RESOURCE BOOK

Migration in the Greater Mekong Subregion
(Second edition)

Mekong Migration Network • Asian Migrant Centre

With the support of
The Rockefeller Foundation

November 2005
Resource Book
Migration in the Greater Mekong Subregion

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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 Migrants Rights International.
monograph series, training manuals, posters, and other research outcomes. To find out more about
The Mekong Migration Network (MMN) stemmed out of a loose network of the research partners for a 2001-2002 collaborative research project funded by the Rockefeller Foundation, and was officially formed in October 2003. The following is the list of member organizations as of October 2005.

CAMBODIA
1. Cambodian Women for Peace and Development (CWPD)*
2. Cambodia Human Rights and Development Association (ADHOC)
3. The Cambodian Human Rights Task Force
4. Cambodia Labour Organisation
5. Cambodian Women's Crisis Center (CWCC)
6. CARAM Cambodia
7. KHEMARA
8. Khmer Kampuchea Krom Human Rights Organization (KKKHRO)
9. Legal Support for Children & Women
10. Overseas Vietnamese Association
11. Program for Appropriate Technology in Health (PATH) – Cambodia
12. Women and Youth Action

CHINA
13. Migrant Workers Education and Action Research Centre, Beijing*
14. The Institute of Contemporary Observation (ICO)
15. Ruili Women and Children Centre
16. Society of Strengthening Capability of Women and Communities
17. Yunnan Floating Population
18. Yunnan Reproductive Health Research Association

LAO PDR
19. Faculty of Social Sciences, National University of Laos*
20. Lao Women Union

THAILAND
21. Migrant Assistance Program (MAP)*
22. Thai Action Committee for Democracy in Burma (TACDB)
23. Action Network for Migrants in Thailand (ANM)
24. Asian Research Center for Migration (ARCM), Chulalongkorn University
   – Office for Thai Workers Overseas (TWO)
27. Catholic Migration Commission (CMC) - Women’s Desk
28. EMPOWER-Chiang Mai Center
29. EMPOWER-Mae Sai Center
30. Federation of Trade Unions - Burma (FTUB)
31. Foundation For Women
32. Institute for Population and Social Research (IPSR), Mahidol University
33. Maryknoll Thailand - Office for Migrants at Immigration Detention Center in Bangkok
34. The Mekong Subregional Program-Christian Conference of Asia (MSP-CCA)
35. Program for Appropriate Technology in Health (PATH) - Thailand
36. Shan Women’s Action Network (SWAN)

VIETNAM
37. Southern Institute of Social Sciences*
38. Education and Psychology Association - Ho Chi Minh City
39. Social Work and Community Development Center
40. Social Work and Community Development Unit
41. Sunflower Vocational Training Unit

REGIONAL
42. Asian Migrant Centre (AMC)/Secretariat for the MMN

MMN PROJECT PARTNERS
43. Rockefeller Foundation
44. OXFAM Hong Kong

*Country Research Team coordinator
While a large number of people migrate from the GMS countries to other richer countries outside the GMS, intra-Mekong migration has been increasing in volume. Today, there are an estimated 1.8-3 million migrants in the GMS. The main destination for migrants in the GMS is Thailand, while Cambodia and Yunnan are also host to both long-term immigrants and migrant workers. With a number of highway projects and the ASEAN visa-free arrangement in progress, intra-GMS mobility is expected to increase. At the same time, the GMS countries are tightening regulations on cross-border labor migration, where in the past people have migrated to neighboring countries mostly through informal crossings.
Migration Flow

To India

LEGEND

Kachin
Any
Chin, Burman
Arakan
To Bangladesh
Rohingya
To Thailand
Shan
Karen
Kayan
Mon
Burman
Muslim
To Burma
By air to
MALAYSIA
SINGAPORE
To upper
Northern
Thailand
To Tak province
or Central Thailand
To Southern
Thailand
To Malaysia
# Burma Basic Migration & Socio-Economic Data

## A. Total Stock (Number) of Migrants, as of 2004

<table>
<thead>
<tr>
<th>Estimated stock: Migrants outside the country</th>
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<td>168</td>
<td>188</td>
<td>203</td>
<td>206</td>
<td>209</td>
<td>212</td>
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<tr>
<td>% Population living below poverty line</td>
<td>10.4</td>
<td>9.7</td>
<td>9.5</td>
<td>9.3</td>
<td>9.1</td>
<td>8.9</td>
<td>8.7</td>
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<td>Labor force (million)</td>
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<td>34.9</td>
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<td>2 Country Name</td>
<td>7 Country Name</td>
</tr>
<tr>
<td>3 Country Name</td>
<td>8 Country Name</td>
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<tr>
<td>4 Country Name</td>
<td>9 Country Name</td>
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<tr>
<td>5 Country Name</td>
<td>10 Country Name</td>
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<tr>
<td>6 Country Name</td>
<td>1 Country Name</td>
</tr>
<tr>
<td>7 Country Name</td>
<td>2 Country Name</td>
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<tr>
<td>8 Country Name</td>
<td>3 Country Name</td>
</tr>
<tr>
<td>9 Country Name</td>
<td>4 Country Name</td>
</tr>
<tr>
<td>10 Country Name</td>
<td>5 Country Name</td>
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#### B. Annual Socio-Economic Data and Migration Flow

<table>
<thead>
<tr>
<th>Indicators</th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
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</thead>
<tbody>
<tr>
<td>Population (million)</td>
<td>61.4</td>
<td>61.9</td>
<td>62.3</td>
<td>62.35</td>
<td>64.87</td>
<td></td>
<td></td>
</tr>
<tr>
<td>% Population living below poverty line</td>
<td></td>
<td></td>
<td></td>
<td>10.4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Economic growth: real GDP (%)</td>
<td>-0.8</td>
<td>4.2</td>
<td>4.6</td>
<td>1.8</td>
<td>3.8</td>
<td>6.7</td>
<td></td>
</tr>
<tr>
<td>Per capita GDP (USD)</td>
<td>1,900</td>
<td>2,046</td>
<td>2,029</td>
<td>1,887</td>
<td>2,050</td>
<td>2,291</td>
<td></td>
</tr>
<tr>
<td>Per capita GDP: purchasing power parity (USD)</td>
<td></td>
<td></td>
<td></td>
<td>7,010</td>
<td>7,400</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inflation rate: CPI (%) (annual average)</td>
<td>8.1</td>
<td>0.3</td>
<td>1.6</td>
<td>1.6</td>
<td>0.4</td>
<td>1.8</td>
<td></td>
</tr>
<tr>
<td>Exchange rate (local currency per USD; annual avg.)</td>
<td>41.36</td>
<td>37.81</td>
<td>40.11</td>
<td>43.43</td>
<td>43.98</td>
<td>41.48</td>
<td></td>
</tr>
<tr>
<td>Total foreign debt (USD billion; yearend)</td>
<td>104.9</td>
<td>96.8</td>
<td>79.7</td>
<td>69.4</td>
<td>62.5</td>
<td>53.75</td>
<td></td>
</tr>
<tr>
<td>International reserves (USD billion; yearend)</td>
<td>29.5</td>
<td>34.8</td>
<td>32.7</td>
<td>33.04</td>
<td>38.8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Foreign direct investment (USD billion; yearend)</td>
<td>7.32</td>
<td>6.21</td>
<td>3.37</td>
<td>2.15</td>
<td>0.49</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trade balance (USD billion; yearend)</td>
<td>10.6</td>
<td>3.35</td>
<td>34.9</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Labor force (million)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unemployment rate (% of labor force)</td>
<td>4.5</td>
<td>4.2</td>
<td>3.2</td>
<td>3.9</td>
<td>2.9</td>
<td>2.9</td>
<td>2.2</td>
</tr>
<tr>
<td>Underemployment rate (% of labor force)</td>
<td>8</td>
<td>4.2</td>
<td>4.1</td>
<td>3.5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average income: urban (local currency/month)</td>
<td>12,492</td>
<td>12,729</td>
<td>12,150</td>
<td>13,418</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Annual outflow of MWs</td>
<td>13,017</td>
<td>18,433</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Annual inflow of MWs</td>
<td></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>
<td></td>
</tr>
<tr>
<td>Annual inflow of MWs</td>
<td></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>
<td></td>
</tr>
<tr>
<td>Annual migrants’ remittance (USD billion)</td>
<td>1.8</td>
<td>1.3</td>
<td>1.7</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HIV/AIDS adult prevalence rate</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1.5</td>
</tr>
<tr>
<td>(adult PLHA as % of adult population)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td># People living with HIV/AIDS (thousand)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>570,000</td>
</tr>
<tr>
<td># AIDS death during the year (adults + children)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>58,000</td>
</tr>
</tbody>
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In September 2001, the Asian Migrant Centre and more than 20 regional and national research partners in the six countries of the Greater Mekong Sub region (GMS) initiated a collaborative action research project entitled “Migration in the Mekong”. The first phase of the project concentrated on joint research to map out the issues, needs and strategies related to cross-border migration in the GMS. The primary objectives of the project were to take stock of the available information on the said topics through secondary and primary research, to analyze the gaps, and to further identify strategic areas of intervention by various sectors.

The first annotated bibliography and resource book on migration in the GMS were published in 2002 as outcome publications of that project. While the bibliography serves to provide a comprehensive guide to the kind of information available on the issue, the resource book is aimed to serve as a reference for NGOs, governments, IGOs, and advocates in formulating responses and programs. It also aims to popularize the issues of intra-Mekong cross-border migration and increase public awareness regarding the issues faced by migrants in the sub-region.

Following the completion of the first phase of the project, the project partners of the first phase as well as other interested organizations from the region met again in Phnom Penh, Cambodia in October 2003. All the participants felt it would be desirable to form a network through which they could exchange information and conduct joint programs, due to the difficulty in assessing the issues and effectively advocating for the protection of migrants without cross-border collaboration. It was in this context that Mekong Migration Network (MMN) was launched.

MMN then came up with a plan of action identifying the following four areas of joint action: 1) information monitoring/research, 2) advocacy, 3) capacity building, and 4) networking. In line with the first objective, MMN planned to regularly publish both an annotated bibliography and a resource book. We feel that an action oriented network like MMN, whose member organizations work on comprehensive areas of migration — e.g. research, organizing, training, and the provision of emergency relief and health support to migrants — on a day-to-day basis, has a unique advantage in assessing the available information from a grounded perspective. Moreover, the network also provides a forum for resolving differences in the partners’ understanding of the issues, which sometimes vary from a country to country, and identifying a sub-regional solution.

The annotated bibliography published earlier this year and this resource book are the second volumes of the series. For the second volume of the resource book, MMN decided to conduct an in-depth study on the “quality of life” of migrants while continuing to study the overall situation of migrants including updates on migration related policies. Initially, when the MMN discussed the research plan, the term “working and living conditions of migrants” was used. However, through continued discussion, it was suggested that we change the term to “quality of life” in order to analyze migrants’ issues from more holistic perspectives. For example, if a migrant has a decent living and working conditions, but no time to rest, have fun, or fall in love, can it be said that he/she enjoys a
quality of life? MMN feels it is vital to always keep in mind that migrants are not only workers but human beings who are entitled to basic human rights.

For the research on the quality of life of migrants, country research teams (CRTs) were formed in each of the GMS countries. CRTs then conducted research on the topic in their respective countries. Most of the CRTs also visited other relevant countries to cross-examine the issues. In September 2004, an MMN workshop was held to critique the draft country reports. Respective CRTs, as well as MMN members who were not part of the CRTs, gave invaluable inputs to the draft reports. Each CRT then finalized their country report and submitted it to AMC.

Each country report was initially independent from the others, however, following the recommendation from the MMN Steering Committee, it was decided to combine information from different country reports and rewrite the reports for the purpose of publishing a resource book. As such, each section of this book does not necessarily represent a position of a particular CRT, but is rather a compendium of the findings (for example, the situation of migrants in Cambodia are written based on the findings of the Cambodia CRT as well as the Vietnam CRT). Information, analysis and recommendations found throughout the book are thus joint positions of the MMN.

This resource book is organized as follows:

1) The regional map is aimed at demonstrating the overall migration flows within and outside the GMS.

2) The six country maps are aimed at demonstrating more-detailed cross-border migration routes into and out of the respective countries. Internal movement of people within a country is not necessarily reflected in the map due to limited space.

3) The six country tables of migration and socio-economic data serve as a basic reference in understanding each country’s situation.

4) The Regional Overview summarizes the political and economic situation as well as the migration situation in the GMS. The regional recommendations are based on the gaps in the existing policies and responses in the sub-region and are addressed primarily to regional and international bodies.

5) Five reports (Burma, Cambodia, China, Lao PDR, Vietnam) in the “Quality of Life at Home” chapter discuss in detail the situation in the migrants’ home countries, including the political and economic situation as well as issues faced by migrants at the pre-migration, and return, and reintegration stages.

6) Three reports (Thailand, Cambodia, China) in the “Quality of Life of Migrants” chapter discuss in detail the policies and issues faced by migrants in the migrant host country. The Thailand report also includes information regarding the political and economic situation.

7) Appendices include MOUs, statements and agreements relevant to migration in the GMS.

8) The list of organizations at the end of the book includes MMN member organizations, MMN contacts/research partners, and other relevant organizations working on migration-related issues.

Through a number of meetings and discussions in addition to the country research, conducting this
joint research has helped the MMN to deepen its understanding of migration issues as well as to consolidate the network. We also hope that this book will help readers, especially migrant advocates, policy-makers and researchers, in conducting studies on migration in the GMS.

We continue to conduct joint information monitoring and research in the GMS. While we have done our best conduct this research to our utmost we are committed to further improving the quality of our research over the coming years. Any comment about this book or regarding research on migration in the GMS in general will thus be most appreciated. Organizations working on migration issues in the Mekong who are interested in working with the MMN or joining the MMN are also most welcome to contact us.

Mekong Migration Network
Asian Migrant Centre
November 2005
We would like to sincerely thank the following people, organizations and research partners who took part in the joint research.

**Country Research Teams (CRTs):** Most of the CRTs are members of the Mekong Migration Network (MMN). This collective research process helped the MMN to strengthen its ties and further consolidate its base for future action.

**Cambodia CRT**
- Chou Bun Eng, Cambodian Women for Peace and Development (CWPD); acted as the coordinator for the Cambodia CRT
- Chou Bun Lean, PROMDAN
- Uch Pouh, CWPD
- Yin Hakley & Ray Serey Leakhena, Women and Youth Action
- Thanh Hua, Vietnamese Association
- Meas Saneth, CARAM Cambodia
- Sin Kim, KHEMARA

**China/Yunnan CRT**
- Han Jialing, Migrant Workers Education and Action Research Centre; acted as the coordinator for the China CRT
- Zhang Da Yu, Yunnan Floating Population
- Li Chunru, Yunnan Reproductive Health Research Association
- Pu Hongyan
- Zhao Peilan, Society of Strengthening Capability of Women and Communities

**Lao PDR CRT**
- Kabmanivanh Phouxay, National University of Laos (NUOL); acted as the coordinator for the Laos CRT
- Phouth Simmalavong, Bountavy Sosamphanxay, Phombouth Sadachit & Kenchanh Sinsamphanh, NUOL
- Ninpaseuth Sayaphonsy, Lao Women Union
- Vilaythone Sounthonxaymongkhoune, Ministry of Foreign Affairs
- Bounkham Sihalath, Ministry of Labor and Welfare

**Thailand CRT**
- Jackie Pollock and her colleagues, MAP Foundation; Jackie acted as the coordinator
for the Thailand CRT

- Adisorn Kerdmongkol, Action Network for Migrants
- Myint Wai, Thai Action Committee for Democracy in Burma
- EMPOWER Mae Sai & Chiang Mai
- Federation of Trade Union-Burma
- Shan Women Action Network
- Yaung Chi Oo Workers Association

**Vietnam CRT**

- Huynh thi Ngoc Tuyet, Institute of Southern Social Sciences; acted as the coordinator for the Vietnam CRT
- Le thi My Huong, Sunflower Vocational Training Unit
- Le thi Thuy, Social Work & Community Development Unit
- Bui Xuan Thanh, Saigon Children’s Charity

All of the CRT coordinators are also members of MMN Steering Committee. Without the commitment of MMN SC, MMN would not have been able to develop into such an active network.

We would like to thank all of the MMN members who attended the workshop held in Chiang Mai on 28-29 September 2004 to critique draft reports; their invaluable feedback and discussions were extremely helpful to us in finalizing the reports.

The following people helped us in finalizing and publishing this book:

- Erika Larson, for synthesizing and editing several reports;
- John Lindsay, for editing the China report;
- Christina DeFalco, for proof-reading;
- Boyet Rivera, for a beautiful cover and layout;
- Reiko Harima, the MMN secretariat, for coordinating the MMN joint research, writing a regional overview and editing the country reports; and
- Rex Varona, for giving advice and input on the project.

Finally, we would like to thank Dr. Rosalia Sciortino and her staff at the Rockefeller Foundation, without whose support this book and the Mekong project would not have been possible. We especially thank them for their continuous encouragement and understanding throughout the whole process.

We would also like to express our sincere gratitude to all the others who are not named here but who contributed their time, expertise and effort to make this project a success.

Thanks to all!

Asian Migrant Centre
Mekong Migration Network
November 2005
1. Background of the Research

In October 2003, when the Mekong Migration Network (MMN) was officially launched, the members established a plan of action, which included the four areas for joint action by MMN, namely, research, capacity building, advocacy, and networking. This plan of action included suggested themes for the MMN joint research for the coming few years. The theme, “working and living conditions of migrants” was then selected for the next research.

Following the MMN plan of action, the MMN Steering Committee (SC) met in March 2004 to finalize a research design drafted by AMC. It was during this meeting that MMN SC suggested to call the theme “quality of life” rather than working and living conditions. We wanted to emphasize that migrants are not only workers, but human beings who are entitled to a wide range of rights: for example, if a migrant worker earns a decent wage and lives in a decent accommodation, but has no time or chance to enjoy her/his personal life such as playing sports or falling in love, we cannot say he/she enjoys a high quality of life.

The regional research design approved by the SC included seven specific questions for the research: 1) describe the general cross-border labor migration processes/flow in the GMS; 2) describe the quality of life of migrants; 3) identify and analyze the important factors that affect the quality of life of migrants; 4) point out whether there are significant differences or particularities, as well as similarities or commonalities in the quality of life of migrants in the country depending on the nationality/race/ethnicity, job category, gender, or other demographic characteristics; 5) analyze whether, and if so, how, the MOUs help improve the quality of life of migrants; 6) examine the perceptions towards migration and migrants in both home and host countries; and 7) assess what practical and strategic responses exist in relation to migration issues in the GMS.

The research had the following objectives: 1) to conduct an in-depth study to answer the questions stated above; 2) to make recommendations and action plans towards improving the quality of life of migrants; 3) to disseminate the information and findings of the research and to use as advocacy materials; 4) to strengthen the partnership and cooperation among the MMN through the joint research; and 5) to jointly analyze and understand the issues and come up with regional recommendations.

