkling of initiatives on provision of health services, social and economic empowerment activities, and services for victims of domestic violence. However, these are fragmentized, small-scale and target mostly sectors in the urban areas (market vendors and miller associations).

The Thailand country report identified the major gaps and recommendations on dealing with Cambodian and other migrants in Thailand. (See Thailand country report)

b) Migrants in Cambodia

There appear to be a lot of studies/published reports on the situation of Vietnamese sex workers. More in-depth studies will be beneficial. However, more priority seems to be needed in making a comprehensive study on the situation, issues and needs of the Vietnamese community as a whole, not only focusing on sex workers. This will help identify major areas of intervention to guide strategic planning in support of the Vietnamese migrants. Similar needs/issues analysis is also needed for the other non-Vietnamese migrants in Cambodia, e.g. Chinese.

Health, counselling, shelter and education programs for Vietnamese sex workers are limited and few in relation to the population. They are also located only in certain areas therefore making access difficult. This is reflective of the small number of NGOs directly addressing the concerns of Vietnamese migrants, let alone governmental institutions. Existing services/programs need to be replicated and expanded to other areas where there are concentrations of sex workers. There is only a sprinkling of information on the personal, family and community problems of the broader Vietnamese and other migrants’ communities and information tends to be commonsensical in nature, thus there is a need for further research/studies.

There is a common belief among NGOs in Cambodia that some Vietnamese migrants (especially craftsmen) command better pay than locals. This needs to be validated. Further studies, in general, are needed on the working and living conditions of migrants in Cambodia. The results/information can be used in policy advocacy and program formulation. Human and labour rights NGOs and organized labor should expand their organizing and education work to migrants to understand their situation better and formulate advocacy agenda from a labor, gender, class and human rights perspectives.

A number of NGOs have been courageously responding to the needs and issues of Vietnamese migrants, especially sex workers, in Cambodia. As earlier noted, local groups are concerned because migration issues tends to be considered ‘sensitive’ by the government. The operations and services of these groups need to be supported, expanded and popularised -- especially if the government cannot provide the kinds of services that the NGOs give.
Welfare services (health, education, shelter etc.) provided to sex workers should be expanded in terms of scope and approach. Given the sex workers’ precarious situation and complexity of their issues, it is important for human, gender, racial and labor rights advocates to come together and facilitate/create a space where these women can discuss their issues, and help enable them to make an individual and collective stand.

Where migrants (laborers, sex workers etc.) cannot represent themselves or their groups, they can endorse trusted NGOs to carry/project their issues and agendas. Overall, more NGOs should take up the issues of migrants in Cambodia and they should also engage in advocacy work from a comprehensive migration framework as discussed above.

The stigmatization of migrants in Cambodia, and of Cambodians in Thailand, need to be addressed. In Cambodia, public education, legislation, and cultural sensitization all seem important in order to combat what can become deep-seated prejudice against Vietnamese. Programs to prevent marginalization of Vietnamese workers in Cambodia will be important to deal with long-term migrants and the phenomenon of whole families and communities from Vietnam living in Cambodia.

6. Gender-Oriented Responses

Most of the gender-oriented responses are those addressing trafficking, sex work and other gender-stereotyped job categories such as domestic work. The issues typically involve domestic violence, trafficking and migration of women and young girls, physical and emotional abuse, rape etc. At the policy level, sex workers are targeted by the Cambodian government by its outlawing of sex work, causing many sex workers to lose their source of income and forcing them underground. The majority of responses tend to revolve around providing assistance to victims.

While parameters for gender equality are well-established, migrating women are faced with distinct gender issues attached to their being women and migrants at the same time. While maintaining existing interventions and responses, it maybe necessary to explore and to better understand gender issues in the context of Cambodia and the GMS so that responsive gender measures can be mainstreamed at the different levels of interventions of various actors including trade unions.

And since Cambodia has ratified the UN Convention Against Discrimination of Women, it may be important to revisit and evaluate Cambodia’s progress in implementing the convention and its accountability locally and with the international community. UN agencies and local NGOs can play a crucial role in such a process.

F. Conclusion

Cambodia is a receiving, sending and transit country for migrants. This has given rise to significant migration-related problems, but the Cambodian government has so far shown lack
of legal, institutional or operational capacity to effectively address the issue. The four most critical aspects that the government needs to address are:

- How to protect an estimated 70,000+ Cambodian migrants in Thailand; more than half of whom are undocumented;
- How to protect and what is the strategic policy/perspective of the government on the export of Cambodian migrant laborers to countries outside the GMS (e.g. Malaysia);
- How to protect, and what is the position and coherent/comprehensive policy of the government towards the 1,000,000+ Vietnamese migrants (mostly undocumented) in Cambodia.
- How to deal with human smugglers, traffickers and recruiters who move migrants into and out of Cambodia and use it as transit point for human smuggling to other countries especially the U.S./Europe.

These issues and problems require both urgent/short-term and strategic/comprehensive responses. They require clear policy frameworks, laws, policies, and implementing capacities/mechanisms. An important component in shaping these national policies is the adoption/ratification of migration-oriented international conventions, especially the UN migrant workers convention, the convention against trafficking, and the ILO migrant conventions. These will serve as minimum standards for the national migration policies. A strong gender perspective needs to be incorporated in national migration policies.

One strategic policy/position that the government needs to resolve is the status of Vietnamese migrants in Cambodia. Only by resolving this can the government establish the necessary regularisation and support channels to end this continuing irregularization of Vietnamese migrants. The longer this problem persists, the more difficult it will be to resolve, the larger number of women who will be victimized and children who will be stateless and become social burdens/problems to both the Cambodian and Vietnamese governments.

Immediate and adequate responses are needed for Cambodian migrants who have become victims (physically, emotionally, mentally). Current services, mostly provided by NGOs, are very limited.

Issues and needs requiring long-term and strategic responses include building community livelihoods, providing alternatives/options for rural families, providing professional and accessible legal migration channels, and protective, rights-based policies and support mechanisms. Sadly, such initiatives are few and far between, and require huge economic resources and expertise that the Cambodian government can ill afford. It is in this context that multi-sectoral, multi-dimensional approaches and partnerships are necessary. One key weakness here is in the number and capacity of local migrant groups, support NGOs and civil society movement which can sustain the pressure on government, UN and international agencies urging more appropriate and effective migration responses.

The government’s strong collaboration with UN agencies needs to be continued and deepened. But the government also needs to develop more open and constructive collaboration with NGOs.

One strong asset of Cambodia is its more open civil society sector, which can be very
effective watchdogs and partners in promoting and monitoring migrants’ issues and concerns, and in providing services/programs where government cannot, due to skill, resource or other limitations. However, a more supportive and explicit government policy/declaration is needed to assure NGOs safe and free operations in dealing with migrants’ issues. The perceived danger of responding to migration issues, especially those involving Vietnamese migrants, due to government sensitivity over this issue, needs to be removed. This can be done by a clear declaration from the government, and then proven in practice. The democratic space for civil society participation needs to be nurtured and to continue to be strengthened.

**IMPORTANT NOTE:** This report is primarily, but not exclusively, based on the report submitted by the Cambodia Country Research Team (CRT).

**ENDNOTES**

5. According to Yahoo! International Finance Center (cited above), “Cambodia’s tourism revenues rose 40% in 1999 to US$90 million.”
10. As cited, “A police official in Battambang explained why it is so easy nowadays to cross the border for traffickers: ‘Before, the trafficking of human beings across the border was a rare problem, not like it is now. After the civil war, the Cambodian people lack education, they are poor, so they are inclined to do anything illegal… There are a lot of robeang ways, these are small, illegal ways to cross the border. Some belong to Pol Pot soldiers, some to the governmental army. But the problem is, do we work for the government, or do we work for ourselves…? Only if our policemen are really neutral and have good morals, can we defeat the problem of trafficking.’” in Annuska Derks, *Trafficking of Cambodian Women and Children to Thailand*. IOM and Center for Advanced Study: Cambodia, 1997, p.20.
11. Ibid., p.20.
12. Chan Sophal and So Sovannarith, “Cambodian Labour Migration to Thailand: A


16Ibid., p.23.


19Chan Sophal and So Sovannarith, p.6.


21Cambodia CRT.

22Cambodia CRT, p.7.

23Cambodia CRT, p.7.

24Cambodian Human Rights Defense league, CLO, KKKHRA, etc.

25Cambodia CRT.


29Anuska Derks, 1997, p.12, citing a UNICEF report, “Although it is hard to get reliable data on trafficking and prostitution, surveys of 1993-1994 conducted by Vigilance and CWDA indicated that about half of the women and girls were sold into prostitution, mostly by parents or other relatives."


31Ibid.

32Ibid.


34Cambodia CRT.

35CARAM Cambodia, Crossing Borders, Crossing Realities: The Vulnerability of Vietnamese Sex Workers in Cambodia, 1999, p.16, further stated, “Ten out of twelve Vietnamese women had lost their virginity for money.”
AMC interview with Khemara, an NGO based in Svay Park, Cambodia, during the AMC country visit to Cambodia in March-April 2002.

CARAM Cambodia, 1999, p.18 reports the following anecdotes; “The women are afraid of being sold. Before, they took a woman to a hotel for the night and in the morning they took her in a car to sell her in the province…Today they don’t go out with the clients even to a house near here. They never have any confidence and trust in them. Brothel Owner” – Tuol Kork

“Some clients ask me to have sex somewhere but I don’t dare go for fear that I will be sold…A boy loves me and wants to marry me. He invites me to visit his parents but I refuse. I’m afraid that he will take me and sell me. Vietnamese Sex Worker” – Stung Meanchey

AMC interview with CARAM Cambodia during the AMC country visit to Cambodia in March-April 2002.


CARAM Cambodia, 1999, p.19 reports the following anecdotes: “If I don’t want to be arrested I must give 20,000 riel to the police. We always know of the arrest in advance. The police will arrest only the girls that have not given money to them. Khmer Sex Worker” – Tuol Kork “Some police officers…were drunk and asked to have sex with me…They made sex without using condoms. After that I was fearful…Khmer Sex Worker” – Tuol Kork.


AMC interview with CARAM Cambodia during the AMC country visit to Cambodia in March-April 2002.

Cambodia CRT, p.11.

IOM Cambodia 2001, IOM Cambodia.

Ibid.
## Basic Migration & Socio-Economic Data

### A. Total Stock (Number) of Migrants, as of 2002

<table>
<thead>
<tr>
<th>Migrants Abroad</th>
<th>Migrants in the Country</th>
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<tr>
<td>Estimated stock: migrants outside the country</td>
<td>Estimated stock: migrants in the country</td>
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<tr>
<td>TOTAL (2000) **** 1,041</td>
<td></td>
</tr>
<tr>
<td>a. By visa status</td>
<td>a. By visa status</td>
</tr>
<tr>
<td>Documented migrant workers (2000)* 400</td>
<td>Documented migrant workers —</td>
</tr>
<tr>
<td>Emigrants/residents —</td>
<td>Immigrants/residents —</td>
</tr>
<tr>
<td>Undocumented migrants (1997)** 253</td>
<td>Undocumented migrants** —</td>
</tr>
<tr>
<td>Refugees*** —</td>
<td>Refugees (1998)*** 292.30</td>
</tr>
<tr>
<td>b. By sex</td>
<td>b. By sex</td>
</tr>
<tr>
<td>Male —</td>
<td>Male —</td>
</tr>
<tr>
<td>Female —</td>
<td>Female —</td>
</tr>
<tr>
<td>c. Top 10 destination countries (thousand)</td>
<td>c. Top 10 countries of origin (thousand)</td>
</tr>
<tr>
<td>1 Japan (249) 6 Hong Kong (38)</td>
<td>1 Burma 6 —</td>
</tr>
<tr>
<td>2 Korea (184) 7 Europe</td>
<td>2 Vietnam 7 —</td>
</tr>
<tr>
<td>3 Laos (80) 8 North America</td>
<td>3 Lao PDR 8 —</td>
</tr>
<tr>
<td>4 Singapore (60) 9 Burma</td>
<td>4 — 9 —</td>
</tr>
<tr>
<td>5 Cambodia (55) 10 Thailand</td>
<td>5 — 10 —</td>
</tr>
</tbody>
</table>

*Non-resident, temporary, or contract workers  **Includes illegal entrants, overstayed or 'jumped' visa, trafficked/smuggled people  ***As defined by the government, or in accordance with the UN refugee convention  **** Women migrants in Yunan

### B. Annual Socio-Economic Data and Migration Flow

<table>
<thead>
<tr>
<th>Indicators</th>
<th>1997</th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population (billion)</td>
<td>1.24</td>
<td>1.25</td>
<td>1.26</td>
<td>1.27/Jul</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Economic growth: real GDP (%)</td>
<td>8.8</td>
<td>7.2</td>
<td>7.0</td>
<td>7.9</td>
<td>7.3</td>
<td>7.7</td>
</tr>
<tr>
<td>Per capita GDP (US$)</td>
<td>738</td>
<td>783</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Inflation rate: CPI (%; annual average)</td>
<td>2.8</td>
<td>-2.2</td>
<td>3.3</td>
<td>0.4</td>
<td>0.7</td>
<td>0.1</td>
</tr>
<tr>
<td>Exchange rate (RMB per US$; annual average)</td>
<td>8.30</td>
<td>8.30</td>
<td>8.28</td>
<td>8.28</td>
<td>8.28/Jan</td>
<td>—</td>
</tr>
<tr>
<td>Total foreign debt (US$ million; yearend)</td>
<td>135</td>
<td>150</td>
<td>165</td>
<td>—</td>
<td>170</td>
<td>169</td>
</tr>
<tr>
<td>International reserves (US$ billion; yearend)</td>
<td>143.36</td>
<td>160</td>
<td>161.50/Sep</td>
<td>165.60</td>
<td>—</td>
<td>242.76</td>
</tr>
<tr>
<td>Foreign direct investment (US$ billion)</td>
<td>42.8</td>
<td>32.1/Oct</td>
<td>40.0</td>
<td>40.8</td>
<td>46.9</td>
<td>39.6</td>
</tr>
<tr>
<td>Trade balance (US$ billion; yearend)</td>
<td>40.3</td>
<td>27.3</td>
<td>29.1</td>
<td>24.1</td>
<td>—</td>
<td>10.4</td>
</tr>
<tr>
<td>Labor force (million)</td>
<td>—</td>
<td>700.0/c</td>
<td>—</td>
<td>711.5</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Unemployment rate (% of labor force)</td>
<td>3.1</td>
<td>6.0</td>
<td>7.1</td>
<td>3.1</td>
<td>3.6</td>
<td>3.8</td>
</tr>
<tr>
<td>Underemployment rate (% of labor force)</td>
<td>7.50</td>
<td>10.30</td>
<td>—</td>
<td>6.57</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Average income: urban (RMB/month)</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>523</td>
<td>—</td>
<td>80</td>
</tr>
<tr>
<td>Annual outflow of MWs (legally deployed + irregular exit)</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>% women in annual outflow</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Annual inflow of MWs (legally accepted + irregular entry)</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>% women in annual inflow</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Annual migrants’ remittance (US$)</td>
<td>4.42</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
</tbody>
</table>
A. OVERVIEW

1. Background

Yunnan Province, with a population of 40.94 million and an area of 394,000 square kilometers, is located in Southwest China. The majority (70%) of the population lives in rural areas. Yunnan’s 25 ethnic minorities, which include the Yi, Bai and Hani, make up 33% of its population. Ethnic groups on either side of the international border are often related and share a common culture and language. This deep and abiding relationship between ethnic groups in Yunnan and the people of peninsular Southeast Asia is especially evident in Xishuangbanna and Dehong.

Yunnan has a 4,060-kilometer international border with Burma, Laos and Vietnam, of which the Sino-Burmese border is the longest at 1,997 kilometers. The Sino-Laotian border is 710 kilometers and the Sino-Vietnamese border is 1,353 kilometers. These borders with neighboring countries are dotted by numerous border crossings, formal and informal, large and small. The most important border posts in Yunnan are Manding and Ruili in Dehong.
Yunnan, China

and Hekou in Honghe.

The capital city of the Province is Kunming, which enjoys preferential policies of trade and investment. Other open cities include Ruili, Wanding and Hekou.

Yunnan is one of the major Chinese production bases of copper, lead, zinc, tin and aluminum. It is also fast developing the largest flower production and export base in China and Asia. At present, Yunnan has three big flower production areas including Kunming, a temperate fresh cut flower production area, the tropical flower production area in Xishuangbanna and Yuanjiang, with cold bulb flower production being carried out in Diqing and Lijiang. The annual flower output in the Province reaches 1.1 billion bunches. Utilizing its floral resources, Kunming hosted the 14th International Horticulture Expo in 2000.1

Yunnan’s main agricultural crops are rice, corn, wheat, sugar cane and beans, as well as rubber, tea, tobacco, walnut, cashew nuts and coffee. The Province also produces Chinese medicinal herbs and has the second largest sugarcane production base in China. The total outputs of sugarcane accounted for 18% of the country’s total, reaching 15.3 million tons in 1999.

Yunnan is also one of the major coffee growing and processing bases in China. Multinational coffee companies Maxwell and Nestle have signed contracts with Yunnan to provide 10,000 tons of coffee beans annually. By May 2001, Puer had become the largest coffee plantation base in China. Another large multinational corporation, the Coca-Cola Company, is a major investor in Yunnan.2

In 2000, over one million tourists visited the region and generated revenues of US$340 million. Exports rose by 13.6% to US$1,175 million in 2000, while imports grew by 2% to US$638 million in the same year.

Hong Kong is the biggest investor in Yunnan. In 2000, the actual utilized investment from Hong Kong was US$75.3 million. Other major investors were from the Virgin Islands, the U.S., Japan, Germany, Singapore and Taiwan.3

Yunnan’s location directly north of the traditional drug producing centers in the Golden Triangle, and more recently developed drug producing regions in Southeast Asia, has led to the emergence both of a significant drug addict population within the province, and of drug-trafficking routes through Yunnan to other parts of China. After the discovery of China’s first case of HIV infection in Ruili, Yunnan became the province with the largest numbers of cases of HIV/AIDS in China. Drug addiction and HIV/AIDS have become major issues of social concern in Yunnan today.

2. Migration Patterns and Processes

There has been a long history of migration from and to Yunnan Province. Over the centuries, numerous people from Yunnan have journeyed to Southeast Asia, either engaging in trade, or escaping the ravages of war. This trend continued even after the establishment of the People’s Republic of China, and has been particularly high during times of internal upheaval, as with the Land Reform Movement, the Great Leap Forward, the Anti-Rightist
Campaign and the Cultural Revolution. Many have also migrated due to marriage. Yunnan ranks third as a source of migrants from China, after Canton (Guangdong) and Fukian (Fujian) provinces. No corresponding movement into China occurred during the same period, however, while strict implementation of the planned economy and the household registration system prevented massive migration within China.

After the initiation of the Open Door and Reform Policy in 1979, China began the transition from a planned economy to a market economy and adjustments in the agrarian economy led to a serious labor surplus and corresponding unemployment in the countryside. From the 1980s, rural populations began to drift to the cities in search of work, while the populations of economically under-developed inland regions began to migrate to the East Coast. Similar migratory trends began to evolve in Yunnan during the same period, as rural populations moved into the cities and outside the province (principally to the East Coast) while people from other provinces, notably Sichuan and Guizhou, began to migrate to Yunnan in large numbers. Immigration from Yunnan to countries across the border began in the early 1990s.

a) Migration from Yunnan to Other GMS Countries

Migrants from Yunnan to other countries in the GMS are usually either trafficked/tricked, or do so of their own volition through their own contacts/organizational structures. The former are usually young women under 30 (evidence shows that these usually wind up working in the sex industry), while the latter are usually people under 30 of both genders. Even among those who cross the border voluntarily, there are usually more women than men, most having their sights set on Thailand. Those who go to Burma or Laos tend to do so for business and are generally considered traders.

Xishuangbanna, located in the south of Yunnan, has an area of 19,124 kilometers, a population of 838,400 and an ethnic minority population of 619,220 (73.9% of the total population). Its principal ethnic group is the Dai. The Prefecture has a 996-kilometer border with Laos and Burma, and is only 80 kilometers from the Thai border. Through it flows the Lancang-Mekong River, which winds southward through the other GMS countries until it empties into the South China Sea. At the crossroads of Yunnan and Peninsular Southeast Asia, the Prefecture has three national-level ports of entry, while there are more than 500 natural routes into and out of it from Burma and Laos. It is connected with Peninsular Southeast Asia by land, water and air, while its border peoples often live as they have traditionally, straddling the borders and oblivious of their existence, maintaining close ties between villages, engaging in cross-border trade and bound together by common environments, languages, ethnicity and culture. The result has been the development of wide-ranging cross-border networks of friends, relatives and acquaintances, networks that have facilitated cross-border migration in recent years.

Xishuangbanna and Simao constitute the main regions from and through which people from Yunnan migrate into Southeast Asia. Among local ethnic minority groups (especially the Dai), the principal destination for migrants is Thailand. Migration generally belongs to
one of the following types: (a) those who move across the border after marrying someone from the other country; (b) victims of trafficking, primarily under the age of 30, of whom, according to available evidence, most are sold into sex work in the destination country; (c) voluntary, locally self-organized migrants, predominantly but by no means exclusively women, who go across the border to work; and (d) those people, principally traders, including border people, going to Burma and Laos. While most of this last group tends to stick to border areas near Xishuangbanna and Simao, they can be found throughout Laos and also have been known to go from Burma or Laos to a third country.

Of these four categories, the last is by far the largest. Unfortunately however, the absence of either official or NGO-based research and intervention means that very little is known about this last category and the focus is on the first three categories. There is also a lack of any research on Xishuangbanna-Simao cross-border migration as a whole, previous research having focused on those counties or villages (mainly in Xishuangbanna) where migration was known to be most commonplace, a fact that limits the amount of general statistical and other data available.

According to the 2000 Migrant Population Survey of A County In Xishuangbanna, people began to migrate across the border to find work in the 1980s, with an increase in the 1990s. According to statistics from the local government and Public Security Bureau, some 1,041 women (no statistics are available for men) have migrated from the 14 townships of the county to Thailand, Burma and even as far as Malaysia and Singapore. Save the Children (UK) research in a Bulang (Blang) village in the same county discovered that planned, organized migration to work in Thailand had existed there for more than a decade and that all but three or four households in the village had family members who had worked abroad. Research at the beginning of 2000 showed that 139 people, or 24.34% of the village population, had left. The earliest migrant workers from the village left as early as 1980, while organized group migration began in 1989. Most migrants had built new houses in the village upon their return. The pattern of migration to Thailand to work, and a return to the village to spend and invest earnings became a trend and then a village tradition, with one or two migrant groups going every year. Female migrants slightly outnumbered male at 53.24% to 46.76% while the vast majority were children and youths, with an average age of between 17 and 20 years old. The youngest known migrant was female, and aged 12 years old.

Data on how many women have been trafficked across the border can only be obtained by examining records of cases reported to the police by victims’ families. As most cases are likely to remain unreported, statistics gained from such sources will reflect much smaller numbers than the actual number trafficked. Between 1990 and 1997, 253 women were reported as having been trafficked from Xishuangbanna, Simao and Lancang Prefectures, the vast majority between 20 and 30 years old. Available data indicates that the majority of these women had received at most a primary school education, while more than half were illiterate or semi-literate. While trafficked women came from different ethnic backgrounds, the largest number of them were Dai. More than a third (38%) came from families with an annual income of 600 yuan or less.
b) Migration from Other GMS Countries into Yunnan

Migration into Yunnan from the GMS comes mainly from Burma and Vietnam. Migrants from Burma tend to settle in Ruili, Dehong, Hekou and Honghe. The Burmese in Ruili are primarily jewelers and retail traders in general merchandise, while Vietnamese in Hekou are mainly retailers dealing in Vietnamese products. Scattered among the migrant populations of both Ruili and Hekou are a number of sex workers. The fact that the Chinese labor market is already saturated limits the jobs available for foreign workers and determines the dominance of traders over workers among migrant populations. Research has also revealed cases of Burmese and Vietnamese women being trafficked into China to become wives to Chinese men.

This section, therefore, will be subdivided, focusing on two specific areas of Yunnan Province: Ruili and Hekou.

Ruili

Ruili Municipality, located on the border with Burma, has a total area of 917 square kilometers and a total population of 81,639, of which 15,000 live in the town proper, and the rest in agricultural areas. The municipality’s ethnic minority population is 49,842, or 61% of the total population. The Jiegao Special Region is under the jurisdiction of Ruili and is one of the first regions in Yunnan Province to receive approval from China’s State Council for
development through international trade and tourism.

Facing Burma on the north, southwest and southeast, Ruili Municipality has a 141-kilometer border with Burma (70% of its total border area). Ruili provides the best transportation links with Burma and almost all Burmese goods reach the rest of China through this route.

Ruili is one of Yunnan’s five main ports and is the largest in the Province. More than 10,000 people pass through it a day, accounting for 54% of the total people passing through Yunnan’s official border points, while Mujie, across from Ruili, is Burma’s major trade port. Ruili is an open border city, while Jiegou is Yunnan’s foremost border trade economic region. Correspondingly, Mujie is one of Burma’s four open ports. This means that both Ruili and Mujie benefit from preferential government policies. The advantage of Ruili in the transportation network is its vigorous economic activity, making it a place of trade and employment opportunities and the first destination for Burmese migrating to China.

Burmese migration into Yunnan started in 1984 and began to reach significant levels after the Government of Burma opened its borders with China at the end of 1988. While Burmese workers and businessmen can be found all over Yunnan, the vast majority of migrants are concentrated in Ruili, Dehong (including Jiegao), making the density and numbers of cross-border migrant populations greater here than in any other part of the Province. While Yunnan has six prefectures which border Burma – Nujiang, Baoshan, Dehong, Lincang, Simao and Xishuangbanna from north to south – outside of Dehong and Xishuangbanna only scattered border markets exist. In Ruili, Muslims account for more than 60% of the Burmese migrant population, the second largest group being ethnic Burmese. The Burmese migrant population in Ruili, primarily engaged in various types of commerce, peaked at over 5,000 in 1995-96. Although China was not as directly/seriously affected by the 1997 financial crisis as some other countries in the region, the resulting economic slowdown across the region resulted in reduced trade activity and economic opportunities in Ruili. A large number of migrants returned to Burma, bringing the current number of Burmese migrants in Ruili down to an estimated 1,500.

Evidence of migration of Burmese women to the more interior parts of China has begun to emerge. Case studies indicate that most of these women have been trafficked into Yunnan and “married” (sold as wives) to Chinese men. Unfortunately, no accurate statistics concerning trafficked Burmese women exist.

Burmese generally migrate to Ruili as families, while in most cases migration is facilitated by experienced guides, themselves often either friends or family members, though some go-betweens are actually professional “recruiters.” Businessmen are generally brought over by friends or family members, while “recruitment” is usually resorted to by massage parlor and brothel owners. Massage parlor recruiters usually have to be very close to the parents of the girls they wish to recruit and sign a formal contract with them before bringing the girls over. The girls generally cross legally and reside in Ruili legally, possessing residence permits and health certificates.

Recruitment for and by pimps and brothel owners is much more complicated.
Recruitment generally follows one of the three following patterns: (1) the brothel owner, his wife, bodyguards and other men will go to Burma together, give the girl’s family 5,000-10,000 kyat, an expense that will be subtracted from the girl’s pay after she comes to work in Ruili; (2) a middleman is employed; formerly, these people received an average of 15,000 to 20,000 kyat while the going price is currently 20,000-25,000 kyat; (3) girls working for a brothel owner may recruit new sex workers on their return to Burma, telling the potential recruit how good the brothel owner is to his girls. If they are successful, the brothel owner will pay for the recruits’ transportation and pay the recruiters for their work. Some of those who work in Ruili’s sex industry were sex workers in Burma, while others are engaging in this profession for the first time. Sources (sex workers, pimps/brothel owners, other Burmese migrants) indicate that while some have been tricked into going to China, as a rule, girls and women know the conditions of their potential employment. They are very often forced into making this choice by the harsh living conditions at home.

Research has uncovered cases of Burmese women being trafficked into other provinces of China, such as Sichuan, Guangdong and Hunan. Automobile mechanics and jewelers found in various parts of Yunnan, on the other hand, have all entered the Province legally.

There are sharp class divisions based on differences of income and profession among the Burmese migrants in Ruili. At the top of this class structure are the jewelers, the largest group and also the wealthiest, without whom it would be impossible for the others to make a living. In the middle are those who trade in wood and general merchandise between China, Burma, India and Bangladesh. Also in this group are the retailers, restaurateurs, teashop owners, massage parlor owners or karaoke businessmen. The so-called ‘professional class’ includes jewel, silver and gold workers, wood carvers, auto repairmen and masseurs. They have skills not easily found in, or satisfied through, the Chinese labor market.

Ethnically speaking, Burmese Muslims dominate the top of the class structure, while ethnic Burmese are more prominent in its lower echelons. While the generally well-off Burmese Muslims are mainly jewelers, they also engage in the sale of general merchandise, seafood and agricultural products between Burma and China, as well as in operating restaurants. Some are even thought to be engaged in the drug trade, while a very few are involved in the sex industry.

Lower class Burmese find their job opportunities severely limited by their poor education, lack of professional skills and the language barrier. Accounting for 30-40% of the Burmese migrant population in Ruili, authorities say most of them are engaged in the following occupations:

- sex work – there were 200-300 Burmese sex workers in Ruili at the height of migration in 1994-95, while there are only 40-50 today;
- begging – while the street beggars are mostly children, they are usually doing so in order to support parents or other adults. Research found that there were at least 20 child migrants, while according to a Public Security Bureau (PSB) report, at one time there were at least 500. People in this category face the harshest treatment from the Ruili government and are the target of numerous campaigns or are sent back to Burma;
- selling fake jewelry;
- drug peddling;
- theft or pick-pocketing.

In addition to businesses similar to those found among Ruili Burmese – restaurants, teahouses, karaoke and Burmese-style massage parlors – Jiegao has some 60-70 migrants engaged in loading and unloading goods from trucks, while the remaining migrant population is engaged principally in illegal activities. There are 150-200 Burmese sex workers in Jiegao, as well as beggars, drug peddlers, thieves and pickpockets. All of Jiegao’s sex workers live on a street to the north of the transport depot where goods are unloaded from trucks. Truck drivers are their principal customers.

**Hekou**

Hekou County is located in the southeast extreme of Yunnan Province and has a 193-kilometer border with Vietnam. It is the most important national-level port along Yunnan’s border with Vietnam and there are longstanding cultural and economic ties with Vietnam. After France occupied Indo-China and created a sphere of economic influence in Yunnan, a railroad was built from Kunming to Vietnam’s capital Hanoi. On completion of the railroad, Hekou became Yunnan’s most important, prosperous trading center and was often referred to as “The Little Hong Kong.” The town today is commercially developed with a remarkably mobile population. There are currently just over 7,000 people living there permanently, compared to a floating or transient population of more than 10,000. There are 2,000 to 3,000 Vietnamese living in Hekou either long- or short-term together with more than 200 Viet-Chinese households. The Viet-Chinese population is composed mainly of the descendents of workers on the Kunming-Honghe railroad, who stayed after its construction to help with its maintenance. The first Vietnamese household to move here did so more than 100 years ago.

Before 1969, Hekou, in addition to being a center of unofficial border trade, was the primary port through which China gave material support to Vietnam. Cross-border movement was strictly controlled on both sides. After Ho Chi Minh’s death in 1969, Sino-Vietnamese relations seriously deteriorated. After the Sino-Vietnamese War erupted in 1979, border contact virtually stopped, not resuming until after 1989. Gradual opening up of the border gave way to a complete opening in May 1993, after which commerce and human traffic grew rapidly. According to incomplete statistical data, more than 1.3 million people have passed through the Hekou border point, including those making multiple entries and exits. An average of 2,800 entries or exits a day has been maintained since the beginning of 2002. At least 70% of legal entries were made by females, the majority of whom were between 20 and 40 years old, with a few under 20 or over 50. More than 500 legal, long-term (one year or longer) Vietnamese residents currently live in Hekou, some of whom have already been there for more than ten years. In addition to this, every month more than 2,000 short-term (one month or more) permits are issued. The vast majority (90%) of the more than 10,000 migrants who entered Hekou in 2001 had proper
While most of these Vietnamese migrants come from Laocai and other regions near the border between Vietnam and Hekou County; others come from other parts of northern Vietnam, including Yen Bai Province and the outskirts of Hanoi and Haiphong Municipalities.

Most of Hekou’s migrant Vietnamese population is composed of small-time businessmen living in the vicinity of the border trade market, locally called the “Vietnamese Street.” Less than half of them (48%) sell food, crafts and other products, while the majority (52%) work in such service industries as barbershops, karaoke bars and restaurants. Some Vietnamese are involved in the importation of products into other parts of Yunnan. Records show that from 1991-2001, more than 30,000 border permits were granted to people passing through the Hekou customs post. Some 500-1,000 Vietnamese vendors trade and sell food and drinks at the Hekou border. Another group composed of Vietnamese women working or cohabiting with local men, is engaged in such service industries as barbershops, karaoke bars and “entertainment centers” which commonly employ Vietnamese female sex workers. Vietnamese businessmen and vendors employ Vietnamese women in various types of work, while some Vietnamese males are employed by Chinese businessmen to do mainly manual labor. A number of Vietnamese women cohabit with local men, thus becoming dependant on extra-marital relationships for their livelihood. One final group is trafficking victims, who pass through Hekou on their journey further inland, and wind up as sex workers or are sold as brides.
B. ISSUES AND NEEDS

1. Migration from Yunnan to Other GMS Countries

a) Push and Pull Factors for Chinese Out-migration

The most obvious reason for the migration of people out of Yunnan Province is that on average, income in Thailand is higher than that in Yunnan. Within China, Yunnan is one of the poorest provinces/autonomous regions. Many of Yunnan’s poorest regions are along the borders. Local poverty and its underlying causes mean that people along the borders often seek, and find, better job opportunities across the border than in China. To take the example of the Bulang community: villagers who go to work in Thailand are able to make THB 3,000-4,500 (US$68.2-102.3) per month; the median income of these migrants is THB 1,800-3,000 (US$40.9-68.2) a month, while the lowest is THB 540-1,800 (US$12.3-40.9). In fact, very few make less than THB 1,800 a month, while the majority make THB 1,800-3,500 (US$40.9-79.6).