The research will focus on cross-border labor migration within the GMS. Thus, the issues related to Thai migrants outside the GMS, Vietnamese mail order brides outside GMS, or migration of professionals/businessmen/traders within the GMS, for example, were outside the focus of this study.

Aside from the in-depth quality of life study, it was agreed that each country research team (CRT) would regularly monitor general information such as migration-related statistics and policies, among others.

The research design also specified that the framework of analysis would be based on a human rights framework and would be gender specific and gender sensitive whenever possible and relevant.
2. Country Research

Once the regional research design was adopted, the MMN SC went back to their respective countries where they formed a CRT. Each CRT then adjusted the research guideline to meet the specific nature/condition of the respective country.

In some cases, CRT representatives visited other relevant countries. The Vietnam CRT visited Cambodia; and representatives from Thailand visited Lao PDR and Burma. AMC staff visited all six countries to discuss the research processes with the CRTs. The MMN also found opportunities at other international and regional meetings they attended to collectively discuss the research findings.

In September 2004, the MMN held a workshop where each CRT presented the initial findings or draft reports of the country research. Most of the MMN members were present at this meeting, and provided invaluable feedback on the presentations made by the CRTs. The CRTs then went back to their respective countries to finalize the reports.

In November 2004, the MMN SC met again to discuss some unresolved issues about the research, and to plan for the launching of the book. The MMN SC then suggested to revise the structure of the resource book. The book was originally planned to include six country reports, similar to the first resource book published in 2003. However, as the MMN is now in a better position to come up with joint analysis (wherein the 2002-2003 research was only the first attempt for these groups to work together on a joint research), the SC decided to consolidate information coming from different CRTs and put them together following the newly structured format. For example, much of information compiled by the Cambodia CRT refers to the working and living conditions of Cambodian migrants in Thailand, while the Thailand CRT also studied similar issues. Similarly, the Vietnam CRT research made findings about the conditions of Vietnamese migrants in Cambodia, as did the Cambodia CRT. Accordingly, it seemed to make more sense that such information be combined.

It was decided that the Thailand CRT (as they would have to compare their findings with three other sending countries) and AMC would be in charge of rewriting the reports based on the above-mentioned suggestion.

Unfortunately, the Boxing Day tsunami in December 2004 unexpectedly froze much of the process for several months, as the Thailand CRT members had to focus on the provision of humanitarian aid to migrants affected by tsunami in the southern Thailand and to assist the migrants in re-registering their work permits.

By mid-2005, the Thailand CRT was able to re-focus its work on the MMN research. While much of the information was already consolidated by that time, the CRTs encountered some difficulties in consolidating common positions. However, through meetings and exchange of emails, all the parties involved tried their best to finalize the reports.

The following is the summary of the research methodologies used in respective countries.

Burma (Myanmar)

Interviews covered 36 villages and 12 townships over three states and three divisions. 271 persons
participated in migrant interviews. The interviewees were ex-migrants, current migrants, potential migrants, community authorities, youth leaders, and religious leaders. In addition to religious leaders representing various denominations, a number of interviewees belonged to various ethnic groups. The majority of interviewees were aged 18 or older, with a handful of respondents under 18. Interviewing techniques used were Focus Group Discussions (FGD), Individual In-depth Interviews (III), and Key Information Interviews (KII).

Cambodia

The Cambodia CRT conducted FGDs with current migrants who had returned to Cambodia to visit their families. Interviewees were all employed in Thailand, working in the agriculture, fishery, and construction sectors. Of 68 total interviewees, 41 persons or 62% were male, and 25 persons or 38% were female. Ages ranged from 18 to 58, with the majority (70%) between the ages of 30 to 42. Interviewees were mostly undereducated, with only 5% reporting having finished grade nine, and 70% reporting illiteracy. The majority (68%) are married, while 25% are single, and 7% divorced. None of the interviewees possessed work permits or visas.

China (Yunnan Province)

The China CRT gleaned research from literature reviews, key informant interviews, field visit interviews, and FGDs between July and October of 2004. Research was carried out in Kunming, Hekou, Ruili, and Wenshan Prefecture. In Kunming, interviews and FGDs were held in collaboration with organizations such as Save the Children Foundation-China and the Women’s Federation. In Hekou, interviews and FGDs were held with the Women’s Federation, four sex workers and three mamasans. In Ruili, interviews and FGDs were held with the Women’s Federation, the Ruili Women and Children’s Center, 25 men and women of the local Burmese community, and 21 rural villagers. In Wenshan Prefecture, in collaboration with the Women’s Federation, interviews and FGDs were conducted with 26 female migrants from Vietnam. Research limitations included the time restrictions as well as social attitudes about sensitive subjects such as migration and/or sex work. Such attitudes made respondents occasionally reticent to give too much or honest information, which makes it difficult for the China CRT to collect and share accurate data.

Lao PDR

Lao PDR studies were conducted in five villages in three districts, chosen for their comparatively higher rates of outward migration and for the cooperation of local authorities: Nong Beuk Tay Village, Sikhottabong District, Vientiane Capital City; Don Khouang and Nakham Villages, Nongbok District, Khammoune Province; and Nateuy Neua and Phai Villages, Champhe District, Savannakhet Province. The Lao CRT interviewed 205 people; this group reported having a total of 101 family members working in Thailand, 40% of whom are female. Most of the interviewees were Buddhists by faith, and belonged to the Lao Loum ethnicity. Nearly all of them earned their living from agriculture. The CRT conducted research by reviewing literature, collecting questionnaires from local authorities, and interviewing migrants’ parents and key informants. Village chiefs and other respected local authorities were also interviewed, as were returned migrant workers. FGDs were carried out with
families of migrants working in Thailand and returned migrant workers, wherein villagers were divided into five groups of six to nine respondents. In order to get an overview of immigrants’ situation in Lao PDR, the CRT also conducted two FGDs with the Committee of Chinese and Association of Vietnamese Immigrants in Lao PDR.

**Thailand**

The Thailand CRT, while following the regional research guideline, chose two issues, namely, working conditions and personal/leisure time of migrant workers, as their particular study focus. The rationale behind this decision was that little had been discussed on the leisure time of migrant workers whereas much had been discussed on the working and living condition of migrants. Occupational Health and Safety conditions were also analyzed, so as to focus on the actual conditions faced by migrants, rather than focusing on labor laws. Most respondents were Burmese migrants living and working in Thailand, but Laotian respondents were also included.

Starting July 2004, the CRT coordinators sent out the questionnaires to the research members, all of whom were working on migration issues. Organizations based in Chiang Mai, Mae Sai, and Bangkok collaborated on the research. A total of 11 FGDs were conducted. Much of the information was also consolidated from the literature and researchers’ knowledge based on their long experience of working with migrants or helping with migrants’ labor cases.

Some of the restrictions of this research included the following. 1) Questions and responses were mostly carried out via email without a phone call follow-up. The CRT coordinator and sub coordinators did not have enough time to thoroughly follow up with all the organizations involved in the research, as they were swamped by work that often involved emergencies. 2) The CRT sometimes faced difficulty ensuring the consistency of information. For example, researchers say migrants make THB200 a day, but actually this may not be exactly true, as the workers may only in fact have one day during which they are making THB200, while on other days they do not earn anything. The CRT coordinators thus tried to ask researchers the exact situation the workers described in order to get an accurate information/conclusion. 3) During the interviews or FGDs with migrants, the research members also encountered some technical problems, as, for example, some migrants had non-standard definitions of the word “week”, and questions regarding the migrants’ “work week” could be misinterpreted if the interviewer did not double check as to what the migrants were actually referring.

**Vietnam**

Research was carried out using a participatory approach, including the involvement of migrants and their families, local mass organizations, and local authorities at commune and district levels. The Vietnam CRT conducted FGDs and in-depth interviews with migrants, returnees and their families, and carried out key informant interviews with leaders of mass organizations, social institutions, and authorities. In addition, FGDs were held with the parents of internal migrants, potential migrants, and “mail-order” brides. The CRT collected data from reports, reviews, journals, newspapers, websites, and minutes of meetings, workshops, and conferences. The Vietnam CRT, through coordination with the Cambodian NGOs working on migration issues, visited Cambodia, where FGDs, in-depth interviews, and informal discussions were held with Vietnamese migrants.
Because of time restrictions, interviews were not conducted with Vietnamese migrants to China and Lao PDR. Additionally, all the research members were based in Ho Chi Minh City, and there was a lack of participation from researchers and authorities in the northern and central regions of Vietnam, creating a lack of updated information on migration flows, including human trafficking, from those regions into China and Lao PDR. Finally, the widespread phenomenon of undocumented migration made it difficult to obtain realistic quantitative data on Vietnamese workers in the GMS.

3. Usage of Terms

- Quality of Life
  As explained earlier, the term “quality of life” was selected for the in-depth study of this research. Though the MMN CRTs did not have a fixed definition of this term, we generally agreed that comprehensive elements of one’s life, including political, social, economic, and cultural rights, need to be satisfied in order to have a good quality of life. However, in the practice of conducting research, the definition of the term may have become more focused, depending on the definition given by migrants themselves. For example, being “free from the fear of arrest” or “able to access clean water” may be the most immediate need that migrants have in order to improve their quality of life.

- Burmese
  While the people migrating from Burma come from various different ethnic groups, we have used the term “Burmese migrants” to refer to migrants from Burma/Myanmar for convenience.

- GMS
  While there are disagreements on the proper term to be used for this sub-region, the term “GMS” has been used for this book for convenience (without implying endorsement).

- Migrants/immigrants
  The term “migrant” refers to a person residing in a place other than their place of origin for a temporary period, while “immigrant” refers to a person who has settled in a place more permanently. In this book, people in these two categories are classified differently wherever possible. However, in some cases it was difficult to clearly divide these two due to the history of migration in the GMS. For example, if people have migrated to the other country generation(s) ago, but have not yet gained residency or are not officially recognized as an immigrant in that country, it was hard to determine what to call these people. Thus, in cases where there are grey areas, they were generally referred to as “migrants”.
ACMECS ................. Ayeyawady-Chao Phraya Mekong Economic Cooperation Strategy
ADB ..................... Asian Development Bank
AIDS ..................... Auto Immune Deficiency Syndrome
AMC ..................... Asian Migrant Centre
APEC ..................... Asia-Pacific Economic Cooperation
ARV ..................... Anti Retroviral
ASEAN ................... Association of Southeast Asian Nations
ASEM ..................... Asia-Europe Meeting
CARAM .................. Coordination of Action Research on Aids and Mobility
CBO ..................... Community Based Organization
COMMIT .................. Coordinated Mekong Ministerial Initiative on Trafficking
CWPD ..................... Cambodian Women for Peace and Development
DoLISA ................... Department of Labor, Invalids and Social Affairs (Vietnam)
EAS ..................... East Asian Summit
ECS ..................... Economic Cooperation Strategy
EU ..................... European Union
FTA ..................... Free Trade Agreement
FTUB ..................... Federation of Trade Unions, Burma
GDP ..................... Gross Domestic Product
GMS ..................... Greater Mekong Sub region
GO ..................... Government Organization or Agency
HIV ..................... Human Immunodeficiency Virus
IDC ..................... Immigration Detention Center
IGO ..................... Inter-Governmental Organization
ILO ..................... International Labour Organization
INGO ..................... International Non-Governmental Organization
IOM ..................... International Organization for Migration
IPEC ..................... International Programme on the Elimination of Child Labour
Lao PDR .................. Lao People’s Democratic Republic
LDC ..................... Least Developed Country
MFA ..................... Multi-Fiber Agreement
MFA ..................... Migrant Forum in Asia
MAP ..................... Migrant Assistance Programme (Thailand)
MoLISA .................. Ministry of Labor, Invalids and Social Affairs (Vietnam)
MoLVT ................... Ministry of Labor and Vocational Training (Cambodia)
MoSALVY ........................... Ministry of Social Affairs, Vocational Training and Youth Rehabilitation (Cambodia)
MOU ................................. Memorandum of Understanding
MRC ................................. Mekong River Commission
NAFTA .............................. North American Free Trade Agreement
NGO ................................. Non-Governmental Organization
PAR ................................. Participatory Action Research
PPA ................................. Participatory Poverty Assessment
PPP ................................. Purchasing Power Parity
PRC ................................. People’s Republic of China
SARS ................................. Severe Acute Respiratory Syndrome
SEAHIV .............................. South East Asia HIV and Development Program
SEAPRO ............................. Southeast Asian and Pacific Regional Office
SLORC .............................. State Law and Order Restoration Council (Burma)
SOE ................................. State Owned Enterprise (China, Vietnam)
SPDC ................................. State Peace and Development Council (Burma)
STD/I ................................. Sexually Transmitted Diseases/Infection
TAC ................................. Treaty of Amity and Cooperation
TAG ................................. Tsunami Action Group (Thailand)
TB ................................. Tuberculosis
TICW ................................. Mekong Sub-regional Project to Combat Trafficking in Children and Women
UN ................................. United Nations
UNAIDS ............................. UN Program on HIV/AIDS
UNDP ................................. United Nations Development Programme
UNESCAP .......................... United Nations Economic and Social Commission for Asia and the Pacific
UNESCO ............................. United Nations Educational, Scientific and Cultural Organization
UNHCR .............................. UN High Commissioner for Refugees
UNIAP ............................... UN Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region
UNICEF ............................. United Nations’ Children’s Fund
WHO ................................. World Health Organisation
WTO ................................. World Trade Organisation
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The regional overview summarizes the highlights of the political, economic and social issues as well as migration trends, issues and responses in the GMS. Regional recommendations are found at the end of the report.
Regional Overview

1. Political, Economic and Social Situation

Background of the Mekong Sub-region

The Greater Mekong Sub-region (GMS) is composed of six countries/areas — Burma/Myanmar, Cambodia, China’s Yunnan Province, the Lao People’s Democratic Republic (Lao PDR), Thailand, and Vietnam. The GMS is home to over 256 million people in Southeast Asia. It is defined by the Mekong River, whose upper and middle reaches run through China, where it is known as Lancang, and continues through all the Mekong countries.

Many of the GMS countries, such as Cambodia, Vietnam, Lao PDR and Burma, have a long history of colonization and until recently, saw years of social upheaval resulting in the loss of millions of people. Up to the latter half of the 1990s, most GMS countries were embroiled in internal strife and cross-border conflicts. In the 70s and 80s, the cold war provided the US and its allies with an excuse for military intervention in the Mekong region, and the resulting wars rendered vast tracts of land unusable.
Local Relations with Religious and Ethnic minorities

To date, many GMS countries also face tension, conflicts, or problems within their own territories, especially when religious and ethnic minority groups feel marginalized by their governments. In Thailand, tensions have escalated in the Muslim-majority provinces in the south, namely Yala, Pattani, and Narathiwat. A tiered system of "citizenship" and entitlement to rights persists, with a wide variety of ID cards being issued based on ethnicity, race, or date of arrival in Thailand. Many of these groups, particularly the ethnic groups (commonly known as mountain people or hill-tribes), although born in Thailand, are still denied citizenship, land rights, and access to education, health care, and mobility for many years.

In Lao PDR, there are 49 recognized ethnic groups. Those who live in highland areas live in severe poverty. In the last decade, the government has carried out a number of policies in line with the socio-economic changes of the country, and many of the ethnic groups have experienced extreme changes in their lifestyles as they were relocated from forested mountains, where they had lived in traditional ways into valleys.

Burma is divided into states, which are based on ethnicity, and divisions. Ethnic groups are currently calling for more autonomy through a federal system. While the military government has agreed to ceasefires with several of the ethnic groups, little progress has been made to bring about national reconciliation and many of the ethnic groups continue to face armed conflicts, forced labor and other human rights violations.

Yunnan is home to 25 government-recognized ethnic groups that account for 31% of the province’s population. The vast majority of ethnic groups live in the mountains, while the majority Han mostly inhabit lowland valleys and urban areas. The Beijing government has adopted a Western Development Strategy to bridge the gap between the eastern and coastal provinces and the western parts of the country. Similarly, the Kunming provincial government is promoting Yunnan as a Great Cultural Province and a Green Economy Province. However, these national and local improvement schemes have little to no effect on ethnic groups, who are still treated as “passive objects in state activities related to the use of natural resources and cultural ‘preservation’ and ‘conservation.’”

There are 54 different ethnic groups in Vietnam, with the Kinh (Viet) group accounting for 86% of the total population. The ethnic minority groups mainly live in the remote and mountainous highland border areas. They face a number of difficulties, such as poor infrastructure, crude farming and production techniques, low productivity, a depressed socio-economic development rate, and limited access to education and knowledge, resulting in a gap in income and living standards between these areas and others.

In Cambodia, 10% of the population is comprised of a variety of ethnic and religious groups, including Vietnamese, Chinese, highland minorities, and Muslim Chams. There tends to be some tension and suspicion towards Vietnamese immigrants due to historical reasons. Muslim Cham tend to face relative isolation. As a new front in the US “War against Terror”, Islamic schools and institutes, many of which have recovered from the Khmer Rouge
genocide and have been promoted by foreign Islamic aid organizations, have now become
targets of suspicion regarding terrorism.4

Economic Situation

The economic disparity among the Mekong countries remains large. In 2003, the GDP per
capita in Cambodia, Lao PDR, Burma, and Vietnam was USD310, USD362, USD179, and
USD481, respectively. Cambodia, Lao PDR, and Burma are considered Least Developed
Countries (LDCs) by the UN.5 On the other hand, GDP per capita in Thailand was
USD2,291, amounting to 12 times that of Burma, or seven times that of Cambodia.

Meanwhile, China’s economy has hardly showed any signs of a slowdown: GDP growth
was 9.3% in 2003 and 9.5% in 2004.6 Its economy, if measured on a purchasing power parity
(PPP) basis, stood as the second largest in the world after the US in 2003.7 Following the
abolition of the MFA quotas at the end of 2004, China’s textile exports increased 29% during
the first quarter of 2005.8 The gap between rich and poor, however, stands as one of the
highest among all Asian countries. In 2001, the share of income or consumption among the
richest 20% amounted to 10.6 times as much as that of the poorest 20%; this gap is higher
than that of any of the other Mekong countries.9

Life in many GMS households depends on remittances from family members working as
migrants abroad. There are no official figures as to the total remittances to each GMS country,
as most of the remittance flows are through informal channels. However, the significance of
these remittances cannot be underestimated.

During the first half of 2003, the growth of the service sector in many GMS countries,
such as China, Thailand, Cambodia, and Lao PDR, was affected by the outbreak of SARS.
The first case of Severe Acute Respiratory Syndrome (SARS) is believed to have occurred in
November 2002 in Guangdong, China, according to the World Health Organization (WHO).
The outbreak began to take center stage by March 2003. The WHO said that the disease was
spreading through international travel and issued a global health alert against the disease on
12 March 2003. By the time the last country was taken off the WHO list of infected areas on
5 July, at least 812 people had died and 8,460 people had been infected in 33 countries.

In terms of economy, the sectors worst hit by the epidemic were travel, tourism,
entertainment, and retail. Burma’s tourism industry, on the other hand, showed growth during
the same period, as many tourists avoided other Asian countries that were affected by SARS.
Most of the affected economies in Asia quickly recovered once the virus was contained.