Another reason the rates of out-migration are so high is the enormous surplus rural labor population that exists along Yunnan’s southern borders (as it does in much of the rest of China). Within China, relying on the development of the local agrarian economy to open up new opportunities is often not an option. In border regions far from the towns, poor transportation and other factors make it difficult for farmers to sell their agricultural products in sufficient quantity and at a sufficient price to make a profit. Under such circumstances, finding work away from home is often the best option available.

Traditional ties between border areas, including similarities in language and ethnic culture, together with cross-border transportation networks, facilitate cross-border migration of women in this region. The other side of the picture is that poorly educated border people in remote areas may have greater difficulty in adjusting to the unfamiliar culture and language of the dominant Han ethnicity of China than the dominant culture of Thailand. Very often, they also lack networks of friends and relatives in towns in China and are faced with a full labor market in which they are unable to compete. In Thailand, on the other hand, the traditional familiarity of these border peoples with the Dai language and culture serves them in good stead. This is especially true in Chiang Mai (north Thailand), where the vocabulary is essentially the same as the Dai Lü tongue of Xishuangbanna. Other similarities, such as physical appearance (highland peoples of Xishuangbanna and northern Thailand look very similar), religious beliefs and practices and traditional lifestyles all make it relatively easy to adjust to Thai society.

The comforts and relative wealth of Thai cities hold a powerful attraction for cross-border migrants. Research indicates that people under 30 generally express a desire to go to Thailand to “see the world,” while hoping to use their earnings there to better their living conditions at home. The success of those who come back, build new homes and show other signs of prosperity increases this attraction.

Traffickers find in Thailand’s developed sex industry the perfect market for their human
wares, and there is an excellent cross-border transportation network to use in conducting their trade. Thus, cross-border trafficking in women from Xishuangbanna, Simao and other border areas began in the 1990s.

Data indicate that most female migrants, especially trafficking victims, are compelled by personal reasons and/or family conditions – such as being unable to find work or domestic and marital problems – to find a way out across the border. Trafficking victims and their families are characterized by an acute lack of "life skills" (knowledge and awareness), needed to defend themselves against trafficking.

b) Personal and Family-Related Issues

Villagers usually either go to work in Thailand with the aid of a guide or agent, or find their way by themselves, by way of Jingdong, Burma. In the latter case, relatives in Burma usually bring them into Thailand. The vast majority of migrants are brought by a guide or agent at a going rate of about RMB 1,000 to 1,500 (US$120.8-181.2). Those unable to pay their way have the guide’s fee subtracted from their earnings in Thailand. However, very often the guide will extract a high price for the delayed payment and it usually takes between two and three months of working in Thailand to pay agents back.

Meanwhile, those who undertake the journey themselves, particularly to Jingdong, and have relatives bring them to Thailand, will pay THB 3,500 (US$79.6) for travel expenses. Unmarried women generally pay more than men and married women, owing to the fact that they may be suspected of being involved in sex work, thus adding to their difficulties along the way.

Owing to the difficulties of travelling during the rainy season, people prefer to go during the dry season. Getting to Thailand usually takes three days and involves taking a vehicle or walking to the customs point at Dalo, entering Burma at Mengla, taking a vehicle to Jingdong and then taking another vehicle from Jingdong to Mae Sai, Thailand through Dachilek on the Burmese side of the border. From Mae Sai there is transportation to Chiang Mai, Chiang Rai, Bangkok and other work destinations.

c) Institutional/Legal Issues

Illegal cross-border migrants, particularly from Bulang village, have developed ways of overcoming the risks and safeguarding their interests through the establishment of networks involving the villagers themselves and their relatives abroad. Thus, trickery on the part of middlemen (“guides”), and trouble from the authorities, are uncommon in this particular case. There is only one case of arrest recorded by Thai authorities of a man who was charged THB 500 (US$11.4), while no cases have been recorded for women. Some migrants have even been able to opt for legal protection by paying THB 20,000 (US$454.8) for a Thai Mountain People identity card.

But in general, the risks and vulnerabilities inherent in illegal cross-border migration remain serious and widespread; these also manifest most strongly among trafficking victims, who suffer from trickery, exploitation and trouble with the authorities at every stage of their
migratory existence, from the route out, to daily life in the destination country, to the unlikely and risky return home. The same network of friends and relatives that safeguards the Bulang village migrants, may in some other villages like Dai, serve as a trafficking network. The route out, often on small roads and paths through mountainous regions, can be harrowing and uncomfortable in the extreme. The victim is mistreated, tired, hungry, deprived of basic freedom, subject to violence and may even be sexually abused. Traffickers and buyers alike may use the threat of debt against victims, while life in the trafficking destination is under the cloud of illegality, an illegality that traps victims in their places of work and makes them unable to call upon the authorities for help to end the abuse and exploitation to which they are subjected.

d) Work-Related Issues

In Thailand, male Chinese migrants usually work in factories, though some work in service industries, particularly restaurants or gas stations. Married female Chinese migrants commonly work as house servants or as gardeners. Unmarried women do a range of work, at pool tables, rice stores or as house servants, some work in factories. When a husband and wife go to work together, they usually work as gardeners. Most Chinese migrants work in Thai-Chinese households or factories owned by Thai-Chinese.

While incomes are generally higher in factories, in the service industries and in retail businesses than for house servants, there is no significant income gap based on gender. Income averages have already been mentioned above, as have the conditions of the agrarian economy in China in general and remote border regions in particular. Even in relatively ideal circumstances, selling agricultural products does not provide farmers with a very large income, so it is only natural that cross-border migrant labor income has become the principal source of income in the village. It is estimated that 60% of the money used to build tile-roof houses in villages in recent years comes from money earned in Thailand.

Potentially, the greatest concern of migrants while they are working in Thailand is that they will be arrested as illegal migrants. In fact, however, their ability to communicate in Thai and blend into the local population has meant that only one such case has been reported. According to villagers, in the time (over a decade) that they have been migrating regularly to Thailand to work, they have gained a reputation as hardworking, honest workers and this, together with the fact that they work for less money than Thai citizens, has assured them employment in Thailand.

e) Gender-Related Issues

Most victims trafficked to Thailand wind up working as sex workers or masseurs. Victims discover the type of work that is expected of them only after being trafficked, while buyers subtract their ‘purchase price’ from their pay and force them to do sex work to pay off their debts. Violence is commonly used by brothel owners to control their sex workers who have to ‘service’ 7-8 customers a day and may even be forced to take medicine to stop their menstrual periods and continue work. The nature of their work puts them at high risk of being
infected by HIV or other STIs. Some sex workers are sold by their owners to Malaysia or other Southeast Asian countries. Work as masseurs is actually fairly similar, since the women may be forced to do many things against their will, some of which involve sex work.

Local traffickers often know their victims and may even be friends or relatives. Familiar with cross-border routes and with their own networks, they usually hand their victims over to other middlemen after bribing border guards or taking infrequently-used roads. Once they have arrived at their destination, the buyer pays the traffickers for their services, including transportation expenses, food and board. The most common routes taken include one from Mengxin in Menglain County (Simao Prefecture, Yunnan), to Mae Sai (Thailand) by way of Mengyang (Burma). Some only transit in Thailand and are sent on to other Southeast Asian countries.

Problems of reintegration are particularly severe among trafficking victims who return. The process of returning is itself very difficult; in addition, no matter what they actually did abroad or how much money they made, most returnees are simply ostracized, especially by community elders, and find themselves the subject of gossip, suspicion and disapproval, open or otherwise. Some, unable to bear the treatment they receive from their communities, return to work across the border. They may also find it impossible to re-adjust to the relatively low standard of living in their native villages. A small number are able to marry local men and decide to remain in the village.
f) Social and Welfare Issues

According to an official responsible for quarantine inspection for the Chinese Health Department, a recent test done on a sample of 2,390 people from high risk groups in Menghai County revealed that 54 (2.2%) were HIV-positive; sixteen of the 54 people in question were female cross-border migrants who had spent time in Thailand, while four had been infected by their husbands. The low level of education among such women means that they lack basic knowledge and awareness of AIDS prevention, while the increase in intravenous drug users adds another dimension to the problem. Another aspect of the drug problem is the use of amphetamines; according to Chinese police, some Thai employers use this drug as a form of payment to their workers, while Chinese migrant workers will then sell the drug for cash after their return home.

2. Migration into Yunnan

a) Push and Pull Factors for Burmese Migration into Yunnan

There are a number of obvious reasons why Burmese migrate into Yunnan Province.

With the tenuous economic and political situation in Burma, Ruili has become an attractive place for Burmese to do business or make a living. Some Burmese have even gone so far as to cite “freedom of entertainment” as a reason for their coming, saying that while Burma’s entertainment sector works under a political cloud, Ruili’s is free from harassment.

The relative economic strength of Ruili, along with its strategic position and preferential treatment from the Chinese authorities, make the city a magnet for Burmese migrants.

After Burma’s military government refused to acknowledge the results of the 1990 general elections (won by the opposition National League for Democracy), and the resultant economic sanctions by the international community, the port city of Mujie rose to prominence due to its open border. There is in fact a clear connection between Ruili’s prosperity and the degree of Burmese migration; Ruili’s peak of prosperity in 1994-95 roughly corresponded with the peak of Burmese migration, while its economic decline after 1997 witnessed a significant decrease in Burmese migration.

Burmese Muslims in Ruili are descendents of Muslims from Bangladesh and northern India. They have evolved into a highly mobile ethnic group with a strongly mercantile character.

With the collapse of the Burmese Communist Party (BCP) as a political force, Ruili became a major destination for Burmese Communists fleeing conditions in Burma. There are currently more than 80 migrants of this type in Ruili.

The relative health of China’s economy and strength of its currency compared to Burma is a factor attracting Burmese migrants, including children. Many of these children survive through begging – the local Public Security Bureau estimated at one time that there were more than 500 child beggars in Ruili.

Similar factors attract sex workers, who, like beggars, represent the poorest and most desperate members of Burma’s society. At the peak of migration, there were perhaps more
than 200 Burmese women in Ruili alone, most of them working under pimps or brothel owners.

b) Push and Pull Factors for Vietnamese Migration

The economy on the China side of the border with Vietnam has developed rapidly since the gradual opening of the Sino-Vietnam border. In the same period, Vietnam has been the only country on Yunnan’s borders with a consistently healthy economy. Chinese and Vietnamese markets are in great need of each other’s products: China wants Vietnam’s tropical fruit and local products, while Vietnam desires cheap, but well-made Chinese industrial goods. The resulting two-way trade has led to the rapid growth of Hekou, which by 2001 had a greater volume of export-import trade passing through it than Ruili, making it Yunnan’s most important port. It has also had a major impact on the border regions of northern Vietnam, facilitating border trade and leading to an increase in populations engaged in these and other related economic endeavors. The fact that 80% of Vietnamese migrants come from northern Vietnam, notably Lao Cai Province, is indicative of the local dynamics that Sino-Vietnamese trade has put into play.

c) Personal and Family-Related Issues

Many Vietnamese migrants engaged principally in small business usually have some capital and connections in Hekou; many of the wealthiest have already become employers of other Vietnamese migrants. The vast majority of those employed are young women, who invariably find themselves at the bottom of the migrant hierarchy. By their own accounts, most of those young women from Lao Cai and other border provinces were brought over by their own parents in the hopes that they could make enough money to pay for their dowries. Others were brought over by Vietnamese women – some acquaintances, others not. Sometimes middle-aged women searched for female employees in villages and towns in Lao Cai and other border regions on behalf of Vietnamese or Chinese employers, signing a contract with the young women’s parents before bringing them over. Some young women went over by themselves. Some have even crossed illegally and/or over-stayed their visas.

Problems also face those households composed of Chinese men and Vietnamese women living together outside of marriage, particularly if these unions have produced children. Many of these children are not registered and therefore, cannot receive legal access to education and health care. Assuring women’s rights under cohabitation is problematic in China, owing to the lack of related laws and policies. The resulting lack of legal recourse to protect themselves and their offspring makes Vietnamese women all the more dependant on their partners.

d) Institutional/Legal Issues

Control of the Sino-Burmese border was relaxed in 1988. In 1990, the *Yunnan Province Sino-Burmese Border Regions Law Governing the Entrance and Exit of Border Peoples* was enacted. This principal Chinese law governing movement across the border details the procedures concerning the entry into and residence in China of Burmese citizens. Customs
procedures are generally simple on both sides; Burmese pay only 50 kyat (US$7.3 at the official rate; US$0.11 at the blackmarket rate) for a day’s pass.

Illegal cross-border movement is convenient, commonplace and, for many border peoples, merely the continuation of traditions that existed before modern borders.

Poverty, the language barrier, lack of knowledge of Chinese law and the fact that the Chinese legal structure is in itself insufficient for dealing with cross-border issues, make it difficult for Burmese migrants to obtain legal justice. These factors also mean that it is difficult to find the proper legal procedures to deal with conflicts between migrants and local Chinese, especially the local government. This is especially true for the more vulnerable migrants, like child beggars and sex workers, who have not only entered illegally, but are also supporting themselves by illegal means. This makes them the prime targets of police crackdowns, exposing them to arrests, detentions, fines and expulsion. The presence of members of the Burmese Communist Party in Ruili also adds to its status as a “sensitive region” and adds to general insecurity by placing the Burmese community under the watchful eyes of Chinese and Burmese secret service agents.

Documents governing entry and exit through Hekou include the Sino-Vietnamese Border Document. Once Vietnamese have gotten beyond the border, as long as they are within the Hekou Border Region Trade District, they are under the jurisdiction of the local Public Security Bureau. Government policies follow the relevant regulations of the Sino-Laotian and Sino-Vietnamese Border People Entry and Exit Law and the Foreign Personnel Act as well as relevant articles of Yunnan Province’s own “Applied Measures” and “Administrative Regulations.” All these laws and regulations were drafted in the 1990’s with border control in mind. Conversely, no laws and regulations exist designed to meet the needs of migrant populations, protect their rights, settle economic disputes or assure the provision of health and social services, while the contexts of some existing laws no longer apply to current realities.

The language barrier ensures that the vast majority of migrants become dependant on Vietnamese employers or Vietnamese women and Chinese men operating such businesses as barber shops, entertainment centers, restaurants and related service industries. In addition to this, some work for Vietnamese-Chinese businessmen in Hekou or live and work in Vietnamese-Chinese households.

e) Work-Related Issues

Burmese businessmen living in Ruili, specifically those who have stayed there as long as the residents, have stable and legal occupations. They have typically entered and are staying legally, with all the proper documentation, paperwork and identification. They exist with the approval and support of the local government, are rarely harassed by the police and are generally better off than local Chinese. Burmese craftsmen, as skilled laborers, enjoy a relatively high status, stable work and high incomes; a skilled Burmese craftsman can make between RMB 1,500 to 3,000 (US$181.2-362.3) a month. It should be emphasized here that China’s labor surplus means that Burmese migrant labor must be skilled if it is going to find its place in the Chinese labor market.
Unskilled laborers in Ruili are thus likely to lack legal employment and be forced to try to make a living illegally. Migrants living outside the law form the bulk of the Burmese migrant lower class in Ruili.

Along with sex workers, child beggars are another group exposed to especially hard conditions. They live on the streets, lacking sufficient food and clothing and are frequently the target of physical and verbal abuse. Most of what they get they must give their parents or other adults, who are often drug addicts. They are frequently rounded up and detained and/or expelled across the border by the police.

Generally speaking, Vietnamese migrants work and live under worse living conditions than local residents. Migrants usually work without any written agreement with their employers, who only take care of basic food and board and the cost of seeing the doctor about minor illnesses and pay them when their work term is over or even some time after. The type of living conditions offered depend entirely on the employer and may involve renting housing near the employer’s business or simply setting up rudimentary shacks or tents near where the migrants work. Migrants who are paid the least (somewhere between RMB 150-300, or US$18.1-36.2, per month) include those working for vendors doing things like sitting behind the counter or taking care of the shop. Once their employers subtract such expenses as food and board, those working in “entertainment” industries such as barbershops, teahouses and karaoke bars will find that their pay varies depending on how well the business does; on average, pay ranges between RMB 2,000-3,000 (US$241.5-362.3) per month. Most female migrants only work in Hekou temporarily, say 2-3 months or 1-2 years, before returning home to marry or work. Some may return, driven by family needs or because their husband needs money (to feed a drug habit, for example) while a very few choose to settle down in Hekou or parts further inland, marry or cohabit locally and have children.

Only a few migrants come to Hekou with the capital to set up a business. The rest are migrant workers who find their work through such informal channels as the recommendations of fellow villagers or through female middlemen. They thus enter the county as “border people,” often over-staying their border permits in order to work. Under these conditions, there is a lack of formal contractual relationships between workers and employers. Tricks and deceit are often used to lure them to their place of employment. The
vulnerability of the migrants, especially the female migrant populations, results from this situation and is further increased by the fact that their identity papers are often confiscated by their employers for the duration of their stay.

f) Gender-Related Issues

Burmese sex workers live and work in particularly appalling conditions. They are at the lowest rungs of local society, constituting a particularly vulnerable lower class group. The vast majority of them are under the firm control of pimps or brothel owners who keep their identity papers and control their movements and often employ violence to maintain control. Burmese sex workers generally receive much lower pay than Chinese sex workers. They think only in terms of how much money they will get and have little, if any, support for the women in insisting on using condoms during sex. Many women are forced to have sex during their menstrual periods. Research found that two women continued to receive customers although they were six months pregnant. These women not only find it difficult to insist on condoms, they are also the targets of sadistic treatment from their clients. The illegal status of sex work in China means that they also have to deal with police harassment, and may be detained or sent back to Burma during police crackdowns. Almost all the women will have faced fines and arrests some time during their stay in Ruili. Moreover, according to pimps and brothel owners, they often face other problems when they return to Burma, such as being called on to sleep with police and military officers in Muye and having their money confiscated.

Women make up two-thirds of the Vietnamese migrant population and are on average aged between 16 and 26. Traditional gender roles, together with the effect of years of war on the male-female ratio (as recently as 10 years ago, it was 3 to 7, now it is 4 to 6), have assured that in addition to their heavy workload within the household, Vietnamese women support their families financially as well. Unmarried women must have a sufficient dowry in order to attract a "good man," while married women must have the means to support their families. Some studies say that female Vietnamese workers in China constitute the majority of the cross-border migrants to China because many Vietnamese women stay home engaging in neither hard work or household work, thus putting the burden of supporting the family on the women. The male-female ratio in Vietnam is one of the lowest in the world, with the ratio of men to women being 110:100. This puts a lot of pressure on the women to support their families financially. Unmarried women must have a sufficient dowry in order to attract a "good man," while married women must have the means to support their families.

According to Public Security Bureau statistics, 467 cases of cross-border trafficking of women were uncovered by the Yunnan Province government between 1991 and November 1996, among which 88 were trafficked abroad from China and 382 were trafficked into China. Primarily in Yunnan, some of those trafficked women were sold as wives, while others ended up as sex workers.

Social and Welfare Issues

Issues of health are one problem facing the Burmese migrants. As a result of the language
barrier, as well as the higher cost of seeking medical treatment in China as compared to Burma, Burmese migrants in Ruili generally treat minor illnesses themselves, prescribing medications for themselves or resorting to Burmese folk medicine. Where illnesses are more serious, migrants seek treatment in Mujie. However, the less well off, especially child beggars, virtually lack medical care; owing to their illegal status, they also often lack a roof over their heads and a regular diet. These factors and the stress of living in fear of arrest have serious consequences on their overall health. The fact that abortion is illegal in Burma, but easy to attain in China, has also resulted in many Burmese women entering the country for pregnancy terminations, in spite of the high costs.

The lower classes of Burmese migrants, both in Ruili and Jiegao are often involved in drug dealing, and drugs can be bought cheaply in both places, leading to a serious drug problem. According to some Burmese, more than 90% of addicts die, making drug addiction the major cause of death among Burmese migrants in Ruili and Jiegao.

Ruili also has the highest number of HIV cases in China. The principal cause is intravenous drug use and shared needles. Burmese sex workers in Ruili generally lack AIDS-related and reproductive health knowledge, and do not know how to protect themselves from risk and are powerless to do so even when they do know, thus making them a high risk group.

Another problem faced by the migrants is that of social isolation. Burmese migrant populations in Ruili and Jiegao are not only isolated from the mainstream community by language and prejudice, they are divided among themselves along class and ethnic lines. Among them, the Muslims, who are generally accused of looking down on the ethnic Burmese and rarely interact with them, are the closest to forming an organized community, while the largely lower class ethnic Burmese are extremely loosely organized, consisting of small, often mutually conflicting groups. The former, tighter Muslim organizational structure is most prominent in Ruili town while the latter, more loosely organized ethnic Burmese structure dominates Jiegao.

While the size of Burmese migrant populations would seem to require some sort of educational system, the ethnic Burmese have no schools and even the better organized Muslims run only small classes. As both the expense of Chinese education and the language barrier make it unfeasible or unattractive to Burmese migrants, this leaves the option of sending their children back to Burma for an education to the wealthier migrants, while children of the poor are left with few educational opportunities.

The language barrier is the chief obstacle encountered by Vietnamese migrants, especially female migrants. Often unable to engage even in basic communication, these migrants find themselves essentially cut-off from mainstream society and its social services, living in a state of anxiety without the necessary psychological support. They lack knowledge of Chinese law and policies, are unacquainted with local society and culture, and have very limited options in meeting their needs (including dealing with health problems, or accessing organizations/institutions that can help them). They also tend to shy away from welfare services in the face of fear, local discrimination, or prejudice against them.
C. RESPONSES

1. Migrants Out of Yunnan Province

   a) NGO-IGO-Government Joint Initiatives

   Starting in 1997, UNESCO, the International Labor Organization (ILO), the Thai Immigration Department, Save the Children (UK) China Programme, the Yunnan Province Women’s Federation, the Yunnan Province Academy of Social Sciences and local groups have engaged in cross-border migration research in order to learn more about the causes, current status and special features of this phenomena, and to formulate effective measures with regards to it.

   Those projects involving Xishuangbanna include the following:

   • Project on cross-border migration to or from Yunnan – begun in 1997 by the Yunnan Women’s Federation on behalf of the United Nations at sites in Xishuangbanna and Simao. The project’s goal was to study the migration of women from Xishuangbanna and Simao into Southeast Asia and do intervention work in order to prevent and decrease this type of migration.

   • “Research into Women and Children’s Cross-border Migration” project – begun in 1998 and covered the same sites; done with the help of the Thailand Immigration Office, Yunnan Women’s Federation Women and Children’s Development Center and the Yunnan Academy of Social Science.

   • “China (Yunnan), Burma and Thailand Border Region Youth/Children Cross-Border Migration PAR Research Project” – conducted between April 1999 and September 2000 by Save the Children (UK) Southeast Asia Regional Office. The research on the Yunnan side was done by the Yunnan Academy of Social Sciences on behalf of the Save the Children Kunming Office; sites were chosen in Xishuangbanna and Dehong (Ruili, Jiegao).

   • ILO research began in June 2000 for an anti-trafficking project involving areas along the Lancang-Mekong River in Yunnan (China), Vietnam, Laos, Thailand and Cambodia. The project is to last three years; sites in Yunnan are located in Simao and Xishuangbanna Prefectures.

   • Intervention program known as the “Yunnan Activities for Promoting Increased Awareness and Disseminating Information.” The activities are being conducted in Simao and Xishuangbanna and include spreading knowledge of gender issues with a focus on advocacy and using technical training, activities for helping economic development and improvement in local economic, cultural and educational infrastructure as means to achieve project goals.

   In addition to the above, the Xishuangbanna Women and Children’s Development Center has been involved over the years in work with trafficking victims and their families, including
b) Institutional/Legal Responses

Both domestic and international organizations give high priority to the issue of cross-border migration of women and have come up with positive measures and interventions to deal with it. China’s Public Security Bureau, the Women’s Federation and collaborating international organizations have been involved in rescuing trafficking victims and cracking down on traffickers. China’s police forces engaged in four nationwide anti-trafficking campaigns in 1991, 1993, 1995 and 1999 respectively. According to police statistics, the authorities handled 5,862 trafficking cases in Yunnan from 1991 to 1996, during which 2,527 traffickers were caught. A total of 467 cases involving cross-border trafficking were discovered, 85 of which involved trafficking of Chinese women abroad, and the other 382 cases involved Vietnamese women trafficked into China. Over 1,200 traffickers, including 137 of foreign nationality, were caught and 19,094 women and children were rescued (including 3,224 children, 147 Chinese women rescued from abroad and 284 Vietnamese women rescued in China). Between 1995 and 2000, 3,230 trafficking cases were recorded in Yunnan during which 7,752 traffickers were caught, 993 trafficking groups were uncovered and 6,543 women and children rescued. No data is available on cross-border trafficking.

2. Migrants in Yunnan Province

a) Institutional/Legal Responses

The attitudes and responses of the local Chinese government to the legal upper and middle sectors of Burmese migrant society differ from the responses to the “criminal” lower class sectors of these populations. These responses should be considered in relation to those of the Burmese authorities. After the Ruili authorities have arrested and expelled child beggars, for example, handing them over to the Burmese authorities, they are often released unconditionally by the Burmese, who may even deny that they are Burmese and refuse to receive them. The Burmese response to Burmese sex workers, drug peddlers and drug addicts handed over to them, while not precluding at least short-term imprisonment, is essentially the same as with the child beggars. The result is that most of those “criminal elements” expelled to Burma very quickly find their way back to Ruili. In a word, lack of cooperation between the Chinese and Burmese authorities in dealing with irregular migrants is a main obstacles to resolving the problem.

A related danger is the possibility of unjust treatment and suppression of migrants’ rights, especially the lower classes, given the tendency of both governments to consider these migrants as criminals. The primary framework of both governments is that irregular migration is a crime that must be suppressed/controlled.

As also mentioned previously, the prominence of Ruili’s AIDS problem has made this, and the drug problem, the major foci of NGO work in Ruili. But the earlier flurry of NGO activities in Ruili did not result in any research or intervention regarding cross-border issues
until 1999.

The 1999-2000 action research by Save the Children (UK) on youth/children cross-border migration is the first project to focus on this area. Project activities focused on reproductive health and training in sexually transmitted infections (STIs) and HIV/AIDS related knowledge. In July 2000, after approval by the authorities, the Save the Children (UK) China Programme, in collaboration with the Dehong and Ruili Women’s Federation, established a Women and Children’s Development Center. With the help of the Ruili Health Department, a clinic providing medical and health services to sex workers, including Burmese, was established at the Ruili Center. Aside from research and intervention involving Burmese sex workers, work has also been carried out with regard to child beggars (2000-2001).

Meanwhile, the Hekou government emphasizes policies and measures for managing cross-border migrant populations and keeping them under control – because of its concerns regarding the impact of illegal migration on economic development. The police station maintains law and order among these populations while encouraging them to develop organizational structures in order to handle their own affairs. The government says this policy has met with considerable success: over 90% of migrants possess the proper documentation, theft by migrants has steadily decreased and there is no evidence of other crimes committed by migrants, while the police on their part rarely subject migrants to undue harassment. The local government has given considerable priority to the issue of Vietnamese-Chinese cohabitation, while doing their best to eliminate trafficking. Without the proper legal structures in place to deal with cohabitation issues, however, it has proved difficult for the local government to come up with solutions.

b) Socio-Cultural Responses

Religion forms the basis of the relatively tight organizational structure of the Burmese Muslim community while providing opportunities for cooperation with non-Burmese organizations. In fact, religion makes unified community-wide organizations possible and determines the nature and content of organization. The Ruili Burmese Muslims built their first mosque in Ruili in 1992, with the support of Yunnan Muslims. It has since become the organizational center of the Ruili Burmese Muslim community. Community leaders are all Burmese Chinese and constitute the earliest group of Burmese Muslims to go to Ruili to conduct business and to live there on a long-term basis.

The mosque’s Muslim Service Center services its community while establishing ties with the world outside it. Both Chinese and Burmese authorities have dealings with the Center. The Ruili Burmese Muslim Association, in addition to carrying out religious activities at the mosque, has established a small class with an average enrollment of between 10 to 20 students. The school teaches Burmese, Arabic and Islamic doctrine to the children of Burmese Muslims and is the only education available to Burmese in Ruili.

c) Social Welfare Responses

While the ethnic Burmese community lacks an organizational center, the community does
have community leaders. They are the so called “Old Burmese,” who often obtain their authority from their background within the Burmese Communist Party, as long-time policemen in Mujie or through their connections with the Mujie and Ruili police. Some of them rely heavily on connections with the authorities in Mujie, Ruili, or on both sides of the border, while resorting to violence through bodyguards and hired thugs to maintain their power.

Both the Muslim Service Center and the “Old Burmese” leaders help migrants deal with problems they may face in Ruili, including problems with the local authorities. These community organizations and individuals often use their connections with the local Chinese authorities on behalf of Burmese migrants. This is usually apparent when “Old Burmese” step in to effect the release and/or reduce the punishment of sex workers, pimps and brothel owners. Even pimps and brothel owners may use their powers to help their sex workers deal with difficult customers. Conversely, Burmese leaders may provide translation and other help to the local authorities in their efforts to arrest Burmese migrants who have broken the law. The reverse side of the picture is the existence of “Old Burmese” as the centres of competing power blocks within the Burmese migrant society, and the exploitation and violence used by pimps and brothel owners against the sex workers under their power.

**D. GAPS**

1. **Migrants Out of Yunnan Province**

   a. More projects and actions have been developed focusing on cross-border migration out of Yunnan, especially the trafficking of Chinese women into the sex industry in Thailand. In spite of this, the response by the local governments on both sides of the border, and NGOs especially in Thailand, is still far from effective. It appears that none of these groups have arrived at a deep and coherent understanding or strategy in dealing with the Chinese migrants in Thailand.

   b. Chinese laws related to cross-border migration issues are woefully out of date, which makes the local governments’ response to the issue of Chinese migration to the GMS ineffective or inappropriate. These laws have also been framed on a security or control (i.e. not on a protection or humanitarian) framework, and also in the context of migration into Yunnan.

   c. The local governments and frontline authorities on both sides of the border (police, border guards, immigration officials, etc.) have limited migrants’ human rights and gender awareness education. Where awareness/education training has been provided, it is not sustained and is focused on crime prevention, including dealing with cross-border trafficking, drug smuggling and use, STIs and HIV/AIDS – rather than human rights principles and gender sensitivity.

   d. No research has been carried out in relation to migrants from the inner parts of China to Southeast Asia, especially Burma and Laos. This will need to be done soon, as this
appears to be a trend, which is likely to continue for many years.

2. Migrants in Yunnan Province

a. Most of the major issues and needs discussed in previous sections appear to have been neither effectively nor systematically addressed, especially by the government. In the absence of independent support centers/NGOs such as those that exist in other host countries (e.g. Japan, Korea, Hong Kong), the gap in government service is not filled in by civil society groups. Another unavoidable result is that very little data and information about cross-border migration into Yunnan Province has been collected.

b. Most of the research projects and actions have been developed, initiated or spearheaded by NGOs, especially international/regional NGOs based outside China, working in collaboration with local institutes. The Chinese local government appears to have little awareness about the issues and needs of the migrants, especially on protecting their basic human rights. The local authorities tend to employ hard-line measures to control and crackdown on the migrants.

c. Due to the lack of a comprehensive and updated immigration law at the national level, Chinese local governments in different locations have been using different policies to cope with cross-border immigration issues. This results in the inconsistent treatment of migrants.

d. No programs and actions have been developed in Yunnan focusing on Vietnamese migrants, e.g. Vietnamese sex workers in Hekou.

E. CONCLUSIONS AND RECOMMENDATIONS

The Yunnan research team recommends the following as main priorities and strategic responses that need to be developed now and in the near future.

These recommendations are very important. AMC supports the spirit and intent of these recommendations, but also provides some words of caution based on our more than 10 years’ experience in helping migrant workers all over Asia. The main principle that we want to emphasize is that governments, migrants’ grassroots organizations, and NGOs are key actors that are essential in promoting and protecting the rights and welfare of Chinese migrant workers in other countries, as well as migrants in Yunnan/China. International human rights principles and standards, especially as enshrined in UN and ILO conventions, provide the minimum basis in promoting and protecting migrants’ rights and welfare.

1. Migrants out of Yunnan Province
a. China’s Department of Labour, together with other government agencies, should create a network that will collect and analyze data concerning labor market needs across the border. Equipped with a clear knowledge of the labor market (e.g. in Thailand), the government can then help those who want to work across the border. Necessary training and medical check-ups should be given before workers are permitted to leave China. The concerned groups hope that establishing such legally sanctioned measures, procedures and systems of facilitating labor migration out of Yunnan will minimize illegal migration.