Another threat to human health as well as economy in the region was the outbreak of
avian flu. From December 2003 to 9 November 2005, the cumulative total number of cases
of humans infected with avian flu reached 125, including 64 deaths. This included 92 cases
in Vietnam (42 deaths), 20 cases in Thailand (13 deaths) and 4 cases in Cambodia (4 deaths).10
WHO experts have predicted that a pandemic could kill anywhere from two million to one
hundred million people should the virus become capable of spreading easily from person to
person. The avian flu led to the slowdown of the economic growth in some GMS countries:
in Thailand, for example, the economic growth slowed to 6.1% in 2004 from 6.9% in 2003. The agriculture sector in particular fell by 4.4% in 2004, down from 8.7% growth in 2003. Agriculture in Cambodia and Vietnam was also affected. In the first five months of 2005, Vietnam saw a high inflation rate (12.2%) of food prices, mainly as a result of the avian flu. As of the present time, the threat is far from over: the World Bank estimates that the global economy may suffer losses of USD800 billion a year should the virus become capable of human to human transmission.

**Economic Development in the GMS**

The concept of establishing economic development programs for the GMS originated in the 1950s with the United Nations Economic and Social Committee for Asia and the Pacific (ESCAP). However, development was hindered by the cold war and it was only in the 1990s that such sub-regional intergovernmental cooperation was realized. The Greater Mekong Sub-region Economic Cooperation Program was initiated in 1992 by the Asian Development Bank (ADB). It brought together the six GMS countries to enhance economic relations through the coordinated development of infrastructure.

According to the ADB,

“Cooperation among the countries of the sub-region is integral to the adoption of export-led growth strategies, replacing earlier import-substitution policies and/or policies of self-sufficiency. Extremely low incomes prevail in most of the sub-region, but the potential is great and economic growth is beginning to surge. Indeed, the prospects are excellent given the strategic location of the sub-region and the sweeping structural reforms that have created a very positive environment for domestic and foreign investment.”

The GMS Economic Cooperation Program involves the implementation of high priority sub-regional projects in transport, energy, telecommunications, environment, human resource development, tourism, trade, investment, and agriculture. The Strategic Framework for the program, adopted by the 10th GMS Ministerial Conference in November 2001, and endorsed during the first GMS Summit in 2002, focuses on five strategic development initiatives:

1. Strengthen infrastructure linkages through a multisectoral approach;
2. Facilitate cross-border trade and investment;
3. Enhance private sector participation in development and improve its competitiveness;
4. Develop human resources and skill competencies; and
5. Protect the environment and promote the sustainable use of the sub-region’s shared natural resources.

The majority of existing projects which the ADB assists through the provision of loans and technical assistance are the construction of hydropower dams or upgrading of highways. Sub-
regional highway projects include the East-North Corridor, linking Thailand and Vietnam via Lao PDR, and the North-South Corridor linking China and Thailand via Lao PDR. The objectives of these projects are to promote regional economic activities and facilitate trade through improved transportation as well as contribute to poverty reduction in rural areas through increased access to markets, extension services, income, and employment opportunities.17

The ADB claims that its role in the GMS is only to provide technical expertise and facilitate development initiatives, and that GMS governments will take the lead in setting the development agenda. However, critics say that the ADB’s strategy for regional cooperation disproportionately emphasizes the role of the private sector in national development, and that the GMS Program is “a master plan for region-wide investment liberalization, whether in energy, transportation, labor training or agriculture.”18

According to Focus on the Global South, the main problems with the GMS Program include the following:

- The centrality of natural resource exploitation (water, land, forests, energy, minerals, fisheries, etc.) results in the large-scale expropriation of resources crucial to daily sustenance.
- The distribution of benefits is uneven since participating countries have differing levels of development and capacity (i.e. what does the Lao PDR gain from the East-West Corridor?)
- Internal disparities within participating countries are widened because of pockets of high capital and infrastructure investment in specific parts of countries, which can result in tensions and conflicts between national and local government, and between the government and the people.

- The vision of development promoted through the GMS Program serves regional investment, and not national or local development priorities: projects are formulated based on their potential for profits for investors rather than on their potential to respond to social, economic, ecological, or institutional needs among local and national communities.

- GMS projects have already resulted in negative impacts on local communities through road and hydropower projects; impacts include displacement of families, loss of livelihood sources, and loss of land, among others.

- In the GMS framework, the rights of investors are protected, but the rights of local people and communities are not.

- Local-national communities outside of governments and the private sector have not been involved in drawing up GMS plans.

- The financing of GMS projects has tremendous debt implications for participating countries: new forms of project financing are creating new forms of debt and financial liabilities.

- Governments play conflicting roles as owners, investors and regulators in the public-private partnerships of infrastructure projects.

- GMS projects facilitate the transfer of local-national wealth to private actors external to the Mekong region.19

In short, Focus on the Global South argues that the GMS Program “renders invisible people, communities, social relations and structure, cultures and geographic areas that are not of ‘investment interest’ to the GMS Program promoters.”

Aside from the GMS Economic Cooperation, the GMS countries cooperate through other similar groupings, networks and projects. In November 2003, leaders of Cambodia, Lao PDR, Burma, and Thailand had their first Economic Cooperation Strategy (ECS) meeting in Bagan, Burma. During the meeting in Bagan, four countries agreed to call the cooperation framework “Ayeyawady-Chao Phraya Mekong Economic Cooperation Strategy (ACMECS)”. A Plan of Action was endorsed, under which 46 common projects and 224 bilateral projects were listed for implementation over the next ten years. In May 2004, Vietnam also joined ACMECS.20 There are also a number of “Mekong projects” dedicated for various issues such as development, HIV/AIDS, children, trafficking and migration, coordinated by IGOs and UN agencies in cooperation with national governments.
Regional Alliances and Groupings

All the GMS countries are also members of larger regional groups such as Association of South-East Asian Nations (ASEAN), Asia-Pacific Economic Cooperation (APEC), and Asia-Europe Meeting (ASEM), among others. While each differs in its geographical focus and membership, they have common objectives, such as to promote free and open trade and investment within the framework of the World Trade Organization (WTO) among the respective members.

The Association of South-East Asian Nations (ASEAN), founded by Thailand, the Philippines, Malaysia, and Singapore, was established in 1967 at a meeting in Bangkok, Thailand. Vietnam joined it in 1995, Lao PDR and Burma in 1997, and Cambodia in 1999. ASEAN, following a decision made during its first summit, held in Bali in 1976, maintains a principle of non-interference in the domestic matters of member countries.21

ASEAN and GMS Economic Cooperation have a common purpose: they both “seek to foster a good climate and set the necessary conditions for investment and other economic activity.” Many GMS infrastructure projects are part of ASEAN-wide programs and many ASEAN and GMS activities overlap.22

Three countries in the GMS, namely, Thailand, China, and Vietnam, are also members of the Asia-Pacific Economic Cooperation (APEC). Established in 1989, the nature of APEC is also similar to that of GMS Economic Cooperation or ASEAN as it is a forum for “facilitating economic growth, cooperation, trade and investment in the Asia-Pacific region.” The first Asia-Europe Meeting (ASEM) was hosted in Thailand in 1996; three GMS countries—Thailand, China and Vietnam—were among its original members. The main motivation behind this initiative was to strengthen the relatively weak links between Asia and Europe.23

In addition to free trade issues, security issues have been high on the agenda in most of the meetings held among these regional groupings in line with the US “War on Terror”. On 1 August 2002, ASEAN signed an anti-terrorism agreement with the US. On 12 October 2002, 202 people were killed and 157 were injured by the bombings of several bars in Bali, Indonesia, shocking many countries in Asia. This became known as Indonesia’s September 11, and stiffened many governments’ resolve to aggressively fight terrorism and work closer with the US.

On 17 and 18 October 2003, one month after the collapse of the WTO ministerial meeting in Cancun, Mexico, Thailand hosted the ministerial meeting of APEC in Bangkok. The APEC summit concluded with its leaders agreeing to revive the global trade liberalization talks that collapsed in Cancun, and also to strengthen their partnership to counter threats to their security.24

During the 10th ASEAN summit held in Vientiane on 29 and 30 November 2004, six member states—Brunei, Indonesia, Malaysia, the Philippines, Singapore, and Thailand—agreed to scrap tariffs between them by 2007, while the other four states—Burma, Cambodia, Lao PDR and Vietnam—announced their intentions to follow suit in 2012. This move was
seen as a bid to improve the ASEAN countries’ economic situation in the face of increasing competition from China.\textsuperscript{25}

Subsequently, the ASEAN member countries and China signed a trade agreement which could eventually unite China and the Southeast Asian countries in a single market, two billion people strong, worth USD two trillion. The six richer member countries (Singapore, Malaysia, Thailand, Brunei, Indonesia, and the Philippines) are to lower tariffs on goods they trade by 2010, while the four poorer members (Burma, Lao PDR, Cambodia, Vietnam) have an extra five years to meet the requirements. Such an agreement has strategic significance for Beijing, as it will increase China’s presence in the region where American and Japanese influence has been dominant in the past. Should the China-ASEAN free trade zone be realized, such a trade block could rival the EU and the US.\textsuperscript{26} Ong Keng Yong, ASEAN Secretary-general, said that by the time all the tariffs are removed in 2010, ASEAN-China trade will reach as much as USD140 billion per year. ASEAN-China trade is currently USD100 billion (up 28\% from USD78.2 billion in 2003), ASEAN-US trade is USD120 billion, and ASEAN-EU trade is USD110 billion per year.\textsuperscript{27}

The ASEAN is also strengthening its economic ties with other East Asian countries. The first East Asian Summit (EAS), which will include the ten ASEAN countries plus China, Japan, and South Korea (currently known as “ASEAN+3”) will be held in Malaysia in December 2005 and will continue on a biennial basis.

The ratio of intra-regional trade in East Asia to worldwide trade was nearly 52\% in 2002,
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which was lower than the 62% recorded in the European Union (EU), but higher than the 46% of the North American Free Trade Agreement (NAFTA). With East Asia becoming more independent in terms of trade, and with China experiencing rapid economic growth, many countries see it strategically crucial to be part of the EAS. On 11 April 2005, ASEAN foreign ministers meeting in the Philippines said that only countries that have signed the Treaty of Amity and Co-operation (TAC), a non-aggression treaty launched by ASEAN members in 1994, could join the EAS. Shortly after the announcement, Australia, a country that had steadfastly refused to sign the treaty, indicated that they were now ready to sign.

ASEAN also continued to implement its highway network project. Most of the roads along the ASEAN Highway Network Project are planned to be upgraded and improved by 2006, only two years behind the schedule specified in the Ministerial Understanding on the Development of the ASEAN Highway Network Project. ASEAN sees that its transport sector is a key to both economic development and international competitiveness. Thailand, through improved transportation, sees itself to becoming “a centre for trade, investment and tourism throughout the GMS.”

While the strength of economies among the GMS countries varies, increasing regionalism through ADB-led GMS programs and a move towards free trade zones as a part of ASEAN are expected to make the labor situation worse. Further complicating the situation is the fact that labor laws between GMS countries are incompatible and contradictory. For example, no or very few trade unions that are independent from the government can operate in many of these countries. Even in countries where labor protection may be better than the others, there are signs of deterioration. In Thailand, there has been a proposal to set up a special economic zone, in which national labor protection laws may not be enforced. With a lack of a regional mechanism to protect labor rights in respective GMS countries, it seems unavoidable that labor rights will be sacrificed should the GMS countries liberalize the operation of transnational corporations.

Political Issues and ASEAN

While ASEAN has been working towards strengthening of intra-ASEAN trade as well as intra-East Asia trade, issues related to the political situation in Burma have remained highly sensitive for ASEAN. Lack of progress towards democracy and failure to release democratic leader Aung San Suu Kyi is seen as “tarnishing ASEAN’s image.” However, many ASEAN countries and their partner countries have mixed responses to this issue. Part of the reasons may be due to the fact that these countries have business interests in Burma. For example, gas supply from Burma supplies up to 30% of Thailand’s needs. Shin Corp., owned by the family of Thai Prime Minister Thaksin Shinawatra, has a telecommunications venture in Burma. Gas companies from China and South Korea are also conducting periodic shore exploration in Burma. An additional factor contributing to the reluctance of many of the neighboring countries to respond to the issue is the fact that the political backgrounds of these countries themselves vary, thus it remains highly sensitive to discuss issues related to democracy or human rights.
Ahead of the fifth ASEM summit held in Hanoi on 8 and 9 October 2004, European leaders opposed Burma’s participation as long as Aung Sang Suu Kyi remained under house arrest. ASEAN countries, however, insisted that Burma be included as an Asian representative. Finally, Burma was admitted to the summit along with Lao PDR and Cambodia as new Asian member states during the same summit.

The 10th ASEAN summit in Vientiane on 29 and 30 November 2004 was held shortly after the removal of the Prime Minister and the Chief of Military Intelligence Khin Nyunt in Burma, and the death of 85 Muslim protesters in Takbai, Thailand. In light of these events, it was speculated that member states might break their tradition of non-interference in other members’ internal affairs. Prior to the summit, Thai Prime Minister Thaksin Shinawatra announced that he would boycott the summit if any member state questioned him about his handling of the Takbai incident.

Accordingly, there was no mention in formal sessions of the recent incidents involving Thailand’s Muslim population. Similarly, the summit ended with no mention in formal sessions of Burma’s slow progress on democracy, despite the news on the very first day of the summit that democracy leader Aung San Suu Kyi’s detention was extended by an additional year.35

Despite its non-interference policy, there has been the emergence of political pressure within ASEAN to work towards democratization in Burma. In November 2004, the ASEAN Inter-Parliamentarian Caucus on Democracy in Burma (AICD) was established in Kuala Lumpur. It is a loose grouping of legislators from Malaysia, Indonesia, Cambodia, the Philippines, Singapore, and Thailand (Vietnam, Lao PDR, and Brunei are not part of the caucus). The caucus calls for democratic reforms and the freeing of political prisoners in Burma. Though not structurally part of the formal ASEAN, it is the first time that ASEAN parliamentarians have formed a political caucus and forged a common position on an important issue involving the internal affairs of one of the group’s members.36

**Relations and Dialogue among the GMS Countries**

While the GMS countries are strengthening sub-regional cooperation, the not-so-distant history of conflicts, and current economic gaps between the countries, can often make regional relations sensitive. Tension between the countries can easily flare up, even in the face of earnest and diplomatic attempts to strengthen regional and bilateral economic and social ties. Relations between Thailand and Cambodia became strained in January 2003, when a Thai actress’ alleged comments on Angkor Wat provoked Cambodian mobs to attack the Thai embassy and Thai-owned businesses in Phnom Penh and Siem Reap.37 The chaos led to the temporary closure of the Thailand-Cambodia border crossings, though they were reopened by mid-February 2003. An incident during the lead-up to the APEC summit in Bangkok in October 2003 also angered many Cambodians who were upset to hear that 621 undocumented Cambodian migrants, many of whom were considered beggars, were airlifted out of Bangkok in a campaign to clear the city of homeless people.
Difficulty in carrying out a dialogue among the GMS countries is the most striking in the lack of dialogue on the river issues between China and countries downstream. In March 2004, the Mekong River Commission (MRC), a joint governmental body of the four downriver governments of Lao PDR, Cambodia, Thailand and Vietnam reported that the Mekong River was at its lowest recorded level. While the MRC carefully stated that “the current dry conditions are not directly linked with… Chinese dams,” environmental groups voiced their concerns about the disastrous impacts of the dam projects. In 1986, China began to build eight hydroelectric dams and two reservoirs on the waterway in Yunnan. The first dam at Manwan was completed in 1995, and the second giant dam at Dachaoshan is almost complete. The USD2.7 billion project in Xiaowan is due to be completed in 2012. The economic growth imperatives of the Chinese Develop the West and Gateway to Southeast Asia policies require energy and thus much attention is given to utilizing Lancang.

The potential impact of the dam developments without proper consultations with neighboring countries can be significant—55 million rural people depend on the river for their livelihoods in five Mekong nations downstream from China, where 80% of rice production depends on the water, silt, and nutrients provided by the regular flooding of the Mekong River.

However, some other GMS governments have been also keen to push river developments in their own countries, believing that they can export the electricity generated to growing industrial centers in China and Thailand. The river now has more than 100 major dams, diversions, and irrigation projects planned. In 2003, the ADB, working with Norwegian
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The hydropower company Norconsult, recommended a USD43 billion electricity generation and transmission system for the region, which included major dams in Lao PDR, China, Burma, and Cambodia. According to the ADB, the dam will aid development. However, all the electricity generated is expected to go to Thailand.40

In 2003, however, there were some signs for potentially significant changes in the nature of dialogue among the GMS countries. The outbreak of SARS in the first quarter of 2003 was a reminder of the inter-connection and inter-dependence of the world and prompted countries affected to increase regional cooperation. In response, ASEAN+3 held a special meeting in Kuala Lumpur, Malaysia, on 26 April. Thailand also hosted a special ASEAN + China meeting on SARS on 29 April in Bangkok. The leaders of ASEAN member countries and China agreed to exchange information on the latest developments of SARS and appoint a contact in every country for the routine exchange of information to facilitate communication in an emergency. This marks a sharp contrast to the lack of information exchange on the environmental issues along the Mekong River and it is hoped that the cooperation on SARS may serve as a good example of transparent information sharing on issues affecting people’s lives across borders for the countries in the region.

Another reminder of the inter-connection of the world was an outbreak of avian flu. In response, ASEAN and other Asian countries held a WHO and ASEAN+3 Health Ministers Meeting on Avian Influenza on 25 and 26 November 2004 in Bangkok, Thailand. In a joint closing statement, participating countries pledged to collaborate through prompt and open communication, research, and allocation of resources.41

The year of 2004 ended with a devastating disaster — the Boxing Day Tsunami, which killed at least 321,914 people, although groups working in Aceh in Indonesia say that the death toll for Aceh alone is near 400,000. The worst affected regions were Sri Lanka, Thailand, India, and Aceh. In response, ASEAN and many other countries had several meetings42 to discuss emergency relief, reconstruction, and rehabilitation, as well as setting up an early warning system covering the Indian Ocean and Southeast Asia. The Declaration from the Phuket meeting referred to the tsunami as “a reminder that natural hazards know no borders”, and leaders requested UN Educational, Scientific, and Cultural Organization (UNESCO) to commence a study on the ways and means to actualize warning systems.43

2. Overview of Migration

Intra-GMS Migration Flows

From the 1960s to 1980s, the migrants from the GMS were mostly refugees; in the 1990s, this group is a mix of refugees and migrant men, women, and families seeking work across borders. There are roughly two million migrants in the GMS. Thailand, Cambodia, and China are the major receiving countries of migrants in this region. Most intra-Mekong labor migration has flowed through irregular channels, including crossing mountainous borders or
rivers without going through checkpoints; it is therefore difficult to give accurate figures relating to intra-GMS migration.