The note of caution here is in ensuring that the study of the labor market across the border does not simply result in the expanded exportation of cheap Chinese labor. The historical experience by many migrant groups and NGOs in Asia, including AMC, is that sending governments typically expand their labor market in other countries in order to export more laborers and in the process deny/sacrifice the basic labor/human rights of the migrants. Therefore, once abroad, the migrant laborers end up being abused, vulnerable and exploited. The recommendation to study and tap the labor market abroad needs to be based on principles of promoting and protecting migrants’ human rights and welfare.

b. The Public Security Bureau should cooperate more closely with similar organizations abroad in anti-trafficking and trafficking-prevention work. Their work should also include rescuing and repatriating victims and keeping strict guard over every border point traffickers might use to take advantage of lax border controls.

c. More international research and experimental interventions need to be carried out, including conducting more forums concerned with cross-border issues both within and outside China.

d. It is further suggested that government departments should do more studies using the “responsible analysis methodology” especially on the causes of cross-border migration, its current status and the potential and real harm to society and individuals. In this context it is important to analyze which migrant rights are being impinged upon under current conditions, and which government departments have the responsibility to uphold these rights. Working out the responsibilities for government departments in China and strengthening international cooperation will facilitate an effective solution to the problem of “combining prevention and control measures with treatment of ultimate causes.”

e. China needs to establish a legal infrastructure in accordance with the principle, “law must be followed and upheld, with strict implementation of the law and punishment meted out to transgressors.” Inter-departmental and international cooperation can play an important role in establishing and maintaining such an infrastructure, creating a framework under which migrants’, women’s and children’s rights will be protected, while at the same time allowing anti-trafficking campaigns to be fully carried out.

f. Correspondingly, a social infrastructure needs to be built, designed to strike at the root of the problem of the trafficking of Chinese, or of Chinese migrants having to go to
Thailand or other countries to work. This should include educating border populations as a whole in the content and principles of the law, improving various types of local infrastructure, making improvements in agricultural production, marketing and distribution, helping farmers escape from poverty and improving the skills and level of education of the women in these populations. Such wide-ranging changes should not be conducted at random but should be part of community-based planning.

g. Governments, mass organizations and IGOs need to work together to mobilize existing resources and organizations in China to specifically address migration. Efforts should include careful and targeted funding and budgeting to make full use of the various resources commanded by mass organizations and/or NGOs. For instance, the Women’s Federation has made the protection of women and children’s legal rights the key directive guiding their daily work for many years. An important note here is to recognize and mobilize the existing machineries of the Government and mass organizations’ in China to support and address migrants’ issues. This is strategically necessary and important, and therefore should be promoted and developed.

An equally important point here is the mobilization also of non-governmental/civil society groups. Historical experience by migrant advocates in Asia, including AMC, is that government resources and capacity is always not sufficient to respond to the problems of the migrants. Also, the necessity of going through organizational bureaucracies sometimes make responses by governments or mass organizations slow. Therefore, principled partnerships with NGOs, especially based on the protection of migrants’ human rights, is necessary to fill in the gap. This can be achieved by the government providing an enabling environment for NGOs to freely operate and work in partnership with relevant national and international/UN agencies.

2. Migrants in Yunnan Province

a. More projects should be conducted in Ruili and Hekou in order to gain a deeper understanding of the situation of migrant populations in these regions. Save the Children (UK)’s work in Ruili is an important beginning for research and intervention programs for Burmese migrants there. Similar research and appropriate programs need to be extended, e.g. for the 2,000-3,000 Vietnamese migrants in Hekou. The lack of data and understanding hampers efforts to develop relevant intervention programs on behalf of these potential target groups.

b. Once projects have been conducted and the problems and needs of target groups better understood, activities could be experimented with in respect to establishing systems for providing services and support to migrant populations. For instance, the establishment of community organizations working in cooperation with NGOs and government organizations is important. They can influence and promote policies and measures pertaining to migrant populations and community health, education and other services
needed by the migrant populations. At the same time, efforts need to be made at educating local host communities in order to ensure the rights of migrants and eliminate social prejudice against them.

c. Activities and projects involving women migrants need to be given special focus. The aim should be at providing the host community (e.g. Hekou) with proper information about the migrants, increasing dialogue between them and the community, and enhancing the capabilities of the members of both migrant and local populations. Training in languages, work skills and laws may be used to help increase migrants’ opportunities for finding work and meeting their various needs. When conditions allow, refuge and protection should be offered to women suffering from violence or other abuse.

d. Advocate increased awareness among local and national government officials with regard to: the need to handle issues pertaining to cross-border migration in a rational, objective fashion consistent with national and international standards; encouraging the drafting of feasible, comprehensive and appropriate national migration laws/policies that are consistent with international standards; and the establishment of guidelines or standards for local laws, procedures and behaviour in dealing with migrants. In particular, relevant government units should be made aware that merely increasing control and supervision of the borders is insufficient; that handling of cross-border migration has to be guided also by human rights and gender principles; and that necessary social services and productive channels have to be provided so that migrants can fulfil their needs without resorting to criminal activities.

e. In line with the principle of respecting people’s basic right to move in search of a better living, encourage increased cooperation and interaction among the governments of China, Burma and Vietnam with regard to the handling of migrants coming to China, the provision of more legal channels for immigration, and the exchange of accurate information on migrant populations.

f. Migrant workers and communities need to be organized. In connection with this, the help of international/regional NGOs should be sought. The full use of the news medium should also be considered, as well as the production and dissemination of educational materials on migration. It is also recommended that projects/activities should be implemented in the countries of origin in order to provide these countries with information on migrants issues, needs, working conditions, rights and related legal, political and cultural realities.

g. Provide medical and health education and services – in such areas as reproductive health, STIs and AIDS. This is especially urgent for sex workers, but should be provided for all migrant workers. Clinics need to be established that help migrants overcome the language barrier while also being within their financial means. Owing to the high-risk, highly-mobile nature of sex work, improving the women’s ability to protect their own health and avoid the risk of disease is very important. This will also be to the benefit of local public health.
IMPORTANT NOTE: This report is primarily, but not exclusively, based on the report submitted by the China (Yunnan) Country Research Team (CRT).

Endnotes

2ibid.
3ibid.
## Basic Migration & Socio-Economic Data

### A. Total Stock (Number) of Migrants, as of 2002

<table>
<thead>
<tr>
<th>Migrants Abroad</th>
<th>Migrants in the Country</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Estimated stock: migrants outside the country</strong></td>
<td><strong>Estimated stock: migrants in the country</strong></td>
</tr>
<tr>
<td>TOTAL</td>
<td>TOTAL</td>
</tr>
<tr>
<td>a. By visa status</td>
<td>a. By visa status</td>
</tr>
<tr>
<td>Emigrants/residents</td>
<td>—</td>
</tr>
<tr>
<td>Undocumented migrants (1998)**</td>
<td>100,000****</td>
</tr>
<tr>
<td>Refugees***</td>
<td>—</td>
</tr>
<tr>
<td>b. By sex</td>
<td>b. By sex</td>
</tr>
<tr>
<td>Male</td>
<td>—</td>
</tr>
<tr>
<td>Female</td>
<td>—</td>
</tr>
<tr>
<td>c. Top 10 destination countries (thousand)</td>
<td>c. Top 10 countries of origin (thousand)</td>
</tr>
<tr>
<td>1 Thailand (42)</td>
<td>6</td>
</tr>
<tr>
<td>2 China, Yunan</td>
<td>7</td>
</tr>
<tr>
<td>3 USA</td>
<td>8</td>
</tr>
<tr>
<td>4 Canada</td>
<td>9</td>
</tr>
<tr>
<td>5 Australia</td>
<td>10</td>
</tr>
</tbody>
</table>

**Non-resident, temporary, or contract workers in Thailand**

**Includes illegal entrants, overstayed or ‘jumped’ visa, trafficked/smuggled people**

***As defined by the government, or in accordance with the UN refugee convention**** This is official figure. NGOs’ estimate is 300,000

### B. Annual Socio-Economic Data and Migration Flow

<table>
<thead>
<tr>
<th>Indicators</th>
<th>1997</th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population (million)</td>
<td>—</td>
<td>5.20</td>
<td>5.40</td>
<td>5.90/Jul</td>
<td>—</td>
<td>5.78/Jul</td>
</tr>
<tr>
<td>Economic growth: real GDP (%)</td>
<td>7.7</td>
<td>—</td>
<td>5.2</td>
<td>—</td>
<td>5.7</td>
<td>—</td>
</tr>
<tr>
<td>Per capita GDP (US$)</td>
<td>—</td>
<td>256</td>
<td>281</td>
<td>324</td>
<td>330</td>
<td>—</td>
</tr>
<tr>
<td>Inflation rate: CPI (%; annual average)</td>
<td>13</td>
<td>84</td>
<td>140</td>
<td>33</td>
<td>10</td>
<td>—</td>
</tr>
<tr>
<td>Exchange rate (Kip per US$; annual average)</td>
<td>1,259</td>
<td>3,298</td>
<td>7,102</td>
<td>7,578</td>
<td>9,467/Dec</td>
<td>—</td>
</tr>
<tr>
<td>Total foreign debt (US$ million; yearend)</td>
<td>2.32</td>
<td>2.40</td>
<td>2.50</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>International reserves (US$ billion; yearend)</td>
<td>—</td>
<td>116.8</td>
<td>101.2</td>
<td>139.0</td>
<td>—</td>
<td>—</td>
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<tr>
<td>Foreign direct investment (US$ billion)</td>
<td>2</td>
<td>2</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Trade balance (US$ billion; yearend)</td>
<td>3.2</td>
<td>4.6</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Labor force (million)</td>
<td>2.0</td>
<td>1.5</td>
<td>2.4</td>
<td>2.2</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Unemployment rate (% of labor force)</td>
<td>5.7</td>
<td>4.6</td>
<td>—</td>
<td>—</td>
<td>2.4</td>
<td>—</td>
</tr>
<tr>
<td>Underemployment rate (% of labor force)</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Average income: urban (Kips/month)</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Annual outflow of MWs (legally deployed + irregular exit)</td>
<td>17,400</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td></td>
</tr>
<tr>
<td>% women in annual outflow</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Annual inflow of MWs (legally accepted + irregular entry)</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>% women in annual inflow</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Annual migrants’ remittance (US$)</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
</tbody>
</table>

Sources: AMCInfobank, Asian Migrant Yearbook, reports of country research teams (CRTs)
A. OVERVIEW

1. Background

The Lao People’s Democratic Republic (Lao PDR or Laos), the second smallest country in Asia, is a landlocked country at the heart of the Greater Mekong Sub-region (GMS). Bordering Burma and China in the north, Thailand in the west, Cambodia in the South and Vietnam in the east, Laos shares its longest border with Thailand along the length of the Mekong River. While the capital city, Vientiane, lies in the rich, fertile plains of the Mekong River Valley, the surrounding country is mountainous and abundant in timber, minerals and hydropower. However, only 10% of the land is suitable for agriculture as two-thirds of the country is covered in forests, which are now increasingly endangered by illegal logging.

Demography

Laos’ 5.8 million population also makes it one of the most sparsely populated countries
in Asia, with 23 persons per square kilometer.\(^1\) There are 68 recognised ethnic groups in Laos, but the three major categories commonly used are Lao Lum for lowland Laotians, Lao Thueng for middle land ethnic groups and Lao Soung for highlanders.\(^2\) 55% of the population are under 19, and families including six or more children are common.

**Social Development**

While Laos has experienced certain advances in economic and infrastructural development in the last decade, its level of social and human development is still considered low. In 2001, the country remained among the poorest in the world, and she ranked 140 out of 178 on the UNDP Human Development Index (HDI).\(^3\) Laos’ estimated per capita income was a lowly US$330 in 2001.\(^4\) 45% of the rural population lived below the poverty level in 1997-1998, and the health status of people in general remains poor.\(^5\) Areent paper on Laos states that the country’s economic and social welfare services, “... face the challenge of raising the quality of services to acceptable levels for the existing population...”\(^6\)

Progress has definitely been made in education levels of Laotian children in the past few years. However, Government statistics indicate that only 80% of primary school-aged children are enrolled in school even though education is free and compulsory through the fifth grade. Furthermore, only 22% of high-school aged children are enrolled in school, due in part to fees for books and uniforms that poor families cannot afford. As fees and competition increase among higher-grade students, more of them drop out. With an adult literacy rate of 70% and limited access to vocational training, a large proportion of the population is faced with limited working opportunities outside of agriculture.\(^7\)

Though the Lao Labor Code prohibits children under the age of 15 from being recruited for employment, child labor does exist. Child labor is supposedly rare in industrial enterprises, with only some garment factories reportedly employing a small number of underaged girls.\(^8\) But a recent study on commercial sexual exploitation conducted by the Lao PDR Ministry of Labor and Social Welfare (MLSW) and UNICEF (MLSW and UNICEF Study) states that the issue of children working in the commercial sex industry, “is a widespread problem.”\(^9\) According to their findings, 49% of girls interviewed stated they entered into prostitution due to economic necessity.\(^10\)

**Political Overview**

Between the 13th and 18th Centuries, Thai migrants and Hmong hill tribes occupied present-day Laos, and it was ruled as a Thai kingdom. Following a war between its Thai rulers and the Vietnamese, in the 1890s, the French unified various areas into one entity called Laos. French colonizers ruled till the brief Japanese occupation during World War II, after which several years of civil war ensued. The French eventually granted full independence in 1953. Though a rightist Royal Lao Government (RLG) subsequently assumed power, conflict between the RLG and the pro-Communist Pathet Lao continued until a coalition government was established in 1974. In December 1975, the Pathet Lao abolished the monarchy and proclaimed the modern-day state of the Lao People’s Democratic Republic.\(^11\)

Since 1975, Lao PDR has been a one-party communist state. Although the Lao People’s
Revolutionary Party (LPRP) and Central Committee of the Party are the key decision-making fora, the country has a legislative body that meets twice a year. Since it launched the New Economic Mechanism in 1986, the political leadership has tried to encourage economic openness while preserving one-party rule. Though the state retains control of institutions such as the media, and religious and mass organizations and political opposition is not allowed, indicators of a more open society, such as freedom to travel abroad, choice of employment and a free market economy, have gradually emerged. Laos regards Vietnam and China as its closest allies, and it was admitted into ASEAN in 1997.

The Government has ratified international instruments such as the International Convention on the Elimination of All Forms Racial Discrimination, the International Convention on the Elimination of All Forms of Discrimination Against Women and the Covenant for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others. But it has yet to sign or ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (the Migrants’ Convention) and other key conventions on civil, political, economic and social rights.

Economy and Employment

The Lao PDR Government had pursued a centrally-planned economy since it came to power, but by the mid-1980s, the economy had nearly collapsed. In 1986, the Government adopted an economic reform process called the “New Economic Mechanisms (NEM),”
shifting Laos from a centrally planned economy to one governed by neo-liberal market forces. The shift initially brought strong gains, such as steady economic growth, a mini-boom and GDP growth of 7% in the 1990s. But the Asian economic crisis in 1997 disrupted gains. In 2000, GDP grew 5.7%.

Economists predict that GDP will reach 6.1% by 2003. While agriculture comprises around half of GDP, industry is rapidly growing and now accounts for 23% of GDP, led by the construction and garment industries. The services sector comprises about 25% of the economy, with tourism playing an increasingly important role. Moreover, Laos’ geographic location will help it become an important trading point within the GMS in the future. But while the number of hydroelectric power dams increase and road networks expand, the country’s heavy dependance on international funding agencies grows. Development has also been concentrated on Vientiane, its adjacent areas and some other towns in the Mekong River Valley.

Economic gains have still to translate into viable livelihood opportunities for most of the population as underemployment and unemployment continue, and economic disparity has widened in the past ten years. Though 85-90% of the working population are self-employed, mainly in the agricultural sector, it is becoming increasingly difficult for people to remain subsistent on agriculture alone, thereby driving them in search for work in the public and private sectors. There is a shortage of job opportunities in these sectors: only 7% of the working population are government officials and enterprise personnel; and 3% work in the private sector. Out of a labour force of 2.2 million, there are less than 71,000 jobs in manufacturing nationwide. Though the official unemployment rate is 2.4%, the ILO’s recent assessment on trafficking in women and children (ILO Survey) found even higher levels of unemployment among school graduates. Many people, therefore, migrate internally or to Thailand in pursuit of work.

2. Socio-Demographic profile

The vast majority of Laotian migrant workers within the GMS go to Thailand, though small numbers have been noted in Yunnan Province, China. Historically, Laotians have also migrated to other countries in the North, such as the United States of America, Australia, France and Canada. As for incoming migrant workers, the main groups found in Laos are Vietnamese and Chinese, with smaller numbers from Thailand.

Laotian Workers in Thailand

Though existing demographic information on Laotian migrant workers in Thailand is not comprehensive, existing surveys and research on trafficking, mainly conducted by IGOs, do provide information on provinces in Laos where there is a high rate of trafficking. In particular, the ILO Survey and a research conducted by the MLSW on trafficking in women and children to Thailand (MLSW Research) provide critical baseline information on workers migrating from five specific provinces in Laos. Organizations working in Thailand with
Laotian migrant workers also provide us with basic demographic information. Temporary and seasonal migration to Thailand is a common and popular trend in Laos, especially among the youth, and it is generally known that the rate of migration to Thailand has been increasing since the end of the Asian economic crisis. However, in order to gauge the full magnitude of the phenomenon, more comprehensive and scientific information is needed that maps the percentage of people migrating from different provinces, and their rate of migration and return, and other basic demographic factors, not to mention their strategic needs and interests.

Figures on the actual number of Laotian migrants in Thailand vary, due to the fact that most workers migrate through irregular channels. The latest official figures on documented workers in Thailand show that 42,085 workers from Laos applied for the extension of their work permits during the period of February to March 2002. Prior to this, in August 2000, Thai authorities estimated a total of almost 100,000 documented & undocumented Laotian migrant workers, out of which at least 50,000 were irregular migrants in Bangkok, and approximately 45,000 worked in the agricultural and construction sectors along the Lao-Thai border. However, estimates of NGOs working cite up to 300,000 Laotian workers in Thailand.

The ILO Survey interviewed over 45,000 undocumented migrant workers who had migrated to Thailand from the three provinces of Khammuane, Savannakhet and Champasack. (See Table 1)

Existing statistics and baseline information show large numbers of women migrating to Thailand. Overall, there may be more women than Laotian male migrants in Thailand. For example, Thai Immigration reported that of the 42,085 Laotian workers who applied for work
permit renewal, 59.2% (24,910) were women and 40.8% (17,175) were men.\textsuperscript{21} However, information recorded at the provincial levels on the proportion of women migrants varies. The ILO Survey, for instance, found that less than 50% of the 45,215 migrant workers going from Khammuane, Savannakhet and Champasack provinces were women. On the other hand, the MLSW Research found that 17% of the female population of a village in Saravanh were women, compared to 10% of all males; and 11% of the female population of a village in Xaygnaboury were women, compared to 7% of its men.\textsuperscript{22}

<table>
<thead>
<tr>
<th>Province</th>
<th>1st Report</th>
<th>Total</th>
<th>Female</th>
<th>2nd Report</th>
<th>Total</th>
<th>Female</th>
<th>Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Khammuane</td>
<td>Dec ‘99</td>
<td>3,847</td>
<td>2,066</td>
<td>Sept ‘00</td>
<td>8,087</td>
<td>4,542</td>
<td>2,440</td>
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<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Savannakhet</td>
<td>Dec ‘99</td>
<td>23,261</td>
<td>10,286</td>
<td>Sept ‘00</td>
<td>28,561</td>
<td>13,456</td>
<td>5,300</td>
</tr>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Champasack</td>
<td>Dec ‘99</td>
<td>5,681</td>
<td>3,099</td>
<td>Sept ‘00</td>
<td>8,567</td>
<td>3,689</td>
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<td>TOTAL</td>
<td></td>
<td>32,789</td>
<td>15,451</td>
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<tr>
<td>Source:</td>
<td>From ILO Survey, calculated from the Reports of the Provincial DLSW (October 2000).\textsuperscript{20}</td>
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Young persons (between the ages of 15-18) make up a large proportion of Laotian migrants in Thailand. The ILO Survey indicates that the majority of workers surveyed (over 30,000 out of 45,000) were between 15-25 years of age, with over 50% below the age of 18. Similarly, the MLSW’s Research found that a large percentage of those surveyed in the two provinces of Xaygnaboury and Saravanh were under the age of 25. In Xaygnaboury, 91% of migrants were 25 or younger, and 72% of those were 20 or below. In Saravanh, 86% of migrants were 25 or younger, and 27% of those were 20 or below.\textsuperscript{23}

There are also noted trends of migration among certain ethnic groups from Laos. For example, the Pray and Hmong people are thought to migrate less than other ethnic groups, as the Hmong are less likely to hire out their labor at all, while the Pray people are geographically and socially isolated.

While migrants had completed varying levels of education, more baseline research is needed on migrants’ educational levels prior to migration. Both the ILO Survey and MLSW Research indicate high levels of unemployment among educated persons prior to migration. For those who had been working before migration, little information exists on their previous occupations.

Laotian workers, regardless of age group or gender, are generally found working in Thailand in sectors that include domestic work, construction, fishing, agriculture and industry. Men and women tend to occupy certain sectors more than others: most Laotian women workers are domestic workers while their male counterparts are engaged predominantly in agricultural, construction or fishery-related work. According to the MLSW Research, specific types of work occupied by girls and women, include working in small factories, sewing garments, stitching socks, making brushes, selling crustaceans, leather
processing, sales, working at chicken farms, waitressing and washing dishes in restaurants. A large proportion—about 21% of the almost 60,000 registered Laotian workers in Thailand—described themselves as domestic workers. Men are most often engaged in construction and road-work, sea fishing, orchard work, carpentry, tailoring, restaurant service, car washing, painting and sales. Child migrants similarly fill a range of occupations, the ILO Study found minors working on farms, in urban areas in factories, construction sites, restaurants and entertainment centers, as domestic workers, and in the sex industry.

Many of those who migrate to Thailand are seasonal migrants. In 1999, the Lao Government confirmed a seasonal migrant labour population to Thailand of approximately 100,000. The MLSW Research also found that most migrants are agricultural laborers who hire themselves out after the rice-harvesting season. Some even migrate to work during the cultivating season, as the higher wages they can earn in Thailand allow them to pay others to do agricultural work for them back home.

Laotian Workers in China

Some Laotian migrant workers, primarily from the northern part of Laos, travel to Yunnan Province, China.

Incoming Migrant Workers

As for Vietnamese, Chinese and Thai migrants working in Laos, studies, statistics and general information are even more scarce, and existing information varies widely. The magnitude of problems faced by irregular migrants is particularly difficult to gauge due to the serious lack of available information. In 1999, the MLSW reported there were only 2,328 foreign workers, though this figure falls far below other estimates. A survey conducted in 2000 by the National Economic Research Institute (NERI) reported 6,889 registered foreign workers in Laos. Figures from sending countries such as China and Vietnam are much higher. Aside from migrant workers, there are long-established, immigrant communities of Vietnamese and Chinese merchants, living largely in Vientiane Prefecture.

Outside of official sources, the only figures available to AMC on Vietnamese working in Laos is from the Laos-Vietnam Co-operation Agency, which reported around 15,000 as of 1999. Sporadic Vietnamese media sources have documented established migration flows from certain areas in Vietnam. One report stated that the majority of the youth and working population of a village (An Nong, in Hue Province) in Central Vietnam, and 2,000 of its 12,000 population, work in Laos. The migrants included men and women, married and single persons, 90% of whom were young. According to the Lao PDR Youth Union (LYU), most Vietnamese migrants are located in Southern and Central Laos and Vientiane Prefecture; over half of them are women. They generally work as construction workers, street vendors, or in other types of work in the community. The LYU estimates that: 95% of Vietnamese male migrants and 5% of female migrants engage in construction work, earning around 25,000 Kip per day; and 80% of female and 20% of male migrants are thought to work as street vendors or in “other work.”
Chinese migrants work in different sectors and occupy both professional and low-status types of work, mainly in Northern and Central Laos and Vientiane Prefecture. Chinese authorities estimate there are currently 80,000 Chinese businessmen scattered across Laos, and others also working as architects, mine developers and construction workers (both professional level and low-status). Many Chinese companies, as part of joint venture developments, establish themselves in Laos with a full range of workers—managers, engineers, as well as skilled and low-status construction workers—to run their projects. These developments are mainly concentrated in the Vientiane area, and it is thought that companies largely apply for proper work permits for their workers. Aside from these, there are an unknown number of irregular workers from China who take up casual work as street vendors or on construction sites. The LYU estimates that approximately 70% of Chinese migrants are women and 30% are men, and that they are aged from 15-35.

The MLSW and UNICEF’s Study found Chinese girls and women working largely in Northern Laos, and Vietnamese girls in the South. These girls are generally trafficked and usually serve clients from their home countries.

Vietnamese and Chinese migrants use Laos as a transit point to other countries. Undocumented South Asian migrants (mainly from Pakistan, Afghanistan and India) also use Laos as a transit point to third countries; the Department of Immigration estimates that almost 100 South Asian migrants are caught every year.
3. Migration Patterns and Processes

a) Brief History of Migration

The first major wave of refugees from Laos fled to Vietnam during the Indochina War (1955-1975), which resulted in the displacement of about 25% of the population (800,000 persons). Most returned following the cease-fire in 1973. The next wave of migrants fled following the communist victory over the royalists in 1975. These included refugees and asylum seekers: most of Laos’ professional citizens; the elite; royalists; Hmong people; and others who feared repression. 10% of the population (360,000 persons) migrated to Thailand between 1975 and 1992. More than 300,000 of these moved on to third countries such as the United States, France, Canada and Australia, though the Lao PDR Government has reported that many of these immigrants have been returning. With the help of the UNHCR and the Royal Thai Government, almost all the remainder had returned to Laos by 1999.

The second wave of migrants bound for Thailand was part of a general exodus between the late 1970s and mid-1990s when the Thai economy boomed and the Laotian economy nearly collapsed. Many Laotians flocked to find their fortunes across the border where many Thai employers looked to hire the relatively cheaper labor of Laotian and other migrants. Though the numbers of Laotian migrants to Thailand temporarily declined by 4-6% during and following the 1997 Asian economic crisis, Thailand continues to stand as the prime destination for seasonal, documented or irregular Laotian workers.

In Laos’ recent history, the main groups of migrants coming into the country have included the Vietnamese, Chinese and Thai. Many Vietnamese were brought in as administrators during French colonial rule, and Vietnamese troops were also stationed in the country during the Indochina War. Many of these Vietnamese have returned since 1989. In the mid-1990s, Vietnamese construction workers came during the mini-boom, and in 1995, the Government implemented a new labor law to control influx of these workers. However, with the devaluation of the Laotian currency during the 1997 Asian economic crisis, there has been a decline in the number of incoming Vietnamese.

b) Reasons for Migration

Thailand has long been the primary destination within the GMS for Laotian migrants seeking job opportunities. Physical and cultural proximity may be the most obvious reasons for this preference. Laos’ long, porous border with Thailand is well linked to expanding networks of access roads, and networks of migration and trafficking agents facilitate the migration process further. Thailand’s higher wages have always made her an attractive option for those seeking to earn extra money or to escape limited work opportunities in Laos. The MLSW’s Research found that people living in rural villages cited economic necessity, poverty and unemployment as the main reasons for migration. Farmers stated they had no other way of generating income after the rice harvest, and some stated that family crises created an urgent need for money. Others were prompted to migrate by friends, relatives, parents or agents. But the MLSWResearch also reported that some migrants expressed more
of a choice in their decision to migration: some wanted to earn money for entertainment, to build a house or to buy consumer items possessed by neighbours, while others said they wanted to travel and have a good time.\textsuperscript{36}

Men, women and young people in rural areas have emphasized the difficulties involved in living in such areas. Women, who must perform domestic, reproductive and agricultural work, find the agrarian lifestyle particularly harsh.\textsuperscript{37} A crisis such as illness, gambling or other debts can leave a family with little option but for their members to migrate. Many would prefer to earn enough Thai baht to pay others to carry out their agricultural work. Most young people do not continue their education beyond grade five due to the expenses it incurs. Faced with nothing to do but farm-work, young people are easy prey to agents who preach the popular image of Thailand.

“Social distance” with Thailand, which the MLSW Survey defines as similarities based on language, culture, direct kin or personal relationships, is a crucial factor in migrants’ decision to go to Thailand.\textsuperscript{38} Thai culture is quite similar to that of Laotians, as both sides of the Mekong River has historically belonged to the same ethnic group. Many villagers who cross the national border are simply following historical tradition; some families have relatives on the other side of the river. Moreover, most Laotians can understand and speak Thai: a survey conducted by the Institute for Cultural Research (ICR) in Vientiane in 1997-1998 found that 91\% of respondents understood Thai.\textsuperscript{39}

The positive, popular appeal of Thai culture also has a tremendous impact on Laotians, especially on the youth, and school drop-outs. Most teenagers in border areas have an extensive knowledge of Thai popular culture (TV stars and singers) through Thai media and karaoke.\textsuperscript{40} The ICR Study found that 94\% of respondents had watched Thai TV in the past week, and 60\% said they had actually learned the language from Thai media. Thai media also portrays life in Thailand as affluent, easy, “trendy” and “modern,” thereby promoting notions of consumerism and materialism that many Laotians aspire towards.

Public attitudes, peer pressure, family pressure and common misperceptions of migration to Thailand are factors that cannot be underestimated. Parents persuade their children to migrate after seeing friends or relatives returning from Thailand with money, new consumer appliances or financial resources to build a house. Generally, there is a severe lack of understanding and awareness on the negative dimensions, problems and dangers of irregular labor migration. Families with many children can often spare a child to migrate to support the family.

As for incoming migrant workers, little is known about what pulls them to Laos. It is thought that established migration flows from certain Vietnamese villages play a role in attracting potential migrants. Chinese investors are attracted by Laos’ relatively new and unsaturated free market; their investments automatically create a flow of workers from China. The populations of migrant men in turn help create a demand for the sex industry, thereby prompting agents and traffickers to bring Vietnamese and Chinese women into Laos.
c) Channels and Processes for Migration

Laotian Migration to Thailand

Laos has not signed a bilateral cross-border treaty with Thailand, as it has with other neighbouring countries. The latter is one of the key factors that encourages many Laotian workers to migrate through irregular methods and channels. Migrants often rely on family or social connections or networks of agents, smugglers or traffickers to migrate through such channels. Some migrants pay middlemen up to 20,000 Kip to obtain a passport.

Laotians are able to enter Thailand legally by obtaining a border pass at any of the eight, official border crossings with Thailand that are regulated by the Lao PDR Provincial District Authority. Some migrants who do not have a passport pay middlemen up to 20,000 Kip to obtain one. On the Thai side of the border, they are able to purchase a three-day stay permit for US$3, which only allows them to travel up to a certain point within the Thai province. Migrants are not allowed to work with this permit, but many do work until the permit expires. Others tend to other tasks such as visiting friends, relatives or doctors and shopping.

For legal employment, migrants must find a Thai employer who will register the migrant at a provincial police station and submit an application for an official work permit before their permit expires. In reality, few Laotian migrants choose this method: not only is it expensive, but it is difficult to finalize all the procedures in time. Many Laotian migrants simply enter officially but overstay and find undocumented work through social, family or smuggling networks. The vast majority of Laotian migrants, especially those who live near the border,
simply cross unofficially by land or by swimming across the river and then use traffickers to enter further into Thailand. Though many migrants succeed, those who are caught are sent back to their village after being reprimanded by Laotian immigration officials with a warning and “educational discussion on the need to comply with immigration laws.”43

One village had a number of seasonal migrants working on the same rubber plantation in Thailand; they created a network to assist fellow villagers to cross the border for employment on the plantation. Teenagers are also known to migrate together or to join friends across the border. Migrants wanting to stay for the long-term also continuously change jobs every few months—sometimes with the help of agents or traffickers—in order to evade immigration officials. Migrants also pay transportation fees to agents who transport them to construction sites or factories.

Those who do not live near the border, use facilitated networks of villagers, agents or traffickers. One village reported that one could access such networks by mobile phones in town: for a fee, anyone wanting to migrate to Thailand could call to be picked up by motorbikes, vans or even special air-conditioned buses. In some villages, the facilitators were not professionals who benefited economically, but friends, family and fellow villagers. However, studies have also found a high incidence of trafficking, whereby a migrant is transported to some form of employment without either consent or knowledge of the nature and conditions of the work. The ILO Survey conducted in two border towns along the Thai-Laotian border found a high incidence of minors being recruited in the village by traffickers and then transported into Thailand for work.44

Many Laotian migrant workers manage to work in Thailand for months to years without being caught, and once ready to return home, they simply return in more or less the same way as they came. For the less fortunate who are caught by Thai authorities, detention and deportation are not uncommon. The migrant can then be kept in a detention center for months and then deported, via either voluntary or forced repatriation.

Incoming Migrant Workers

Due to the lack of baseline information on incoming migrants to Laos, details concerning the channels, methods and processes of migration are unknown. There are reported cases of Chinese workers who have been smuggled with the help of middlemen, though how they find jobs and their working and living conditions in Laos are unknown.

What is known is the official policy of Lao PDR’s Immigration Department on how to regulate incoming migrant workers. According to the Immigration Department, all foreign workers who want to work legally in Laos must undertake several steps. They can only work with businesses that are registered with the Foreign Investment Management Commission (FIMC) and must receive an approved license from the Commission. Then they must apply to the MLSW for a work permit and to the Immigration Department at the Ministry of the Interior and for a two-year State Permit. Finally, the migrant must apply for a multiple-entry visa with the Ministry of Foreign Affairs. Migrants who overstay their visas must pay a fine of up to US$150.45
B. ISSUES AND NEEDS

1. Personal/Family-Related Issues

Laotian migrants and their families must deal with the issues that are pushing them to migrate to Thailand. Inadequate or no income and/or employment opportunities in the village, financial crisis due to illness or gambling, the heavy demands or boredom associated with the agrarian lifestyle and women’s trip burden have been detailed in the above discussion on push factors. At the same time, friends, relatives, agents, traffickers and/or the media constantly propagate a positive cultural and economic image of Thailand, thereby heavily influencing migrants and their families in their decision to migrate. The ILO Survey found that girls were more often recruited from villages and have a slightly higher risk of being sold or forced/coerced into the worst forms of child labor. Though many families encourage their children to migrate, it has also been reported that children themselves decide to migrate without their parents’ consent, and some parents later had no means of contacting or obtaining information about them.

Migrants and their families in the pre-departure stage have two main sets of intrinsic needs. Firstly, migrants and their families must have the option of a sustainable livelihood in their village without having to migrate. If they are farmers, their earnings must meet subsistence needs as well as family emergencies, but they must also be able to access jobs outside of agriculture. In the absence of these, only stop-gap measures such as access to emergency loans and funds can temporarily prevent their migration, and community support can help support family and/or financial crisis. Secondly, in order to make informed decisions, migrants must be able to access information on the realities and dangers of the irregular migration process, conditions in Thailand, how to migrate through regular channels, and the precautions and protective measures they must take should they choose to migrate.

Upon their return to Laos, the issues of migrants and their families vary depending on whether they have experienced fair or abusive working conditions, psycho-social trauma, arrest or detention by the Thai authorities, and if they had been able to save. Some migrants reported returning home with significant savings, which helped to improve their families’ status, while others had been denied their wages or had been continuously forced to pay off employers’ fines. Some parents feared being fined and reprimanded upon their children’s return.

Many returning migrants have various health problems such as mental illness and STIs, or they may simply suffer from psycho-social trauma. Those who had engaged in sex work in Thailand were often rejected by their family and/or community upon return, especially if they had contracted STIs. Migrants need health checks, counseling and other support services to cope with trauma upon their return. Many migrants are likely to have returned without savings and soon end up in debt once more. Communities also need to learn from such experiences to prevent repeated mis-informed migration. Most importantly, returning migrants need to have the option of a sustainable livelihood, so they do not need to migrate.
once again.\textsuperscript{47}

2. Institutional/Legal Issues

The Lao PDR Government only allows its people to cross the Thai border for a few days, but legal mechanisms guaranteeing the right to migrate to Thailand through regular, safe and easily-accessible channels do not exist. Due to the absence of a policy to allow safe and protected migration, migrants have little option but to migrate through irregular means, which makes them vulnerable to violations. Migrants are vulnerable to corrupt and abusive traffickers, smugglers, agents, employers and immigration and police officials, on both sides of the border and all stages of their migration. The most urgent need for Laotian migrants is for the Government to immediately create clear and safe migration processes, regulated by clear and protective policies and bilateral agreements with the Thai Government. The Lao Government also needs to crack down on and monitor traffickers, smugglers, and border officials, and to institute regulations to control agents and brokers.

Though incoming migrant workers can enter Laos through regular channels that are stipulated by bilateral agreements, they may need further institutional protections to guarantee safe and just working and living conditions in Laos. Undocumented workers need access to information on how to enter through regular channels/laws for migration prior to their departure or upon arrival in Laos. If migrant workers are unable to change to regular status once in Laos, regulations that enable this are needed. While the Government must clamp down on traffickers and smugglers who have helped migrants enter through irregular means, it must grant all undocumented migrants legal status to work in Laos. For example, in 2001, the Immigration Department reported that 16 Chinese women and 12 men had been caught. Both documented and undocumented migrants in Laos need access to protective labor and social welfare (including health and education) policies that grant them equal rights as local workers, regardless of their ethnic or national background.

Upon return, many Laotian migrants and their parents are faced with potential fines for migrating without a permit. While in some areas, village and district officials are reluctant to impose fines, in others, the regulation is strictly enforced.\textsuperscript{48} Migrants who are arrested and repatriated are vulnerable to corrupt border guards and traffickers. In addition, many migrants have also lost or had their documentation confiscated. For example, the ILO Survey found that 100\% of children interviewed from Muk Dahan and 70\% of children from Nong Khai also lacked identity cards. Lao migrant workers need safe, transparent and legal channels and processes for return and reintegration to Laos. Lastly, while Laotian migrant workers need regular channels of migration, they also need national development policies that promote viable economic alternatives to migration.

3. Work-Related Issues

Laotian migrants’irregular status in Thailand makes them especially vulnerable to a wide
range of abuses, including dangerous workplace conditions, long hours, arbitrary deductions and withholding of salary. Irregular migrants in Thailand are less likely to report abuses in the workplace or community for fear of arrest, deportation or fines. Due to these dangers, prior to departure, Laotian migrants need to be able to easily access information about the realities of work conditions in Thailand, especially those of undocumented migrants.

In addition, Laotian workers migrating to Thailand need to be provided with pre-departure orientation and education on migration policies and processes, employment contracts, the Thai language, skills development for the sector in which they will work, health education and other issues so that migrants are well aware of what lies ahead.

Upon return, migrant workers who had experienced violations at the work place (e.g. non-payment of wages, denial of rest days, occupational accidents or illness, physical or sexual abuse) and who have not been able to receive compensation for such violations, need to receive support from NGOs, mass organizations and the Government on how to redress such violations even if they have returned home.

As for Vietnamese and Chinese migrants in Laos, they need fair working and living conditions that are regulated by an employment contract and labor law that provides fair wages, rest days and benefits. They need to be free from exploitative agents and traffickers, not to mention arrest and harassment, imposed by corrupt law enforcement officials. Migrants need support from mass organizations, NGOs and the Government to obtain such rights.

4. Gender-Related Issues

The reproductive and productive demands that are made on Laotian women combined with the lack of professional and educational opportunities they are faced with plays a definite role in pushing them to migrate to Thailand. Studies show that Laotian women work over three hours more than men on a daily basis, they perform 90% of all reproductive tasks, 50% of production tasks, and they spend less time than men sleeping, playing sports, resting and socializing with others outside of the family. One respondent in a case study reportedly related that she liked working in Thailand: her work at a Thai garment factory was not difficult as she did not have to be out in the sun and the rain. Moreover, sometimes she was able go out to have a good time and enjoy life.

Women may be more easily lured to migrate abroad, but they are also more vulnerable to abuses in the migration process, such as physical and sexual abuse, and exploitation by employers, traffickers and middlemen. Women need to be well informed of the risks of migration, advised on necessary precautions and educated on their right to receive equal wages, treatment and benefits as men and local workers. Women who will work in more vulnerable sectors, such as sex work and domestic work, need specific preparation prior to departure. Before migration and upon their return to Laos, they should have access to reproductive health information and services, including STIs and HIV/AIDS awareness education.

Upon their return, women migrants who had new experiences of economic and social
empowerment while in Thailand, often face difficulties in readjusting to village life in Laos. Women who had engaged in sex work or had children while abroad may be stigmatized in their communities. Due to these and other potential difficulties, women need access to feminist and psycho-social counseling services. They may also need shelter or temporary places to stay if they become displaced and/or upon return.

5. Socio-Cultural Issues

Although Laotian migrants may face fewer difficulties than other migrants in assimilating to Thai culture and society, they still must deal with prejudice and discrimination at the hands of Thai government policies, officials and services, the media, employers and the Thai public at large. Case studies have reported migrants being unjustly accused of theft or crime. Prior to departure, migrants need information on such realities, and upon return many migrants may require counseling or venues to help them cope with the alienation and discrimination they experienced while abroad.

Returning migrants, especially the youth, also experience a dramatic change in cultural values and standards of living and materialism to those they had encountered in Thailand. Many migrants continue migrating despite the dangers, in part, due to the fact that they find it difficult to readjust to rural life in Laos. Community awareness raising services and widespread public education is needed to encourage migrants to remain, rather than to perpetuate the cycle of earning abroad and spending at home.


Just as with conditions in the workplace, access to social welfare services hinges on migrants documented status in Thailand. Undocumented migrants generally do not have access to public health care or other public services, and are less likely to report abuses in the community for fear of arrest, deportation or fines. Potential migrants also need information about health and social service providers in Thailand prior to departure, as well as upon arrival and on-site. Potential migrants, especially those working in high-risk sectors such as fishery-related industries, construction work and the sex industry, require pre-departure education on health care and how to protect themselves against STIs and HIV-AIDS.

Migration has a definite impact on Laotian families with parents who have migrated. Such families need specific services, such as child-care, counseling and educational support, from the state, mass organizations and NGOs to cope with the absence of the parent(s).

C. RESPONSES

1. Goverment

The Government’s responses to migration largely focus on preventing the trafficking of women and children, assisting trafficking victims, and decreasing irregular migration through
awareness-raising programs on the dangers of trafficking and rural development and job-creation schemes.\footnote{52} The main government agencies directly addressing labour migration issues in Laos, include the Ministry of Labour and Social Welfare, the Department of Immigration/Ministry of the Interior, and state-sanctioned mass organizations that work mainly at the grassroots level.\footnote{53}

**Ministry of Labour and Social Welfare (MLSW) (and its partner agencies)**

The Ministry of Labour and Social Welfare (MLSW), established in 1993, comprises two departments that deal with labor and social welfare respectively. The Ministry began giving more attention to cross-border migration when it attended an International Symposium on Migration in 1999, where the main issues of the meeting included peace and the security of goods and labor.\footnote{54} Its work on trafficking developed particularly after the Government invited the Special Rapporteur on Women and Children to visit Laos in 1998. In 2000, Laos joined the ILO’s worldwide International Programme on the Elimination of Child Labour (IPEC).

The main response of the MLSW concerning migration has been its leading role within the UN Interagency Project on Trafficking of Women and Children (UNIAP) in the GMS. The component of this initiative in Laos, called the National Project on Trafficking, involves a National Steering Committee (NSC) chaired by the Needy Children Assistance Section of the Department of Social Welfare (DSW). The latter has three to four staff, and it is in charge of coordinating the implementation of the Project, which involves a repatriation program, public education and research on trafficking and migration. The Project has also involved pilot intervention projects promoting income generation and vocational training in two districts.

A major component of the Project is the repatriation program, which is partly supported by the IOM, mainly through institution-building. The DSW liaises with migrants’ families and facilitates migrants’ return to Laos through its connections with the Thai Ministry of Social Welfare and the IOM. In the past year, 25 of the 121 migrant returnees were financially supported by the DSW. The Department also runs a transit center and shelter in Vientiane, where returning migrants can stay temporarily and receive counseling and other forms of assistance, such as “family testing/tracing.”

The DSW also coordinates with the Lao PDR Youth Union (LYU) and the Lao PDR Women’s Union (LWU) to monitor data on trafficking cases and promote educational programs designed to increase awareness of the dangers of recruiters who traffic young women. Information campaigns conducted with the LWU in a few border towns include the distribution of booklets. The DSW recently oversaw a television and radio program and created a calendar and storybook to publicise the dangers of trafficking.\footnote{55}

As part of the UNIAP, the DSW has also been conducting research on the underlying reasons for migration to Thailand in conjunction with UNICEF and ILO-IPEC in Laos. The MLSW Research has recently recognised how Laos’ national development strategy has increased labor migration, hence, beginning to enable the Government to recognize how some of its development policies may actually lead to conditions that promote higher rates of migration. According to the Research, the MLSW mentions that certain development policies
provide:
1. health care and population growth, which leads to excess labor;
2. education and access to knowledge; but as there are limited means of applying this knowledge, the unemployment rate remains high even among the educated;
3. agricultural technology that increases agricultural output; this in turn leads to a food surplus for the market;
4. access to markets and increased cash to buy TVs that are used to watch Thai programs; these help increase migrants’ desire to migrate to Thailand.56

The Department of Labor (DL) also works to prevent undocumented migration by recommending to the Government to review check-point procedures and to seriously address rural development. In addition, the DL also recognizes that the international labor market has a high demand for skilled labor, and thus promotes skills development schemes for workers. Aside from its responses to prevent undocumented migration and promote increased skilled migration, the Ministry, led by the DL, is beginning dialogue with Thailand, Korea and Malaysia on the possibility of creating regular channels for out-migration of Laotian workers. The DL’s current focus is on the status of Laotian migrant workers in Thailand, and it has been attempting to create a bilateral agreement or Memorandum of Understanding (MOU) with the Thai Government since 2001. The Laotian Government has recently issued a decree stating their commitment to negotiate an agreement with the Thai Government to regularize the migration flow from Laos. Among other means, it is using its participation in ASEAN to advocate for migrant labour protection.57 The DL is also working closely with ILO-IPEC in Laos and Thailand on the issue.58

**Department of Immigration, Ministry of Interior**

In addition to the Department of Immigration’s regular functions to manage migration flow into and out of Laos, the Department engages in ASEAN conferences on immigration and consular affairs, many of which focus on people smuggling, trafficking and migration. These conferences are important venues for ASEAN member governments to set sub-regional standards and policies on migration.59

**National Economic Research Institute (NERI), State Planning Committee**

The National Economic Research Institute (NERI) plays a key role in advising the state on national planning and policy development, and it is reputed to be among the few organizations that conduct comprehensive and scientific research on policy formulation and agenda-setting related to social development issues in Laos. Though it has yet to conduct comprehensive research on international migration, NERI has written an article that includes some general information on international labor migration to and from Laos. The Institute has conducted research on women internal migrants’ working and living conditions and problems, which is useful in informing on push factors for women’s international migration.60
Lao PDR Youth Union (LYU)

The LYU has identified migrant workers as one of the organization’s eight focal areas of work. The Young Pioneer Department of the Union has recently launched a program on the trafficking and abuse of children, and it is also working together with the MLSW as part of the UNIAP. In January 2002, the LYU began conducting participatory action research (PAR) with Save the Children Fund-UK to examine push factors for migration and map community needs.

The LYU’s training division addresses issues of Laotian youth through vocational training and development programs that are being conducted at 11 centers in various provinces. However, the LYU admit these centers do not meet the needs of the youth, and they are searching for ways to increase the numbers and activities of the centers.

Lao PDR Women’s Union (LWU)

The government-sanctioned Lao Women’s Union (LWU) provides counseling services for women, including trafficking victims, but these services are only available primarily in Vientiane. The Union has trained around 1,000 LWU members in counseling and estimates dealing with approximately 300 women per year with trafficking-related problems. The LWU also collects information on the problems of returning migrant women in seven districts and together with the MLSW, has conducted some awareness-raising drives on the dangers of migration and push factors. The Union requires more baseline information on trafficking, but does not have the resources to collect such information. They are currently working with the MLSW on data collection.

LWU states that domestic violence is a big problem, and is seeking ways to combat the problem. LWU is also carrying out limited skills training, including paralegal training for women.

2. Inter-Govermental Organizations (IGOS)

Due to the limitations faced by civil society groups in Laos and the fact that there are only international NGOs working on social development issues, IGOs play a crucial role in Laos in supporting cross-sectoral coordination and the institutional development of government organizations that are still relatively new.

UN Interagency Project on Trafficking of Women and Children in the GMS (UNIAP)

UNIAP aims to reduce the trafficking of women and children in the GMS through improving national and regional coordination. The Project in Laos is headed by a National Steering Committee, made up of the Ministries of LSW, Justice and Interior, and chaired by the DSW/MLSW. In addition, it also includes: government agencies such as the Ministries of Health and Education; the state-affiliated mass organisations, LYU and LWU; IGOs such as ILO-IPEC, UNDP and UNICEF; and international NGOs such as the Save the Children Fund-Norway and Church World Service. The UNIAP’s functions include coordination among the different agencies, research, data collection, creation of public education materials and pilot community intervention projects, as well as periodic meetings of the Committee.
headed by UNIAP. The NSC has met twice so far, and an important output of its work was the survey on trafficking completed by the MLSW in October 2001.61

**ILO-IPEC (Lao PDR)**

ILO-IPEC’s work on migration in Laos has focused mainly on the prevention of trafficking and undocumented migration by partnering with government agencies to conduct village development programs and awareness-raising initiatives in high-risk areas. It helped to establish the National Commission on Trafficking and continues to be a key actor on the UNIAP. The ILO-IPEC’s preliminary assessment of trafficking in women and children is an important research that is referred to by policy makers in Laos. The ILO-IPEC now continues to collect data on internal and external migration as a follow-up to its preliminary assessment. ILO-IPEC is trying to work with the Laotian and Thai Governments to regularize Laotian migrants in Thailand and establish a bilateral agreement.

**UNICEF (Lao PDR)**

UNICEF plays an important role as part of the UNIAP in advocating and advising the Government on the reform and improvement of laws and procedures for child victims of trafficking; safer immigration border controls; and training for officials engaged in rescuing trafficking victims. UNICEF has also conducted a study on the commercial sexual exploitation of women and children, during which they came across Vietnamese and Chinese women working in the sex industry in Laos.

**IOM**

The IOM is assisting the MLSW to facilitate the tracing and reintegration of migrants and their families in Laos. The IOM had previously provided some institutional capacity-building to workers in the DSW, but this may have stopped due to funding limitations.

3. **International NGOs (INGOs)**

**Save the Children Fund-UK**

Expanding on their existing research on young people’s migration in other GMS countries, SCF is conducting a Participatory Action Research (PAR) in three provinces in Laos to examine the needs and interests of young people, the reasons why Laotian youth choose to migrate, and what kinds of pilot activities may work well to stop trafficking and migration of children. SCF is in the process of training 17 trainers from the LYU from villages in three different provinces to conduct the research, as well as training staff from the DSW/MLSW’s Needy Children Section. SCF-UK is also part of the UNIAP.62

**Community Aid Abroad-Oxfam Australia**

Community Aid Abroad-Oxfam Australia does not work on labor migration directly but works on community and youth development, to try to stem the tide of migration. CAAconducts a project on Youth Employment Training with the LYU at the provincial level. CAA also carries out its Sustainable Livelihood Development Project, which includes water and irrigation projects,
agricultural development, community development and education programs for teachers.\textsuperscript{63}

\section*{D. GAPS ANALYSIS \& RECOMMENDATIONS}

\section*{National Development Policy}

The Lao PDR Government has yet to create a national development policy that effectively meets the needs of its workers for adequate livelihood opportunities at home. In fact, as the MLSW Research indicates, the Government’s development policies can create new pressures that help encourage Laotian people to migrate to Thailand. The analysis reflected in the MLSW Research—on how unemployment, underemployment and the general lack of sustainable livelihood opportunities in rural areas all leads to increased migration—can be used to help review and revise national development policy.

At the same time, the Government’s current development policy does not help promote and institute into national immigration, labor and social welfare laws migrant workers’ right to safe, regular, transparent and protected labor migration into and out of Laos. There is also little recognition of the crucial role that returning migrant workers from Thailand and incoming migrant workers from Vietnam and China play in the Laotian economy.

\textbf{RECOMMENDATIONS:}

1. The Government must design and implement a sustainable national development policy that guarantees Laotian workers the right to a sustainable livelihood at home, but that also provides Laotian workers the right to migrate abroad.

2. The Government must reflect and institutionalize its recognition of the economic and cultural contributions of Laotian migrant workers abroad and foreign workers in Laos in all national policies, laws, regulations and practices.

\section*{Ensure Regular and Protected Processes for Migration}

The Government’s response so far to the labor migration phenomenon has focused primarily on a policy of “managing migration” rather than instituting protections for workers to migrate legally. Though it is important to regulate migration, simply “managing migration” cannot effectively address the range of problems faced by Laotian migrant workers at all stages of their migration. While Laotian migrants to Thailand and incoming migrants from neighboring GMS countries can easily enter and leave Laos with a temporary border pass, migrant workers still require bilateral policies to facilitate and protect their conditions of migration for employment. Policies are needed to ensure safe, regular and transparent channels for migration that are regulated by protective mechanisms and agreed upon by both sending and receiving governments.

Existing responses of government agencies, INGOs and IGOs are largely limited to the prevention of trafficking and undocumented migration, and encouraging people to remain in rural areas through agricultural development and job-creation schemes. The Department of
Labor’s recommendation for skills retraining may help Laotian workers access foreign labor markets more easily. But this and other existing responses will not necessarily lead to Laotian migrant workers’ regular, safe and protected migration. As long as there is a demand for cheap Laotian labor across the border with Thailand, Laotian workers will continue to migrate through whatever irregular means they can access.

**RECOMMENDATIONS:**

3. The Government must develop protective and transparent bilateral agreements with GMS governments on migration. Such agreements must be gender-fair and based on international human rights standards that protect migrant workers’ right to migrate through regular, safe and transparent channels. Mass organizations, IGOs and INGOs must advocate, advise and assist on the Government’s work towards the creation of such rights-based agreements.

4. The Government and mass organizations, supported by IGOs and INGOs, need to publicize and raise public awareness on changes in legislation, policies or practices that come about through any new agreements.

5. The Government and mass organizations, supported by INGOs, must conduct pre-departure education for potential migrant workers on migration policies and processes (both regular and irregular), the registration system and employment contracts in Thailand, and Thai language and relevant skills-development training. Education and trainings must incorporate a gender-fair and rights-based framework.

6. The Government must adhere to its obligations as a signatory of the Convention on the Rights of the Child, CEDAW, CERD, CCPR, CESR, ensure the effective implementation of these conventions and bring its national policies in line with them. The Government must also ratify the Migrants Convention and ILO Conventions 143 and 97 on Migrant Workers and use these as standards to develop protective and rights-based national legislation on migration.

**Institute Protections for Incoming Migrant Workers**

Though the Government allows workers from Vietnam and China to enter and work through regular channels, similar to outgoing Laotian workers, there is an absence of bilateral protective policies to regulate and protect their migration and working conditions. Due to the definite lack of baseline information on their conditions of work in Laos, it is unclear if foreign workers have the same employment, economic and social rights as local workers, even though foreign workers “. . . are required to assist in the country’s development.” There also seems to be no organization addressing the needs of incoming migrant workers in Laos. This is partly a reason why there is a dearth of information on how they migrate, their treatment by the state, employers and general public, and their general working and living conditions. Concrete recommendations can only be made based on the analysis of such information.
RECOMMENDATIONS:

7. The Government, mass organizations, IGOs, and INGOs must collectively conduct baseline research to document the practical and strategic needs, problems and experiences of incoming migrant workers. Particular attention and sensitivity must be used to conduct such research on women migrant workers in more vulnerable professions such as sex work and domestic work.

8. The Government must ensure that it has instituted protections guaranteeing fair, just and equitable working and living conditions for incoming migrant workers in Laos, particularly women. Conditions must be reflected in Laotian immigration, labor and social welfare (including health and education) laws, policies and practices, which must also be free from discrimination. INGOs and mass organizations must conduct advocacy on this.

Preventing Trafficking of Women and Children

Though the MLSW, mass organizations and some IGOs are conducting pilot projects and information drives on trafficking, access to information on the processes and dangers of irregular migration are not readily available in all villages. The available information disseminated by the Thai media and the experiences of some returning migrants mainly serve to glamorize life in Thailand.

RECOMMENDATIONS:

9. The Government, mass organizations and media must conduct broad-based awareness-raising campaigns to disseminate accurate information on the dangers and realities of irregular migration, precautions that must be taken and the benefits and procedures involved in Thailand’s registration process. IGOs and INGOs must lend support to such initiatives.

10. The Government, mass organizations and INGOs need to develop and implement programs that help facilitate returning migrants’ communication of their migration experiences as a form of public education.

11. The Government, mass organizations and IGOs must conduct research to gain information on how Vietnamese and Chinese migrant women and girls are trafficked in Laos and on their needs and issues.

Gender-Related Issues

Existing responses are inadequate in meeting women’s practical needs (such as reproductive and general health care, access to basic information on migration), their triple burden in agrarian life, and strategic problems such as unequal access to education and working opportunities. Given the high concentration of women working in vulnerable sectors, such as domestic and sex work, and the magnitude of the health problems they face, there is a shortage of information on the health and human rights hazards involved in working in such industries at all stages of migration. Upon migrant women’s return to Laos, few groups
provide counseling, especially at the village level, and shelters and half-way houses for women barely exist. Initiatives are needed to promote their self-organization on the migration issue.

**RECOMMENDATIONS:**

12. The Government, assisted by mass organizations, IGOs and INGOs, must conduct gender-sensitivity training for government officials to promote understanding on gender-based problems experienced by migrant women.

13. The Government, mass organizations and INGOs should implement livelihood programes, that include small business loans, for (potential and returning) migrant women, to address their socio-economic needs.

14. Mass organizations and INGOs should conduct public education campaigns that sensitize Laotian society to issues of returning migrant women, including the problems that propel women to enter the sex industry.

**Social Welfare**

15. The Government and mass organizations, supported by IGOs and INGOs, must provide psycho-social counseling services, safe houses and/or shelters for returning migrants, especially women and youths. Services must aim to help their social reintegration into village and agrarian life.

16. Mass organizations and IGOs, with Government support, need to implement counseling, day-care and educational-support services for children with parents abroad and for returning-migrant children.

**Endnotes**


4ADFAT, 2002.


8Ibid.

12Australian Department of Foreign Affairs and Trade, 2002.
18Office of the Commission on the Administration of the Illegal Alien Immigrant (CAIAI), Immigration Department of Thailand, 2002.
20Ibid.
21CAIAI, 2002.
23Ibid.
26Ibid.
29See China (Yunnan) Country Report.
30LYU, June 2002.
39Ibid.
40Ibid.
41See Thailand Country Report.


43AMC interview with Mr. Kamhung Sengsuriya, Director, Chief of Staff, External Coordination Division, Immigration Department, Ministry of Interior, Vientiane, Lao PDR, 13 March 2002.

44ILO 2000.

45Sengsuriya/Immigration Department, 2002.


47Ibid.

48Ibid.

49Ibid, p. 5


52AMC interview with Mr. Sisouvanh Tandauong, Director General, Department of Labor, Ministry of Labor and Social Welfare, Vientiane, Lao PDR, 13 March 2002.


57Tandauong/MLSW, 2002.

58AMC interview with Mr. Inthasone Phetsiriseng, National Project Coordinator, Mekong Project to Combat Trafficking in Children and Women, ILO-IPEC, Vientiane, Lao PDR, 5th March 2002.

59Sengsuriya/Immigration Department, 2002.

60Interviews with Dr. Sirivanh Kohnthapane & Dr. Leeber Leebouapao, Deputy Directors, National Economic Research Institute (NERI), State Planning Committee, Vientiane, Lao PDR, 12 March 2002.

61Keobunnavong/MLSW. 2002..


63AMC interview Mr. Kamloung Keoka, Field Representative, Community Aid Abroad-Oxfam Australia, Vientiane, Lao PDR, 13 March 2002.

64Lao PDR Government, April 1999.


66Ibid.
Lao P.D.R.
Basic Migration & Socio-Economic Data

A. Total Stock (Number) of Migrants, as of 2002

<table>
<thead>
<tr>
<th>Migrants Abroad</th>
<th>Migrants in the Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated stock: migrants outside the country</td>
<td>Estimated stock: migrants in the country</td>
</tr>
<tr>
<td>TOTAL a. By visa status</td>
<td>TOTAL a. By visa status</td>
</tr>
<tr>
<td>Documented migrant workers*</td>
<td>Documented migrant workers*</td>
</tr>
<tr>
<td>Emigrants/residents</td>
<td>Immigrants/residents</td>
</tr>
<tr>
<td>Undocumented migrants**</td>
<td>Undocumented migrants**</td>
</tr>
<tr>
<td>Refugees***</td>
<td>Refugees***</td>
</tr>
<tr>
<td>b. By sex</td>
<td>b. By sex</td>
</tr>
<tr>
<td>Male</td>
<td>Male</td>
</tr>
<tr>
<td>Female</td>
<td>Female</td>
</tr>
<tr>
<td>c. Top 10 destination countries (thousand)</td>
<td>c. Top 10 countries of origin (thousand)</td>
</tr>
<tr>
<td>1 Taiwan (140.1)</td>
<td>1 Burma (1,000-1,500)</td>
</tr>
<tr>
<td>2 Singapore (70.1)</td>
<td>2 Lao PDR (100)****</td>
</tr>
<tr>
<td>3 Japan (25.2)</td>
<td>3 Cambodia (88)</td>
</tr>
<tr>
<td>4 Malaysia (21.4)</td>
<td>4 China</td>
</tr>
<tr>
<td>5 Brunei (25.2)</td>
<td>5 —</td>
</tr>
</tbody>
</table>

*Non-resident, temporary, or contract workers         ** Includes illegal entrants, overstayed or 'jumped' visa, trafficked/smuggled people
*** As defined by the government, or in accordance with the UN refugee convention   **** NGO estimate is 300,000

B. Annual Socio-Economic Data and Migration Flow

<table>
<thead>
<tr>
<th>Indicators</th>
<th>1997</th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population (million)</td>
<td>60.60</td>
<td>61.40</td>
<td>61.90</td>
<td>62.30</td>
<td>—</td>
<td>62.35</td>
</tr>
<tr>
<td>Economic growth: real GDP (%)</td>
<td>-0.4</td>
<td>-0.8</td>
<td>4.2</td>
<td>4.6</td>
<td>1.8</td>
<td>3.8</td>
</tr>
<tr>
<td>Per capita GDP (US$)</td>
<td>2,539</td>
<td>1,600</td>
<td>1,600</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Inflation rate: CPI (%; annual average)</td>
<td>5.6</td>
<td>8.7</td>
<td>2.4</td>
<td>2.1</td>
<td>1.6</td>
<td>0.4</td>
</tr>
<tr>
<td>Exchange rate (Baht per US$; annual average)</td>
<td>31.36</td>
<td>41.35</td>
<td>37.84</td>
<td>40.11</td>
<td>43.08</td>
<td>43.98</td>
</tr>
<tr>
<td>Total foreign debt (US$ million; yearend)</td>
<td>90.0</td>
<td>95.0</td>
<td>96.0</td>
<td>81.3</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>International reserves (US$ billion; yearend)</td>
<td>26.9</td>
<td>26.0</td>
<td>32.2</td>
<td>32.2</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Foreign direct investment (US$ billion)</td>
<td>3.00</td>
<td>4.52</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Trade balance (US$ billion; yearend)</td>
<td>-1.4</td>
<td>10.6</td>
<td>9.0</td>
<td>9.0</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Labor force (million)</td>
<td>33.0</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>33.5</td>
<td>33.5</td>
</tr>
<tr>
<td>Unemployment rate (% of labor force)</td>
<td>3.0</td>
<td>8.0</td>
<td>4.2</td>
<td>2.2</td>
<td>3.9</td>
<td>—</td>
</tr>
<tr>
<td>Underemployment rate (% of labor force)</td>
<td>3.0</td>
<td>8.0</td>
<td>2.7</td>
<td>4.1</td>
<td>3.5</td>
<td>—</td>
</tr>
<tr>
<td>Average income: urban (Baht/month)</td>
<td>—</td>
<td>—</td>
<td>12,492</td>
<td>12,729</td>
<td>12,150</td>
<td>13,418</td>
</tr>
<tr>
<td>Annual outflow of MWs (legally deployed + irregular exit)</td>
<td>17,400</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>% women in annual outflow</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Annual inflow of MWs (legally accepted + irregular entry)</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>% women in annual inflow</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Annual migrants' remittance (US$ billion)</td>
<td>—</td>
<td>1.8</td>
<td>1.3</td>
<td>1.7</td>
<td>—</td>
<td>—</td>
</tr>
</tbody>
</table>

Sources: AMCInfoBank, Asian Migrant Yearbook, reports of country research teams (CRTs)
A number of migrant workers are employed in the fishery related industry in Thailand.

Thailand Country Report

A. OVERVIEW

1. Background

Thailand is the only country in the GMS that has never been colonized. The country enjoyed robust economic growth from the 1980s until the mid-1990s, making it one of the fastest developing countries in Asia. It has been more politically stable than its neighbors, although there was a military coup led by Gen. Suchinda Kraprayoon in February 1991. Elections in 1992 brought back a civilian government headed by the Democrat Party leader Chuan Leekpai.

The current government, controlled by the Thai Rak Thai Party and headed by Prime Minister Thaksin Shinawatra, was elected in January 2001. The election was organized under the framework of the 1997 Constitution which aimed to take corruption and money out of politics; ironically, the country’s wealthiest man, a telecoms tycoon, won the elections.

The population currently stands at over 62 million, of which 33.4 million (54%) are in the labor force.1 The majority (54%) of the labor force is engaged in agriculture, while 15%
works in industry, and 31% in services.\textsuperscript{2}

The collapse of the Thai baht in July 1997 sparked a regional crisis in Asia, and drove the Thai economy into recession in 1997 and 1998. The economy recovered in 1999 (4.0% GDP growth), and strengthened further in 2000 (4.6% growth). However, the terrorist attacks in the US in September 2001 again derailed the recovery, bringing economic growth down to 1.8% by the end of the year. Unemployment, which had declined from 4.2% in 1999 to 2.2% in 2000, rose to 3.9% in 2001.\textsuperscript{3} The World Bank has reported that the poverty level in Thailand has risen from 11% to 16% since the 1997 crisis.

Uneven national development over the decades has widened the gap between rich and poor. This, together with growing consumer-oriented values due to rapid urbanization, and lingering unemployment (which peaked at 8% in 1998), has intensified the pressure for more Thais to seek work abroad. Mass labor out-migration of Thais has become particularly pronounced since the early 1970s - with the most popular destinations for Thai migrants being Taiwan, Japan, Singapore, Brunei, Malaysia, Hong Kong, and various Middle Eastern countries. In addition to this ongoing trend, Thailand now receives a large number of migrants from the neighboring Mekong countries.

Thailand is State-party to several United Nations and ILO conventions. Among the UN and ILO conventions it has ratified are: the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Elimination of All Forms of Discrimination Against Women; the Convention on the Rights of the Child; ILO conventions 29 and 105 (on abolition of forced labor); and ILO convention 100 (on equal remuneration).

However, it has specifically resisted signing or ratifying the International Convention on the Elimination of All Forms of Racial Discrimination, and International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. The government is concerned about the responsibilities these conventions will impose, due to the enormous number of migrants, mostly undocumented, that are currently in Thailand.