In response to the magnitude of undocumented migration into Thailand, the Thai government has implemented a registration scheme for undocumented migrants since 1996. The features of this scheme have changed from year to year, depending on the economic situation and political climate. As of February 2005, according to the figures provided by the Employment Department, 1,284,920 migrants registered for a temporary ID card with the Ministry of Interior, and 838,934 migrants registered for a work permit in 2004. The actual number of migrants in Thailand, including undocumented migrants, is estimated to be much higher. The observed ratios of documented to undocumented migrants vary from place to place, so it is hard to come up with a realistic total figure. In some areas, such as in southern Thailand, NGOs that went to provide aid to migrants affected by the 2004 tsunami observed that only about half or one-third of migrants were registered. In other areas, however, the ratio of migrants who have registered may be higher.

There are an estimated 150,000 or more Vietnamese people living and working in Cambodia. Estimates vary greatly, as there is no available figure concerning Vietnamese immigrants who have lived there for generations, nor for those who have more recently migrated there with the intention to set up their own business or to work as hired laborers or sex workers.

Yunnan province of China receives migrants from Burma and Vietnam. Migrants from Vietnam cross the border to work in Hekou and other places near the borders for short periods of time ranging from one day to several months. Ruili and Jiegao in Yunnan are home to many Burmese migrant communities. While Burmese businessmen in these areas have mostly entered China legally and enjoy their rights and benefits, other migrants who are undocumented and/or work as low-skilled workers or sex workers face vulnerability to exploitation and violation of their rights.

While the scale of migration is much smaller compared to Thailand and Cambodia, most other GMS countries also receive migrants. There are migrants in Lao PDR, most of who come from Vietnam and China. Most of these migrants are documented and work in relatively secure conditions, though many Vietnamese migrants work as laborers. Lao PDR is also known as a transit point for migrants from Vietnam and China on their way to Thailand.

As explained earlier, many of the GMS countries face challenges in recovering from years of upheaval, and the economic disparity within the GMS remains significant. There is, therefore, an intense “labor push” from the poorer economies in the GMS. The migration flow, however, is not only determined by the current economic gap among countries, but also by historical reasons (including changes in the borders or occupation), demand and supply of workers in certain sectors, gender division of labor in respective countries, access to education and other social services, and political stability. This is illustrated by migration from Vietnam to Cambodia. In terms of GDP, Vietnam is stronger than Cambodia, however, a number of Vietnamese laborers migrate to Cambodia to fill expanding skilled labor sectors which cannot be filled by local workers. A bulk of the Vietnamese people in Cambodia are also immigrants.
who came in the “first wave” between 1979 and 1988, after Vietnamese delivered Cambodia from the genocidal regime; or those who followed their immediate families or relatives who settled in Cambodia during that first wave. The existence of such large Vietnamese communities also creates a market for Vietnamese goods as well as entertainment services provided by Vietnamese women.

Interestingly, all the receiving countries in the GMS are also labor-sending countries. Thailand sends a number of migrant workers to richer countries in the ASEAN region and to other parts of the world, with Taiwan being the most popular destination. The major destination for Cambodian migrants is Thailand. Migrants from Yunnan, China also head to Burma, Lao PDR, Thailand, or Cambodia.

The undocumented nature of migration in the GMS, together with the expediency to flee unbearable conditions, has created opportunities for brokers and traffickers to profit from the transportation and exploitation of migrants. There have been several studies and responses regarding the trafficking of women and children from Vietnam to Cambodia; from Burma, Cambodia, Lao PDR, and Yunnan to Thailand; and Vietnam and Burma to Yunnan. Cambodia is also used as a transit point by criminal syndicates in trafficking people to other countries, especially the West. There has been also a study that Cambodians migrate or are trafficked for the purpose of begging in Vietnam.  

With ASEAN’s plan towards visa exemption for travel within the region expected to be fully effective by the end of 2005, and with the ASEAN highway being constructed, there will
be higher mobility among people in the region, including the GMS. On the other hand, with the MOUs between Thailand and Lao PDR, Cambodia and Burma in place (see below), the respective governments are likely to try to tighten the flow of migrant laborers. It remains to be seen how these seemingly contradictory policies—encouraging mobility in general but tightening the control over the migrant populations who, in the past, have almost always crossed the border without going through official channels—will impact the quality of life of migrants.

**Regional Responses to Labor Migration in the GMS**

Since the mid-1990s, there have been passionate responses by governments, IGOs, and NGOs, supported by generous contributors, to the issues of trafficking and HIV in this region, whereas the issue of labor migration in the past was seen as a rather sensitive issue, and many governments were generally reluctant to directly tackle it. Even when governments talked about the issue, it was quite often in the context of managing migration flow, including the prevention of illegal migration flows, the discouragement of potential migrants through the provision of alternatives, the dissemination of information about the negative consequence of migration, or the improvement of immigration controls’ efficacy. Protecting the rights of migrant workers, particularly undocumented migrant workers, were, with few exceptions, not the center of discussion, as such migrants were seen as “illegal” or, in some cases, even disloyal to their countries.

However, the political attitudes towards cross-border migration in the GMS may have changed in the recent years. Inter-governmental cooperation over labor migration has increased as ruling powers increasingly recognize both the economic importance and long tenure of migrant workers. Thailand, for example, signed a Memorandum of Understanding (MOU) on Cooperation in the Employment of Workers with Lao PDR, Cambodia, and Burma, in October 2002, May 2003, and June 2003 respectively.

The MOUs have the following stated objectives: 1) proper procedures for employment of migrant workers; 2) effective repatriation of migrant workers; 3) due protection of migrant workers; and 4) prevention of illegal crossings, trafficking of illegal workers, and illegal employment of workers.

Following these objectives, the MOUs spell out the following (see appendix for full information):

- The relevant parties shall take all necessary measures to ensure proper procedures for the employment of workers. The employment of workers requires the prior permission of the authorized agencies in the respective countries. The MOU also notes that “the authorized agencies may revoke or nullify their own permission at any time in accordance with the relevant laws and regulations.”
- Authorized agencies in the host country will provide information on the number and time period of job opportunities, qualifications required, conditions of employment, and remuneration offered by employers, while the authorized agencies in the sending
country will provide lists of selected applications and relevant information about them.

- The authorized agencies will coordinate to ensure that applicants fulfill the following requirements: visas or other forms of entry permission; work permits; health insurance or health services; contribution into saving fund; taxes or others as required by the Parties; and employment contracts of employers and workers.
- The terms and conditions of employment of workers shall not exceed two years. If necessary, it may be extended for another term of two years. In any case, the terms and conditions of employment shall not exceed four years. A three-year break is required for a worker who has already completed the terms and conditions of employment to re-apply for employment.
- The government in the host country shall ensure that migrant workers enjoy protection in accordance with the provisions of the domestic laws in their respective country.
- Workers are entitled to the same wages and other benefits to local workers based on the principles of non-discrimination and equality of sex, race, and religion.
- The Parties shall extend their fullest cooperation to ensure the return of bona fide workers, who have completed their employment terms and conditions, to their permanent addresses.
- The authorized agencies of the employing country shall set up and administer a savings fund. (The term “saving fund” is used in the Thailand-Cambodia and Thailand-Myanmar MOUs, while the term “deportation fund” is used in the Thailand-Lao PDR MOU. The nature of the funds are, however, very similar in all the three MOUs.)
- Workers who have completed their terms and conditions of employment and returned to their permanent addresses shall be entitled to full refund of their accumulated contribution to the savings fund and the interest.
- The right to refund of their contribution to the savings fund is revoked for workers who do not return to their permanent addresses upon the completion of their employment terms and conditions.
- The authorized agencies of the employing country may draw from the savings fund to cover the administrative expenses incurred by the bank and the deportation of workers to their country of origin.
- The parties shall take all necessary measures, in their respective territories, to prevent and suppress illegal border crossings, trafficking of illegal workers and illegal employment of workers.

Following the MOUs, migrant sending countries are expected to make a formal migration channel available to its citizens. As one of the first actions for cross-border collaboration following the MOUs, Thailand has listed the names of migrants working in Thailand based on their nationality and passed them to the migrants’ home countries to verify their citizenship. Since January 2005, Lao PDR and Cambodia have been verifying the citizenship of the names sent to their respective countries. By April 2005 Lao PDR had interviewed 1,700
of the 179,887 Laotian migrants registered. 17 of these migrants could not be confirmed as
Laotian. The process was also commenced with Cambodia, interviewing 78 migrants and
finding that three of them were not Cambodian. By 28 October, more than 10,000 workers
had been interviewed by Lao PDR and received a temporary passport. It remains unclear how
the SPDC will cooperate on the verification of Burmese migrants’ nationality.

The legalization of migrants’ status is a welcome move, both in ensuring their rights and
in emboldening the current policy that migrants’ pay and benefits are equal to those of local
workers. As of September 2005, only the verification of the migrants’ nationalities has been
implemented, while it is unclear how other elements of the MOUs will be translated into
concrete policies and practices in respective countries. Further implementation of the MOUs
requires careful monitoring and thorough discussion, as it may create strict controls over
migrants without necessarily protecting their rights.

Firstly: According to the MOUs, migrants will not be able to extend their work permit
beyond four years, and will not be able to re-apply for employment for three years. It is
questionable if migrants who have registered their status with the host country government
(Thailand) are aware of this arrangement at all. Many migrants from Burma have migrated to
Thailand to escape oppression by the SPDC, and many already have families in Thailand,
including children born in Thailand. Thus, the policy of sending them back to Burma does not
help improve the quality of life of these migrants, nor does it accommodate their specific
situations or concerns. Should this policy be implemented, it is likely that many migrants will
go into hiding, defeating the purpose of the MOUs as well as nullifying the legal status of the
migrant, making them more vulnerable.

Secondly: A compulsory savings or deportation fund, while not yet implemented, will
certainly tighten the control of the state and employers over migrant mobility and is likely to
put migrants in more vulnerable situations. Compulsory saving has been a policy in Taiwan,
and is now being considered for official legislation there, despite the strong opposition from
migrants’ rights advocates. As has been demonstrated in Taiwan, it is almost always
employers or brokers who keep the migrants’ bank account books, official seals, or ATM
cards, depriving the migrants of their rights to privacy and financial independence. The saving
scheme stated in the MOUs is even less favorable to migrants than that of Taiwan. It is unclear
if the migrants in Thailand will even be able to open bank accounts. Moreover, the intention
of the scheme is to prevent migrants from running away and also to make them pay for their
repatriation costs. Thus, the system is likely to increase the dependence of migrants on their
employers and makes it harder for workers to change employers or to complain in cases of
contract violation or labor and human rights abuses. The MOUs also specify the time within
which migrants can access these savings when they return home. According to the MOUs
between Thailand-Cambodia and Thailand-Lao PDR, the workers will receive the refund
within 45 days after termination of employment. For Burma, the workers need to submit the
application to the authorized agencies three months prior to their scheduled date of departure
after completion of employment, making it much harder for migrants to ensure the refund as
it is often difficult for migrants to plan well ahead about terminating their employment and
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It is thus feared that many migrants may not be able to get their saving refund at all. Aside from the previously mentioned MOUs, GMS countries in the past few years have signed a number of statements or MOUs, most of which focus on the issues of trafficking or HIV infection. On 31 May 2003, Thailand and Cambodia signed a Memorandum of Understanding on Bilateral Cooperation to Eliminate Trafficking in Children and Women.

At the 11th ASEAN Task Force on AIDS (ATFOA) meeting on 16-17 February 2004, Burma, Cambodia, China, Lao PDR, and Vietnam met in Yangon, Burma, and signed the MOU for Joint Action to Reduce HIV Vulnerability Related to Population Movement, in which they agreed to further collaborate on the Joint Action Program that was extended from the initial stage started in 2001.

The first Coordinated Mekong Ministerial Initiative on Trafficking (COMMIT) meeting was held in Bangkok, 28-30 July 2004, where senior officials from Burma, Cambodia, China, Lao PDR, Thailand, and Vietnam discussed a new framework for fighting human trafficking in the region. The second COMMIT meeting was held on 27-28 October 2004 in Yangon, Burma, and six countries signed a Memorandum of Understanding on Cooperation against Trafficking in Persons in the Greater Mekong Sub-Region and Sub-regional Action Plan in October 2004. COMMIT senior officials met again in Hanoi, Vietnam on 29-31 March 2005, where they agreed to collaborate on the investigation and prosecution of traffickers and on supporting repatriation and help for victims.

ASEAN also came up with Declaration Against Trafficking in Persons Particularly Women and Children on 29 November 2004 in Vientiane, Lao PDR.

In the Mekong, there are currently a number of organizations working on migration or trafficking-related issues. Below are listed some of the bigger projects.

- The International Organization for Migration (IOM) has a project entitled *Return and Reintegration of Trafficked and Other Vulnerable Women and Children Between Selected Countries in the Mekong Region*. The second phase of the project started in March 2004 and will be implemented through 2007.

- The International Labor Organization (ILO) has a Mekong Sub-Regional Project to Combat Trafficking in Children and Women under the ILO-implemented International Program on the Elimination of Child Labor (IPEC). TICW Phase I started in 2000 with a three-year research, consultation, analysis, and intervention phase (2000-2003). Phase II focuses on prevention through continued research, capacity building, awareness raising, and community empowerment.

- The UN Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region (UNIAP) was established in 2000. It aims to strengthen the regional response to human trafficking in the Mekong region through improved knowledge, effective collaboration, and better targeted action. At a regional level, UNIAP brings together six governments, thirteen UN agencies and eight international NGOs. It also
UNIAP implements programs in prevention, repatriation and rehabilitation, and law enforcement. UNIAP is currently implementing Phase II of the project, with more focus on advocacy. UNIAP also serves as the COMMIT Secretariat and coordinates its implementation process.

- The UN Regional Task Force on Mobility and HIV Vulnerability is a time-limited, multi-sectoral regional taskforce that aims to provide a forum for identifying priorities and gaps, disseminating information, capacity building, facilitating programmatic and policy actions, and implementing joint initiatives to reduce mobility-related HIV vulnerability. It was convened by the UN Development Program (UNDP), particularly its South East Asia HIV and Development Program, from 2000 to 2004. The current phase of the taskforce (2005-2007) will be chaired by the UN regional coordinator based in Bangkok, with a Steering Committee composed of several government, IGO, and NGO representatives as the key decision making body.

- UNIFEM’s East and South East Asia office implements counter-trafficking projects such as awareness raising, advocacy, and research in Asia, including the GMS.

- The United Nations Educational Scientific and Cultural Organization (UNESCO) supports research on the trade in minority girls and women from Yunnan, Burma, and
Lao PDR into Thailand. It also maintains a trafficking database as a first step towards clarifying existing knowledge about trafficking.

- Mekong Migration Network (MMN), officially launched in 2003 and stemming out of a loose network formed in 2001, currently implements joint research, capacity building, advocacy and networking. MMN member organizations include CBOs/NGOs and research institutes, and are committed to jointly promote cross-border migrants’ rights in the Mekong.

- Conceived in 1990, Migrant Forum in Asia (MFA) was formally organized in 1994. MFA is an Asia-wide network of migrant groups, NGOs and advocates, and it collectively carries out campaigns, conducts research, regularly organizes a regional conference on migration, and promotes migrant economic empowerment programs.

- CARAM Asia, formed in 1997, is a regional network that coordinates a participatory action research on mobility and HIV. It also engages in advocacy work aimed at reducing vulnerability of migrants against HIV.

- The Southeast Asia Regional Office of The Rockefeller Foundation supports various projects on cross-border issues in the GMS, including cross-border migration-related issues.

The aforementioned programs are often linked to efforts made on the national and grassroots levels of the respective countries. Increased cross-border coordination among CBOs will be essential in improving the quality of life of migrants, especially in the coming years, during which respective governments are expected to introduce and implement more new policies regarding the migrants as a part of commitment to the labor MOUs and other anti-trafficking agreements.

**2. Regional Recommendations**

While each country has respective political and economic conditions as well as migration-related laws and policies which create different issues for migrants, there are also a number of issues that are universally shared by migrants and their families across the GMS. The issues faced by migrants in most of the GMS countries include:

1) Violation of labor rights: As many migrant workers in the GMS are undocumented, they are not protected by labor laws. Even in cases where they have registered with the host country for a work permit, the violation of their labor rights, including the non- or under-payment of wages, or violation of contract is rampant. Most of the migrant workers also work under poor Occupational Health and Safety (OHS) conditions. In many cases, migrants are not able to form their own trade unions, and
thus cannot exercise collective bargaining power to improve their working conditions and benefits. Workers in informal sectors are often not covered by labor laws, making them even more vulnerable to exploitation.

2) Safety and security for migrants: Migrants in many countries reportedly face the risk of being robbed, deceived, sexually harassed, or even raped throughout the process of pre-migration, on-site, and upon return.

3) Detention and Deportation: In many cases where migrants remain undocumented, they face a constant fear of arrest, detention and deportation. This severely affects the quality of life of migrants.

4) While Thailand and its respective sending countries of migrants have signed the MOU on cooperation of labor, it remains to be seen how much protection or improvement of the quality of life migrant workers will result from this. The “managing migration” concept seems to be a widely accepted approach in the GMS, but there needs to be caution as to how this can be balanced with the principle of protecting migrants’ rights.

5) Discrimination and stigmatization is also a common problem that migrants face in both home and receiving communities. This is particularly serious against migrants or migrant returnees who have contracted HIV/AIDS, and/or worked as sex workers. In many cases, the negative image about neighboring countries also stem from the current nature of education, as children may learn the history of previous occupation and wars, but do not have a chance to learn positive information about their neighboring countries such as the culture.

6) In many countries, children of undocumented migrants are not given citizenship and a birth certificate provided by a hospital may not be recognized by their home country. As a result, many children experience limited or no access to public health care or education and, later, face no right to legally work in the country where they were born.

7) Migrant children often face special needs at schools as they may not be fluent in the language of their host country and may also experience cultural differences.

8) There is so far no labor attaché in any of the embassies to promote the rights of their own nationals in the migrant receiving countries.

9) Obtaining proper legal documents before migration remains difficult for most of the migrants in the GMS. Also, upon registering their status with their host country, it has proven to be a long process for these migrants to receive legal documents from their home country.

10) Health issues are serious concerns in both migrant home and receiving countries. In the receiving countries, undocumented migrants do not seek care till they are seriously ill due to the fear of arrest. Even when migrants are documented, it is not easy for migrants to seek treatment as they have limited mobility within the country and/or limited time. Upon return to their home countries, sick migrants will face serious problems, as the health support infrastructure in their home communities are generally poor, and their families are also not financially fit to support their family members.
who came home with an illness from abroad.

Recognizing that many of the issues mentioned above require redress efforts by migrants, migrant support organizations, and national governments as well as transnational responses, the following are the regional recommendations.