2. Profile of Migrants in Thailand

Large numbers of Laotian refugees and migrants began entering Thailand as early as 1975. The number of Burmese refugees, on the other hand, has increased since 1984. The Burmese Border Consortium (BBC) was one of the first groups to respond to the issues and needs of the first wave of Karen refugees that fled the country that year. The exodus of Burmese refugees and migrants further increased after the September 1988 takeover of the government by the military (SLORC; now SPDC). Meanwhile, the number of Cambodian, and to some extent Chinese, migrants has been rising since the early 1990s. By 2000, NGOs estimated that the population of migrants in Thailand, mostly undocumented, exceeded one million.

The pursuit of high economic growth is the primary basis of Thailand’s national development policy. This strategy was especially successful between 1990 and 1995, when economic growth surged 8-9% per year - and Thailand was hailed for its rapid economic
development. Strong economic growth resulted in a higher demand for labor, attracting large numbers of laborers from rural areas across Thailand, as well as from neighboring countries.

By the early 1990s, undocumented migrant workers had already become a significant feature of the Thai economy and society. However, there was no government policy or system to deal with the irregular migrants. In 1992, the government made its first public attempts to address the issue by announcing that it would allow undocumented Burmese migrants to work in specified occupations and in certain provinces (mostly bordering Burma). In 1996, the first written policy appeared, through a Cabinet resolution providing work permits to undocumented migrants. This practice of periodically issuing Cabinet resolutions (six have been issued between 1996 and 2001) has become the government’s standard procedure in shaping its policy and practice on migrants in Thailand.

Since the economic collapse in July 1997, Thailand has suffered from a high unemployment rate, which peaked in 1998. However, according to one survey, there are some occupations which continue to have labor shortages – particularly labor intensive, lower-paying, “3D” (dirty, dangerous, disdained) jobs. These include fishery and seafood processing work, livestock, construction and warehouse transportation. As is often the case, migrant workers fill the labor shortages in these industries, since many Thais avoid these occupations.

Since 1996, migrant workers, especially those from Burma, Laos and Cambodia, have been required to apply for registration or extension of work permits. Government data show that a total of 428,431 migrant workers had registered as of March 2002. Of these, 80% are Burmese, 10% are Laotian, and 9% are Cambodian.

However, many NGOs, researchers and politicians believe that the number of migrants who have not registered is in fact much greater than those who have. For instance, the Asian Research Centre for Migration (ARCM) of Chulalongkorn University estimates that the actual number of migrant workers, including their families, is 2.5-3 times larger than the number of migrants who have registered with the government. This estimate puts the total at around 1.07-1.28 million. The government shares this view: a National Security Council official stated on 6 December 2002 that the estimated number of migrants was over one
### Table 1: Number of Migrant Workers Who Were Granted Work Permits (As of 25 March 2002)

<table>
<thead>
<tr>
<th>Occupation /Industry</th>
<th>Burmese men</th>
<th>Burmese women</th>
<th>Burmese total</th>
<th>Laos men</th>
<th>Laos women</th>
<th>Laos total</th>
<th>Cambodians men</th>
<th>Cambodians women</th>
<th>Cambodians total</th>
<th>Total men</th>
<th>Total women</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td>46,576</td>
<td>23,140</td>
<td>69,716</td>
<td>2,612</td>
<td>1,349</td>
<td>3,961</td>
<td>3,113</td>
<td>1,394</td>
<td>4,507</td>
<td>52,301</td>
<td>25,883</td>
<td>78,184</td>
</tr>
<tr>
<td>Mining</td>
<td>837</td>
<td>297</td>
<td>1,134</td>
<td>7</td>
<td>9</td>
<td>16</td>
<td>9</td>
<td>1</td>
<td>10</td>
<td>853</td>
<td>307</td>
<td>1,160</td>
</tr>
<tr>
<td>Pottery</td>
<td>2,007</td>
<td>770</td>
<td>2,777</td>
<td>122</td>
<td>38</td>
<td>160</td>
<td>19</td>
<td>15</td>
<td>34</td>
<td>2,148</td>
<td>823</td>
<td>2,971</td>
</tr>
<tr>
<td>Construction</td>
<td>21,862</td>
<td>8,983</td>
<td>30,845</td>
<td>943</td>
<td>439</td>
<td>1,382</td>
<td>2,445</td>
<td>803</td>
<td>3,248</td>
<td>25,260</td>
<td>10,225</td>
<td>35,475</td>
</tr>
<tr>
<td>Rice mill</td>
<td>3,531</td>
<td>1,034</td>
<td>4,565</td>
<td>69</td>
<td>33</td>
<td>102</td>
<td>85</td>
<td>19</td>
<td>104</td>
<td>3,658</td>
<td>1086</td>
<td>4,771</td>
</tr>
<tr>
<td>Livestock</td>
<td>11,839</td>
<td>3,993</td>
<td>15,832</td>
<td>1,688</td>
<td>598</td>
<td>2,286</td>
<td>1,671</td>
<td>435</td>
<td>2,106</td>
<td>15,198</td>
<td>5,026</td>
<td>20,224</td>
</tr>
<tr>
<td>Fishery and related jobs</td>
<td>35,671</td>
<td>23,123</td>
<td>58,794</td>
<td>966</td>
<td>324</td>
<td>1,290</td>
<td>13,278</td>
<td>778</td>
<td>20,056</td>
<td>49,915</td>
<td>24,225</td>
<td>74,140</td>
</tr>
<tr>
<td>Transportation of goods from warehouse</td>
<td>5,417</td>
<td>1,640</td>
<td>7,057</td>
<td>492</td>
<td>323</td>
<td>815</td>
<td>1,950</td>
<td>557</td>
<td>2,507</td>
<td>7,859</td>
<td>2,520</td>
<td>10,379</td>
</tr>
<tr>
<td>Domestic help</td>
<td>5,389</td>
<td>41,970</td>
<td>47,359</td>
<td>1,027</td>
<td>11,470</td>
<td>12,497</td>
<td>408</td>
<td>2,686</td>
<td>3,094</td>
<td>6,824</td>
<td>56,126</td>
<td>62,950</td>
</tr>
<tr>
<td>Special jobs (Miscellaneous)</td>
<td>62,775</td>
<td>47,893</td>
<td>110,668</td>
<td>9,249</td>
<td>10,327</td>
<td>19,576</td>
<td>4,420</td>
<td>3,513</td>
<td>7,933</td>
<td>76,444</td>
<td>61,773</td>
<td>138,177</td>
</tr>
<tr>
<td>1. with employer (special 1)</td>
<td>56,685</td>
<td>43,730</td>
<td>100,395</td>
<td>8,326</td>
<td>9,153</td>
<td>17,479</td>
<td>3,629</td>
<td>2,815</td>
<td>6,444</td>
<td>68,620</td>
<td>55,698</td>
<td>124,318</td>
</tr>
<tr>
<td>2. without employer (special 2)</td>
<td>6,110</td>
<td>4,163</td>
<td>10,273</td>
<td>923</td>
<td>1,174</td>
<td>2,097</td>
<td>781</td>
<td>698</td>
<td>1,419</td>
<td>7,824</td>
<td>6,035</td>
<td>13,859</td>
</tr>
<tr>
<td>Total</td>
<td>195,904</td>
<td>152,843</td>
<td>348,747</td>
<td>17,175</td>
<td>24,910</td>
<td>42,085</td>
<td>27,398</td>
<td>20,201</td>
<td>47,599</td>
<td>240,477</td>
<td>187,956</td>
<td>428,431</td>
</tr>
<tr>
<td>Percentage</td>
<td>56.2%</td>
<td>43.8%</td>
<td>100.0%</td>
<td>40.8%</td>
<td>59.2%</td>
<td>100.0%</td>
<td>72.1%</td>
<td>27.1%</td>
<td>100.0%</td>
<td>56.1%</td>
<td>43.9%</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Source: Office of the Commission on Administration of Illegal Alien Immigrants

### Table 2: Summary of the predominant characteristics of registered migrants

<table>
<thead>
<tr>
<th>Key characteristic</th>
<th>Burmese</th>
<th>Laosians</th>
<th>Cambodians</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Number of migrants applying for extension in 2002</td>
<td>348,747 (81.4%)</td>
<td>42,085 (9.8%)</td>
<td>37,599 (8.8%)</td>
</tr>
<tr>
<td>2. Sex</td>
<td>M: 56.2%</td>
<td>F: 43.8%</td>
<td>M: 40.8%</td>
</tr>
<tr>
<td>3. Occupation</td>
<td>Agriculture: 69,716 (2)</td>
<td>3,961 (3)</td>
<td>4,507 (3)</td>
</tr>
</tbody>
</table>

Source: Office of the Commission on Administration of Illegal Alien Immigrants
million, most of whom were undocumented.\textsuperscript{5} The tables above show that “special jobs” accounts for most (32\%) of the total registered migrants. The other most common occupations are agriculture/field crops, fisheries and related jobs, domestic help and construction. These job placements reflect the areas where most of the 3D jobs are concentrated. The increased household income in Thailand, coupled with the continuing economic restructuring which has resulted in more women entering the labor force, has given rise to an increased demand for domestic help services, making it one of the top job sectors for migrants in Thailand.

Among the migrant workers who have applied for work permits, the majority are men (56\%). More than 56\% of the Burmese and 72\% of Cambodians are men, while the majority of Laotians (over 59\%) are women.

Statistical correlation tests can be performed later to verify this, but the table already reveals some obvious gender patterns in the hiring of the migrants. For instance, the following occupations have a strong preference for men (over 70\% of the total number of workers employed): mining, pottery, construction, rice milling, livestock, and warehouse labor. Conversely, domestic help is the most woman-specific occupation, with women comprising 89\% of the total. These numbers reflect traditional patterns of gender division of labor in Thailand. It must be noted, however, that more than half of the migrants are not registered, and as a result, these patterns may or may not hold true in the total migrant population.

According to a 1999 survey,\textsuperscript{7} the majority of Burmese migrants in Thailand have received little or no formal education. Most are young, of working age and come from a wide number of ethnic groups, the most significant being Tai Yai, Tavoyan, Mon and Karen. Most of the Burmese migrants in Thailand are Buddhists. Their hometowns are usually near the Thai border, though some are from Rangoon and the central parts of the country. Single (unmarried) migrants seem to outnumber those who are married and living with their families. Many understand some Thai, but are not fluent in the language, while a large number of the migrants do not understand Thai at all.

Next to “special jobs”, the largest number of Laotian migrants (almost 30\% of all registered Laotians) are employed as domestic workers; 92\% of whom are women. The men are mostly engaged in agriculture, livestock, fishery and related jobs, and construction. Although Laotians compose less than 10\% of the total registered migrants in Thailand, it is important to note that they constitute almost 20\% of the total number of domestic workers. (See Table 1) The Thai research partners explain that this is most probably due to the close similarity of the Thai and Lao cultures (including language). Therefore Laotian domestic workers are in higher demand because the nature of the work requires closer interpersonal interaction, effective communication, understanding and trust between the employer and domestic worker.

Information about Cambodians in Thailand is sparse. Most Cambodian migrants are undocumented, and it is difficult to make a precise estimate of their probable number. The government registration data indicate that there are at least 37,599 Cambodian migrants, or 9\% of the total registered population. Most of the registered Cambodians (over 37 \%) are in fishery and related jobs, where 94\% of the workers employed are men. The other
predominant jobs are in agriculture/field crops, construction, livestock and warehouse labor. In all of these men predominate, comprising 69-79% of the total employed.

NGOs working with the migrants believe that there are more Burmese and Laotian than Cambodian migrants. According to the Catholic Commission for Migrants and Prisoners, an NGO providing humanitarian services and outreach to detained/jailed migrants, the nationality ratio of their clients is 3 (Burmese) : 2 (Laotian) : 1 (Cambodian).

One survey conducted in March 2000 involving 318 samples in three areas in Khlong Luek village revealed the following demographic profile of Cambodian migrants in Thailand:

- 58% of the migrants are male, 43% of whom are 21-30 years old. There are twice as many women as men in the above-40 age group. On average, female migrants are older (30.4 years old) than the males (26.7 years old).
- Single (unmarried) migrants account for 40% of the total, while the rest are married or have been widowed or divorced. Among the male migrants, there are equal numbers of married and single men.
- 60% of the migrants have completed primary and lower secondary education; 28% had no formal education at all. Of those without schooling, 57% are women.
- 45% of the migrants interviewed are fluent in Thai, and another 21% can reasonably understand Thai. The rest reported that they do not understand Thai at all.

According to the Thai Immigration Department, there are up to 100,000 irregular migrants from China in Thailand. The reported figure is much higher than the estimate of NGOs and other sources. There has been no research on this and so it is hard to validate the figures.

Some Chinese migrants use Thailand as a transit point to other countries (e.g. the United States, Japan, Europe, Canada, Australia). In contrast, Burmese, Cambodian and Laotian migrants typically consider Thailand as the target destination, and therefore usually stay in Thailand. Chinese migrants who stay in Thailand are observed to seek jobs in the entertainment or tourism sectors – e.g. as tour guides, singers, or sex workers. It is believed that Chinese migrants are in demand in these sectors because they can understand the language and culture of Chinese clients (e.g. from Taiwan, Singapore, Hong Kong, etc.). Some Chinese children and women have been trafficked by syndicates for the sex industry in Thailand.

3. Migration Patterns and Processes

Thailand shares a 5,656km border with the following neighboring countries:

- The northern and western borders adjoin Burma (2,401 km.)
- The northeastern and northern borders adjoin Laos (1,810 km.)
- The eastern border adjoins Cambodia (789 km.)
- The southern border is adjacent to Malaysia (647 km.)

There are many immigration checkpoints along the border. Some of these are:

- Thai-Burma border:
  - Chiang Rai (Mae Sai and Chiang Kong districts), Chiang Mai (Fang district), Mae Hong Son (Khun Yuam district), Tak (Thasongyang and Maesod districts),
Karnchanaburi (Sangklaburi and Thongpapoom districts).

- Thai-Laos border: Chiang Rai (Chiang Saen, Chiangk Khong, and Wienghang districts), Phayao (Chiangkham district), Nan (Chalermprakiat district), Nakorn Panom (Thatpanom and Thauthane districts), Nong Khai (Sri Chiangmai and Tha Bor districts), Ubonratchathani (Khemmarat and Piboonmangsaharn districts), Mukdahan (Don Tan and Som Poi districts), Amnat Chareon (Chanumarn district).

- Thai-Cambodia Border: Surin (Karbchereng, Prasart and Ban Kok districts), Sra Kaew (Tapraya and Aranyaprathet districts), Trad (Klong Yai and Kaoh Kong districts)

Apart from the immigration checkpoints, there are at least 320 other unofficial land and sea entry points. Due to the large number of entry points, it is difficult to effectively and constantly monitor and control the flow of migrants.

**a) Migration from Burma**

Burmese migrants usually travel to the Thai border by car, motorcycle or on foot. Many are accompanied throughout the process by agents who escort them from their villages all the way through the border checkpoints, and then into Thailand. At the checkpoints, agents reportedly bribe border officials. Some cross the border by boat, or on foot using forest or mountain trails.

After successfully crossing the border, migrants continue, together with the agent or on their own, to the destination province. But many are also met by trafficking or smuggling agents on the Thai side of border, where these traffickers often wait for migrants. In the past, vans were the most common method of transportation; and some media reports alleged that
even police cars were openly used in some cases. Since the Thai government has become
tougher on illegal entry, smuggling operations have become more covert. Now traffickers go
to extraordinary lengths to smuggle people in, including hiding migrants in trucks
transporting cattle, vegetables, garlic, etc. Each truck can accommodate up to 30 migrants,
and subhuman and overcrowded conditions often put migrants at risk. In March 2002, the
corpses of 13 undocumented migrants, aged 12-25, were found. All had suffocated while
being transported; the traffickers simply dumped the bodies in a garbage site in Prajeenburi.10

Human smugglers or agents now charge around THB 2,000-6,000 (US$45.5-136.4) per
person. Usually, the agents also find employers for the migrants, and then ask the employer
to pay the fee. The employer then considers this amount as the migrant’s debt and deducts the
amount from the migrants’ wages in installments. It generally takes 3-12 months for a migrant
to pay off such debt.

Undocumented Burmese who make it into Thailand are categorized by the government
into four groups. Thailand has not ratified the refugee convention, so the government uses the
term “displaced person” (phu leepai) or “refugee” in a generic sense, not necessarily in the
same legal context as stipulated in the refugee convention.

Those who ultimately manage to register are issued color-coded identification cards, as
follows.

1) Displaced persons (phu leepai) of Burmese nationality who escaped, for political
reasons, into Thailand before 9 March 1966 (pink card holders) – The government
officially classifies these migrants as displaced persons and assigns them to live in
nine provinces along the Burmese border. There are currently 1,055 pink card holders.11

2) Illegal entrants from Burma after 9 March 1966 – There are three types of such post-
March 1966 illegal entrants:
   - Those who have been granted permanent residency (orange card holders) –
     undocumented Burmese who satisfy prescribed qualifications can apply for
     permanent residency. This also includes Burmese who marry local Thais and apply
     for residency. Once granted an orange card, they become legal residents and are
     assigned to live in the nine designated provinces.
   - Those who have been granted work permits (purple card holders) – Undocu-
     mented migrants from Burma who applied for and received work permits, or those
     who applied for extension of their existing work permits. The March 2002
     registration data shows that there are 348,747 registered migrants from Burma.
   - Undocumented migrants who have not applied for work permits (and therefore
     have no identity cards) – This includes both the undocumented migrant workers and
     their families and children. Also included are children of undocumented couples from
     Burma who were born in Thailand; these children are also undocumented (they also
     become “stateless” since the SPDC government refuses to recognize them as citizens).

3) Displaced persons who have Burmese nationality but are of Thai origin (yellow
   with-blue edge card holders) – These are Thais living in areas which used to be
   Thai territory, but due to a border demarcation dispute, their land is now considered
part of Burmese. These migrants left their homes and migrated back to Thailand because of the political and economic problems in Burma.

4) Persons who fled from the current armed conflicts in Burma (refugees) – This includes various Burmese ethnic groups whose lands have become armed conflict zones. The number of people in this category has risen significantly since the 1988 military takeover and the subsequent suppression of students, citizens and ethnic groups. The Thai government has assigned them to various refugee camps and shelters near the border.

b) Migration from Laos

The culture and language of the Thai and Lao people are so similar that the two countries have been called “sister countries.” Traditionally, the villagers, especially those living along the Mae Klong River border, casually and regularly visited each other. But Thailand and Laos entered a period of Cold War. With the two governments distrusting each other, crossing the border became more difficult, and villagers crossing the borders were strictly and systematically checked. During the same period, many Laotians who opposed the socialist government also moved to the Thai-Laos border. More than 17,000 have since stayed and settled on the Thai side of the border—where they have now lived for decades. Their ability to speak Thai and the cultural affinity between the two peoples have enabled these Laotian migrants to blend into the Thai community more easily than other migrants, face less discrimination, and avoid detection by the authorities.

Although there are numerous official entry points from Laos to Thailand, Laotians generally do not use these because there are numerous alternative land and river routes which can be easily taken and where there are no border fees. The main reasons cited by Laotian migrants for crossing the border include: purchasing goods, visiting doctors, and finding jobs.

There are two main patterns of Lao migration into Thailand:

- Seasonal migrant workers - A large number of Laotians stay in Thailand for short periods of time, ranging from a few days to six months, to take seasonal jobs. They enter Thailand by crossing the river and stay with their relatives or with other migrants in a shack, with the employer’s permission. Most of these migrants return to Laos after the seasonal work ends. Others may marry to a Thai national and stay for a longer period to work. If they marry in a traditional ceremony only, there is no civil marriage certificate and thus the Laotian migrant becomes undocumented; if the couple does get a civil certificate, the Laotian migrant can apply for residency in Thailand. According to the existing Thai Nationality Law (adopted around five years ago), a foreigner marrying a Thai (man or woman) does not automatically receive Thai citizenship; but their children do.
- Migrant workers – Some go to Thailand intending to work for a longer period of time. Some migrate alone, while others travel with their families. They often change jobs and addresses, at intervals ranging from every month to every year. Some Laotians migrate with the help of an agent; others are trafficked. The majority cross
the Mae Kong River without assistance from agents, and stay with their relatives along the border. Once in Thailand, they may be smuggled to work in construction sites or factories in Bangkok. According to migrants who have been interviewed, each migrant must pay a transportation fee to the car owners, who are also paid by the factories or construction companies.

c) Migration from Cambodia

Cambodian migrants enter Thailand through numerous entry points along the border, but the most popular points of entry are those located in the plains from Taphya in Sra Kaew Province down to Klong Luek in Trat Province, where Thais and Cambodians regularly visit and trade with each other. The most important entry points are:
- Klong Luek and Aranyaprathet in Sra Kaew Province (Thailand)-Poipet (Cambodia).
- Klong Yai in Trad Province (Thailand)-Kaoh Kong (Cambodia).
- Kap Choeng in Surin Province (Thailand)-O Smach (Cambodia).

d) Migration from Yunnan (China)

The majority of the Chinese migrants in Thailand come from the Yunnan region. Yunnan adjoins Burma, Laos and Vietnam, and the closest borders are only 234 km away from the northern part of Thailand. From Yunnan, it is not difficult to travel to northern Thailand since there are 12 small towns which are accessible by car and 70 small entry points which are open for trade. These border crossings allow traders to pass without a passport or border pass. Migrants usually cross the Burmese border and then enter Thailand through the Mae Sai-Thachilek checkpoint where agents will transfer them by truck. Some reportedly travel to
Laos in order to reach Thailand: they enter Laos first, and then travel from the Huoixai area in Laos to Chiang Khong or Chiang Saen in Chiang Rai Province (Thailand).

B. ISSUES AND NEEDS

1. Personal and Family-Related Issues

The highly vulnerable status of migrants in Thailand, including both registered and irregular ones, makes psychological and physical health issues of key importance. The lack of personal security, fear of arrest and deportation, uncertainty in their work, and knowledge that they are in a situation in which they can easily be exploited mean migrants exist in a state of constant tension, anxiety, and depression.

Many also suffer from feelings of isolation as they struggle to adjust to life in Thailand, especially if they don’t understand the Thai language or culture. Migrants tend to have their own communities separate from Thais, making it harder for them to increase mutual understanding and build positive relations. Fear of arrest also discourages migrants from mingling with locals. This lack of integration or interaction has increased the prejudice and racist attitudes of some local people towards the migrants; some Thai people have accused migrants of stealing/competing for local jobs, carrying and spreading dangerous diseases (including HIV/AIDS), and of being criminals or drug dealers. In recent years, migrants have also been blamed for the destruction of forests. While migrants are not totally faultless, the real danger arises when individual cases or crimes become stereotyped and are used to characterize the whole migrant population; as in other host countries, migrants have been made the convenient scapegoats for many local problems. This further isolate and marginalize the migrants.

2. Institutional/Legal Issues and Thai Government Policies on Migrants

Some migrants who have been arrested have revealed that they had to pay bribes to the police in order to be released. Though some of these migrants were registered, they still faced problems similar to those faced by undocumented workers. Other migrants claim that they have to pay their employers every month for the bribes that the employers pay to corrupt authorities; the ongoing rate is THB 300 (US$6.8) per month for migrant workers in general, and THB 1,000 (US$22.7) per month for sex workers. Migrants do not have a way of knowing if this money is really paid to corrupt officials, but they must pay the illegal fees anyway.

In recent years, the Immigration Police Office has carried out regular (yearly) crackdowns and mass deportations of undocumented migrant workers. Immigration officials expelled 177,000 undocumented migrants in 1998, 120,000 in 1999 and 120,000 in the first half of 2001. About 92% of these were Burmese, 5% Cambodian and 3% Laotian. Deported Burmese migrants face particular problems and dilemmas. Many of them are not
simply economic migrants; they try to work and survive in Thailand because they want to flee the repressive policies/practices of the military regime, which include forcible relocations, systematic rape, forced labor and portering, and armed conflict. Various media reports and books have documented these atrocities.¹⁴

There are also harsh deportation policies pertaining to pregnant migrant women. According to the 29 August 1999 Cabinet Resolution, the work permits of migrant women who become pregnant will not be renewed, and they will be deported together with their families. This contravenes the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), of which Thailand is a State-party.

The fate of deportees, especially Burmese, remains unclear. Under the Lao PDR, Cambodian and Burmese laws, illegal migration is punishable by fines or even imprisonment. In many cases, however, migrants manage to return to Thailand by paying money to smugglers and corrupt officials.

As mentioned at the start of this report, the issuance of Cabinet resolutions has become the standard government practice in defining Thailand’s policies on migrant workers. Six such resolutions have been issued since 1996 (1996, 1998, 1999, 2000, April 2001, and August 2001). The problem in this approach is the arbitrariness and lack of consistency in migration policies, which can swing whichever way the incumbent Cabinet wants. There is little transparency or predictability and therefore little coherence in policy formulation. As discussed earlier, since the primary framework of the government is national development through high economic growth, the Cabinet resolutions on migrants are subsumed under this agenda, even at the sacrifice of migrants’ human rights. The 1999 anti-pregnancy Cabinet resolution is a good example of this. NGOs have also reported that frontline government staff and offices dealing with migrant issues are often unsure of the current attitude or policy emphasis of the government, and thus say that they have to first consult with higher authorities when confronted by advocacy or policy reform demands.

Another policy shift seems to have been signaled by the latest (August 2001) Cabinet resolution. Prior to August 2001, the Cabinet resolutions had imposed greater restrictions on the types of jobs migrants could register under. These resolutions allowed irregular foreign laborers to register in only nine types of work, with or without employers. The 28 August 2001 resolution however, seems to have liberalized the policy:

- First, the resolution stressed that the objective of the registration was to obtain accurate data on the number of irregular migrants in the country, as well as their location, in order to formulate long-term policies.
- Second, under this resolution, the number of migrant workers allowed to register, and the permissible work locations, were not limited.
- Third, for the first time, a new job category (“special jobs”) was included, which effectively allowed migrants to register for any type of work (e.g. sex work or any other occupation not included in the original nine categories).

As a result, a total of 568,249 foreign laborers registered in 2001. The registration was divided into two six-month periods, and the fees included both registration fees and
medical/health fees. In the first period, migrants were required to pay a total of THB 3,250 (USD73.9), which included THB 1,200 (USD27.3) for a one-year health insurance in Thailand. In the second registration period, migrants paid THB 1,200, which included a THB 300 (USD6.8) fee for medical testing. This was the first time foreign laborers were required to become part of Thailand’s health insurance system. While this allowed many to seek medical help, migrants suffering from certain specified diseases are prohibited from working in Thailand.

Although over half a million migrant workers registered in 2001, as discussed earlier, this is probably only half of the estimated total of migrants in Thailand. Many NGOs believe that many migrants did not register because the registration fee was not affordable. And even for those who did register, much of the vulnerability, exploitation, and abuses remained anyway – including the extortion and demands for bribes by corrupt officials.

On 6 December 2002, the National Security Council announced that the government will impose tougher policies against irregular migration. The government will conduct crackdowns on illegal entry along the borders. The army will be in charge and will set up more holding centers at the border checkpoints. Continuous and unannounced inspections will be conducted on factories; employers who hire undocumented migrants will be heavily penalized, including a 3-month prison term. Employers will also be held responsible for knowing the whereabouts of their registered migrant workers. Whether this means another policy shift, and a new get-tough Cabinet resolution, remains to be seen.

Another major legal problem in Thailand is the issue of the nationality of the children of migrant workers in Thailand. With the more than one million estimated migrants, at least half of whom are undocumented, it is safe to assume that there may be thousands of children who are in legal limbo. As explained earlier, the existing Nationality Law grants Thai nationality to the child if one of the parents (male or female) is Thai; this assumes however that there was a civil marriage with a legal certificate. Children of couples married in traditional ceremonies (e.g. if the migrant spouse feared arrest or being exposed) cannot register, and therefore become ‘stateless’. This is of course also true if both parents are migrants and undocumented. Even for registered migrant workers (purple card holders), the 1999 resolution prohibits pregnancy, and thus the child itself was born in Thailand illegally. The thousands of stateless children arising from these circumstances are a primary concern for many advocates. The main worry being the current situation and future prospects of these stateless children. Even though Thailand is State-party to the Convention on the Rights of the Child, it has made specific reservations on its responsibilities towards these children.

3. Work-Related Issues

Migrant workers have no job security. The majority also do not have written contracts with employers, even if they have work permits. Most of the agreements on the terms of work, including payment, are verbal. These verbal agreements rarely, if ever, contain any protective framework, and are often violated; they can also be terminated at will. Despite the 6 August 1996 Cabinet Resolution mandating that employers provide migrant workers with working conditions in compliance with Thai labor laws, migrants are usually paid a wage
lower than the legal minimum wage. They are sometimes not paid in full, or do not receive their wages on a timely basis. Given the 3D nature of their jobs, many work long hours in slavery-like conditions. In worst cases such as those reported on some construction sites, employers do not pay wages to their migrant laborers at all, and fire the workers as soon as the work is complete. Of course, undocumented migrants have no redress channels. But even for registered migrants, reports of corrupt authorities are not uncommon, and migrants cannot depend on them for protection of their rights. Many migrants have also complained of sexual harassment, but have little or no recourse. Since it is difficult to find a new job, many migrants feel that they have no choice but to tolerate the situation. Most migrants have little, if any, social security.

Migrants work in a wide range of 3D jobs including in construction, the services sector, rubber plantations, orchards, food processing plants, domestic work, the sex industry, etc. Working hours are typically long and/or irregular and the wages are low and uncertain. For example, workers at construction sites typically work from 7:30 am to 5:00 pm, and work beyond the required hours is regarded as overtime. Male construction workers receive around THB 100-160 (US$2.3-3.6) per day, while female workers receive THB 70-110 (US$1.6-2.5). When migrants’ children are hired, they generally receive even less. Rubber plantation laborers work from midnight to noon, and receive payment for their work depending on the weight of the dried rubber they harvest. Domestic workers often work all day, from early morning to late at night, and receive only about THB 500-1,500 (US$11.4-34.1) per month, although food and accommodation are usually provided free. Sex workers work whenever needed by clients, and their income often varies greatly; on average, they earn more than other migrant workers.

Migrant workers who do dangerous work or use chemicals during the course of their jobs are not protected, and are even at risk of losing their lives due to poor occupational safety and health (OSH) standards and practices at the workplace. Migrant workers in agriculture come into frequent contact with pesticides, fertilizers and harmful chemicals. Children are particularly vulnerable to such chemicals. Employers often do not provide migrant workers with information or equipment to protect themselves from hazardous chemicals.

Under existing Thai labor laws, migrant workers are not allowed to form their own unions, although they can join existing ones. The dominant trade unions are not supportive of migrants, and so most migrants are not organized or unionized. This makes it more difficult for them to assert their rights or defend themselves against abuses.

4. Gender-Related Issues

Traditional attitudes that women need a male guardian and that decent women should not migrate abroad, especially if they are single, still persist in the sending countries in the Mekong. Therefore, some single women are forced to marry before they migrate. This does have some protective effect - since married migrant women who are traveling with their husbands may face a lower risk of being raped or abused by soldiers at the borders.

As noted earlier, the hiring of migrants in Thailand exhibit gender-stereotyped patterns.
Therefore, most of the jobs available to migrant women are those that are considered traditional women’s work – domestic help, the services sector, the sex industry. These types of work are often stigmatized as being “inferior and unskilled,” and they are associated with specific gender-based vulnerabilities (physical, emotional, sexual, rights-based). Gender-based wage discrimination also happens, e.g. construction sites, where women are paid around 70% of what men receive.

Domestic work, the most woman-specific job category for migrants in Thailand, requires typically long working hours; while the wages are also among the lowest. Sex work may pay more than other sectors, but the risks are also higher (arrest, corruption/extortion, control by syndicates, diseases); sex workers also face greater prejudice and discrimination by society. The women are usually under the control of pimps, making them more vulnerable to exploitation.

Both migrant men and women face violence. Migrant women have specific vulnerabilities to sexual violence, including rape, during the trip to Thailand and while working there. For instance, due to the clandestine nature of their work, undocumented migrant women who work as sex workers or domestic workers are more vulnerable than other migrants and women. Women in the other job categories may also suffer from sexual harassment at work, an issue that has not drawn sufficient attention from the government or research institutes.

Violators may be their employers, or local police or officials. According to arrested women migrants who were interviewed, some women were raped by police or military officials in prison and in at least one such case the rape victim committed suicide. Migrant women who are afraid of sexual violence say that they try not to leave their work site. Violators are rarely
arrested, especially if they are themselves officials. Most migrants have no means of seeking redress as they have no relatives who can support them and follow up the case.

As mentioned earlier, the August 1999 Cabinet resolution prohibits the extension of work permits, and mandates the deportation, of migrant women who become pregnant. All migrant women undergo mandatory pregnancy testing when they extend work permits in Thailand. This discriminatory and anti-women policy has had a severe impact on female migrants, and undermines their reproductive health and rights.

Abortion was a serious problem among migrant women, even before 1999. In many instances migrant women have no alternative but abortion, since many employers will not accept pregnant workers. This problem has become even more evident since the 1999 resolution. There have been several reports of migrants performing abortions on themselves, by taking drugs and even of using crude means, such as a wooden stick. Unhygienic and unsafe abortions can cause serious infection, hemorrhage or death.

The most popular contraception methods are birth-control pills and having injections. Women usually buy pills at the market or at drugstores; only one-third of migrants receive pills from hospitals or clinics. It has been reported that most migrants are very keen on learning more about contraception, especially in regard to side effects of the various contraceptive methods.

5. Socio-Cultural Issues

Although many migrants can speak a certain level of Thai, the language ability of most may not be sufficient to cope with complicated or emergency situations. The language barrier sometimes leads to miscommunication with the local people, and prevents the migrants from integrating into Thai communities. Many migrants, especially Burmese, are not able to integrate into the local community even though the majority of them remain in one location and do not travel. Often, this failure to integrate is caused by cultural differences, prejudice, misunderstanding and lack of interaction and communication. Migrants are also stigmatized by some local people, and are blamed for social and economic problems, including criminality, the erosion of Thai culture, local unemployment and economic recession. All these can personally impact migrants and make them feel isolated and powerless.

Laotians language and culture, as mentioned earlier, are more similar to those in Thailand, and Laotian migrants are therefore able to integrate more easily into Thai society. This has the added benefit of helping the migrants evade immigration checks and/or the police. But despite the cultural similarity, Laotians can still be alienated by differences in lifestyles. For example, Laotians tend to be more traditional and conservative than Thais. They might not want or be able to fully embrace or adopt the Thai lifestyle, and can therefore become the object of discrimination.

a) Living Conditions

Migrants’ living conditions in Thailand are generally poor. The cost of basic necessities such as rent and utilities are often a major burden on migrants; several people may share one cheap apartment and live in very cramped conditions. Factory workers stay in cheap accommodations provided by their employers, or share a cheap apartment with their friends. Construction workers build makeshift sheds using discarded materials, which are overcrowded, hot, and lack electricity and even windows. Migrants have little, if any, privacy, and cook, eat and sleep in the same small space. They have no access to clean water and the toilets are dirty and insufficient. These poor living conditions make migrants more vulnerable to diseases.

b) Health

Since poverty is a major reason why many migrants leave their homes to work across the border, many scrimp in order to save as much as they can from whatever little they earn, in order for them to remit money to their families. This is a top priority for many migrants. Because of their limited income, migrants sacrifice their personal needs and well-being in order to send more of their earnings home: they minimize their daily needs and typically eat only very cheap, non-nutritious food. Those who stay at their employer’s house (e.g. domestic workers) do not necessarily receive proper nutrition either, as many complain that the food they receive from the employer is not adequate. According to the Migrant Assistance Program (MAP), which provides support services to migrants, some migrants are malnourished; some have even fainted while working.

Many migrants have no access, or are reluctant to use health services or hospitals because they are undocumented, don’t have money, or can’t communicate with health or hospital personnel. They therefore resort to self-medication by buying medicines from drug stores, visiting quacks, or private doctors who may not be certified. Some migrants in Ranong Province return to Burma just to see a local doctor. Unfortunately, the situation is not much better for registered migrants even though they have paid for health insurance during the registration. Thus far, many have little understanding of their rights to health services and how to act on them. The language barrier also keeps many migrants away.

Many migrants report that they will not go to see a doctor unless they are seriously ill. Some say that they need to be assured that police won’t arrest them when they go to a hospital and that there should be translation services at the hospitals. Some employers help migrants, by accompanying them to seek medical care, and government hospitals provide services to migrants in some instances, although these are limited to emergency situations including the delivery of babies. Government hospitals need to provide more assistance to migrants; some private clinics are trying to help, but they have only limited resources.

Due to their poor or hazardous working and living conditions, migrants are more vulnerable to various diseases and infections – and often end up being stigmatized for spreading diseases. The Thai government is concerned that some of infectious diseases that have been eradicated or kept under control in Thailand may be returning or on the rise due to the growing mobile population, including migrants. Such diseases include tuberculosis,
elephantiasis, leprosy, syphilis, and malaria.

The percentage of migrants contracting and dying from malaria is high, particularly in Chiang Mai Province. According to the Department of Health, of the 16,112 migrants hospitalized in 2001, over half, or 8,902, were infected with malaria. Many people contract the disease at the workplace; children are also infected, and some die without knowing the cause. Many migrants apparently lack an understanding of the risks of malaria, and thus treat themselves improperly. Migrants are also extremely vulnerable to diarrhea and skin disease as many have no access to clean water or electricity.

Another problem is migrants' lack of understanding regarding HIV/AIDS. According to a number of surveys, most migrants have heard about HIV/AIDS, but many of them are misinformed as to the details. For example, they believe that they can get HIV only from people with symptoms and that people who look healthy are not HIV-positive. People also have the misconception that HIV/AIDS is only a danger for certain high-risk groups such as sex workers, resulting in further stigmatization of sex workers. Migrants are vulnerable to the infection through their unsafe practices, which include receiving injections from illegal doctors (who may reuse infected needles), sharing drug needles with people who are infected, or unprotected sex.

There are also serious concerns about the misuse of antibiotics, e.g. in the treatment of tuberculosis (TB), resulting in drug-resistant strains. It is expected that TB cases will rise together with the AIDS epidemic, since TB is one of the opportunistic infections accompanying AIDS.

c) Migrant Children

There are an estimated 100,000 children of Burmese migrants in Thailand; including an estimated 16,500 Ranong Province alone.¹⁵ Their parents often cannot look fully after the children, since the migrant parents have to work and they cannot afford to send their children to school. Some children have to work to support their families.

As mentioned earlier, many of these children are also undocumented (i.e. without nationality). These children will most likely stay in Thailand, since they were born and brought there. These stateless children can attend local Thai schools, but cannot receive any official school certificate when they graduate. Their present status is not only a violation of their basic rights to education and a secure future, but it also condemns the children to a future of crime, mendicancy or marginal existence since they cannot access education and basic social services.

7. Refugees

In the north, there are a number of Burmese refugees who were affected by armed conflict and the forced relocation policy of the Burmese military regime. However, since the Thai Government has not ratified the Convention relating to the Status of Refugees, the classification and processing of these refugees may not be in accordance with international
standards defined in the UN Convention. According to existing Thai laws, persons entering Thailand without official documents are illegal migrants, regardless of the reasons for migration. After the violent suppression of ethnic groups by Burma’s military regime in 1997-1998, however, the Thai Government allowed the UNHCR and international NGOs to establish fourteen refugee camps along the border in 1998. According to a January 2001 survey conducted by the Burmese Border Consortium, there are 128,030 refugees in these camps, primarily from the Karenni, Karen and Mon ethnic groups. Among the most vulnerable are the elderly and children. The refugees stay in an area of 3,041 rai (4.86 sq. km) where they build small shacks and grow vegetables for personal consumption. Most food is donated by charity organizations. In the camps, construction work and communal duties such as cleaning are organized, knowledge on environmental care is provided and chemical use is banned. Traveling outside the camp is permitted if food is insufficient and the refugees need to work in a village. However, the demand for labor is limited in the nearby villages that many young refugees travel a long way to find a job; others are sometimes hired by illegal logging companies to cut down trees and clear forested areas for plantation use. This has led the public to blame forest degradation on the migrants, particularly over the past two-three years.

8. Trafficking of Women and Children into the Sex Industry

In response to the Thai government’s efforts to boost tourism, an increasing number of tourists visit the country each year. This has caused the sex industry to further expand, and there is a high demand for both Thai and migrant sex workers. A recent trend has been the significant increase in the demand for young girls, because customers are afraid of contracting HIV and many believe that younger girls are safer. Many of these young girls come from neighboring countries. Matichon reported in 2001 that there are around 200,000 women and girls working in the sex industry in Thailand, 20,000-30,000 of whom are from neighboring countries. It is estimated that at least a few thousand of these trafficked women are from Yunnan.

Trafficking of women and children has become a lucrative business for international criminal syndicates, and Thailand has become a major trafficking hub. Despite this trend, the Thai government has thus far failed to tackle the issue effectively.

9. Migrants in Detention Centers and Jails

A number of undocumented migrants are arrested and detained while waiting deportation. Migrants who were arrested for serious criminal offences serve time in jail. When migrants are detained or jailed, they often don’t have families who visit or support them. Some migrant women have to bring their children with them to jail.
C. RESPONSES

1. On Personal and Family-Related Issues

The primary responses addressing migrants’ personal and family-related issues include: counseling, legal assistance, emergency shelter/refuge, and social interaction including cultural services and networking among migrant groups.

In response to the prevailing needs and necessity, most of the existing NGO responses focus on providing emergency relief, socialization skills and venues for meetings for migrants. The Migrant Assistant Program (MAP) and Shan Women’s Action Network (SWAN), for instance, provide counseling and legal services to distressed migrant women workers, and the Catholic Migration Commission - Women’s Desk (CMC-WD) provides counseling for migrant women with family problems. These organizations also provide emergency shelter for migrant women and children.

MAP and SWAN also organize activities to familiarize and encourage migrants to interact with the Thai community, including transactions at markets and banks. They also organize religious and cultural activities so that migrants will have opportunities to make friends, share their problems and reduce emotional and psychological tension. Some activities are aimed at creating venues where migrant workers and Thai people can meet and deepen their understanding and trust of each other. These NGOs also arrange study trips so that different migrant groups, as well as individuals, can exchange their experiences and opinions.

2. On Institutional/Legal Issues and Thai Government Policy on Migrants

a) Government Response

As discussed earlier, the primary basis of the government’s policy on migrant workers is its economic development agenda, not ensuring protection of migrants’ human rights. A logical extension of this is the obvious approach of the government on “managing the migration flow” – i.e. how to dispose of unwanted migrant workers, how to ensure that they don’t threaten social security, while at the same time ensuring that cheap labor is available to fill the gaps in the labor market. This “managed migration” approach was clearly articulated in the 1999 International Symposium on Irregular/Undocumented Migration, which the Thai government co-hosted with the International Organisation for Migration. The governments who participated in the symposium adopted the Bangkok Declaration.

Although the Thai government lacks a clear, comprehensive and consistent policy on migrants’ issues, several government agencies are working on specific aspects of the issue.

- The National Security Council is in charge of policy formulation on migration. It works from the perspective of restricting/controlling migrants to ensure that they don’t become a threat to the political, economic and social security of the country.
- The National Economic, Social and Development Board is responsible for the national development plan regarding people entering Thailand, promotion of tourism...
and foreign investments and the export of Thai labor.

- The Ministry of Interior deals with a wide range of issues concerning foreigners such as issues relating to immigration law, residential permits and nationalization. There are two key agencies in the Ministry that are directly involved with migrants: the Office of Immigration, and the Department of Administration. The duties of the Office of Immigration include: 1) the investigation of any persons or vehicles entering into or departing from the country; 2) control of foreigners; 3) taking legal action against people who violate immigration laws and laws concerning trafficking of women and children; 4) arrest and control of foreigners who overstay their visas; and 5) collection of migration data. The Department of Administration has the duty to manage and control the registration of some types of foreigners.

- The Ministry of Labor and Social Welfare is responsible for formulating the national labor policy. There are several agencies in the Ministry that deal directly with foreign workers. The Department of Employment is in charge of managing and facilitating Thai people going to work abroad. The Bureau for Foreigners issues work permits to foreign workers. The Department of Labor Protection and Welfare deals with the protection of Thai workers abroad, and of foreign workers in Thailand, in terms of fair wages, safety at the workplace and social security.

- The Ministry of Foreign Affairs also takes part in formulating policies on laborers and foreigners. It recommends how Thailand should respond to the international conventions to which the country is a party; it also issues passports for Thais and foreigners who have been granted permanent residency in Thailand.

- There is also an inter-agency committee, established in 2001 and composed of representatives of 28 government agencies, “to deal with the management of foreign migrant workers (both regular and undocumented).” It is chaired by the Prime Minister or his designated representative. Its two key mandates are: 1) to formulate both short-term and long-term policies, plans and measures to manage and administer irregular foreign laborers; and 2) to monitor and evaluate the performance of relevant government agencies and to handle the conflicts among different labor policies and make recommendations as to how to solve the problems. The committee supports the study, research and building up of data/information on undocumented migrants; revises laws and regulations and recommends these to become Cabinet resolutions; disseminates information about labor policies and tries to solve related problems. The committee is also mandated to establish subcommittees that are in charge of managing irregular foreign laborers in five provinces and to put in place working committees both at the national and regional levels.

The current government under PM Taksin Shinawatra declared its policy on foreign workers on 26 February 2001. The policy stated that labor demand in the business sectors will be prioritized and that national security will be an important consideration. It also envisioned the increased use of Thai laborers to replace foreign workers.
b) Responses by Inter-governmental Organizations (IGOs)

The International Organization for Migration (IOM), promoting the principle that humane and orderly migration benefits both society and migrants, influenced much of the government’s decision to pass the 28 August 2001 Cabinet resolution. IOM believes that registering the undocumented migrants and legalizing their status is the only way to protect their human rights.\(^{19}\) It assists the Thai government by providing advice and expertise, e.g. in formulating Cabinet resolutions and in the registration periods.

c) Responses by NGOs and Research Institutes

Several organizations are advocating for the adoption and/or reform of existing laws or policies. Friends Without Borders (FWB) and Thai Action Committee for Democracy in Burma (TACDB), among others, are advocating for the right of migrants to change their employers.

While migrant support NGOs and academics support (and have advocated for) the principle of registering and legalizing the irregular migrants, many are now monitoring and questioning the existing registration policy and procedures. They question the intention of the registration policy, the fees associated with it, and the capacity of the government to handle such a large number of migrants, given that it was not able to do so in the past with even smaller quotas (e.g. 100,000) of migrants to process. The current registration process has been criticized as a scheme primarily “to make profits out of undocumented migrants,” not to really protect their rights. The high registration fee, which many NGOs believe is one main reason why an estimated half of the undocumented migrants have not registered, enabled the government to collect nearly THB 195 million.

Some organizations have programs informing and helping raise the awareness of migrants about relevant laws, policies and labor rights through publications, videos, trainings/seminars, mobile libraries and radio programs. Some ongoing radio programs by NGOs are broadcast in the migrants’ own language, e.g. Tai and Karen.

Several research institutes such as the Asia Research Center for Migration (ARCM) and the Institute for Population and Social Research have been conducting policy and baseline research on migration. They have circulated numerous reports and publications arising from these studies. They have also served as experts and resource persons in NGO, IGO, and government forums.

The Asian Migrant Centre (AMC) and Migrant Forum in Asia (MFA) have, since 1989, worked with various Thai NGOs in monitoring and strategizing on migrant workers’ issues in Thailand, and for Thai migrants in other Asian countries. They have co-published the Asian Migrant Yearbook since 1998 which provides yearly reports on the situation of migrants, in addition to updates on issues and responses on migration matters in Thailand, the GMS and the rest of Asia. Regular regional conferences on migration have also been conducted since 1994, including the 6th regional conference in 2000 in Chiang Mai focusing on strategies on empowering migrant workers. This research to map migration issues, needs and strategies in the GMS, done in collaboration with an emerging ‘Mekong migration network,’ will serve as
a foundation of the follow-up and future initiatives of AMC, MFA and NGO and migrant partners in the GMS.

In 2000, migrant grassroots groups and support NGOs, including those working for broader women’s and human rights issues, established a “network to support migrants’ issues, strengthen collaboration, advocate migrants’ rights, and push for policy reform.” This network is now composed of 13 organizations/NGOs from all over Thailand, and the periodically meet to discuss trends, strategies and coordinate efforts. Many of them were involved in the 2001 “Migration in the Mekong” project, from which this resource book is based.

d) Work-Related Issues

Many organizations, especially those focusing on Burmese migrants (e.g. MAP, SWAN, Altsean-Burma, FTUB, TACDB), conduct research on the working conditions of migrant workers in Thailand in order to come up with policy recommendations. Research institutes have also conducted related studies.

Thai labor laws do not allow migrants to form their own unions, but they can join existing ones. The Federation of Trade Unions-Burma (FTUB) and supporting NGOs have advocated for migrants’ rights to organize; they have presented this and a package of migrants’ agendas to policy-makers. The organizing and unionization of migrants, including irregular migrants, has been actively pursued for years now, though the government doesn’t formally recognize them; there are now a number of such unions among Burmese migrants. Many such organizations also conduct training for migrant leaders on occupational safety and health issues, Thai labor laws, and related labor issues.

EMPOWER, an NGO advocating for sex workers’ rights, has been demanding that the government legalize sex work and allow sex workers to unionize. It also provides English lessons, aiming to increase sex workers’ ability to negotiate with customers and assert their rights.

MAP and other groups conduct training and education on migrants’ rights, including labor and women’s rights, health, HIV/AIDS and other migration issues, so that migrants can protect themselves from exploitation. It also provides shelter and welfare services, and is active in research and policy advocacy. CMC-WD assists women, including migrant women, to claim fair wages. It provides shelter and welfare services, and has training and reintegration programs in the north of Thailand.

e) Gender-Related Issues

Several groups including MAP, SWAN, CMC-WD and EMPOWER place specific emphasis on migrant women. As mentioned, they provide shelter, counseling and welfare services to women migrants. They also assist migrant women who were victims of sexual violence or who have other problems. While the women stay at the shelter, they can also attend some skills, paralegal, and empowerment training.

Some women’s organizations are conducting research and compiling data concerning migrant workers, including violence against women, women’s health issues, HIV/AIDS vulnerability, etc. Such information will be disseminated and brought into the policy
formulation process.

Regarding women’s reproductive health issues, a number of groups and health workers have been working on disseminating accurate information to the migrants concerning reproductive health, pregnancy, family planning, contraception methods, and safe sex. They also conduct information dissemination and awareness-raising on HIV/AIDS and other diseases.

A major policy issue is the 1999 Cabinet resolution banning pregnancy among migrants and imposing mandatory pregnancy testing for women migrants. Several NGOs have been advocating for the removal of this policy. In 2002, women’s NGOs submitted a shadow report to the CEDAW Committee, which highlighted this as one important issue. The National Human Rights Commission has also written to the Ministry of Labor and Social Welfare asking it to abolish this Cabinet resolution.

f) Socio-Cultural Issues

Several NGOs provide language lessons and translation services. Some groups, including FWB, have carried out public awareness-raising campaigns on migrant issues. They have also published books to increase the public’s understanding and to reduce prejudice towards migrants.

g) Social Welfare Issues

Groups like MAP and SWAN offer education and training programs on health issues, including issues related to sex and HIV/AIDS. EMPOWER reaches out to sex workers, including migrant sex workers, distributing condoms and brochures explaining HIV/AIDS and related diseases.

As mentioned, many organizations provide crisis-intervention services, including temporary shelter. SWAN, for instance, provides shelter to migrant women and children who are in trouble. They offer food and clothing, cover expenses for medical care and transportation to return home, and also have a referral system for hospital services.

Some organizations such as the Mekong Subregional Program (MSP) have assisted children who lack a nationality to register and obtain Thai citizenship under existing laws. There are also organizations assisting migrant children to gain access to Thai schools. Others provide non-formal education, where courses are taught in the migrants’ own languages, and various language classes in Thai, English, Karen and Tai.

Many of the initiatives by NGOs are carried out in coordination with related local and central governmental organizations, or with international development agencies.

h) Trafficking

Perhaps the largest number of IGOs are working on issues related to the trafficking of women and children in the GMS, including Thailand. Such GMS-level programs include, among others: the Mekong Subregional Project to Combat Trafficking in Children and Women (by ILO-IPEC); Return and Reintegration of Trafficked and Other Vulnerable Women and Children Between Selected Countries in the Mekong Region (by IOM), and UN Inter-
agency Project on Trafficking of Women and Children in the Mekong Subregion (by UNAIP). ILO focuses more on prevention, while UNAIP focuses on data gathering on the issues. IOM’s focus is on assisting the return of migrants.

In 1999, the Permanent Secretary of the Office of the Prime Minister, the General Commander of the Thai Royal Police Office, the Director-General of the Department of Public Welfare, and representatives of NGOs signed a memorandum of understanding (MOU) entitled, “Practical Guide for Agencies Engaged in Assisting Women and Children Subjected to Trafficking.” This is not a legally-binding document but provides guidelines and a framework of cooperation among the parties involved (particularly the police and the Department of Public Welfare), especially in assisting victims of trafficking, providing access to safe shelter and other humanitarian assistance. The guide will be exercised in accordance with relevant laws, e.g. the criminal code, the 1997 Measures of the Prevention and Suppression of Prostitution Act, and the 1997 Immigration Act.

The Thai government conducts crackdowns on traffickers. IOM and the government have several joint programs in this area. For example, IOM, the Department of Public Welfare, immigration authorities and the Center for Protection of Children’s Rights (CPCR) work together to arrange for the return and reintegration of trafficking victims. The government screens and determines which individuals are the victims of trafficking. Partner NGOs and volunteers in the home countries then contact the victims’ families. If their families are willing to welcome them back, relevant parties will arrange the return and assist them to the border. After crossing the border, volunteers fetch them and help them get home.

IOM also conducts training workshops for the Thai police and immigration officials regarding the protection of victims of trafficking.

i) Migrants in Detention Centers and Jails

Given the huge number of undocumented migrants, detained/jailed migrants are a major area of concern; however, there is a very limited response in this area. The Catholic Commission for Migrants and Prisoners (CCMP) is one of the few organizations which provides support and visits for migrants in jail or detention centers. It also provides medical care, phone consultation services and helps migrants contact lawyers.

D. GAPS AND RECOMMENDATIONS

1. General Gaps and Recommendations

The Thai government has limited welfare and support services or channels for migrants. While the work and programs of the health and welfare-related government agencies (including on HIV/AIDS) are commendable, the needs of the migrants are far greater. Most of the agencies dealing with migrants are not geared for welfare support or human rights assistance, but for crime prevention, control and restriction of migrants. Despite the best
efforts of NGOs to provide human rights services, it is the institutional duty of the
government to provide enduring channels of redress and human rights protection for
migrants. Such programs and channels need to be developed more strongly.

The Thai government also needs to carefully consider special circumstances of Burmese
migrants. Many of them are fleeing forcible transfers, systematic rape, forced labor, portering
and armed conflicts. The Thai government should not avoid responsibility by mechanically
classifying them as either ‘economic migrants’ or ‘political refugees,’ thus excluding some
from help. All Burmese migrants, in principle, should be assisted.

Most of the existing initiatives by IGOs focus on prevention or rescue of trafficked women
and children, while migration as a more general phenomenon seems to be receiving
disproportionately little attention and aid. Providing assistance to victims of trafficking is
essential and a leading concern. However, this should not be done at the expense of the broader
migration and migrant workers’ issues/needs. In the case of Thailand, it is also often difficult
to clearly divide between “victims of trafficking (who need to be rescued)” and “voluntary
migrants or illegal migrants (who need to be punished under the immigration laws)”\; the same
problem posed by creating separate standards for “economic migrants” and “political
refugees.” Most of the migrants left their countries due to economic hardship; for Burmese, it
is economic hardship combined with oppression by the military regime. Thus, more resources
and programs are needed to respond to the needs and issues of “migrants” in general.

As for NGOs, although existing organisations in Thailand are active and strong in their
work, the number of migrant support NGOs is extremely limited in proportion to the target
(vulnerable) migrant population. Although the number does not necessarily equate to
effectiveness and quality of service, it still gives a general indication of the relative capacity of
NGOs to service migrants’ needs. For comparison, following are AMC’s latest estimates on
the ratio of migrant-support NGOs relative to the migrant population: Thailand (one NGO per
67,000 migrants); Japan (one NGO per 19,000); Korea (one NGO per 9,000) and Hong Kong
(one NGO per 8,000). Only Malaysia fares worse than Thailand with one NGO per 380,000.

In Japan, Korea and Hong Kong, the above NGOs almost all primarily concentrate on
migrant issues, and are distributed all over the country. In Thailand, many of the NGOs are
addressing broader concerns, with migrants being one key aspect only; the NGOs are also
mostly concentrated in Bangkok and Chiang Mai. This means that there is a strategic need to
help more migrant-centered NGOs to emerge; some of these new NGOs also need to locate
in other strategic provinces in Thailand. The effort to create a network of migrant-related
NGOs is a positive move toward this direction.

More of the NGOs in Thailand focus on the issues and needs of Burmese migrants; there
is a need to increase the programs or give more attention to the issues of Cambodian, Laotian
and Chinese migrants as well.

As for academic institutions, although their research on migration may be helpful in
policy formulation, such research should be done from a human rights framework and should
be action oriented.
2. Specific Gaps and Recommendations

a) Information/Support Hotlines, Shelter and Welfare Services

As stated above, the existing initiatives by NGOs can only reach a small number of migrants in the country. Relevant government agencies should set up support hotlines or shelters in strategic provinces that can serve migrants regardless of their immigration status.

b) Registration of Migrants

The government’s response to allow undocumented migrants to register is an encouraging move; however, as discussed earlier, the registration fee may deter many migrants who simply cannot afford it. The registration fee should be reduced and a more long term and comprehensive policy regarding registration of migrants should be adopted. Registration should be done by institutions directly under the government, not by private companies in order to prevent abusive practices. These should be made transparent and accountable, especially regarding fees collected.

As there was reportedly a lot of confusion regarding the registration of migrants, the government should disseminate the relevant information in the migrants’languages. Migrant peer educators and volunteers should be recruited to assist such work and these peer educators/volunteers should be provided with special work permits.

c) Formulation of Thai Government Policies on Migrants

A more transparent, participatory, accountable and consistent process of formulating comprehensive and human rights-oriented policy on migrants needs to be put in place. The current practice of issuing Cabinet resolutions bypasses the legislative branch of government, and thus can be misused by politicians or political parties for their own vested interests. Without public scrutiny and legislative oversight, such resolutions might also undermine migrants’ rights and international standards, e.g. the 1999 anti-pregnancy resolution. Government policy on migration needs to be framed on human rights principles, and in accordance with international treaties/covenants that Thailand has ratified. Representatives from migrant grassroots groups, NGOs, labor unions and academics should be involved in the policy formulation process. A committee involving the government, migrants and NGOs should be set up whose main responsibility is to protect the rights of migrant workers and their families.

d) International Human Rights Standards and Bilateral Agreements

Thailand needs to urgently ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families to enable it to deal with these issues based on international principles, and to provide the minimum standards in dealing with its burgeoning migrant population.

The government also needs to come up with bilateral agreements with sending countries of migrants. Such agreements should be based on human rights principles, including setting up of a minimum standard of employment, formal contracts, and the mechanism to protect
migrants from the abuses from the concerned bodies including the employers, agents, border guards, military, police and other officials.

e) Corruption by Authorities; Improving Professionalism and Human Rights Sensitivity of Frontline Agencies

Extortion, bribes and corrupt practices by some frontline authorities continue, and registration does not necessarily diminish this problem. The government should set up strict rules and procedures to prevent such corruption and swiftly punish the guilty. Police, immigration, military and government officials in relevant government agencies need sensitization in regard to human rights, gender and race to help them properly handle the migrants.

The common practice of migrants keeping money with them often makes them highly vulnerable to abusive and corrupt practices. All migrants should be allowed to open bank accounts in Thailand in order to keep money safely and to legally and safely remit money to their families and communities.

f) Deportation of Migrants

The government should stop deporting undocumented migrants especially if their safety upon return to their countries is not ensured.

The reported subhuman conditions and abusive practices during deportation (including holding thousands in cramped dump trucks) need to be investigated and stopped.

g) Migrant Organizations, Unions, NGOs

Although some of the existing initiatives to organize migrant workers are strong, they are limited mostly to migrants from Burma (in line with the mandates of the support groups). Therefore, there is a need to build more support groups/NGOs who focus on organizing and capacity-building of other migrants in Thailand.

So far, there seems to be only weak support from the local workers’ unions, who could potentially organize migrants regardless of nationality and advocate for the cause of all workers, including migrant workers. Local unions need to work more closely with NGOs and migrant advocates so that more effective collaboration can be developed in organizing the migrants.

Labor laws should be updated to conform with ILO and international standards, especially on recognizing the right of migrants to independently unionize and organize. This could be a more effective and cost-efficient way of preventing and redressing widespread labor rights violations suffered by migrant workers.

The labor law should also recognize the right of migrants to change employers, e.g. if they are abusive. When migrants’ human rights are violated by the employers, the migrants usually suffer in silence due to the fear of losing their jobs, and even of being deported if the employer reports them to the police.

h) Adoption of Gender-sensitive Policies/Mechanism for Women Migrants

The government policy to deport pregnant migrants violates Article 11 of CEDAW, to
which the Thai government is a State-party. This needs to be abolished.

Also, there is a need to put in place (or popularize, if there already is) a system or channel whereby migrant women who experience sexual abuse, including rape or sexual harassment (including at the workplace or homes of their employers) can receive appropriate aid, medical care and psycho-emotional counseling, seek redress, and go after the perpetrators.

i) Public Education to Combat Prejudice/Racism

There seem to be only a handful of NGOs (e.g., FWB) focusing on public education/awareness-raising to reduce prejudice against migrants. More of these efforts need to be developed and supported. Mass media (print, radio, TV, Internet), which are widely used in Thailand and also reach communities across the border, should be among the tools for such education. The public education system also needs to incorporate migrant-sensitive subjects and principles, as well as practices, in order to build a truly multi-cultural consciousness among the people.

j) Social Welfare, Health, HIV/AIDS

There are many strong, impressive initiatives by NGOs and government agencies on health, including HIV/AIDS, education and assistance. But these are not sufficient or are concentrated in certain areas only. It should be the responsibility of the government, especially the Ministry of Public Health and the Ministry of Education, to ensure that migrants in all the provinces are provided with adequate information on health and that they have access to public services including medical care. Pamphlets and posters should be translated to migrants’ languages and all the migrants who register should be informed clearly that the registration fee includes health insurance services; migrants should be informed how they can avail of and access such services.

All the migrants, including those who are not registered, should be able to join in the government health insurance scheme. Such insurance scheme should also cover all family members of migrants.

k) Children of Migrants

The government should fulfill obligations to the Convention on the Rights of the Child and ensure that all migrant children have access to education and that they will receive a certificate upon graduation. Children born in Thailand should be given a birth certificate.

l) Refugees

The government’s policy and treatment of refugees and asylum-seekers need to conform to international standards. It should ratify the refugee convention. UNHCR seems to have remained quiet despite numerous requests for action from NGOs and human rights advocates. Only occasional comments criticizing the poor living conditions in refugee camps have been made. Thailand, being a major host of refugees in the Mekong, needs to ratify the refugee convention.
m) Migrants in Detention Centers or Jails

There are very few NGOs working on this area; more NGOs/programs need to be developed along these lines. But the primary role should be the governments. It needs to improve the conditions in detention centers and jails to ensure that migrants are treated humanely. Access to lawyers, interpreters and legal support need to be ensured. Special attention is needed in regard to migrant mothers and children in jail.

IMPORTANT NOTE: This report is primarily, but not exclusively, based on the report submitted by the Thailand Country Research Team (CRT).

Endnotes

2 1996 estimate, ibid.
5 Thai radio report, 6 December 2002.
6 “Special jobs” is the new catch-all category, which include all other types of jobs reported by the migrants which are not in any of the other nine original categories.
7 Pornpimpol Rojjanapoh, Summary of the research reports on “Sex, Reproductive Health and Violence” and “The Migrants crossing Thai-Burma Border and the Situation Risky to HIV/AIDs Infection among the Migrants”, 1999
8 Supang Chantavanich et al., Cross-border Migration and HIV/AIDS Vulnerability at the Thai-Cambodia Border Aranyaprathet and Khlong Yai, ARCM, Institute of Asian Studies, Chulalongkorn University: Bangkok, Thailand, 2000
10 Krungthep Turakit, 8 March 2002.
13 Ibid.
14 See, for example, the Shan Human Rights Foundation/Shan Women’s Action Network, Licence to Rape: The Burmese military regime’s use of sexual violence in the ongoing war in Shan State, 2002.
16 Matichon, 26 June 2002. Other sources give higher estimates.
17 The ISM was co-hosted by Thai Government and International Organization for Migration.
18 The Bangkok Declaration on Irregular Migration recognize the importance of the governments to strengthen their capacity to manage movement of people.
Basic Migration & Socio-Economic Data

A. Total Stock (Number) of Migrants, as of 2002

<table>
<thead>
<tr>
<th>Migrants Abroad</th>
<th>Migrants in the Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated stock: migrants outside the country</td>
<td>Estimated stock: migrants in the country</td>
</tr>
<tr>
<td><strong>TOTAL (2000)</strong></td>
<td><strong>50,000</strong></td>
</tr>
<tr>
<td>a. By visa status</td>
<td>a. By visa status</td>
</tr>
<tr>
<td>Documented migrant workers*</td>
<td>Documented migrant workers*</td>
</tr>
<tr>
<td>Emigrants/residents</td>
<td>Immigrants/residents</td>
</tr>
<tr>
<td>Undocumented migrants**</td>
<td>Undocumented migrants**</td>
</tr>
<tr>
<td>Refugees***</td>
<td>Refugees***</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>—</strong></td>
</tr>
<tr>
<td>b. By sex</td>
<td>b. By sex</td>
</tr>
<tr>
<td>Male</td>
<td>Male</td>
</tr>
<tr>
<td>Female</td>
<td>Female</td>
</tr>
<tr>
<td>c. Top 10 destination countries (thousand)</td>
<td>c. Top 10 countries of origin (thousand)</td>
</tr>
<tr>
<td>1. Cambodia (1,000)</td>
<td>1 —</td>
</tr>
<tr>
<td>2 Korea (40)</td>
<td>2 —</td>
</tr>
<tr>
<td>3 Taiwan (15)</td>
<td>3 —</td>
</tr>
<tr>
<td>4. Japan (15)</td>
<td>4 —</td>
</tr>
<tr>
<td>5 Laos(12)</td>
<td>5 —</td>
</tr>
<tr>
<td></td>
<td>6 China</td>
</tr>
<tr>
<td></td>
<td>7 Thailand</td>
</tr>
<tr>
<td></td>
<td>8 Libya &amp; Africa</td>
</tr>
<tr>
<td></td>
<td>9 Iraq; &amp; other Middle</td>
</tr>
<tr>
<td></td>
<td>10 Eastern countries</td>
</tr>
</tbody>
</table>

*Sent through agencies since the end of 2001.  **Includes illegal entrants, overstayed or ‘jumped’ visa, trafficked/smuggled people  ***As defined by the government, or in accordance with the UN refugee convention

B. Annual Socio-Economic Data and Migration Flow

<table>
<thead>
<tr>
<th>Indicators</th>
<th>1997</th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population (million)</td>
<td>76.60</td>
<td>77.60</td>
<td>—</td>
<td>78.77</td>
<td>79.94</td>
<td>81.10</td>
</tr>
<tr>
<td>Economic growth: real GDP (%)</td>
<td>8.8</td>
<td>5.8</td>
<td>4.8</td>
<td>5.5</td>
<td>5.2</td>
<td>6.0</td>
</tr>
<tr>
<td>Per capita GDP (US$)</td>
<td>355</td>
<td>340</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Inflation rate: CPI; annual average (%)</td>
<td>3.3</td>
<td>8.9</td>
<td>4.0</td>
<td>-0.6</td>
<td>-0.3</td>
<td>—</td>
</tr>
<tr>
<td>Exchange rate (Dong per US$; annual average)</td>
<td>11,500</td>
<td>13,906</td>
<td>13,906</td>
<td>14,020</td>
<td>14,725</td>
<td>15,085</td>
</tr>
<tr>
<td>Total foreign debt (US$ million; yearend)</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>29.0/Jul</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>International reserves (US$ billion; yearend)</td>
<td>2.3</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Foreign direct investment (US$ billion)</td>
<td>4.40</td>
<td>4.00</td>
<td>1.48</td>
<td>0.67</td>
<td>1.50</td>
<td>—</td>
</tr>
<tr>
<td>Trade balance (US$ billion; yearend)</td>
<td>-1.3</td>
<td>1.4/Jul</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Labor force (million)</td>
<td>37.0</td>
<td>38.2</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Unemployment rate (% of labor force)</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Underemployment rate (% of labor force)</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Average income: urban (Dong/month)</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Annual outflow of MWs (legally deployed + irregular exit)</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>% women in annual outflow</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Annual inflow of MWs (legally accepted + irregular entry)</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>% women in annual inflow</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Annual migrants’ remittance (US$)</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
</tbody>
</table>

Sources: AMCInfobank, Asian Migrant Yearbook, reports of country research teams (CRTs)
A. OVERVIEW

1. Background

The Government of the Socialist Republic of Vietnam was officially declared in July 1976, when the formerly-divided North and South were reunited, and Hanoi was named the national capital. This followed the fall of Saigon in 1975 and the end of the war with the United States of America (U.S.A.), which lasted from 1960 till 1975 and claimed the lives of an estimated 1.3 million Vietnamese and 58,000 U.S. soldiers.¹

By the mid-1980s, Vietnam remained one of the poorest countries in Asia. Until today, 80% of the population still live in rural areas. The country’s population is composed of 90% Vietnamese, 3% Chinese, and the remaining 7% are Thais or belong to the Muong, Meo, Khmer, Man and Cham ethnic groups.