**Recommendation to the Respective Governments**

- We demand respective governments to immediately stop mass deportations.
- We urge respective governments to work towards eradicating the root causes of forced migration.
- We urge the respective governments to protect all workers including migrant workers under the national labor laws.
- We urge the respective governments to reform national laws to ensure all workers have a right to form trade unions.
- We urge the respective governments to create conditions in which civil society can function effectively.
- We urge the respective governments to ratify the UN Convention for the Protection of the Rights of Migrant Workers and Members of Their Families, and the ILO Conventions # 97 Migration for Employment (1949), ILO Convention # 143 the Migrant Workers (Supplementary Provisions) Convention (1975), the ILO # 29 Forced Labor Convention (1930), ILO # 105 Abolition on Forced Labor Convention (1957), and the UN Convention Against Torture.
- We urge the respective governments to facilitate all migrant children’s access to education.
- We urge the respective governments to acknowledge an alternative education system especially catering to migrant children.
- For the countries of migrant origin to provide relevant legal documents for their citizens.
- We urge the governments to appoint a labor attaché to respective embassies and proactively promote and protect the rights of their own nationals in the receiving countries.
- We urge the respective governments to review the national policies to eliminate institutionalized discrimination and sign and/or fulfill their obligations under the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance (WCAR).

**Recommendations to the Migrant Organizations and Support Groups**

- We urge migrant workers to form alternative workers’ associations and trade unions in order to enhance their collective bargaining power.
• We urge the migrant support groups to strengthen cross-border peer collaboration.
• We urge migrant support groups to develop and disseminate appropriate information for migrants to be able to exercise their rights and improve the quality of life.

Recommendations to ASEAN

• We urge the ASEAN Sub-Committee on Labor Affairs to develop ASEAN labor standards in consultation with ILO.
• We recommend ASEAN to set up a regular committee to promote health in the region and share information and resources.
• We recommend ASEAN to acknowledge and accredit educational qualifications at all levels across the region.
• We recommend ASEAN to acknowledge birth certificates issued by countries of birth.
• We urge ASEAN to address the inhumane practice of mass deportations.
• We urge ASEAN member countries to guarantee the safety of migrants during the deportation process and upon return to their home country.

Recommendation to WHO

• We urge the WHO to support respective governments to provide accessible and quality health care to all migrants.

Recommendation to UNESCO

• We urge the UNESCO to facilitate the ministries of education in including in the school curriculum the study of the culture and languages of the neighboring countries to enhance mutual understanding in the region.

Recommendation to ILO

• We urge ILO to strengthen its work in eradicating and preventing forced labor.

Recommendation to IOM

• We urge IOM to monitor and evaluate the implementation of MOUs.

ENDNOTES

1Hereinafter referred to as “Burma”.
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41 Center for Infectious Disease Research & Policy, “Asian nations vow cooperation on avian flu”
42 Special ASEAN Leaders' Meeting on Aftermath of Earthquake and Tsunami, 6 January 2005, Jakarta, Indonesia; ASEAN-China Workshop on Tsunami Warning, 25-26 January, Beijing, China; and Ministerial Meeting on Regional Cooperation on Tsunami Early Warning Arrangements, 29 January, Phuket, Thailand.
43 ASEAN homepage
In this chapter, we look at the situation in the migrants’ home countries to better understand the reasons behind migration. The issues faced by migrants upon return and during reintegration processes are also discussed here.
1. Country Overview

Burma/Myanmar is composed of 14 states and divisions, of which seven states and two divisions have borders with neighboring countries. Burma shares common borders with Bangladesh and India in the west, Lao PDR and Thailand in the east, and China in the north and northeast. 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 53.22 million.

Burma is a resource-rich country that suffers from rigid governmental controls and abject rural poverty. The State Peace and Development Council (SPDC) has been in power since suppressing the democracy movement in 1988 and placing democratic leader Daw Aung San Suu Kyi under house arrest. It was announced in 2004 that her house arrest would be extended by an additional year. She is currently being held in near total isolation, her only contact being a monthly visit by her doctor.

Crises, both natural and man-made, continue to proliferate in Burma. Often, situations
are exacerbated by apathy or denial by the SPDC. On 5 August 2005, James Morris, Executive Director of the UN World Food Program (WFP), returned from a mission to Burma saying that “the humanitarian issues are serious and getting worse.” According to the WFP, 15% of the population face “food insecurity” while one out of three young children are chronically malnourished.

Crucially, the incidence of AIDS infection also remains prevalent in Burma, with government statistics putting the number of HIV infections at 338,911 in September of 2004. UNAIDS and WHO estimate a prevalence range of 0.6% to 2.2% in Burma, with certain areas as high as 7.5% (Hpa-an) and 5% (Pyay). Incidence among drug-users in Rangoon and Mandalay are reported as high as 50-80%. Support services, including voluntary confidential counseling and testing (VCCT) centers, home based care, treatment of opportunistic infections, and ARV treatment are practically non-existent.

There is a continuous debate among humanitarian organizations about how to respond to the crises in Burma. While Britain imposes economic sanctions and travel restrictions on the ruling generals, its Department for International Development (DFID) is giving GBP5 million annually for humanitarian aid. Other agencies have concluded that the humanitarian crisis is the direct result of the policies of the regime, and try to increase pressure on the regime to change through imposing aid boycotts. The Global Fund to Fight AIDS, Tuberculosis (TB), and Malaria withdrew USD 98.4 million over five years because of new travel restrictions on UN and NGO bodies and new procedures for the procurement of medical supplies. Various national governments, too, have reconsidered their involvement in aid efforts in Burma. The US has banned imports from Burma since 2003, and Japan has put a freeze on new bilateral economic aid.

From March 2002 the SPDC started to release political prisoners, including high profile prisoners such as student leader Min Ko Naing, who had been held in solitary confinement for most of the 16 years he was in prison. Many of the prisoners who were released had already completed their sentences or had never been officially charged. Despite these high-profile releases, new arrests continued for any activity promoting free speech or democracy.

The issue of forced labor continued to be criticized internationally. At the annual conference in June 2005, the International Labor Organization found that the SPDC had failed to demonstrate its commitment to eliminate forced labor practices, and said that the practice of forced labor continued, including in its worst forms: portering and the forced recruitment of child soldiers. The ILO was particularly concerned that the regime had intentions of prosecuting anyone who testified about forced labor.

In August 2003, Gen. Khin Nyunt, the head of the military intelligence and one of the original members of the military party ruling Burma, was appointed Prime Minister. Shortly after his appointment, he announced the Seven Step Roadmap to Disciplined Democracy, which set out the following steps as detailed below:

1. Reconvening of the National Convention that has adjourned since 1996;
2. After the National Convention has been successfully staged, step by step implementation of the process necessary for the emergence of a genuine and disciplined democratic state;

3. Drafting of a new constitution in accordance with basic principles laid down by the National Convention;

4. Adoption of the constitution through national referendum;

5. Holding of free and fair elections for Pyithu Hluttaws (Legislative bodies) according to the new constitution;

6. Convening of Hluttaws attended by Hluttaw members in accordance with the new Constitution;

7. Building a modern, developed, and democratic nation by the state leaders elected by the Hluttaw; and the government and other central organs formed by the Hluttaw.

Many countries in the region gave support to the Roadmap plan. Thailand in particular tried to convene an international meeting of like-minded countries to help make the Roadmap work. Critics of the Roadmap, however, pointed out that there was no time frame specified for carrying out the steps, and it looked like just another tool for stalling any real democratic processes.

On 17 May 2004 the National Convention resumed after eight years of suspension. The National League for Democracy (NLD) made the decision to boycott the convention in response to Daw Aung San Suu Kyi’s continued house arrest. It was additionally felt that the proceedings of the convention continued to lack any form of equal participation.

In October 2004, Gen Khin Nyunt was “permitted to retire for health reasons,” but was later charged with corruption and handed a suspended sentence of 44 years. His National Intelligence Bureau was disbanded, and hundreds of officers were arrested.

With Burma in place to take up the rotating chairmanship of ASEAN in 2006, the U.S. and E.U. threatened to boycott the meetings. Burma would undoubtedly face criticism for the continued detention of political prisoners such as Daw Aung San Suu Kyi and U Tin Oo, as well as face the barrage of foreign journalists who would undoubtedly attend the ASEAN meetings. Rather than deal with this and alienate its neighboring allies, the SPDC chose to forgo its chairmanship, claiming that it had to concentrate on reconciliation.

The military regime took steps in the early 1990s to liberalize the economy after decades of failure under the “Burmese Way to Socialism”, but those efforts have since stalled. Burma has been unable to achieve monetary or fiscal stability, resulting in an economy that suffers from serious macroeconomic imbalances, including a steep inflation rate and an official exchange rate that overvalues the Burmese kyat by more than 100
times the market rate. In December 2004, the official exchange rate was USD 1.00 to MMK 6.5. In the open market, however, it is USD 1.00 to MMK 930. A crisis in Burma’s private banking sector in early 2003 further weakened the economy. As of January 2004, the largest private banks remained in decline, leaving the private sector with little formal access to credit outside of government contracts.

Burma has shifted to a market-oriented economy, working to promote trade and investment with those remaining countries that are not boycotting the junta. The trade relationships Burma has managed to maintain are mostly with neighboring countries and ASEAN countries, the most significant of which have been China and Singapore. According to the SPDC, bilateral trade with China from 2003 to 2004 amounted to USD 1.07 billion, including USD900 million worth of exports to Burma. Overall, 389 enterprises from 27 countries have invested a total of USD504.218 million in Burma.

Burma is data poor, and official statistics are often outdated and inaccurate. Published estimates of Burma's foreign trade are greatly understated because of the size of the black market and border trade, often estimated to be one to two times the size of the official economy. Democracy, human rights, and better foreign relations are necessary to both reintegrate Burma into local and global communities, and to create an improved quality of life for all Burmese citizens.

2. Overview of Migration

Burma is the single largest source country of migrants in the GMS. It is estimated that approximately 10% of Burma’s population migrates from Burma to seek refuge and livelihood abroad, with over one and a half million people from Burma currently living in Thailand alone. Ethnic minorities living in border areas are often forced to flee their homes to escape various forms of persecution in their homeland. Over 100,000 ethnic people are housed in refugee camps in Thailand, but those who do not qualify as fleeing direct armed conflict must enter the labor market. UN High Commissioner for Refugees (UNHCR) estimates that there are about 10,000 Rohingyas living in Malaysia,3 and Amnesty International has expressed concern for the thousands of Chins in Malaysia.4 Aside from refugees, there are also skilled and semi-skilled migrants from Burma all over the world: there are an unknown number of undocumented and documented migrants from Burma in Malaysia and around 10,000 Burmese migrants are working in Japan.

While the SPDC has long been reluctant to acknowledge the fact that there are million of Burmese migrants abroad, it has recently practically acknowledged the reality. On 21 June 2003, Burma and Thailand signed an MOU on Cooperation in the Employment of Workers during a meeting of the Asia Cooperation Dialogue forum in Chiang Mai, Thailand. The MOU has objectives to ensure: 1) proper procedure for the employment of workers; 2) the effective repatriation of workers; 3) the due protection of workers; and 4) the prevention of and effective action against illegal border crossing, trafficking of illegal
workers and illegal employment of workers. As the first step in implementing the MOUs, sending countries in cooperation with Thailand have started to verify the nationalities of workers who have registered under the Thai government’s registration scheme. However, while Lao PDR and Cambodia have begun the process, the SPDC has taken no concrete steps towards verifying citizenship for any Burmese migrants, and it is still unclear how the SPDC will proceed on this matter.

On the other hand, the SPDC has been more open in recent years to discussion on the issues of trafficking. During the National Seminar on Trafficking in Persons in 2003, the then Secretary Khin Nyunt stated, “the problem of trafficking in persons facing Myanmar is a national concern because it leads to the ruin of young girls… therefore, the government is launching effective combative activities, accepting the fact that this should not be ignored.”

On 27-29 October 2004, the SPDC hosted the Coordinated Mekong Ministerial Initiative against Trafficking in the Greater Mekong Sub-region (COMMIT) Senior Officials and Ministerial Meetings in Yangon. In the keynote address made during the opening, Prime Minister Soe Win stated trafficking is an “unacceptable crime against humanity,” and that the COMMIT MOU is the first crucial step towards creating an “unacceptable environment for trafficking and where there will be zero tolerance to all forms of exploitation.” He also referred to migration and stated that “poverty” is considered to be the most powerful push factor. Regarding the registration of undocumented migrants in Thailand, he commented that “the effort created a ‘win-win’
situation for all: the workers, their employer and the overall economy.”

In August 2005, the SPDC passed an anti-trafficking law. According to the SPDC Newspaper New Light of Myanmar, human trafficking “damages the pride and pedigree of Myanmar nationality that should be valued and safeguarded by the Myanmar race.” Under the Anti Trafficking in Persons Law, traffickers who are found guilty of exploiting women, children and youth face a maximum sentence of life imprisonment, while traffickers of men face a maximum of ten years.5

While Burma has taken steps towards addressing international trafficking, it does not seem to have made concrete commitments towards ending internal trafficking and forced labor, or towards compensating victims of such acts.

3. Quality of Life at Home

Economy

The majority of people in Burma face an untenable economic situation and extreme instability. In the six areas studied for this research,6 80% of migrant workers interviewed had no previous job experience, despite significant rates of high school (60%) and undergraduate degree (30%) completion. There are few employment opportunities for both skilled and unskilled laborers in the country, and those that exist often do not pay a satisfactory salary. An average worker in Burma earns between MMK700 to 1000 per day, which is not adequate to meet basic needs, especially with continually rising food prices. Official unemployment figures from the SPDC are around 4 to 5%, but the real incidence of unemployment in Burma is widely believed to be far more serious than official data posits. Additionally, rural people are often compelled to pay heavy taxes to local officials and the military, and to sell large percentages of their crops to government officials at below-market prices. For these reasons, many Burmese view their migration as less of a decision than a necessity.

“One of the main reasons for workers’ migration is the insufficiency in finance. The income of the workers is not enough to feed the entire family. By becoming a migrant worker, one cannot become rich but can at least survive and help other members of the family.”

(Migrant worker from Kayin State)

The Kyat plummeted on the black market throughout the year 2002 and has been unstable ever since. The unstable exchange rate only aggravated the already difficult economic situation of the country, creating situations where families can no longer provide sufficient financial income.

Another push-pull factor affecting potential migrants is the witness of benefits gained by friends, family, and community members who have migrated for work. This can be expressed
by an increased income, or, more often, through the consumer goods, home improvements, and conspicuous consumption afforded by remittances.

**Education**

Coupled with economic difficulty, another contributing factor in deciding to migrate is the educational system in Burma, in which young people are often discouraged by waiting lists or limited opportunities for continuing education. Instead, they choose to migrate for immediate financial gain. While all young people are eligible for free education between the ages of five to nine, only those students with higher test scores will be allowed access to higher forms of education. It is estimated that only 3% of students who finish primary or secondary school in Burma will continue on in a tertiary institution. Students who are eligible for universities often find themselves at the wrong end of a long waiting list. Faced with few opportunities, and finding it necessary to financially support family members, prospective university students instead choose to migrate for labor.

“Because of the chance of going abroad and earning a seemingly handsome amount of money, many young people lose their interest in the continuing education in their homeland.”

*(Ex-migrant worker from Mon State)*

Many migrants and their family members further claimed in interviews that a formal education was not as practical as the life experience and vocational skills to be gained by labor migration. Because of this belief, many young people are actively leaving schools in order to work, although their age and lack of experience make them more vulnerable to exploitation and abuse in destination countries.

**Forced Relocation, Forced Labor and Sexual Violence**

Moreover, according to Burmese migrants interviewed in Thailand, a number of migrants leave the country in attempts to flee from forced relocations, forced labor, portering, and rape. The military often forces Burmese to “volunteer” in projects such as road works, fence building, or weapon-making. Women are also forced to do portering for the military, which leaves them vulnerable to multiple sexual attacks. The ILO said in an official review of forced labor in Myanmar in June 2004 that the country's military government doesn't appear serious about eliminating the problem. In February 2005, it sent a high level delegation to Burma, but cut short the visit after failing to get an appointment with the country’s top leader Than Shwe.

**Exploitation through the Migration Process and Trafficking**

Leaving the country, however, may not necessarily guarantee the migrants a better life: migrants at most of the study sites reported being cheated and exploited during the migration process. Many domestic workers from Burma to Thailand, for example,
reported being forced into arrangements and conditions without their knowledge or agreement. Others were forced into sex work.

Also reported were cases of trafficking of girls and young women from ethnic minority communities in Northern Shan State and Kachin state for the purposes of forced marriages in China’s interior. People hear stories such as the following.

“My neighbor told me about her relatives, who crossed the border to China with the help of matchmakers. The matchmaker came to our town and promised a good life and secure future to people who would go abroad to marry Chinese men. However, I recently heard that the young women who married the old Chinese farmers were sold to other farmers from another village. Due to language barriers and differences in tradition and culture, the women were abused and ill-treated and finally sold as objects, which was very sad.”

(Neighbor of a migrant in Kachin State)

Deportation

Another concern especially shared among the Burmese migrants in Thailand is the issue of safety in the event of deportation to Burma. As first reported in *Migration Needs, Issues, and Responses in the Greater Mekong Subregion* (2003), a group of undocumented Burmese migrant workers who had been arrested in Bangkok on 24 February 2002 were deported back to Burma on 1 March 2002. They were received at a holding center in Myawaddy, where, according to SPDC news sources, they were given medical exams, had their citizenship verified, and were returned home. Burmese deportees who were interviewed for research purposes, however, told a different story: mandatory HIV testing was conducted, with those who tested positive being sent to a hospital in Rangoon. Workers were shuffled between desks for interviews and made to feel like criminals. The SPDC fined each worker MMK 3,000 and warned them that they would face six months’ imprisonment if they should be deported to the holding center a second time. As such, the fear of the arrest and deportation among Burmese migrants in Thailand is extremely high.

Issues Faced by Families Left Behind

While migration can have positive impacts on families left behind, especially through remittances sent by migrants, families still face a number of issues. A lack of communication can make them anxious, and can cause feelings of isolation. Women face especially difficult hurdles when male family members migrate. Wives in particular find themselves fulfilling roles in their communities and families that do not correlate with their gender expectations. The stress of separation can either damage or strengthen a relationship. During the study, young single migrant workers expressed their concerns regarding the effect of migration on marriage and life planning. Some interviewees reported that plans for marriage had been delayed and even cancelled because of the long stretches of time they spent away from their loved ones. Further complicating matters is the prevalence of HIV infection among sending
communities, especially among migrants who either worked in the sex industry, or used the services of a sex worker while abroad. While some families are in danger of contracting the virus from a returned loved one, migrants themselves are at a risk of suffering persecution or misunderstandings about their condition.

Interviewees also expressed the concern that the wealth gap between families with migrant workers abroad and those without can potentially cause stress and jealousy in the community, resulting in the division of close-knit communities.

The 24 December 2004 tsunami that hit the South of Thailand, where thousands of Burmese migrants work, created anguish for the families of migrant workers who were either dead or missing in the aftermath. Although the countries of nearly all victims sent representatives to tsunami-affected areas to aid their nationals, the SPDC sent no officials to support Burmese citizens. NGOs which tried to aid the identification and repatriation of migrants’ remains were told that only a blood relative, as verified by a DNA test, could claim the bodies. As most migrants’ blood relatives were in the sending communities in Burma, this was impossible. Although the migrants’ families expressed a desire to hold funerals or traditional religious ceremonies, they felt that the SPDC would not support their attempts to navigate the red tape of repatriating their loved ones, and gave up hope. Naturally, suffering the loss of a loved one and being unable to reach closure through ceremony and traditional rituals can have a terrible effect on home communities.
3. Responses and Recommendations

As reported earlier, the SPDC has taken several actions regarding trafficking, including legislation of the Anti-Trafficking in Persons Law, hosting the COMMIT meetings, and forming the Working Committee for the Prevention of Trafficking in Persons. The Myanmar National Committee on Women’s Affairs, in collaboration with the UN Interagency Project on Trafficking in Women and Children in the Mekong Sub-region (UNIAP) and other NGOs, held a series of workshops in areas with high incidence of trafficking. The Myanmar National Committee on Women’s Affairs and UNIAP, along with UNICEF and Save the Children-UK, also conducted a National Seminar on Trafficking in Persons.

On the other hand, despite the fact that the Myanmar Ministry of Foreign Affairs and the Thai Ministry of Foreign Affairs have signed the MOU on Cooperation in the Employment of Workers, there has been no cooperation from the SPDC regarding the verification of the nationality of migrants who are registered with the Thai Government. Information regarding the MOU has also not been disseminated among prospective migrants in Burma.

As for responses by NGOs, the political environment in Burma is such that it is difficult for concerned groups to discuss labor migration openly. Thus, most of the existing awareness-raising activities regarding migration conducted by NGOs inevitably focus on the negative impact of migration with an aim to discourage people from migrating abroad. Consequently, there is limited emphasis on educating prospective migrants about their rights in the receiving country, including labor rights, redress mechanisms in case of rights violations, and the like.

The epidemic of HIV/AIDS is a serious concern and threat, not only to migrants but also to their families and communities. A number of bodies including National AIDS Program, Ministry of Rail Transport Health Service Network, Central Committee for Drug Abuse Control of Ministry of Home Affairs, UN agencies, INGOs, mass organizations, and churches have responded to this crisis. There are 200 STI service delivery points in 83 townships and sufficient condom supplies in the country. Despite this, there are still a number of challenges ahead. Communities are resistant to using condoms and talking about sex, and it is difficult to reach certain groups, such as drug users and sex workers. Treatment, care, and support services still fall dramatically short of the need, and less than 5% of AIDS patients requiring ARV receive treatment.8

As mentioned earlier, the Global Fund to Fight AIDS withdrew funding in Burma due to travel restrictions on 10 August 2005. This is but one indication of how difficult it is to work on certain issues in Burma. It is not easy even for IGOs to work on sensitive issues such as migration without compromising their principles; thus a thorough assessment is needed should any organization consider holding a project in the country.

As such, the following are our recommendations.
1. For the SPDC to disseminate information regarding the details of the MOU on the Cooperation in the Employment of Workers.

2. For the SPDC to hold dialogue with all democracy forces, including political parties, ethnic community leaders, NGOs, and CBOs, to create an empowered environment where communities can make informed decisions regarding migration.

3. For the International Organization for Migration (IOM) to seriously re-consider setting up an office in Burma, given the current restrictions of working in Burma.

4. For the World Health Organization (WHO) to promote the creation of an enabling environment where health issues, particularly HIV/AIDS, can be addressed effectively.

5. For faith based organizations and NGOs to share and make more information available regarding the labor laws and rights and redress mechanisms available to migrants.

6. For faith based organization and NGOs to create venues where migrant returnees and prospective migrants can share their experiences and ideas.

FOOTNOTES
1 Hereinafter referred to as Burma.
3 UNHCR “Rohingyas flock to UNHCR in Kuala Lumpur following Malaysia government pledge”, 9 November 2004.
6 In the six areas researched, the majority of migrant workers (70%) were between 18-30 years old, with a few over the age of 45 or under the age of 18. There was more or less equal gender representation among the migrant workers interviewed.
7 *The New Light of Myanmar* (SPDC newspaper), 21 April 2002, pp. 9, 16.
1. Country Overview

Cambodia is bordered by Thailand to the west and north, Laos to the north, Vietnam to the east, and the Gulf of Thailand to the south and covers 181,035 square kilometers. Its population is approximately 13 million, of whom 52% are women. Over 80% of the population still lives in rural areas. The population grows at an estimated 2.5% annually, and the average family size is slightly over five people.1 35-40% of the population, mostly in rural areas, lives below the poverty line, and inequality seems to be widening.2 About 60% of the population, estimated to be over 13 million in 2004, is under 20 years of age, and will be entering the workforce over the next 10 years.3

Agriculture is the base of the economy, accounting for 43% of GDP and employing 73% of the population. However, the security of the agricultural sector in Cambodia appears threatened. In 2003, rice production declined 3.7% in the dry-season harvest due to a drought, and experienced an 18.4% plunge in the wet season harvest. The poultry industry was affected by the avian flu, while the fishing industry was affected from lower
Mekong river levels. The agricultural sector in Cambodia is extremely vulnerable to rainfall; both drought and flooding may seriously threaten food production.

While Cambodia has strengthened its ties with neighboring countries through regional groupings such as the GMS Economic Cooperation or ASEAN, relations with countries like Thailand or Vietnam can be sensitive. In 2003, angry mobs attacked the Thai embassy and Thai-owned businesses in the capital and Siem Reap early in the year. The riots were sparked by comments made by a Thai actress, who purportedly suggested that Angkor Wat had been stolen from the Thais. As a result of the violence, over 700 Thais, many of them investors and business owners in the country, had to be evacuated by the Thai military. Bangkok demanded around USD 50 million in compensation for the damage caused. The incident highlighted both the centuries of ethnic conflict between the Cambodian and Thai people, and the economic disparity between the two countries today. Thai companies control parts of Cambodia’s infrastructure, such as the mobile phone network, and many Thai investors are active in establishing and running businesses in Cambodia. Although the investments bring economic growth, many Cambodians feel their more affluent Thai neighbors look down on them and plunder their country for economic gain.

Although Hun Sen’s Cambodian People’s Party (CPP) won the election in July 2003, it failed to secure the majority to govern alone. This led to a political stalemate which paralyzed the Cambodian government for 11 months. Finally, a coalition government was formed following a compromise made by the CPP and the FUNCINPEC, a party led by Prince Norodom Ranariddh, the son of King Sihanouk. The establishment of the new government was controversial, as it required the National Assembly to pass an amendment to Cambodia’s Constitution, which would allow the simultaneous appointment of Ranariddh as National Assembly President and Hun Sen as Prime Minister. The political deadlock stalled the progress of the prosecution of senior leaders of the Khmer Rouge. In June 2004, the UN delegation and Cambodia’s Task Force agreed to establish a special tribunal for the trials. The political turmoil of 2004, however, meant that Cambodia’s National Assembly could not ratify the deal until 19 October 2004. It is now hoped that international funding can be raised to proceed with the trials.

A World Bank study in 2004 ranked the country’s “bribe tax” among the worst in the world and reported that payments by companies to public officials “are frequent, mostly or always required to ‘get things done’”. This is a burden for the average citizen in a country where nearly half of the 13 million people get by on less than USD 1.00 per day.

Cambodia became the 148th member of the WTO on 13 October 2003. However, the WTO had to extend the country’s ratification deadline due to Hun Sen’s failure to form a new government. While Cambodian supporters of WTO entry hailed the country’s entry as a necessary step towards becoming a strong competitor in the global market, critics point out the many concessions the country was forced to make — concessions which give up many of the protections afforded to Least Developed Countries (LDCs) in the Doha agenda. Painful concessions include the country’s agreement to conform to the Trade Related Aspects of Intellectual Property Rights (TRIPS) by 2007 — despite Doha giving
LDCs until 2015 to comply — which critics say will impact the country’s population of people living with HIV/AIDS by making it harder to access cheap Anti Retroviral (ARV) medication. Another disadvantageous concession was in agricultural tariffs. In the event that Cambodia needs to protect its agriculture sector against imports, its WTO accession package puts a 60% ceiling on its tariff. This compares quite unfavorably with the EU’s 252% allowance and the U.S.’s 120% wall.8

Cambodia’s economic growth has been driven in large part by its garment and textiles industry, which accounted for 26.8% of GDP in 2003. Cambodia’s growth in the garment sector is expected to reverse as a result of the end of Multi Fiber Agreement (MFA) that has in the past prevented big countries like China from dominating the industry. To encourage transnational companies to continue investing in the garment industry in Cambodia, the government has introduced the labor monitoring system in which the government requested the ILO to monitor private firms to ensure the working conditions of workers. The initial response from EU countries and the US is positive, with a possibility of gaining preference from some countries should the labor compliance in Cambodia improve.

Another big industry in the country is the services sector, particularly its expanding tourist industry. Although hit by the SARS outbreak and the anti-Thai riots in early 2003, it rebounded later in the year, accounting for 36% of GDP. Foreign direct investment took a hit due to the lengthy political instability following the 2003 elections.

The Cambodian government has set industrial goals to raise standards of living and
compete in a global market, including continuing to develop labor-intensive industry, to promote the development of agribusiness, to develop industries based on the utilization of natural resources, and promoting small and medium enterprises, among others. The country will also need to improve its basic infrastructure, such as its road and bridge infrastructure, airports, seaports, water supply, power distribution and telecommunications systems. Further, Cambodia will need to develop the education and productive skills of its citizens, particularly its rural population.

2. Overview of Migration from Cambodia

Landlessness, poverty, and the lack of sustainable livelihoods in rural areas drive Cambodians to either flock to cities like Phnom Penh or to migrate into Thailand, where their main occupations are fishing, agriculture, construction, and low valued work. Although Cambodia’s economy is slowly expanding, particularly the garment and tourism sectors, Cambodians’ lack of education and occupational skills, combined with the influx of Vietnamese labor, which is viewed as more skilled and more reliable, make it difficult for them to enter the job market at home.

While Cambodia exports approximately 10,000 Cambodians to Malaysia to work as
domestic workers, construction workers, factory workers and sex workers, the primary
destination of Cambodian workers is still the neighboring country of Thailand. In July 2004,
183,541 Cambodian registered for a temporary card (Tor Ror 38/1). 109,250 of these
registered migrants then applied for a work permit, according to the figures provided by the
Employment Department of Thailand on 16 February 2005. Later that year, migrants had to
re-apply for another year’s permit. The registration took place between 1 July and 30 August
2005 and only 75,804 Cambodian migrants registered. There are also migrant children
working on the streets.

Thailand is accessible to Cambodians in several ways. There are three main checkpoints
along the Thai-Cambodian border, and an additional 320 unofficial entry points by land or
sea,9 many of which have few to no border guards. Because of this, as well as corruption, it
is difficult for either the Thai or Cambodian governments to effectively monitor the border,
making it virtually open to Cambodian migrants.10 As development links more remote areas
to major highways, migration is facilitated even further. Some villagers living near the border
make daily crossings for work; others acquire a 24-hour visa and simply overstay.11

There is also a minor but noteworthy migration flow from Cambodia into Vietnam for the
purpose of begging. Beggars are often children or mothers with children. They travel alone,
or with a facilitator (such as a relative or village elder), mostly to Ho Chi Minh City. Children
go to Vietnam for a period of three to four months before returning to Cambodia to give their
earnings to their families. One respondent interviewed for the IOM research said it is possible
for a child to earn between USD12.77 — 44.72 in this way. Children often return more than
once, and their siblings may also go to Vietnam.12

On 31 May 2003, Cambodia signed a Memorandum of Understanding (MOU) on
Cooperation in the Employment of Workers with Thailand (hereafter called Labor MOU)
and an MOU on Bilateral Cooperation to Eliminate Trafficking in Children and Women.

Following the Labor MOU, the first concrete action taken by the Cambodian
government in cooperation with the Thai government was to verify the Cambodian
citizenship of migrants already in Thailand. In order to implement the MOU, Cambodia
has set up a multi-ministry task force. Ministries in this task force include the Ministry of
Social Affairs, Labor, Vocational Training and Youth Rehabilitation (MOSALVY),13 the
Ministry of Foreign Affairs, the Ministry of the Interior, and the Ministry of Council. This
task force is responsible for issuing a Certificate of Identity to Cambodian workers. The
Thai government hoped that this process would be completed by December 2004, but due
to the complexity of the process and lack of necessary documentation, the actual
identification process started only in January 2005. The Cambodian government has also
stated that it is difficult to identify all the workers’ nationalities, as they have different
backgrounds. As of June 2005, citizenship for 74 workers from Cambodia were confirmed
while three workers who had claimed to be Cambodian were denied citizenship.

Complicating this problem is the fact that migrants both entering and leaving Cambodia
often lack any form of documentation. Refugees who fled Thailand during Pol Pot’s regime
often lack communities and families in Cambodia, and have consequently lost touch with
their own culture and language. Thailand will not give them citizenship, however, and in a way they remain stateless people.14

As of 2005, Cambodia has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families or the ILO convention #97 (Migrant for Employment) and #143 (Migrant Workers), although it has ratified most of other core UN and ILO conventions relating to women, child and workers.

3. Quality of Life at Home

Push Factors

As mentioned above, the majority of Cambodia’s population lives in rural areas and is employed in the agricultural sector. There are very few jobs in other sectors in the rural areas of Cambodia, and as a result, those who do not wish to work in agriculture know that they must travel to find work. Additionally, the income earned from agriculture is not always enough to sustain a family, and some farmers may resort to unsustainable financial habits just to get by.

“After the rice harvest some people sell all the rice in their barn, keeping very little for themselves, which cannot last them until next year. They prefer the money. Later, when the remaining rice is dwindling, they use the money to buy more rice. Eventually, they have to borrow money from other people for everyday things, which makes the situation worse. This drives people to travel far in order to work. They know from returned migrant workers that Thailand is a place where they can easily find a job and make money.”
(33-year-old female migrant returnee who has worked in Thailand. Interviewed in Siem Reap.)

Some migrants may initially travel to Phnom Penh to work or to beg, but if that situation is found to be unsatisfactory, there is always the knowledge that more money can be made in Thailand. Family and friends who are returned migrants tell of how much money they have made in Thailand; subsequently, villagers, family, agents, or the returnees themselves suggest migration to likely candidates. Many potential or first-time migrants know someone who has already been to Thailand.15

“In my village, I could not find a secure job aside from doing farming. Last year some of the villagers and I, who were physically fit, went to work in Phnom Penh. We would do anything in order to make money—working in a construction site, removing mud from the sewage, cutting grass etc. Some elderly people from my village also went there to beg. But after all that, I still could not save money. I thus found working in Chon Buri, Thailand better.”
Another push factor is the appeal of earning additional income when the rice harvest is over. Women in particular take up seasonal work near or just across the borders once the rice harvest has finished.

Journey to Thailand

Most of the migrants interviewed said that agents, villagers, returnees, or their relatives initially suggested to them that they should migrate. Except for a few young men who made the “adventure” without an agreement with their parents, all the migrants consulted their spouses, parents or other relatives during the decision-making process. Once they decide to migrate, prospective migrants have to travel to provinces near the border, then with the help of the agents or relatives, cross the border into Thailand. 54 out of 64 migrants interviewed said they were totally dependent on the agents in this process.

Those who crossed the border by land typically spent one night walking through deep water or forest. Those who crossed the border by boat spent two days and nights through Sihanouk Ville and Koh Kong, Cambodia to Rayong, Thailand. Each person paid THB 2,500 to THB 3,000 to an agent as soon as they arrived.
“Some people cross the border to work in the farm near the border whenever there is demand of labor from a farm owner in Thailand. They knew about the work opportunity through other Khmer people who have been in Thailand for a long time, and gained confidence from the employer and were asked to find more workers to work for their farm. These hired workers would go back to their village once the work is done. I and my friends from Pailin wanted to get a job in Thailand and got help from an agent. We got on to an Isuzu van in which flat pieces of wood were placed in many layers. We lay down between these layers like pigs in a cage, and a bottle of water was provided for each person. Goods were placed on the top. Once in Thailand, we took detouring route across the mountain. We had to spend a lot of money to the agent in order to arrive at Chon Buri or Rayong.”
(29-year-old male migrant working as a fisherman in Rayong. Interviewed in Pailin while he was visiting his family.)

Upon Return

While the goal of most migrants is to return home safely with a lot of money earned from working abroad, many migrants end up not achieving this goal. In a number of cases, migrant workers returning to Cambodia from Thailand have been able to save little to no money; some migrants may have spent all their money on everyday expenses or police bribes, and are still unable to find work or save money from their work. In the worst cases, some of the migrants may have grown physically weaker, had an accident as a result of poor OHS standards, fallen ill, or contracted some disease, including STDs. In some cases these migrants have access to medical care provided by the Thai government or NGOs in Thailand. However, they may face a number of problems upon return, including: 1) lack of a referral system from the border to a clinic in their home town; 2) poor health infrastructure in the source community; 3) a discontinued treatment process due to lack of health service available in the home community; 3) lack of financial capacity to pay for treatment; 4) lack of family support; and 5) being homeless or landless.

The sad reality is that the migrants’ own families can barely provide support for the returning migrants who have fallen sick. These families are mostly extremely poor, and are struggling to survive in their daily lives. They have been left behind for many years, taking care of children and elderly parents and doing the farm work without their most productive family members. As a result of such hardship, they may simply have no more energy or capacity to look after the returning sick migrant. They may also lack knowledge, skills and capacity to handle problems related to the illness.16

Those who worked as sex workers may feel discouraged from going home due to the fear that they may have contracted STDs, or a fear of the attitude of their community towards them. In other instances, former sex workers may return to their villages or local regions to become agents in facilitating the deceptive trafficking of even more young women into the foreign sex industry, thus completing a vicious cycle.

Migrants who are caught and deported from Thailand reportedly experience inhumane
treatment and often exploitation by opportunistic persons in authority. There are some reports of migrants being herded into trucks like cattle for deportation. One of the interviewed migrants said that he, together with other deported migrants, were forced by the Thai police to walk a long distance back to Cambodia. They were then taken to the police station in Cambodia, and had their remaining money stolen by officials or were made to cut the grass at the station yard for a day. The local newspaper has also reported that deported migrants are forced by the border police and other relevant officials to pay money for their release. Once deported migrants are returned to Cambodia, the Cambodian police pick them up and take them to a nearby “rehabilitation” center, where they must pay a fine of THB200 each. These police reportedly have claimed that migrants bring “shame” to Cambodia, thus they need to punish them to prevent them from migrating again. Workers will face “re-education” in the rehabilitation centers, warning them against the dangers of working across the border, and warning them not to do it again.

Whether the returning migrants were unable to save money in Thailand or had their money stolen or confiscated on the way home, lack of money upon return has serious implications. Migrant work is often seen in the villages as an honorable act (supporting one’s family), thus if a migrant returns without money or with an illness, he or she may feel shame and helpless. Likewise, the villagers may look down upon the returnee for becoming dependent on the family, rather than supporting them through work and remittances.

3. Response and Recommendations

3.1 Responses

As reported earlier, the Royal Governments of Cambodia and Thailand have signed the MOU on Cooperation in the Employment of Workers on 31 May 2003. However, to date, the legal migration channel is not available to ordinary workers from Cambodia, and thus the existing migration channels remain to be undocumented ones.