In an effort to improve its economy, in 1986, Vietnam adopted a policy of *doi moi* or economic reform, liberalization and restructuring. Under this policy, the Government initiated the transition from a centralized economy to a market-based economy “with socialist
direction." In 1991, the Government issued a resolution formally establishing export-processing zones (EPZs) as part of intensive efforts to attract foreign investments. By the early 1990s, the economy was booming and industries achieved a record, yearly-average growth rate of 13%. The economy has registered impressive growth rates since the early 1990s, though in the aftermath of the 1997 Asian economic crisis, the economy faltered once more and there was a dramatic fall in foreign direct investments. The 9.2% average GDP growth per year in 1995-1997 fell to 5.8% in 1998 and 4.8% in 1999. By 2000, it managed to rise again to 5.5% and remained at 5.2% in 2001 against the backdrop of the post-September 11th global economic slowdown. (See Table of Socio-Economic Data and Migration Flows, p. 174.)

Domestic industries currently continue to face tough competition from more efficient foreign producers. The Government has been criticized by foreign investors and multilateral agencies for not moving fast enough to implement structural reforms needed to revitalize the economy and produce more competitive, export-driven industries. On 13 July 2000, Vietnam signed with the U.S.A. a Bilateral Trade Agreement (BTA), which the Vietnamese Government hoped would benefit the country and “hasten its transformation into a manufacturing-based, export-oriented economy.”

Another important aspect of the doi moi policy was the decision of the Vietnamese Communist Party, and later the Government, to institutionalize as part of its national development strategy the export of Vietnamese labor internationally. In 1991 to 1998, Vietnamese technicians and workers were sent to other socialist countries, and from 1999 onwards, they were sent to Taiwan, Korea and other countries. The Government’s labor export procedures were spelled out in a Government directive in September 1999, and in March 2000, the Ministry of Labor-Invalids and Social Affairs (MOLISA) authorized the first five companies to export workers overseas. Today, there are 161 placement agencies (private, government-controlled, or run by Party organizations) involved in exporting workers. (Discussed in more detail in later sections.)

In 1994, the U.S.A. normalized relations with Vietnam and lifted its 19-year old economic embargo on the country. In July 1995, Vietnam was admitted as the seventh member of the Association of Southeast Asian Nations (ASEAN).

2. Migration Patterns and Processes

There are different categories of Vietnamese migrants—refugees, documented migrant workers, undocumented migrant workers and trafficked persons—who have gone to countries in the GMS, East Asia and the advanced industrialized world. Internal migration is also an important phenomenon within Vietnam. The report compiled/written by the Vietnam Country Research Team (CRT) focused largely on internal migration, documented migration to East Asia and trafficking, as this seems to be the most accessible information on migration from Vietnam till now. It must be noted, however, that the limited discussion and information expressed in this report on undocumented migration may not reflect the entire magnitude of
The history and development of Vietnam are closely associated with transformations in internal migration flows, which were largely the result of economic, military and political factors and events. One such process, which lasted for about ten centuries, was the movement of people to the south of the country. A large amount of migration took place during French colonial rule in the 1880s, after the 1954 Geneva Agreement (that formally divided Vietnam into North and South), during the war with the U.S.A., and during the reconstruction period from 1975 till the mid-1990s. As part of the Government’s adoption of a population-redistribution policy in 1960, it conducted mass-population relocation from the Red River Delta to the sparsely-populated mountainous provinces of Bac Thai, Son La and Lai Chau. An estimated six million people were moved or resettled from 1960 to 1995. The policy continued and was partly strengthened after reunification in 1975. Since the 1986 doi moi policy, the mass, Government-led relocation of people have been replaced by free (i.e. “spontaneous” or not facilitated by the Government) migration flows, particularly into large cities such as Hanoi, Ho Chi Minh City (HCMC), Hai Phong, Da Nang and Can Tho.

Due to problems and limitations in urban management and social infrastructure, these large cities have adopted a policy of limiting the number of incoming internal migrants. But in reality, the numbers in many cities continued to increase. For example, the population of HCMC officially increased by 1.05 million from 1989 to 1999. Researchers estimate that...
population growth due to incoming migrants is far higher as many do not fulfill government requirements to register themselves upon arrival in the cities. According to Hanoi’s Population Committee, the city’s average population growth in the past ten years was 55,000 people per year, out of which 22,000 people (or 40% of the total population growth rate) is thought to comprise of incoming migrants from the northern and central provinces or Thanh Hoa and Nghe An in the Red River Delta. According to some researchers, the current growth in the number of incoming migrants from rural areas is between 25,000-30,000 people. These people migrate primarily as groups from one village, as entire households or together with relatives and/or siblings.

The same source states that the rate of migration of female workers from rural areas to HCMC has also steadily increased, while such trends are not as evident in Hanoi. The trend in HCMC is thought to be due to an expansion in the services, export-processing, light-industrial and commercial sectors: sectors requiring low-paid and labor-intensive work filled easily by women.

b) Vietnamese Refugees

Another mass migration phenomenon, which was a major problem in the 1960-1990s but is now considered resolved, is the issue of the Vietnamese refugees. This phenomenon can help explain the presence of large numbers of Vietnamese people in Cambodia.

Past political and social turmoils in Vietnam resulted in three major waves of refugees. The first wave of refugees were people fleeing during the Vietnam-U.S.A. War (1960-75), during which 250,000 people were estimated to have fled. The second was the “Boat People” crisis (around 1975-88), which peaked in 1978, when hundreds of thousands of Vietnamese used makeshift boats and risked the high seas to reach other countries. Also around this period, conflict erupted between Vietnam and Cambodia, resulting in the influx of large numbers of Vietnamese migrants into Cambodia. (See Cambodia Country Report.) The Vietnamese population in Cambodia has now grown to over one million.

The third wave came in 1989, after the U.S.A. and Vietnam restored diplomatic relations. Many Vietnamese, including children of former U.S. servicemen, went to the U.S.A. and other advanced industrialized countries.

By 1997, the UNHCR reported that: 214,555 refugees were hosted in Hong Kong, 160,000 in Thailand; and 436,000 resettled in other advanced industrialized countries. The UNHCR also reported that not all these people were refugees; some were considered economic migrants. A “Comprehensive Plan of Action” initiated by the UNHCR and supported by Vietnam and the international community provided a concrete long-term plan for resettling and repatriating refugees and economic migrants. In May 2000, the last refugee camp in Hong Kong was permanently closed. Many of the overseas Vietnamese (Viet Khai) have also grown prosperous abroad and have reportedly remitted around USD1.2 billion to relatives back home in 1999. In October 1999, the Government allowed 2.5 million Viet Khai to return home without visas, opening up legal channels for their reintegration and
participation once more in Vietnamese society.\textsuperscript{12}

c) Government International Labor Migration Policies

As internal migration increased in the past decades, migration flows from Vietnam to other countries in the GMS and beyond increased likewise. Until 1999, Vietnam exported medical, educational and agricultural specialists to Libya, Iraq and former socialist countries in Eastern Europe, generally based on bilateral agreements. Between 1980 and 1990, around 244,186 workers and 7,200 specialists were sent to these countries; they contributed around VND800 billion (USD53 million) in remittances.

In the 1990s, the Government introduced a series of policies to institutionalize and regulate labor export as part of a longer-term strategy to help alleviate unemployment and increase the incomes of Vietnamese workers. This helped lead to more rapid increase in the number of both professional and low-status workers migrating abroad, except in 1998 following the Asian economic crisis. (See Table 1.) Between 1991 and 2000, the deployment of documented workers abroad increased 28-fold as Vietnam sent a total of 120,000 workers abroad.

Starting in 1992, state-owned companies with operation licenses were permitted to send workers to other countries based on employment contracts. In September 1998, further measures were taken to promote labor export, when the Politburo of the Central Communist Executive Committee issued Directive No. 41 CT/TW, which stated that “labor and specialist export must be expanded and diversified.” In September 1999, the Government reiterated the doi-moi policy by issuing Decree No. 152/1999/ND-CP, which specified procedures and mechanisms outlining the responsibilities of placement agencies. The guidelines related to this decree are set by the Ministry/Department of Labour-Invalids and Social Affairs (MOLISA/DOLISA). The guidelines compel migrant workers to attend vocational skills training prior to deployment.

Placement agencies—the majority of whom are government-regulated—need to comply by the guidelines set and must have an office at the country of destination.\textsuperscript{13} Agencies must inform workers/applicants clearly of expected living and working conditions, responsibilities they must fulfill, and laws and culture that they will encounter in the receiving country. They should also submit all necessary documentation to MOLISA and ensure that each applicant and migrant worker has the relevant insurance. Since Decree No.152 took effect, 120 agencies have signed contracts to export labor and have sent more than 60,000 workers

<table>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of exported laborers</td>
<td>1,022</td>
<td>810</td>
<td>3,960</td>
<td>9,230</td>
<td>10,050</td>
<td>12,660</td>
<td>18,470</td>
<td>12,240</td>
<td>21,810</td>
<td>30,000</td>
</tr>
</tbody>
</table>

\textsuperscript{*}Government projection

\textsuperscript{12}Ministry of Labour - Invalids and Social Affairs, 2000.
abroad as of the end of 2001.

d) Documented Migration to East Asia

Vietnamese migrant workers who migrate through regular channels with employment contracts migrate outside of the GMS to countries such as Taiwan and Korea. They are usually young (20-30), fit and healthy and have at least a secondary education. They must be certified against contagious diseases. But despite the fact that most of these workers are migrating through legal channels, they are also vulnerable to deception by agents on their expected work in host countries, and many quit their jobs. Subsequently, placement agencies tend to hold their documents, and the workers become undocumented and vulnerable to arrest and deportation.

By the end of October 2001, there were 14,363 Vietnamese workers in Korea, and another 26,000 industrial trainees have been sent altogether.

By December 2001, a total of 12,200 workers had been sent to Taiwan, though the unofficial number is estimated to be almost 15,000. Over 6,500 workers officially migrated to Taiwan in 2001 alone: this was 4% of the total number of documented migrants that year. Vietnamese migrants in Taiwan work as care-givers, technicians, electricians, textile and garment workers, and they are also found in the technology and commercial shipping industries. They remitted back home up to USD60 million between 1992 and 1994, and up to USD150 million in the 1995-1997 period. The Vietnam CRT reported that around 28% of their remittances were used for setting up businesses and the rest for household expenditures to improve their families' living standards.

e) Labor Migration Within the GMS

Unlike the Government’s dominant labor-export program to countries such as Taiwan and Korea, Vietnamese people migrating within the GMS have limited or no legal channels for migration. They migrate as undocumented workers primarily to Cambodia, but smaller numbers migrate to Laos and Yunnan, China. Most, especially those going to Cambodia, are undocumented and therefore even more vulnerable than documented Vietnamese migrants to abuses and exploitation.

Migrants to these countries seek a higher income than in agricultural work back home, by working in various sectors, including the services, trading, portering and construction sectors. They generally come from provinces in the North-Eastern, North-Western and Western border areas of Central Vietnam and the South-Western border areas of Lang Son, Ha Giang, Cao Bang, Lao Cai, Lai Chau, Son La, Nghe An, Quang Binh, Quang Tri, Thua Thien Hue, Tay Ninh, Dong Thap and An Giang. They are mainly between the ages of 18 to 40. Their level of education and working skill varies: some have no formal schooling while others are professional and have specialized working skills, such as engineering. Many migrants engaged in construction work in Laos tend to have higher skill level.

Observations by the Vietnam CRT indicate that such migrant workers usually form small groups with those migrating from the same area and seeking similar jobs. This is particularly
true for construction and domestic workers or those engaged in selling construction materials or running restaurants and/or food stores.

There are some documented cases that point to the impact that migration can have on the population structure, local economy, agricultural production, and sustainability of rural communities in Vietnam. According to an article in Woman Newspaper of Ho Chi Minh City on 19 November 2001, almost all the young and fit working population from the village of An Nong in Loc Bon Commune (Phu Loc District, Thua Thien of Hue Province in Central Vietnam) have migrated to Laos. An estimated 3,000 or 25% of this village’s total population of 12,000 have migrated to Laos. The 2,000 included both married and single persons and both men and women, 90% of whom were young. Those with small children left them with parents or relatives. Now, there are almost only old people and children in this village.

f) Trafficking of Women and Children

The trafficking of women and children, as well as women’s irregular migration, from Vietnam to countries such as China, Cambodia, Taiwan, Macau, Singapore, U.S.A. and Australia grew steadily in the 1990s. Most families of trafficked children and women are poor and have low levels of education. They may have relatives in the receiving countries, some of whom may already be involved in the sex industry or other illegal activities. The Vietnam CRT estimates that since the early 1990s, 10,000 women and children have been trafficked.
from Vietnam, up to 10% of whom are children, and observes that the phenomenon became more serious following the 1986 doi moi policy, especially in Northern Vietnam. The CRT believes that the socialist principles of ensuring the proper living standards and status of women, their participation in social activities and their important position in society and in the family helped prevent the problem. Also in the past, violations against women were condemned and severely punished. The CRT argues that increased trafficking of women and children is one of the negative consequences of a market-oriented economy. With market economies being integrated in an era of globalization, the trafficking of Vietnamese women and children easily ties up with the global trafficking phenomenon. 

Many women are trafficked as “traded wives,” mail-order brides, or for sex work in the entertainment industry, though some also migrate by choice; they generally age from 18 to 40 years old. Children, from infants to 17-year olds, are trafficked mainly to be child brides, to work as domestic workers or child prostitutes; some are “adopted” and go to China, Cambodia, Indonesia or Thailand where some end up living and working under slave-like conditions. While some children and women decide to migrate by themselves, such decisions are often influenced by, or based on, family decisions. Very few are also kidnapped.

Existing research indicates that the majority of women and children come from Vietnamese provinces near the Vietnam and China borders, but since 1995, more women seem to have been trafficked from other provinces than from border provinces. Many women and children are also trafficked to Cambodia mainly from Southern Vietnam. The following routes have been used since the early 1990s for trafficking or irregular migration from Vietnam:

- To China: from different provinces, including Lang Son, Ha Giang, Quang Ninh and Lao Cai;
- To Cambodia, from the Vietnamese border provinces of An Giang, Kien Giang, Tay Ninh and Dong Thap; Cambodia may be the final destination or a transit country for Thailand, Burma, Macau, Hong Kong, Singapore, Western Europe, North America or other countries.

There are no official figures available on the number of trafficked women and children, but the Vietnam CRT cites research on trafficking to China that helps demonstrate the magnitude of the phenomenon. A study in 1999 reveals that about 10,000 people were trafficked since the early 1990s. Another research found that from Quang Ninh province along the Northeast Vietnam-China border, 2,237 women were trafficked to China through Mong Cai border gate by July 1996; and between 1991 to 1996, the provincial police discovered 1,779 trafficking cases and prosecuted 1,313 people for the trafficking of 2,203 women. According to the “Research and Action Against the Trafficking of Women in Vietnam,” 54 women from Kim Xuyen Commune and 37 women from Tuan Hung Commune in Hai Duong Province alone were trafficked to China.

Women from Southern Vietnamese provinces are trafficked or migrate through irregular means generally to Cambodia. They end up working in the sex industry in bars, massage parlors, karaoke bars or brothels; many brothels are found in the “sexual industrial zone” such
Trafficking and irregular migration of women from Vietnam often involves different actors who each have a specific role and may profit from the process. Though there is no concrete evidence so far on the existence of national or international trafficking syndicates based in Vietnam, Vietnamese traffickers quite probably have connections with such syndicates abroad, especially in Cambodia. Existing research indicates that both “facilitators” (procurers/brokers) and agents (sub-agents/brokers) are commonly the relative, friend or acquaintance of the trafficked person, or women who were formerly trafficked themselves. Agents can also be traders who speak several languages, live near the borders and/or have two nationalities. “Trip managers” are those who bring women and children to the workplace; they are predominantly Vietnamese, knowledgeable on trafficking routes and have connections or cooperation with local authorities in the places of destination.

At the area of destination, brothel owners are predominantly Vietnamese women or a team of husband and wife, but they may also include former government staff, criminals, former sex workers, business persons, intellectuals or they may be among the poor and illiterate. The “guards” are those who control and watch over the women and children at the workplace; they often take half of women’s income and deduct whatever amount is left for living expenses. They are also the pimps who introduce the women and girls to customers, negotiate prices and arrange for their accommodation, food and clothes.
Police, government officials or civil servants are reportedly involved in trafficking by facilitating cross-border transportation, acting as lookouts for agents in case victims attempt to escape. They may even be involved in buying or selling women and children, or they simply turn a blind eye to the practice.

*Trade in Wives-Mail-Order Brides*

An issue of growing concern is the large number of Vietnamese women who marry Taiwanese men for economic reasons. From 1996 to 2000, about 10,000 women in HCMC were married to Taiwanese men, many under conditions and processes similar to that of trafficking. Some of these women end up being sex workers, sex slaves or in forced labor situations in Taiwan, many later sold by their “husbands” to other men or brothels. The women are typically poor and significantly younger than the Taiwanese men. They are recruited by brokers who lure women with the prospect of a prosperous and new life after getting married. The “markets of wives” operate under a network of brokers in HCMC, other provinces in the South and even remote villages. One of the most obvious “markets” is Binh Thoi in District No. 11 of HCMC, where girls are taken by brokers from poor families in Mekong Delta. They sit in the market daily waiting for Taiwanese tourists to pick them up. If they are not chosen by Taiwanese men, the chance that they will become sex workers is high since they must pay back “expenses incurred by the brokers,” among other costs.

The number of such marriages seems to be on the rise in the Southwestern border provinces such as Tay Ninh, Dong Thap, An Giang and Kien Gian. However, HCMC and other big cities have seen a slight decrease. The Vietnam CRT believes that the following are possible reasons for the decrease in wife trading in HCMC: 1) media condemnation of wife trading has increased awareness among women of the risks involved; 2) people in large cities have better access to information; and 3) positive impact of efforts to prevent the practice by the police, Vietnamese Women’s Union and City Department of MOLISA.

**B. ISSUES AND NEEDS**

1. Personal and Family-Related Issues

   a) Pre-migration

   Both documented and irregular migrant workers have little information on migration processes and conditions prior to their migration. Even documented migrants going to countries such as Taiwan or Korea are not aware of the laws and culture in these countries. Documented migrant workers need to have easy access to information from the Government on legal channels and processes and protective mechanisms they can access; pre-departure education programs and orientations would be useful fora to explain the latter and general working conditions in receiving countries. Vietnamese consulates and embassies in the respective countries should provide protection for their nationals. As for irregular migrants,
they also need to be provided with information on the risks and dangers of irregular migration through means that are effective in reaching them.

Many migrants also leave with limited working skills, making it difficult for them to avoid low-status jobs in host countries and to make a viable living upon their return home. Providing vocational and skills development training in at the community and village may help them avoid exploitative working conditions and trafficking.

Vietnamese workers migrating through placement agencies and companies typically become deeply indebted as many must take out usurious loans from private money lenders in order to pay high fees. A practical and short-term need for migrants is to have access to soft loans from official banks, which they can pay back in installments while working abroad. However, a more strategic need for migrants is to make it legally binding for recruitment agencies—all of which, except eight are under the Government’s or Party’s supervision—to charge lower and affordable fees and placed under strict regulations.

As the Cambodia Country Report explains, many women ended up as sex workers in Cambodia. There are thought to be up to 100,000 undocumented and stateless Vietnamese children, and many Vietnamese migrants live in ghetto-like communities.

b) Upon Reintegration

Migrant workers, especially male migrants, tend not to plan for the future while working
abroad and do not save adequately. It is necessary to encourage migrants to organize savings
groups while abroad so that they will be able to make sustainable, community-based
investments upon their return to Vietnam.

2. Legal/Institutional Issues and Vietnam’s Development and Migration Policy

As mentioned above, the September 1998 directive of the Central Communist Executive
Committee stated the need to expand labor-export, while the September 1999 government
decree further institutionalized Vietnam’s labor export strategy. Since the 1999 decree, 153
labor export or placement agencies have been created: 15 major placement agencies and 141
other sectoral-specific agencies that focus on manufacturing or trading. Out of the latter, 85
are state-owned and administered by government ministries or institutions, 57 are state-
owned and administered by People’s Committees in provinces or central cities; and 11 are
under the administration of mass organizations or unions at the central level. In addition, there
are eight non-state owned agencies that have been licensed to export workers.

There are a number of concerns with placement agencies, which lack the professionalism
and responsibility in informing workers about the real situation in host countries. It is
necessary that local administrations, particularly institutions of MOLISA/DOLISA, supervise
the placement agencies to prevent them from abusing their power and to cancel the licenses of
those placement agencies with mal-practices. Vietnam’s diplomatic representatives in
receiving countries also need to monitor and protect the working and living conditions of their
nationals. In Taiwan, migrant support NGOs say that in addition to brokers’ fees, the
Vietnamese Government also imposes a bond of USD500 for departing migrants to ensure
that they do not run away from factories.

In contrast to its institutionalized labor-export program, the Government devotes little
attention and has few initiatives to address and resolve the largely irregular migration that is
taking place from Vietnam to Cambodia, Laos and China. More than one million Vietnamese
in Cambodia have remained in legal limbo for decades, and their continued status as
undocumented migrants and/or immigrants makes them highly vulnerable to abuse and
exploitation. The Government needs to create bilateral agreements with the governments of
Cambodia, China and Laos that regulate and protect Vietnamese workers’ rights.

Although trafficking is considered a crime against human beings—in terms of their body,
safety, dignity and honor of other people—and punishable under criminal law, migrants who
have been exploited have little access to redress mechanism.

3. Work-Related Issues

In GMS countries such as Cambodia and China, low-status or unskilled Vietnamese
migrant workers are almost exclusively undocumented as there is currently no legal channel
for them to work in these countries. Migrants in these countries have no employment
contracts to define, regulate and protect their working conditions, making it almost
impossible to uphold their human and labor rights.

In countries outside of the GMS where migrants have employment contracts, the labor rights of migrants are not necessarily protected. Employers often do not follow the contracts or respect workers’ rights: they do not pay in full; and they force migrants to work overtime without extra pay. Some documented migrant workers become undocumented as they escape from their employers and overstay in the host country. In some cases, migrants are also expelled or forced to return to Vietnam before companies become bankrupt.

Up till now, documented migrant workers in such countries have not received enough attention and protection from Vietnamese consulates or embassies. Migrant workers urgently need support from government agencies, which should be under labor management divisions regulated by MOLISA.

4. Gender Issues

a) Pre-departure

Vietnamese women and children are highly vulnerable to undocumented migration and trafficking, including being sold as wives. Some families of women or children believe it is their daughters’ responsibility to improve the family’s living standard. The Vietnamese CRT asserts that families need educational programs to help change such perceptions and to be sensitized on the fact that daughters and sons should have equal rights to self-determination, including marriage. This should help prevent trafficking, especially women from being traded as wives to foreigners. Vietnamese women need access to programs and/or information that promotes gender-fair notions of their role and status, including education on their right to marry based on their own free will.

There have been a number of research projects on trafficking and pilot prevention projects, but these have not led to nation-wide programs. It is necessary for such programs to expand with support from relevant IGOs, such as UNICEF, IOM, ILO, and NGOs, such as Oxfam, Save the Children Fund and Action Aid. Organizations such as the Vietnam Women’s Union, Vietnam Youth Union, Committee for Protection and Care for Children, and organizations under MOLISA, also need to strengthen their capacities to disseminate information on trafficking.

b) Reintegration

Returning migrant workers, especially women and children, have a number of difficulties in reintegrating to the community upon their return to Vietnam. They suffer from inferiority complexes and fear they will not be accepted by their families, husbands or lovers and by the community. They lack the savings to start investment projects and have limited working skills or cultural-technical knowledge to get a job. Many women, especially those who were trafficked, end up working in bars or brothels and even become a link to the trafficking of other women.
5. Socio-cultural Issues

Women and children who were trafficked and/or who worked as sex workers in receiving countries suffer from prejudice within their communities upon their return. Returnees usually do not share their experiences, thus generating a greater lack of understanding among the communities on the issue. Support groups of peers and other returnees are needed to help relieve emotional trauma. Increasing community awareness on trafficking, including the negative consequences of selling wives, is also urgently needed. The media should play a key role in awareness-raising and disseminating information.


Some male migrant workers tend to frequent brothels, where they rarely practice safe sex. This makes both men and women vulnerable to contracting and spreading HIV/AIDS. It is necessary for migrant support groups to reach out to migrants and conduct educational programs to raise awareness among potential and returning migrants on reproductive health issues and the need to practice safe sex.

Women and children who had worked as sex workers face not only psychological trauma, but also the high risk of being infected with HIV or STIs as they have little control over their situation. Returning migrant workers, especially women and children, need immediate and easy access to HIV/AIDS and health education programs, and psychological counseling, supervised by reproductive health specialists, social workers and trained peer counselors.

C. RESPONSES

1. Existing Responses

Following are some of the major existing or planned responses of NGOs, IGOs, and the Government on the migration issue in Vietnam:

- “Migration in the Mekong” a project jointly undertaken by AMC and its partners in Vietnam and five other GMS countries. The first phase (2001-2002) ends with this report on the mapping of migration issues, needs and strategies, and also includes recommendations for follow-up work and action. The second phase will look deeper into specific areas of need and response and continue to develop the ‘Mekong Migration Network.’ As part of this, capacity-building will be conducted for migrant support groups in Vietnam and other GMS countries.

Asian Migrant Yearbook (AMY), published by AMC and the Migrant Forum in Asia (MFA), is a compilation of annual reports on the situation of migrant workers and related response in 22 Asian countries, including Vietnam.

Project on “Community-based Interventions” conducted in two communes in Tan Bien District of Tay Ninh Province (on the border with Cambodia), where many Vietnamese have been married off to Taiwanese men and a source of potential mail-order brides. The Project aimed to raise the awareness of young women, their parents and the community on the negative and positive consequences of “marriage for convenience.” It was implemented through seminars and workshops and involved returnees giving testimonies regarding their experiences. The Project was organized by CARAM-Vietnam and the the District Vietnam Women’s Union of Tan Bien District, Tay Ninh Province in 2001.

Pilot Action Research against trafficking in women. This was the second phase of the action and research project against trafficking in women in Mekong Delta and was conducted in four communes in Lang Son Province, Quang Ninh Province and Hai Duong Province in North Vietnam. The Research was undertaken by the Global Alliance Against Traffic in Women (GAATW) in collaboration with Cambodian Women Development Agency. A similar action and research project against trafficking in women in Ho Chi Minh City and other southern provinces was also carried out by the Youth Research Institute of the Central Communist Youth League, the Research Center for Women and Family Studies of Vietnam’s National Center for Social Sciences and Humanities, Vietnam Women’s Unions and the City Women’s Union of HCMC.

Preventive programs against trafficking in women, conducted in HCMC and Tay Ninh Province, where many women have been married off to foreigners, cheated and trafficked to other countries, mainly Taiwan. This initiative was undertaken by the City Vietnam Women’s Union of HCMC in 2000.

Project on “Prevention of Trafficking in Women and Children in the Mekong Sub-region” was a survey that proposed preventive programs against trafficking of women and children in Ho Chi Minh City. The Project was funded by ILO/IPEC and its Steering Board members included DOLISA (the City Department of Labor-Invalids and Social Affairs). Other involved institutions included the police of HCMC, the border military, Vietnam’s Women’s Union and the Committee for Protection and Care for Children (CPCC).

Feminist Participatory Action Research on the “Role of Family in Prevention of Trafficking in Women and Children,” included: (a) two national workshops on the “Prevention of Trafficking in Women and Children” in North and South Vietnam in 1997; (b) plan of actions in 1999-2001 to prevent trafficking in women and children, in cooperation with concerned agencies; (c) communication campaigns on the prevention of trafficking in women and children in 14 most affected provinces; (d)
communication, counseling and other support activities for trafficked women to help them reintegrate into communities (vocational training, facilitating in employment, loan provisions). The Research was conducted with the Vietnam Women’s Union in cooperation with the ILO and IOM.

- The management of placement agencies by MOLISA/DOLISA in 2002, which aimed to minimize risks.

2. Planned Responses

- Project on “Community-based Initiatives Against Child Trafficking in Vietnam,” with Participatory Learning Action (PLA) that focused on children in vulnerable communities in the first provinces near the border of Vietnam and China (Lang Son, Quang Ninh, Bac Giang, Lao Cai, Ha Giang.) To be carried out by Oxfam-Quebec, Save the Children Fund-UK and Save the Children Fund-Sweden in 2002-2004.
- Establishing Labor Management Boards in receiving countries, where Vietnamese workers come to work on employment contracts. To be implemented by MOLISA/DOLISA (National and City levels) in 2002.

D. GAPS ANALYSIS, CONCLUSIONS & RECOMMENDATIONS

Though most of the existing and planned migration-related responses in Vietnam concentrate on the prevention of trafficking in women and children within the GMS and in creating a formal labor-export policy, the responses are valuable for several reasons. Responses on trafficking have improved cooperation between UN agencies, INGOs, regional and local NGOs, relevant government institutions, mass organizations, the People’s Committee, MOLISA/DOLISA and the Vietnam Women’s Union. They have also involved different levels within the Government, including the border military and the police. Efforts have included participatory and/or participatory action research that aim to build information and knowledge to improve understanding and decision-making on trafficking.

Trafficking-related responses have also prioritized preventive programs against trafficking in women and children. They adopt approaches aimed at increasing the participation and awareness of people in target communities, especially on the need to prevent trafficking. The Vietnam CRT reports that these efforts have been effective in some ways. For example, there has been a reduction in the number of women who get married to Taiwanese men or who have been trafficked to East Asia, especially in local areas where the action programs have been carried out.

The institutionalization of the labor-export program and the clarification of implementing mechanisms, including the responsibility of placement agencies can also be considered an important development by groups in Vietnam. Although the policy has yet to be based on migrants’ rights and protection, it nevertheless creates an official and legal channel, that can be reformed and improved, for handling labor migration.
That said, however, there are also serious limitations in existing responses to migration in Vietnam. Despite all ongoing efforts, the broader context of Vietnamese migration within the GMS, especially to Cambodia, continues to receive limited response from the Government and fails to be a priority on its agenda. NGOs, IGOs and mass organizations have tended to focus on trafficking, which in part has lead to limited response on the broader migration phenomenon from Vietnam. Vietnamese workers in GMS countries who are not in trafficked situations receive next to no support from their Government and organizations in Vietnam. Existing responses of NGOs and mass organizations focus on ‘safer’ interventions, such as raising awareness on trafficking and health issues. This may be out of fear of Government censorship. Even inter-governmental responses, such as the UN Inter-agency Program on Trafficking, fail to go beyond trafficking. This concluding section provides some insights and recommendations on how to go beyond such limitations.

1. The Government’s Overall Response to Labor Migration

The Government’s labor-export program and policy can also be viewed as a source of further violations of Vietnamese workers’ rights as it is premised on marketing and exporting workers rather than on the protection of their human rights. Aggressive and mass labor exportation does much to promote further abuse and exploitation, while failing to uphold migrants’ dignity. While the policy defines and institutionalizes procedures for the deployment of workers, the responsibilities of both the state and placement agencies in protecting workers’ rights remains unclear. Given the saturated overseas job market, dominated already by Thais, Filipinos, Indonesians, Sri Lankans, Bangladeshis and other countries, the Government should not try to force its share by marketing its workers with fewer or no rights and cheaper wages.

The Government has yet to review its policy and initiate a more comprehensive rights-based migration program that includes the creation of bilateral agreements with countries such as Cambodia, China and other destination countries of Vietnamese workers. Migration policies and programs need to incorporate international human rights standards and frameworks, including those set in the UN 1990 Convention for the Protection of the Human Rights of Migrant Workers and All Members of Their Families.

The Government needs to review and regulate labor-placement agencies, especially in how they charge fees and deploy workers. The Government can study cases of more regulated processes currently being practiced by other Asian governments. For example, the Hong Kong Government requires that agencies charge no more than a legal maximum of 10% of one month’s salary of a foreign domestic worker.

The role of the state in representing Vietnamese migrants in cases of labor and other legal disputes in the receiving countries appears to be weak. Some reports highlight governmental control in the form of imposing a bond (USD500) to departing migrants to prevent them from running away from abusive employers, bringing the question of protection to the fore. During an AMC interview with DOLISA/MOLISA in April 2002, this was expressed as a “problem
for the Government.” The Government’s plans to establish Labor Management Boards in receiving countries can be seen as a positive step provided that the Boards will protect migrant workers rather than to ensure their obedience to employers at all costs.

In the experience of other major labor-sending countries in Asia, well-developed and well-regulated labor-export policies have not necessarily translated into rights protection for workers. The Government can learn from the experiences of countries such as the Philippines, whose 30-year experience in labor exportation indicates that despite the Philippine Government’s efforts to improve the protections for Filipino workers, two workers are sent home dead every day. (Thailand has a record of one dead woman migrant per week from Japan; and Bangladesh receives an average of one dead migrant per day.)

The current labor-export scheme has also yet to address and benefit the situation of of the hundreds of thousands of irregular Vietnamese migrant workers in countries such as Vietnam, Laos and China. The Government’s response to the situation of the more than one million Vietnamese who have migrated to Cambodia in the past two decades has been largely insufficient. Migrants, especially women, have been faced with no protective support for their migration process and end up migrating through irregular means or are trafficked. Women and children are undocumented and many live and work under highly exploitative and slave-like conditions in the sex industry. Vietnamese children have become stateless. Even though Vietnamese migrants live under the constant fear of arrest, it is safe to say that thousands more will continue to cross illegally unless regular, effective channels are not put in place immediately.

The Government needs to urgently establish a bilateral agreement with Cambodia to define channels for regular migration between the two countries and to protect and regulate the living and working conditions of Vietnamese workers there. Vietnam has a demonstrated capacity of creating a regulated labor-export channel with countries such as Taiwan, and the Cambodian Government has a bilateral arrangement with Malaysia. Based on their ongoing experience on bilateral agreements, both the Vietnamese and Cambodian Governments should initiate talks towards the creation of a rights-based and protective bilateral agreement to address the situation of the Vietnamese in Cambodia. The international community, especially the UN and its agencies, play an important role in assisting the Vietnamese Government in spearheading the above-mentioned process.

Considering that a labor-export policy has been institutionalized since 1998, the Government must urgently ratify and incorporate into its national laws the UN Migrants’ Convention and ILO Conventions 143 and 97 on Migrant Workers. These and other UN and ILO instruments that the Government has already ratified are important in guiding the development of a rights-based, gender-oriented, transparent and internationally-accepted migration regime. Vietnam’s experience with international instruments and its refugees already points towards the latters.

2. Trafficking of Women and Children

The trafficking of women and children continues to be a serious problem as Vietnamese
women are still pushed into trafficking or irregular migration, partly due to the pressures they face at the family and community level, the lack of legal channels for migration and the absence of easily accessible and basic information on the risks of trafficking. Information dissemination and community-awareness raising, especially in remote and rural areas, have not been conducted widely via the mass media. Therefore, many people, especially those in rural areas, know little about how trafficking networks operate and purposely set out to lure women and children to migrate abroad. Responses for potential trafficked persons must also include sustainable livelihood development programs, which would help to improve the living standards of families.

The Government must seriously address and resolve the prevalent practice of “wife-trading,” which appears to be conducted in open markets in broad daylight with almost no intervention from the Government.

Most of the projects on trafficking mentioned above have been conducted at the pilot stage in several local areas and have not been expanded nation-wide. As programs have been strengthened in one area, activities of trafficking in women and children have been obviously reduced. However, the network of trafficking in women and children has then moved to other areas, thus making it difficult to wipe out the network. Different sectors, institutions and organizations nation-wide need to coordinate their efforts to effectively eliminate the network of trafficking in women and children. Coordination must also extend internationally especially as there has been limited international coordination in preventing and breaking routes of the trafficking in women and children across borders. The Vietnam Women’s Union would be a good organization to establish and coordinate such national and regional networking. The Union should receive the Government’s support for such an initiative and also work closely with grassroots-level groups, IGOs, INGOs, and the police and border military.

3. Pre-Migration and Reintegration

Though MOLISA/DOLISA has issued certain guidelines stating that agencies must provide information on laws and culture to workers migrating through regular channels, the current response (governmental, agency and NGOs) to provide pre-departure education and training to migrants is barely existant. It should be the responsibility of the state to provide such education. As such, MOLISA/DOLISA, mass organizations and NGOs need to work together to design and conduct organized pre-departure education for documented migrant workers. Such education should be within a rights-based and gender-oriented framework, and should include information about protective mechanisms they can access, laws, regulations, language, culture and contact information of governmental and non-governmental support groups in the host countries.

Sustainable, community-based livelihood development programs need to be made available to potential and returnee migrant workers so that they and their families have a viable way to survive in their communities without having to migrate. Measures to help
migrant returnees re-integrate into communities tend not to focus on the economic stability of workers. Many returnees are economically insecure and do not have the necessary skills to find stable jobs with adequate incomes. Many migrants are susceptible to migrating or being trafficked once more. AMC, MFA and their partners in Asia have an ongoing program on “Migrant Savings and Social Investment” (MSSI) and community-based reintegration that promotes collective savings and migrant social investments. Current MSSI models involve Thai, Filipino and Indonesian migrants in Hong Kong, Taiwan and Japan who are organizing community-based development projects back home. These can be studied, assessed and used as possible models by Vietnamese migrants and organizations to implement similar programs in Vietnam. Other organizations, including CARE, Oxfam, Action Aid and SCF-UK, also have community-based development projects that may be of help to Vietnamese migrants.

There are also few programs to help returnee migrants’, especially women and children, social reintegration with their families and communities. Families and communities have been provided with little support to prepare for receiving and helping returnees.

Though the relationship between migration and HIV/AIDS has been acknowledged, there are still insufficient community-health educational programs that address reproductive health and HIV/AIDS for communities, especially those targeting potential and returnee migrants.

To pursue the above-stated strategic programs, it is necessary to develop improved channels of coordination among local Vietnamese organizations addressing migrants’ issues, such as the Vietnam Women’s Union, the Vietnam Youth Union, the Red Cross Union, CPCC and MOLISA/ DOLISA.

4. Strengthening IGO, NGO and Civil Society Response to Labor Migration

Apart from labor-export companies and DOLISA / MOLISA, there are almost no organizations, INGOs, NGOs and mass organizations based in Vietnam, which are comprehensively working to provide support programs to documented and undocumented migrant workers. Most existing migration-related projects in Vietnam, especially those involving NGOs, were initiated by regional and international NGOs, rather than by organizations within Vietnam. There are also few programs coordinated by UN agencies and INGOs in sending and receiving countries that aim to protect the rights and interests of Vietnamese workers corresponding to international conventions. Moreover, the general perception of mobility issues and rights and corresponding civil society responses in Vietnam appears to be largely focused on trafficking.

In Vietnam, civil society organizations are only beginning to emerge. As such, the lack of local independent NGOs means that local groups have limited capacity to respond to migrants’ issues, as the Government itself also has limited resources to address migrants’ needs. Local organizations, therefore, need to develop their skills and experiences to comprehensively address migration in ways that are not necessarily resource-intensive. For example, groups in Vietnam can build linkages and share experiences with relevant NGOs
and networks in the region that have decades of experience in handling migration and trafficking issues. Such networks include the Migrant Forum in Asia (MFA), which has members and partners in more than 15 countries in Asia. APWLD, CATW and GAATW also have extensive NGO networks throughout Asia. Developing links with such networks is crucial in identifying ways to collaborate in the protection of Vietnamese workers’ rights region-wide.

The limited participation and intervention from civil society actors, especially from NGOs, does not necessarily imply a lack of interest on migration issues. Limitations should be seen within the context of Vietnam’s prevailing political system, which constrains civil society organizations. Labor migration, especially undocumented migration to Cambodia, is a sensitive and political issue as even IGOs have only managed to touch on related issues such as trafficking. The situation, therefore, calls for more democratic space to allow local organizations to develop and serve as integral actors of civil society. Such space would strengthen and develop organizations’ comprehensive and effective response to labor migration and advancement of migrants’ rights.

**IMPORTANT NOTE:** This report is based primarily, but not exclusively, on the report submitted by the Vietnam Country Research Team (CRT).

**ENDNOTES**

2 *Vietnam’s Doi Moi Programme*, San Jose State University Economics Department <http://www.sjsu.edu/faculty/watkins/vietnam.htm>
8 *Ibid*, p.2
10 AMC Interview with DOLISA and Department of Social Affairs, Ho Chi Minh City, April 2002.
12 Ibid.
14 Kelly, Paula Frances and Le, Bach Duong, Trafficking in Humans from and within Vietnam: the Known from Literature Review of Key Informant Interviews and Analysis. 1999 ibid.
16 Kelly and Le, op.cit., p.57.
17 Kelly and Le, op.cit.
18 This research was conducted by the Youth Research Institute in 1997 and funded by the Global Alliance Against Trafficking in Women (GAATW); cited in Le, Thi Quy, Attacking Trafficking in Women in Vietnam, Labor and Social Publishing House: Hanoi, 2000.
The following organizations, whose work cover migration-related issues in specific countries or the Greater Mekong Subregion as a whole, may also be sources of relevant materials and information.

**Research Partners**

**REGIONALGROUPS**

1. **Asian Migrant Centre (AMC)**
   
   9/F Lee Kong Commercial Building,
   115 Woosung Street, Kowloon, Hong Kong
   
   Tel: (852) 2312-0031
   
   Fax: (852) 2992-0111
   
   Email: amc@pacific.net.hk
   
   Website: http://www.asian-migrants.org

2. **Migrant Forum in Asia (MFA)**
   
   Secretariat
   9-B Mayumi St., U.P. Village,
   1101 Quezon City, Philippines
   
   Tel: (63-2) 433-3508
   
   Tel/Fax: (63-2) 433-1292
   
   Email: mfa@pacific.net.hk
   
   Website: www.migrantnet.pair.com

3. **Asia Pacific Forum on Women, Law and Development (APWLD)**
   
   c/o Santituam, YMCA 3rd Floor, Rm. 305-308,
   11 Sernsuk Road, Mengrairasmai,
   Chiang Mai, Thailand 50300
   
   Tel: (66-5) 340-4613
   
   Fax: (66-5) 340-4615
   
   Email: apwld@apwld.org

**BURMA**

4. **Altsean-Burma**
   
   P.O.Box 296, Lardprao, Bangkok 10310
5. Federation of Trade Unions - Burma (FTUB)
P.O. Box 1270, GPO Bangkok, Thailand
Tel: (66-1) 644-2296
Fax: (66-2) 632-8832
ftub@tradeunions-burma.org
* Advocacy, unionizing, training, research, networking, radio broadcasts etc.

6. Migrant Assistance Program (MAP)
63/31, Moo 8, U-mong, Soi 4, Suthep Road,
Muang Chiang Mai, 50200 Thailand
Tel: (66-53) 811-202
* Provides numerous services for Burmese migrant workers in Thailand including crisis support, health counseling and education, radio broadcasts, education outreach in construction sites; they also host a Migrant Women's Exchange group, and do advocacy and networking.

7. Shan Women’s Action Network (SWAN)
P.O. Box 79 Chiang Mai, Thailand 5000
Tel: (66-53) 252-450/398-525
Fax: (66-53) 399-139
* Promotes women’s rights and empowerment along the Thai-Burma border.

8. Thai Action Committee for Democracy in Burma (TACDB)
Student Christian Centre, 328 Phayathai Rathatee
Bangkok 10400, Thailand
Tel: (66-2) 883-4428
Fax: (66-2) 424-9173
Email: tacdb@ksc.th.com
* Awareness-raising and human rights advocacy for Burmese migrants in Thailand.

CAMBODIA
9. Cambodia Human Rights and Development Association (ADHOC)
#1, St. 158 Khan Daun Penh
Phnom Penh, Cambodia
Tel: (855-23) 218-653
Fax: (855-23) 217-229
Email: Adhoc@bigpond.com.kh
10. **Cambodia Labour Organisation**
   No. 189 St. 173-432, Sangkat Tomnob Toek, Khan Chamcar Mon Phnom Penh, Cambodia
   Tel/Fax: (855-23) 218-132
   Email: CLO@forum.org.kh, admin-clo@forum.org.kh
   *Research and training on labor rights.*

11. **Khmer Kampuchea Krom Human Rights Association**
    70, Street 592, Sangkat Boeung Kok II, Khan Tuol Kork Phnom Penh, Cambodia
    Tel/Fax: (855-23) 982-057
    Email: kkkhra@forum.org.kh

12. **The Cambodian Human Rights Task Force**
    #41, St. 242, Sangkat Veal Vong, Khan 7 Makara Phnom Penh, Cambodia
    P.O.Box: 2362, Phnom Penh 3
    Tel/Fax: (855-23) 218 810
    Email: chrtf@forum.org.kh

**THAILAND**

13. **Asian Research Center for Migration (ARCM)**
    Institute of Asian Studies, Chulalongkorn University
    7th Floor, Prajadhipok-Rambhai Barni Building
    Phayathai Rd., Bangkok 10330, Thailand
    Tel: (66-2) 218-7462
    Fax: (66-2) 255-8854

14. **Catholic Commission for Migrants and Prisoners**
    2074/17-18, New Road
    Bangkok, Thailand
    Tel: (66-2) 681-5427
    Fax: (66-2) 681-5413
    *Provides various forms of relief and assistance for migrants and prisoners.*

15. **Catholic Migration Commission (CMC) -Women’s Desk**
    232/9 Naret Road, Bangrak
    Bangkok 10500, Thailand
    Tel: (66-2) 266-4439
    Tel/Fax: (66-2) 233-3073
200  Organizations

Email: cmcwdesk@bkk.loxinfo.co.th
* Support group development, skills training, assistance for migrant women.

16.  EMPOWER-Chiang Mai Center
    72/2 Raming Nives Village, Tippa-netre
    Hi-ya District, Thailand
    Tel: (66-53) 282-504
    Fax: (66-53) 201-248
    * Outreach, education and skills training for sex workers in Thailand.

17.  Friends Without Borders (FWB)
    P.O. Box 180, Chiang Mai University P.O.
    Chiang Mai 50202, Thailand
    Tel: (66-53) 893-095
    Fax: (66-53) 222-509
    Email: aurora@ksc.th.com
    * Promotes understanding between Thai host community and Burmese migrant workers; campaigns against human rights abuses.

18.  Institute for Population and Social Research (IPSR)
    Mahidol University, Puttamonthon 4 Road
    Salaya, Nakhonpathom, 73170, Thailand
    Tel: (66-2) 441-0201~4  Ext. 244
    Fax: (66-2) 441-9333

19.  The Mekong Subregional Program (MSP-CCA)
    3-6 Chaleonmuang Road
    Chiang Mai 5000, Thailand
    Tel: (66-53) 261-244
    Fax: (66-53) 302-570
    Email: mspcca@chmai2.loxinfo.co.th

VIETNAM

20.  Center of Social Work, Vietnam Youth Federation
    145 Pasteur street, District 1
    Ho Chi Minh City, Vietnam

21.  Research Center for Gender and Family
    Institute of Social Sciences (ISSO)
    49 Nguyen Thi Minh Khai St., Dist.1
    Ho Chi Minh City, Vietnam
22. Research Center for Historical Studies
   Institute of Social Sciences (ISSO)
   49 Nguyen Thi Minh Khai St., Dist.1
   Ho Chi Minh City, Vietnam

23. Social Work and Community Development
   Research & Consultancy Centre (SDRC)
   237/25 Nguyen Van Dau-Phuong 11, Binh Thanh District
   Hochiminh City, Vietnam
   Tel: (84-8) 841-3010
   Fax: (84-4) 515-2488
   Email: sdrc@hcm.vnn.vn

24. Vietnam Women’s Union
   No. 39 Hang Chuoi Street, Hanoi, Vietnam
   Tel: (84-4) 775-1489
   Fax: (84-4) 971-3143

YUNNAN, CHINA

25. China National Children’s Centre, Yunnan Branch
   No. 11 Yongle Lu
   Kunming, Yunnan, P.R.C.
   Tel: (86-871) 409-265
   Fax: (86-871) 414-2394

26. Institute of Sociology Yunnan Academy of Social Sciences (YASS),
   Yunnan Sociology Society
   577 Huancheng Xi Lu
   Kunming, Yunnan, P.R.C.
   Tel: (86-871) 415-4718 or 415-7181
   Fax: (86-871) 414-2394

27. Sociology Institute Yunnan Academy of Sciences (YAS)
   577 Huancheng West Road
   Kunming, Yunnan 650032 P.R.C.
   Tel: (86-871) 512-7548
   Fax: (86-871) 319-6648

28. Yunnan Normal University
UN Agencies and Inter-governmental Organizations

29. Economic and Social Commissin for Asia and the Pacific (ESCAP)
   http://www.unescap.org
   *(Project) Using Legal Instruments to Combat Trafficking in Women and Children.

30. International Labor Organization - International Programme
    on the Elimination of Child Labour (IPEC)
    Regional Office for Asia and the Pacific
    2nd Floor, U.N. Service Bldg.,
    Rajadamnoen Nok Avenue, Bangkok, 10200 Thailand
    Tel: (66-2) 288-1722 / 288-2218
    Fax: (66-2) 288-3063
    http://www.ilo.org
   *(Project) Mekong Sub-regional Project to Combat Trafficking in Children and Women.
    (http://www.ilo.org/asia/child/trafficking)

31. International Organization for Migration (IOM), Bangkok
    8th Floor, Kasemkij Bldg.,
    120 Silom Road, Bangkok, 10500 Thailand
    Tel: (66-2) 235-3538, 9
    Fax: (66-2) 236-7128
    http://www.iom.int
   *(Project) Return and Reintegration of Trafficked and Other Vulnerable Women and Children
       Between Selected Countries in the Mekong Region.

32. United Nations (UN), Bangkok
    United Nations Building
    Rajadamnoen Nok Avenue, Bangkok, 10200 Thailand
    http://www.un.or.th

33. UN Development Program (UNDP)
    Rajadamnoen Nok Avenue
    Bangkok, 10200 Thailand
    Tel: (66-2) 288-2205
    Fax: (66-2) 280-1852
    http://www.undp.org/rbap
   *(Project) UNDP South East Asia HIV and Development Project
    (www.hiv-development.org)

34. UN Education, Scientific and Cultural Organization (UNESCO)
http://www.unescobkk.org
* (Projects) Research on the Trade in Minority Girls and Women from Yunnan, Myanmar/Burma and Lao PDR into Thailand; Social Sentinel Surveillance for Trafficking.

35. UN Inter-Agency Project (UNIAP) on Trafficking of Women and Children in the Mekong Sub-region
14th Floor, United Nations Building
Rajadamnoen Nok Avenue, Bangkok, 10200 Thailand
Tel: (66-2) 288-2213
Fax: (66-2) 280-0556
http://www.un.or.th/TraffickingProject/

36. UN Children’s Fund (UNICEF) East Asia and Pacific Region
http://www.unicef.org/eapro-hivaids
* Carries out various programs in all GMS countries such as HIV/AIDS education, reproductive health, skills training, community support and even cross-border cooperation e.g. between Vietnam and Yunnan.

37. United Nations Development Fund for Women (UNIFEM)
http://www.unifem-esasia.org;
See also: http://www.unifemantitrafficking.org/download/regional.doc
* Carries out various programs in GMS countries including mental counselling for trauma victims in Cambodia as well as venture capital and leadership programs in Thailand.

38. United Nations Population Fund (UNFPA)
http://www.unfpa.org
* Conducts reproductive health and HIV/AIDS training in GMS countries such as skills training, counselling and reproductive health information and services in Laos and awareness-raising.

Other Relevant NGOs and Organizations

39. Asia Against Child Trafficking (AsiaACTS)
Rm 224, LTM Building, Luzon Avenue, Quezon City
Metro Manila, Philippines
Tel: (632) 951-9982
Fax: (632) 952-0280
Website: www.stopchildtrafficking.info
* Child trafficking prevention campaign throughout Southeast Asia, including GMS countries.

40. Asian Cultural Forum on Development (ACFOD)
P.O. Box 26, Bungthonglang
Bangkok 10242, Thailand
Tel: (66-2) 377-9357
Fax: (66-2) 374-0464
Email: acfod@ksc15.th.com
* Capacity and coalition building among migrants.

41. **Association Francois-Xavier Bagnoud (AFBX)**
96 Inya Road, Kamayut Township
Yangon, Myanmar
Email: afxbmyanmar@mptmail.net.mm
Website: www.afxb.org

42. **Burmese Women’s Union**
P.O.Box S2, Mae Hong Son, 58000 Thailand
Tel: 01-4074778
Tel/Fax: (66-53) 612-948 or 245-388
Fax: (66-53) 852-071
Email: Bwuion@chmai2.loxinfo.co.th

43. **Cambodian Women Crisis Center (CWCC)**
Uy Chanthon, #21, Street 282, Boeung Keng Kang 1,
Chamkarmon, Phnom Penh, Cambodia
Tel: (855-23) 720-723 or (855-15) 840-507
Fax: (855-23) 426-009
Email: kcc@forum.org.kh
* Anti-trafficking awareness-raising, counselling, reintegration and crisis services for trafficked women; health care, services for children.

44. **Cambodian Red Cross**
No. 17, St.180, Phnom Penh, Cambodia
Tel: (855-23) 363-055
Email: hivcrc@forum.org.kh
* HIV/AIDS/STDs Community Education Project.

45. **CARAM Cambodia**
193 AEO, St. 63, Sangkat Boeung Keng Kang I
Chamcarmon, Phnom Penh, Cambodia
Mailing address: PO Box 2625, PP. III, Cambodia
Tel: (855-23) 218-065
Email: caram.cam@bigpond.com.kh
* HIV/AIDS prevention assistance and research for vulnerable migrant groups such as Vietnamese sex workers in Cambodia.

46. CARE - Thailand
85-187 Phaholyothin 11, Samsennai, Phayathai
Bangkok 10400, Thailand
Tel: (66-2) 279-5306
Fax: (66-2) 271-4467

47. CARE - Vietnam
93/35, Su Van Hanh Noi Dai, Dist. 10
Ho Chi Minh City, Vietnam
Phone: (84-8) 865-0232
Fax: (84-8) 862-6056
Email: carehcm@vietnam2.org.vn

48. The Center for Reproductive and Family Health (RaFH)
Tel: (84-4) 733-3613
Email: RAFH@hn.vnn.vn
* Reproductive health care for poor families in Vietnam.

49. Center of Social Work, Vietnam Youth Federation
Mailing address: Trung tam cong tac xa hoi thanh thieu nien
Hoi Thanh Nien, Vietnam
Office address: 145 Pasteur street, District 1,
Ho Chi Minh City, Vietnam

50. CHEER/AHO (Association for the Handicapped and Orphans of Hue)
* Revolving Loan Fund Program in Vietnam.

51. Child Workers in Asia
PO Box 29 Chandra Kasem PO
Bangkok, 10904 Thailand
Tel: (66-2) 930-0855
Fax: (66-2) 930-0856
Website: http://www.cwa.tnet.co.th
* Research and advocacy regarding children working in Thailand.

52. Coalition Against Trafficking in Women - Asia Pacific (CATW-AP)
Suite 406, Victoria Condominium
41 Annapolis St., Greenhills, San Juan, Metro Manila 1500, Philippines
Tel. (632) 722-0859
Fax: (632) 722-0755
Email: catw-ap@catw-ap.org
* An international network of feminist groups, organizations and individuals fighting the sexual exploitation of women globally.

53. **Dehong Women’s Federation**
   * Assists in operating a Women and Children’s Development Center which provides service to migrants.

54. **Development and Education Program for Daughters & Communities (DEPDC)**
    P.O. Box 10, Mae Sai, Chiang Rai 57130, Thailand
    Tel: (66-53) 733-186
    Fax: (66-53) 642-415
    Email: depc@ksc.th.com
    * Program seeks to prevent young girls from entering Thai sex trade; activities include education, skills training, rescue and rehabilitation as well as a program to educate street children.

55. **Family Health International (FHI)**
    Arwan Building 8th Floor
    1339 Pracharat 1 Road, Bangsue
    Bangkok 10800, Thailand
    Tel: (66-2) 587-4750
    Fax: (66-2) 587-4758
    Email: ane@fhibkk.org
    * Programs include HIV/AIDS interventions for vulnerable migrants and mobile populations who are not reached by national programs.

56. **Far East Help**
    Website: www.fareasthelp.org
    * Education services, center for street children in Vietnam.

57. **Foundation for Women (FFW)**
    P.O. Box 47, Bangkoknoi, Bangkok 10700, Thailand
    Tel: (66-2) 433-5149
    Fax: (66-2) 434-6774
    Email: FFW@mozart.inet.co.th
    * Provides education, awareness-raising and assistance to women in need, including migrants.
58. **Foundation of Education for Life and Society (FELS)**

47 Phaholyothin Golf Village  
Phaholyothin Road, Larpao, Chatuchak  
Bangkok 10900, Thailand  
Tel: (66-2) 513-3038, 513-4408  
Fax: (66-2) 513-4408  
*Education on community development, scholarship opportunities for poor children.*

59. **Global Alliance Against Traffic in Women (GAATW)**

P.O. Box 36, Bangkok Noi Post Office  
Bangkok 10700, Thailand  
Tel: (66-2) 864-1427  
Fax: (66-2) 864-1637  
Website: http://www.inet.co.th/org/gaatw  
*Research and Action Project on Traffic in Women in the Mekong Region (RA Project).*

60. **Horizons**

Population Council  
02 Dang Dung Street, Hanoi, Vietnam  
Tel: (844) 716-1716  
Fax: (844) 716-1707  
Website: www.popcouncil.org  
*HIV/AIDS and reproductive health programs in GMS countries; assists migrant sex workers such as the Vietnamese sex workers in Svay Pak.*

61. **Images Asia**

Website: www.imagesasia.org  
*Maintains photo journal about Burmese; human rights documentation and publication on Burmese women who migrate to work in the sex industry.*

62. **Jesuit Refugee Service, Asia-Pacific**

24/1 Soi Aree 4 (South), Phaholyothin Soi 7  
Bangkok 10400, Thailand  
Tel: (66-2) 279-1817  
Fax: (66-2) 271-3632  
Email: asia.pacific@jrs.net  
*Provides various services to refugees and migrants in Thailand.*

63. **Kampuchea Christian Council**

No. 54, St. 111, S/K Boeng Prolit, Khan 7 Makara, Phnom Penh, Cambodia
64. Karen Human Rights Group
   Email: khrg@khrg.org
   * Photo diary of Burmese human rights abuses, including abuses experienced by migrants in Thailand.

65. Khemara
   Ottara Padei Wat
   National Rt. 5, Russey Keo, Mittapheap
   Phnom Penh, Cambodia
   Tel/Fax: (855-23) 360-134
   * Svay Pak Sex Worker Program, Literacy Program, Women in Crisis Program, Women in Business Program, Networking Publications and Research Program, Community Health Program, Child Development Program.

66. Lao Evangelical Church
   Luangprabang Road, P.O.Box 615
   Vientiane, Lao PDR
   Tel: (856-21) 217-541, 216-222
   Fax: (856-21) 216-052
   * Provides migration-related assistance with focus on HIV issues; also does reintegration training for village and church leaders in Lao PDR.

67. LPR Youth Union
   Phon Than
   P.O.Box 736, Vientiane, Lao PDR
   Tel: (856-21) 417-107
   Fax: (856-21) 416-727
   * Anti-trafficking awareness-raising, community activities and skills training for Lao youth.

68. LPR Women Union
   Vientiane, Lao PDR
   Tel: (856-21) 214-305, 215-840
   Fax: (856-21) 214-306
   * Counselling services for trafficked women, awareness-raising campaigns.

69. MAYA: The Art and Cultural Institute for Development
   189 Lardprao 96, Bang Kapi
   Bangkok 10310, Thailand
Organizations

Tcl: (66-2) 538-1404, 931-8799, 931-8792
Fax: (66-2) 931-8746
* Conducts various programs such as theatre-in-education program and media production service which incorporate human rights education.

70. **Muslim Service Center**
* Provides assistance to Burmese migrants in Yunnan, China to deal with problems, including work-related issues and problems with PRC authorities.

71. **Myanmar Maternal and Child Welfare Association**
Corner of Than-Thu-Mar Road and Parami Road
South Okkalapa Township
Yangon, Union of Myanmar
Tel: (951) 571-123
Fax: (951) 572-104
Website: www.mmcwa.org
* Reproductive health care and education, child care services, student scholarships, literacy and income generation programs.

72. **Oxfam Hong Kong**
17/F China United Centre
28 Marble Road, North Point, Hong Kong
Tel: (852) 2520-2525
Fax: (852) 2789-9545
Email: admin@oxfamhk.org

73. **Oxfam Solidarity - Belgium**
Office: 60/5 Sinsangvone Rd, Ban Thatluang Tai, Vientianne, Lao PDR
Mailing addr: c/o Oxfam Belgium, P.O. Box 4723, Vientiane, Lao PDR
Tel: (856-21) 450-863, 450864
Fax: (856-21) 414-660
Email: oxfamsol@laotel.com

74. **Radio Thailand (RT)**
Website: www.prd.go.th/mcic/radio.htm
* Broadcasts awareness-raising campaigns and other migrant-related content in indigenous languages.

75. **Ruili Burmese Muslim Association**
* Provides education and community services for Burmese migrants in Ruili.
76. **Ruili Women’s Federation**  
* Assists in operating a Women and Children’s Development Center which provides services to migrants.

77. **Save the Children Fund – UK**  
99/5 Sukumvit Rd., Soi 4, Soi.Samaharn, Klong Toey  
Bangkok 10110, Thailand  
Tel: (66-2) 251-7851, 656-8114-5  
Fax: (66-2) 255-7054, 255-0754  
* Research on migrant issues in GMS.

78. **Save the Children - UK, Vietnam Office**  
c/o La Thanh Hotel  
218 Doi Can Ba Dinh District  
Hanoi, Vietnam  
Tel: (844) 832-5319  
Fax: (844) 832-5073  
Website: www.savethechildren.org.uk  
* Carries out programs to promote children’s rights and health through social development; currently implementing HIV/AIDS programs in GMS countries.

79. **Save the Children - China Programme**

80. **Save the Children - Norway (Redd Barna)**  
* Programs include education and child labor exploitation prevention in GMS countries such as Cambodia and Lao PDR.

81. **Social Work and Community Development Research & Consultancy Centre (SDRC)**  
237/25 Nguyen Van Dau-Phuong 11,  
Binh Thanh District,  
Hochiminh City, Vietnam  
Tel: (84-8) 841-3010

82. **South-East Asia Regional Group**  
**Asia Partnership for Human Development (APHID)**  
Website: www.aphd.or.th  
(Also see http://www.devp.org/spd/pays-a/asieduse-a.pdf)  
* Consortium founded by Development and Peace with programs in GMS countries, providing assistance to migrants through protection and defense of migrant workers’ rights, and human rights advocacy.
83. **Women’s Education for Advancement and Empowerment (WEAVE)**

   P.O. Box 58, Chiang Mai University
   Chiang Mai 50202, Thailand
   Tel: (66-53) 278-945
   Fax: (66-53) 810-500
   Email: weave@cm.ksc.co.th

   * Carries out various programs to assist Burmese women, including migrants, through such programs as the Committee for Coordinating Services for Displaced Persons in Thailand and the Burma Border Consortium.

84. **Women’s League of Burma**

   Chiang Mai, Thailand
   Email: wlb@loxinfo.co.th

85. **World Relief**

   * Health care, income generation and small loans programs in Cambodia.

86. **World Vision- Cambodia**

   P.O. Box 479
   Phnom Penh, Cambodia
   Tel: (85-52) 342-7054
   Fax: (85-52) 342-6220

   * Area development programs, services for children such as Phnom Penh Street Children Project, HIV/AIDS prevention programs.

87. **World Vision- Thailand**

   PO Box 528 Prakanong
   Bangkok 10110, Thailand
   Tel: (66-2) 381-8863
   Fax: (66-2) 711-4102
   Website: www.worldvision.or.th

   * Area development programs, Trafficking Project, and Girl-child Anti-prostitution project.

88. **World Vision- Myanmar**

   16, Shinsaw Pu Road, Alone Township, Yangon, Myanmar
   Email: wvm@mptmail.net.mm

   * Education, health care and HIV/AIDS awareness-raising, skills training.
89. Yunnan Women’s Federation

* Conducts research on migration of women from Yunnan into Southeast Asia.
Migration Needs, Issues and Responses in the Greater Mekong Subregion

A Resource Book

Asian Migrant Centre
Mekong Migration Network

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