Meanwhile, there are a number of counter-trafficking initiatives in Cambodia: UNIAP reports that the government has made serious efforts to combat trafficking in women and children. The Ministry of Women’s and Veteran’s Affairs (MWVA) is the most prominent government ministry working to combat trafficking. The MWVA started its partnership with IOM in 2000 to implement a counter trafficking project entitled Prevention of All Forms of Trafficking in Women and Children. There are also a number of NGOs working on trafficking related issues with several nation-wide coalitions of NGOs. The royal governments of Cambodia and Thailand signed the MOU on Bilateral Cooperation for Eliminating Trafficking in Children and Women on 31 May 2003. The importance of the MOU is that these two countries will be able to pursue joint investigations of transnational traffickers and cooperate on the reintegration of trafficking victims.

The following is a summary of responses by respective organizations on migration and trafficking.
Responses on migration related issues from Governmental Bodies

1. As reported earlier, the Royal Government of Cambodia has set up a multi-ministries task force to implement the MOU on Cooperation in the Employment Workers. The verification of migrants’ nationalities and issuing of IDs to the migrants upon verification has taken place. However, the information regarding the MOU has not yet been made widely available to Cambodian migrants in Thailand as well as prospective migrants in Cambodia in a language that can be understood easily.19

2. In October 2004, the Mekong Migration Network (MMN), along with other partner organizations, organized a regional symposium entitled “Protecting Migrants’ Rights When They Leave their Host Country” in Chiang Mai, Thailand. The representatives from the Ministry of Labor and Vocational Training, Ministry of Foreign Affairs, and Prey Veng Provincial government attended the symposium and shared their perspectives on the issues related to the MOU, and issues faced by Cambodian migrants upon return and reintegration.

Responses on migration related issues from NGOs

1. Cambodian Women for Peace and Development, in collaboration with Program for Appropriated Technology in Health (PATH) Cambodia and Thailand, and Center for AIDS Rights (CAR) runs the PROMDAN project, through which it aims to educate
migrant workers and potential migrant workers, both on-site in Thailand (Rayong) and in home communities in Cambodia (Prey Veng). Initially started to focus on the prevention and care of STDs such as HIV/AIDS, the program further developed to educate potential migrants on the realities of migrant work and aid them in making informed decisions. PROMDAN II is the program run in Cambodia for families, potential migrants, and returnees. Families are able to use postal services to communicate with loved ones in Thailand, while prospective migrants and their families are educated about what to expect, including how and where to get help, if needed. One of the most significant concepts created by PROMDAN II was that of a ‘life plan strategy’, which involves both migrants and their families in focusing on setting and realizing economic goals. More than just a financial plan, however, the life plan strategy also promoted social responsibility, such as avoidance of STDs like HIV/AIDS, and encouraging migrants to return home quickly and maintain strong family ties. PROMDAN II also focuses on the health of migrants, not only on the prevention of STDs, but also in reducing the transmission of tuberculosis (TB) among migrants crossing the borders, and providing immunizations.

2. Legal Support for Children and Women (LSCW) has conducted research on migration from Koh Kong (Cambodia) to Thailand. The LSCW also provides legal support for women and children victims of trafficking.

3. A number of organizations in Cambodia including Cambodian Women for Peace...
and Development (CWPD), Cambodian Human Rights and Development Association (ADHOC), the Cambodian Human Rights Task Force, Cambodia Labor Organisation (CLO), Cambodian Women’s Crisis Center (CWCC), CARAM Cambodia, KHEMARA, Khmer Kampuchea Krom Human Right Organization (KKKHRO), LSCW, Overseas Vietnamese Association, PATH Cambodia, and Women and Youth Action, have come together through the MMN to improve coordination among the NGOs working on similar issues in Cambodia. While some of these organizations focus on the issues of migrants in Cambodia and others focus on the issues of Cambodian migrants leaving for or repatriated from Thailand, many of these organizations have participated in the joint research and plan to carry out more joint action in the coming years.

Responses to Trafficking-Related Issues from Inter-Governmental Organizations (IGOs) and Governmental Bodies

1. In addition to the MOU on the Bilateral Cooperation for Eliminating Trafficking in Children and Women, which was signed by the Ministry of Social Affairs, Labor, Vocational Training, and Youth Rehabilitation (MoSALVY) and the Thai Ministry of Labor, Cambodia has also signed the MOU on Cooperation against Trafficking in Persons in the Greater Mekong Sub-Region, along with China, Lao PDR, Myanmar, Thailand, and Vietnam. Cambodia is currently in talks with Vietnam to collaborate on an MOU concerning trafficking between the two countries.

2. From 2001 to 2003, The International Organization for Migration (IOM) and MWVA have conducted a project using multimedia presentations to disseminate information about trafficking and raise awareness among villagers. Since March 2003, the IOM and MWVA, funded by the USAID, expanded the coverage of the project, effectively making it a nationwide campaign. In addition to the awareness-raising campaign, the MWVA has worked on the establishment of peer networks, and has rallied for the ratification of the trafficking-specific sections of the UN Convention Against Organized Crime.

3. The MoSALVY in Cambodia created the special department of Anti-Human Trafficking and Juvenile Protection in 2002. MoSALVY also works in collaboration with the IOM to repatriate trafficking victims to Cambodia from Thailand, as well as from Cambodia to sending countries. MoSALVY also initiated a public education campaign, focusing on border areas, to counteract trafficking.

4. International Labor Organization-International Program on Elimination of Child Labor (ILO-IPEC) has carried out rapid assessments to determine actions to be taken in 2005. Preventative actions are being carried out in Prey Veng, Svay Rieng, and Kampong Cham. These include awareness raising to prevent trafficking as well as the establishment of alternative livelihoods, including rural vocational training and credit schemes.

5. The Cambodian National Council for Children (CNCC) has created three
subcommittees, which focus on: child trafficking and the sexual exploitation of children; other forms of child exploitation, such as child labor; and legislating laws related to cases of child trafficking and exploitation. The government has also implemented a five-year plan of action against the sexual exploitation of children.

**Recommendations**

While the government response to trafficking has been noteworthy, its response to labor migration seems to be at the initial stage. Meanwhile, several NGOs have been working on migration-related issues. The geographical coverage of these projects is not yet quite comprehensive in relation to the large number of outgoing migrants, and coordination between different organizations also remains sporadic. Given these realities, we would like to make the following recommendations.

1. For the Royal Government of Cambodia to verify the identity of the migrants in Thailand and issue travel documents more swiftly.
2. For the MoLVT to widely disseminate detailed information in the Khmer language regarding the MOU on Cooperation in the Employment of Workers to prospective migrants in Cambodia as well those who are already working in Thailand.
3. For the MoLVT to set up a documented migration channel that is accessible, safe and affordable to people.
4. For the MoLVT to work in collaboration with their Thai contemporaries to prevent the exploitation of Cambodian migrant workers in Thailand and assist their nationals in accessing redress mechanism.
5. For the Ministry of Health, in collaboration with local authorities, to establish a referral system for repatriated migrants who have fallen sick or have become disabled. Such collaboration will need to be carried out between the health authorities in Thailand and Cambodia, as well as between health authorities along the border areas in Cambodia and the migrant home communities.
6. For the relevant authorities to create a formal and safe remittance channel for migrants.
7. For the MWVA, in collaboration with local authorities, local NGOs, and MoLVT, to monitor the status of women migrants throughout pre-migration, on-site, and return and reintegration stages and of migrant families at the source communities.
8. In recognition that migrants are partners in development, we recommend the MoLVT, Ministry of Rural Development, and Ministry of Agriculture, Forestry and Fisheries establish a support system for migrants and their families for their social investments.
9. For the Royal Government of Cambodia to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and adopt national laws accordingly.
10. For NGOs to further strengthen cross-border collaboration with both governmental and non-governmental sectors in Thailand so that support for Cambodian migrants at all the stages of migration will become more comprehensive.

11. For NGOs to further strengthen collaboration among concerned NGOs in Cambodia so more people in communities will have access to information and services concerning migration.

FOOTNOTES


3 CIA World Factbook.

4 “Cambodia apologises to Thais”, in BBC, 30 January 2003.

5 Cheng Tony, “Picking up the pieces in Cambodia”, in BBC, 3 February 2003.


7 “Cambodians wary that new government could be unwieldy and corrupt” Ker Munthit, 22 July 2004, AP.

8 OXFAM International, Cambodia’ Accession to the WTO: How the law of the jungle is applied to one of the world’s poorest countries?, 2003.


10 Derks, Annuska “Trafficking of Cambodia Women and Children to Thailand”, IOM and Center for Advanced Study: Cambodia, 1997, p 20

11 Ibid. p. 20


13 MoSALVY later changes its name to the Ministry of Labor and Vocational Training (MoLVT).

14 According to Mr. Eng Ly, Vice Director of Ministry of Labor and Vocational Training, interviewed by Cambodia CRT, March 2005.


17 40-year old male migrant who previously worked as a construction worker in Chon Buri. Interviewed by the Cambodia CRT in Pailin.

18 Rasmei Kampuchea Daily, 4 March 2005

19 According to Mr. Eng Ly, Vice Director of Ministry of Labor and Vocational Training, interviewed by the Cambodia CRT, March 2005.
1. Overview

1.1. Overview of China

In 1978, the Chinese government began moving from a centrally planned economy to a more market-oriented system. Consequently, the economic influence of non-state organizations and individual citizens has been steadily increasing. As a result, GDP has quadrupled since 1978. Measured on a purchasing power parity (PPP) basis, China in 2004 stood as the second-largest economy in the world after the US, although the overall population is generally still poor. Foreign investment has helped spur the output of both domestic and export goods.

Meanwhile, as the economy changes, many of the large, state-owned enterprises (SOEs) are shutting down, creating a challenge for the government to sustain adequate job growth for the millions of laid-off workers. Statistical data shows the number of state and collectively
organized jobs dropped by 3,423 million from the end of 1997 to the end of 2000. Between January and September of 2002, laid-off workers from SOEs found new jobs at a mere 15% re-employment rate. Moreover, the average period of unemployment for each worker is getting longer, making it harder for this group to re-enter the labor market. While overall employment in China has risen marginally, unemployment rates in urban areas are on the rise. Due to variations in how official statistics are compiled, some believe China’s actual rate of unemployment to be around 7-8% at present, while urban unemployment in particular may have already surpassed 10%.

Apart from a well-educated upper echelon, the majority of workers have limited educational backgrounds and technical capabilities. Among the working age population, 79% have less than a junior middle school education. In the countryside, this figure is much higher, at 91%. There is an increasing gap at present between laborers’ abilities and the demand for more skilled workers to fill the expanding production sector after China’s entry into the WTO. Paradoxically, while there is a huge need for cheap labor to fuel production in Free Trade Zones, this need cannot be met by the hordes of low-skilled workers who are rapidly losing their place in a changing economy. Compounding the problem, the increasing number of unemployed and underskilled workers are flocking to urban areas, where they are still unable to find work.

Simultaneously, the number of people employed in private enterprises (including Hong Kong-, Macau-, Taiwan- and foreign-funded businesses) has risen 27.72% annually, from 3.72 million in 1993 to 42.99 million in 2003. This trend is likely to continue in the future.

It is estimated that China’s working age population will increase by 42 million between 2000 and 2005, and then by another 39 million by 2010. This increase in the labor supply puts great pressure on the state to provide job growth not only for those unskilled laborers leaving the SOEs, but for those newly entering the work force as well. The state is thus likely to be encouraged to use market-oriented policies to spur the growth of the job market.

As such, China is likely to face the following trends in its labor market in the next ten years. First, there will be a surplus labor supply of about 2 million each year, most of which will be from rural areas. This large group of surplus labor will generally have limited skills, will be highly mobile, and will be left with great uncertainty. Second, the main employment problems China will face in the future are of a structural nature. There will be increased employment pressure caused by the shift from a state-structured to a market economy. Simultaneously, there will be a large transfer of rural surplus labor, caused by lagging agricultural industrialization, to urban centers.

In 1999, Beijing launched its “Go West” campaign or West Development plan. According to state statistics, 90% of China’s poorest people live in the western regions. Increasingly concerned with the gap between the west and east, the central government spearheaded the plan to develop its western regions and make the west an “incubator for skilled manpower” and a “hot spot for foreign investments.” These regions also have strategic importance for China, as they share borders with 13 countries and are rich in natural resources. The plan has so far focused on building large scale infrastructure such as building modern highways. By
2004, China has invested more than RMB 850 billion in infrastructure. The GDP in the west has grown over 10% each year since the beginning of the plan. Yunnan, in particular, has become the fastest-growing provincial economy in China in the first quarter of 2005. In August 2005, a central section of the Kunming-Lao PDR highway was completed. This will eventually link Yunnan to Thailand. Also completed earlier in 2005 was the new Kunming-Xiaguan highway, linking Yunnan to Tibet. This network of superhighways between Thailand and Tibet via Yunnan are likely to draw in tourists from southeast Asia to southwest China and Tibet, both of which have huge tourism potential.

Despite the success stories of Yunnan and a few other places, most parts of the west are still far from seeing benefits from the development plan. Critics argue that the gap between the urban and rural has widened, and while the rural communities remain poor, the basic living costs such as school fees have increased, becoming unaffordable for rural poor. The greatest challenge is thus to create sustainable livelihoods for the rural poor and ensure that they have equal access to basic services such as education and health care.4

1.2. Overview of Yunnan Province

Yunnan Province, with a population of 40.94 million and an area of 394,000 square kilometers, is located in Southwest China. Yunnan has a 4,060-kilometer international border with Burma, Lao PDR and Vietnam, of which the Sino-Burmese border is 1,353 kilometers.
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 borders are often related and share a common culture and language. There is a deep and abiding relationship between ethnic groups in Yunnan and the people of peninsular Southeast Asia. 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 Prefecture, and Hekou in Honghe Prefecture.

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. 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 regions 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.

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. Yunnan is the province with the largest number of cases of HIV/AIDS in China; indeed, China’s first case of HIV was confirmed in Ruili. Drug addiction and HIV/AIDS have become major issues of social concern in Yunnan today.5

2. Overview of Migration

2.1. Rural-Urban Migration

According to China’s 2000 census, the total population of China was 1.24 billion. State control over internal migration has gradually loosened since 1978, allowing rural people to start businesses and to work in towns and cities. This has resulted in a large “floating population”. This floating population is composed of rural to urban migrants without official urban household registration.

Since the 1980s there have been three main trends of internal migration in China:
1. Migration from rural to urban areas. 100 million people per year are estimated to move from rural to urban areas;
2. Migration from Western to the Eastern China because of greater job opportunities and higher incomes in the East; and
3. Migration from all over China to several of the biggest cities such as Beijing,
Shanghai and Guangzhou.

Migrants from rural areas maintain a close relationship with their home villages. They usually visit home regularly during periods such as the Chinese New Year holiday or busy farming seasons. Most of them do not see the city as their home, partly because of the household registration system and partly because of the current land distribution regulations. Therefore, they generally move in a cyclical pattern between rural families and urban jobs.6

While working and living in the cities, lack of urban registration often makes temporary migrants more vulnerable and marginalized. The vast floating population not only endures a standard of living far below that of the urban sector, they are also denied access to many social welfare benefits, education, and the opportunity to move to a more permanent or more skilled job. They usually take up marginal jobs that are characterized by long working hours, poor working conditions, low and unstable pay, and no benefits.

The floating population and local urban residents participate in two different labor markets. For example, the 1990 census indicated that only 3% of all long-term migrant workers were employed in professional/cadre/clerical positions, compared with 24% for permanent urban residents.

Some cities have regulations to protect urban residents’ position in the labor market by restricting rural people’s access to certain jobs. Although the Central Government has asked them to relieve these restrictions in a formal document, the discriminatory local regulations are still in place.

In large cities such as Beijing and Shanghai, the workplace problem most frequently reported by migrant workers is overtime work. Also reported are poor working conditions such as high temperatures, loud noises, bad odors, and lack of protection while working. In some industries, such as in footwear manufacture, there are practices that greatly harm workers’ health. Especially common is benzene poisoning in shoe manufacturing.7 A study among migrant workers in the Pearl River Delta found that the greatest number of complaints in regard to their work place were noise, ventilation, and dust.8

2.2. Cross-border Migration Flows between China and Other Asian Countries

There is a trade zone near the border of China and Mongolia, in which the cities of Erlianhaut and Zamiin-Uud are connected by railway. In 2003, more than 300,000 trips were recorded from Mongolia to China. However, this does include visitors from Russia and other Eastern European countries.9 Russians usually come to China as tourists through the popular port of entry at Heihe. An unknown number of undocumented workers, mostly working as waitresses, are also found in China. From the 1990s, farmers from Northeastern China began migrating to Russia for work, mostly to coastal provinces, but some as far as the European border. Official data provided by Russia estimates the number of Chinese labor migrants at over one million.10

With the establishment of a free-trade zone in North Korea, cross-border movement between the two countries has become more active. It is expected that migration will increase
with the establishment of yet another economic zone around Dandong City. China has responded in kind by developing the Tumen River Region to encourage further trading between China and North Korea. It is known that migrants enter China from North Korea, but since this movement is not formally permitted, the distribution and size of this group is not clear.

Meanwhile, Chinese workers migrate to South Korea, beginning initially with Chinese of Korean descent, and then workers of non-Korean origin. In 2003, there were 154,652 legalized undocumented Chinese migrants in South Korea.

It is believed that very frequent cross-border activity occurs in the border areas and trading posts of Xinjiang in western China, and that there is a large stream of mobile people in the region. However, there is no reliable detailed information in this area. It has been pointed out that Xinjiang has become a major drug trafficking route that bridges the Golden Triangle and Central Asia.

Coastal provinces Guangdong, Fujian, and Zhejiang used to be the major source of China’s cross-border migration, among which Guangdong accounted for 65% and Fujian accounted for 25% of migrants. Nowadays international migration is still active in these regions and in the past 20 years the prominent destinations include the US, Japan, and European countries.

Due to the fact that the size of the cross-border migrant population is relatively small compared to that of the internal migrant population in China, there has been limited attention to cross-border migration from researchers in China, and reliable data on this issue is scarce. However, it can be said that the trend of cross-border migration from China is increasing. Statistics show that there were about 12 million instances of Chinese mainland citizens going abroad in 2001. While this figure mainly refers to tourists, it indicates greater mobility in general among Chinese people.\textsuperscript{11}

The Chinese cross-border mobile population can be categorized as the following:

1. International students;
2. Short-term visitors;
3. Professionals;
4. Laborers contracted through recruiting agencies, who mostly go to Japan, USA, Singapore, South Korea, Israel, Mauritius, Russia, Germany, and the Netherlands; and
5. Undocumented migrants, including smuggled and trafficked migrants.

International contract labor migration is a growing phenomenon in China and the export of labor out of China is a growing industry. In 2003 China’s exported labor earned USD3.309 billion and newly signed contracts totaled USD3.087 billion. By the end of the year, 525,000 workers had been deployed abroad. By 2004 about 2,000 agencies had been authorized by the Ministry of Commerce to operate labor exportation businesses. Labor export has extended to 189 countries and regions and work sectors now include manufacturing, farming, forestry, animal husbandry, side-line production, fishery, transportation and construction.
Meanwhile, the phenomenon of undocumented migration continues. Human smuggling, in particular, has been going on for the last twenty years. It is estimated that around 100,000 people are smuggled out of China every year.\(^1\) While the age, sex, or occupation of these migrants is not known, it is generally understood that there are more men than women smuggled out of China. The plight of cross-border migrants often receives attention only when they become victims of tragedy.

On 19 June 2001, 58 undocumented Chinese migrant workers were found dead in a trunk container in Dover Harbor, United Kingdom. This incident shocked the public and brought attention to the issue of undocumented migrant workers. In 2004, more than ten high-profile incidents around the world highlighted the reality of undocumented Chinese migrant workers. On 5 February 2004, 20 undocumented Chinese workers died when they were caught in a rising tide while picking clamshells in Morecombe Beach in the northwestern part of England.\(^1\) Chinese workers were deployed even in conflict areas; they were badly injured in suicide bombings in Israel several times in 2004.\(^1\) In addition, there were reports of accidental deaths of Chinese workers in Kazakhstan, Turkey, and Malaysia, as well as kidnappings in Sudan, Iraq and Afghanistan.\(^1\)

2-3. Migration from Yunnan to GMS countries

**Trafficking along the border**

Yunnan and Guangxi provinces have been the main places where trafficking occurs in China. In the past, only a subsection of Yunnan, mainly in the border regions, was affected by the trafficking. But currently, trafficking in women and children has spread to almost every province, city and county.

Trafficking in Yunnan and Guanxi is both domestic and transnational. Domestically, traffickers generally take Chinese women and children to other provinces in China such as Jiangsu, Zhejiang, Shandong, Guangdong, and Henan, mainly for marriage. Transnationally, women and children are trafficked to Southeast Asian countries, mainly to Thailand and Malaysia, to be sex workers. Transnational trafficking is bi-directional: traffickers take Chinese women to Thailand and Malaysia while at the same time traffickers bring Vietnamese women and children into China. One trafficking victim who spoke to the China Country Research Team (CRT) was trafficked to Burma, and then to Thailand. She was “sold” several times before ending up in a nightclub, where she was confined and physically tortured.\(^1\)

Most victims of sex trafficking are held as bonded labor. Their trafficker, or the pimp who pays off their trafficker, tells the victim that she owes a substantial sum of money for the fees incurred while trafficking her. In order to pay off this debt, the victim has no choice but to provide sexual services, while receiving no compensation herself. Debts may be tacked on for room and board, and the worker will never know how much of her debt she has actually paid off. Such a system ensures virtual slavery for as long as the trafficker or pimp wishes it to continue.

Because it is quite difficult for sending and receiving countries to provide precise
information on trafficked women and children, only reports from victims’ families or police cases can help compile the statistics. The number of reported cases is far fewer than the actual number of victims because many parents may not call police, therefore making it difficult to glean accurate information. According to police statistics, there were 467 cases of transnational trafficking in Yunnan Province from 1991 to November 1996, which involved 85 Chinese women and 467 Burmese and Vietnamese women. Police arrested 1,293 traffickers, 137 of whom were non-Chinese, and rescued 284 Vietnamese women mainly from Yunnan Province as well as 147 Chinese women from other countries.

Lancang County of Simao and Menghai County of Xishuangbanna in Yunnan are the main places where transnational trafficking occurs, mainly trafficking Chinese outwards. Poverty is the main driving factor of this transnational flow. In Menghai County in Yunnan Province, the individual income per year is under RMB1,000, and the majority of people are living mainly on government subsidies. Induced by the economic benefits, some of the peasants, especially youths who are short of social experience and are easily deceived, as they have many fantasies of going abroad to make a fortune. These fantasies make them extremely vulnerable to trafficking by criminals.

Inadequate education, a low sense of empowerment, and lack of information combine to make villagers, especially females, vulnerable to traffickers. Many adults in these regions are illiterate or have very little education. Only a small proportion have had a primary education. As a result, parents are unable to warn their children, and young adults are not able to defend themselves against trafficking. In addition, because women are expected to marry, school is seen as an unnecessary expense, resulting in girls’ low education levels. All these factors help the traffickers in spite of their simple trafficking methods.

When some women come home from Thailand, they bring back money, presents, and photos. With the money, their families can build new houses and soon become an example for the villagers. With such obvious displays of success in the village, many other parents will encourage their children to go to work in Thailand, too. The combination of encouragement by their parents and the temptation of a large salary induces more and more women to go abroad to work. This can also lead to trafficking as more and more women search for ways to go abroad for work.

Compared with China, it is relatively easy to earn money in Thailand. Young women can only earn RMB500-600 (USD70) per month in China, whereas in Thailand they can earn up to RMB10,000 (USD1,250) if they work in the massage parlors or night clubs. The economic allure of this discrepancy is often difficult to resist.

Geography is also a factor, as the main trafficking regions are near the border. In Yunnan, some villages are only just over 200 kilometers from Thailand. Exacerbating the problem is the fact that construction on the Kunming-Bangkok highway, which will connect to the road network in Malaysia and Singapore, will be complete in 2006. Many experts worry this convenient transportation network will accelerate trafficking.

The populations on the borders with Lao PDR, Burma and Vietnam often belong to similar or the same ethnic groups. These ethnic border-region inhabitants speak the same
language, share common customs and have close relations. Every year many people will go to these countries to work or do business. For example, Dai minority inhabitants also live in many Southeast Asian countries beside China, and Chinese Dai often migrate to these countries. Consequently, it is easy for them to communicate with the local inhabitants because they have the same appearance, language and living habits. These commonalities facilitate cross-border migration in the GMS as well as trafficking.

The demand for trafficked women for the sex industry has increased in Southeast Asia. The increasing demand will enlarge the scale of transnational trafficking. Most women trafficked from China into other GMS countries, primarily to Thailand, are trafficked by acquaintances, some by neighbors, and some even by friends or relatives. The traffickers usually have a network of relatives and friends around the borders of China, Burma and Thailand. Many have experience working and living in multiple countries, especially Thailand. With their relational network and experience, the traffickers traffic the young women from their own villages or neighboring villages to Thailand. Upon arrival in the destination countries, the buyers will give the intermediaries some money, which includes the transportation and accommodation fees on the way.

Although the Chinese government has increased penalties for trafficking in women and children, it has not been a deterrent. Instead, traffickers have adapted their methods accordingly, which has increased the difficulty of anti-trafficking efforts. Trafficking now presents several new characteristics:

First, while in the past, trafficking networks have usually been made up of independent operators, organized crime gangs that oversee the entire process are now increasingly dominating the trade. Often these gangs are members of the same family or clan.

Second, as more and more rural women migrate for work, traffickers are moving from villages to labor markets, often luring victims with offers of legitimate work. According to the Statistics Bureau, 60% to 70% of luring or abductions by traffickers now take place in labor markets.

Third, once almost exclusively dominated by men, the human trafficking industry now sees women and girls playing major roles in luring other women and girls. Some deceive even their own friends and classmates by inviting them on seemingly innocent day-trips or offering them non-existent jobs. Potential victims are much more likely to trust a woman, especially a familiar one.

The Chinese government has been responsive to the issue of trafficking and has sought cross-border collaboration in tackling trafficking. In December 2002, China has also signed the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. In addition, the Chinese government has signed extradition treaties with over ten other countries, as well as criminal justice assistance treaties with over 20 other countries and police cooperation agreements with over 40 other countries. Such treaties allow China to extradite traffickers from other countries and punish them by the laws of China, as deemed appropriate. More importantly, they aim to facilitate the recovery of trafficking victims from abroad.

3. Responses
Most of the existing responses focus on the prosecution of traffickers, the rescue of the trafficking victims, and awareness-raising regarding trafficking and HIV.

1. ILO, through the Mekong Sub-regional Project to Combat Trafficking in Children and Women, has established cooperation among the Yunnan provincial government, mass organizations, NGOs, and other groups in order to effectively enforce the prevention of trafficking. This project has an aim to raise consciousness regarding trafficking in the Yunnan government and plays an important role in resettling and reintegrating victims of trafficking.

2. Yunnan Provincial Women’s League has implemented the ILO’s anti-trafficking program (see above) in Menghai and Jiangcheng Counties. The project has adopted a cascading method to develop gender equality and ensure anti-trafficking education by training authority figures such as schoolmasters, who in turn teach students. Students then teach parents, who inform communities.

3. Police and Women’s League have been working together to actively rescue trafficked women and to aggressively pursue traffickers. They have developed large-scale anti-trafficking plans in strategic locations throughout the country.

4. Guangxi, Piangxiang has established the “Mutual Assistance Home” for youth in the village of Youyi Town in Licha. The home gives vocational training and HIV education to local youths in order to give them job skills and protect themselves from trafficking and STIs.

5. In order to prevent trafficking at the source, and to enhance the knowledge of the citizens, Piangxiang has embarked on a consciousness-raising campaign to publicize legal information that pertains to trafficking. Law training classes headed by the civic Women’s League are available, and additional information is disseminated via propagandizing trucks, newspapers and magazines, photographs, television broadcasts, leaflets, and performances.

6. Department of Education also emphasizes law education in schools. Some schools employ law specialists in the schools to regularly educate teachers and students on anti-trafficking measures. The Department of Education also works with the proper legal bodies to ensure that all children of a certain age are in schools, in order to prevent economic and educational vulnerability to trafficking.

7. The Xishuangbanna Center for Women and Children runs a number of informal education programs. It organizes children’s forums to raise the awareness of children of their rights, provide an opportunity for them to express their feelings, and draw attention to the issues of trafficking. The center also organizes a peer education project through which former migrant workers share their experiences and advice with others. The center has established the Xidalie Children’s Home which fostered a network of youth who participate in the provision and management of community education. These projects aim to empower women and children and as a result,
prevent them from forced migration.

4. Recommendations

While the Chinese government has been active in prosecuting the traffickers and conducting awareness raising activities regarding trafficking, women and children in rural areas will continue to be vulnerable to trafficking as long as their access to education and employment opportunities is limited. It is important that the rural poor have greater access to basic social welfare such as health care and education and are assisted on their rural livelihoods. In recognition of such needs, the recommendations are the following.

1. For the Chinese government and its relevant agencies to further promote and assist the completion of compulsory education among rural children, especially girls, in order to improve their quality of life and decrease their vulnerability to trafficking.
2. For the Chinese government to assist farmers to increase the productivity and profitability of the agricultural activities, and also support small-scale enterprises in rural areas to reduce the pressure on the villagers to migrate to cities or other countries in search of employment.
3. For the NGOs and other social service organizations in collaboration with local governments to assist the reintegration of victims of trafficking into their communities. Special attention is required for those who have worked as sex workers, as they suffer from the social stigma, thus are in need of counseling and other life support.
4. For the Chinese government to enhance cooperation with other GMS countries in prosecuting traffickers as well as in assisting return and reintegration of victims.
5. For the Chinese government to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families as well as the Covenant for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

ENDNOTES

4 Rui Xia, “Asphalt net covers China’s west” in Online Asia Time, 15 September 2005.
6 Cai, Fang (ed), Pattern and Path of Population Mobility in China: 1990~1999, Beijing:
16 Yunnan CRT interview with a trafficking victim, October 2004, Yunnan.
1. Country Overview

The Lao People’s Democratic Republic (Lao PDR), the second smallest country in Asia, is a landlocked nation at the heart of the Greater Mekong Sub-region (GMS). Bordering Burma/Myanmar and China in the north, Thailand in the west, Cambodia in the south, and Vietnam in the east, Lao PDR shares its longest border with Thailand along the length of the Mekong River.

Lao PDR’s 5.6 million population makes it one of the most sparsely populated countries in Asia, with 24 persons per square kilometer. There are 49 recognized ethnic groups in Lao PDR, most of whom are grouped into three general categories, according to location: lowland, midland, and highland.

French colonizers granted full independence to Laos in 1954. From the 1960s to the beginning of the 1970s during the Indochina war, the U.S. expanded its military operation to Laos. Laos faced intensive bombings by the U.S., especially in the north and eastern provinces. By the time the Indochina war ended in 1975, all infrastructure and economic
bases had been destroyed, resulting in a heavy loss to the country’s economy and the lives of the Lao people, from which will take decades of struggle for the country to recover.2

In 1975, the Lao People’s Democratic Republic (PDR) was established. Around 360,000 people subsequently fled the country as asylum seekers.

Economy

In 1986 the Government adopted the New Economic Mechanism, moving economic activity away from a central command system towards a market-based approach, allowing the private sector to play an active role in socio-economic development. Since then there have been steady improvements in key social and economic indicators. Despite the Asian financial crisis, for example, the macro-economic climate has remained stable and growth was maintained throughout the 1990s and the first years of the new millennium.3 At the same time, Lao PDR has become an active partner in ASEAN and in initiatives for sub-regional co-operation such as GMS Economic Cooperation, Mekong River Commission (MRC) and Ayeyawady-Chao Phraya Mekong Economic Cooperation Strategy (ACMECS). In the government’s view, Lao PDR has the potential to provide a strategic resource base and land link to its neighbours—Vietnam, Thailand, Cambodia, Myanmar and China—due to its location in the center of a dynamic and prosperous region.

Nevertheless, Lao PDR is still classified as one of the least developed countries (LDCs) and as of 2003 ranks 133 out of 177 countries on the Human Development Index, well below neighboring countries Thailand, China, and Vietnam, which are ranked at 73, 85, and 108 respectively.

While subsistence agriculture accounts for half of the GDP and provides 80% of the total employment of the country,4 environmental factors—only 10% of the land is suitable for agriculture while two-thirds of the country is covered in forest—restrict both the quantity and quality of agricultural production and remain a barrier to development of both trade and social infrastructure, including transport and communications. In terms of real per capita consumption, Vientiane municipality, which lies in the rich, fertile plains of the Mekong River Valley, is the wealthiest region in the country, while the north is the poorest. Vientiane is not only the wealthiest municipality, but is also experiencing the fastest growth: per capita consumption in Vientiane municipality increased at an average annual rate of 10.8% from 1997-1998, more than twice the rate of increase in per capita consumption in other regions, indicating the growing disparity. The north had the highest incidence of poverty in this time period, at 52.5% compared to 38.6% nationally. Poverty is particularly severe among ethnic groups inhabiting remote areas or on highland areas and among female-headed households. Women of highland ethnic groups compose 70% of the illiterate population in the country. Consequently the Lao government in 2003 identified the ethnic groups especially in the highland areas as target groups for poverty eradication in its National Poverty Eradication Programme.5 Overall, some 830,000 people in the north are living below the poverty line, accounting for about 45% of the country’s poor. In addition to being the poorest region of Lao PDR, the north has also
experienced the slowest rate of poverty reduction.

As a result of the gap between urban areas and underdeveloped rural areas, there are strong push and pull factors for rural-to-urban migration, especially to the capital city of Vientiane. According to data provided by Ministry of Interior, the number of internal migrants to Vientiane was 95,332 as of 1995. According to the population census for the years between 1985 and 1995, there was greater migration from the provinces of Phongsaly, Luangphrabang, Huaphanh, Xiengkhuang, Champassack, and Attapeu.

Given this reality, the Laotian government has set its economic development goal to move up from its current rank as an LDC by the year 2020, for which the country will have to raise its per capita income to USD 1,000. In order to achieve this goal, a necessary growth rate of 7.5% was calculated from the current annual population growth rate of 2.8% and the current per capita GDP of USD 350. In 2003, the GDP grew by 5.9%, falling short of the 7.5% target and therefore necessitating further GDP growth in order to meet the 2020 target. An expanding work force is also a factor dictating macroeconomic growth, as 54% of the current population is under 20 years of age, and the population of the country is predicted to double in the next 15 years.

The government also devised eight National Socio-Economic Priority Programs to help meet its 2020 development goal. The programs implemented are 1) food production; 2) commodity production; 3) stabilization of shifting cultivation; 4) rural development; 5)
infrastructure development; 6) expansion of external economic relations and co-operation; 7) human resource development; and 8) services development. Of the programs, the government gives highest priority to achieving permanent food security, preserving the country’s natural resources, and developing the national human resource potential.

To facilitate growth, the government emphasizes the strong role to be played by the private sector. Private sector growth is currently constrained by a number of factors, including a weak financial sector, poor infrastructure, and limited human resource capacity.

Observers opine that a more comprehensive and diverse private sector must be developed if economic growth and employment is to be increased. This may partially explain why the government is keen to participate in the ADB-led GMS Economic Cooperation Project that emphasizes the role of the private sector, and in projects to build hydroelectric power plants along the Mekong River even though all the power generated will go to Thailand. Foreign direct investment in the country as of 2002-2003 was USD 277 million with new foreign investment in food processing and mining.

The country is currently negotiating to become a member of the WTO. In 1997 the Laotian government submitted its application to the WTO, and the WTO set up the Lao PDR Working Party in February 1998. Its first working party meeting took place on 28 October 2004, during which the Laotian government began negotiations for its entry to the WTO.
WTO. During the meeting, Lao Commerce Minister Soulivong Daravong stated that membership would “offer an opportunity to accelerate the economic reform process undertaken by the Lao government,” and that it would have “far-reaching implications for the Lao economy and its integration into the world trading system.”

Political situation

In November 2004, the Lao PDR hosted the 10th ASEAN Summit in Vientiane, and in July 2005, hosted the annual ASEAN Post-Ministerial and Regional Forum meetings. The Lao government sees these meetings as important venues where the country can increase its engagement with international affairs. During the November 2004 meeting, the Laotian government also announced its intention to scrap tariffs for goods from other ASEAN states by 2012.

Prior to the hosting of the ASEAN Summit, the Lao PDR had faced challenges and obstacles due to attacks by insurgents, who were reportedly supported by some people abroad.

Mobility and HIV

Lao PDR’s location in the heart of the GMS makes it a staging ground for multiple types of migration within the GMS and beyond, although official and reliable statistics in relation to migration in Lao PDR are difficult to obtain. Like other GMS countries, Lao PDR’s central location and mobile population also makes it highly susceptible to HIV transmission. The first diagnosis of HIV in Lao PDR was made in 1990, with the first diagnosis of full-blown AIDS occurring two years later in 1992. As of 2003, the number of HIV diagnoses in Lao PDR had reached 1,212. Though this figure is relatively small, there is evidence that HIV infection rates are increasing among people not previously thought to be at risk, such as those living in remote villages. In addition to migration, poverty and low education are often blamed for rising infection rates. There is concern that the country may experience a serious HIV epidemic in the future unless effective preventative action is taken to minimize its spread.

Immigrants in Lao PDR

While Lao PDR is predominantly a sending country of migrants, it is also host to a certain number of migrants from other GMS countries. Data concerning these migrants is as yet scarce and difficult to come by. The Ministry of Labour and Social Welfare (MLSW) reported in 1999 that there were only 2,328 foreign workers, whereas the National Economic Research Institute (NERI)’s 2000 survey put the figure at 6,889. That these figures only include documented and registered foreign workers indicates that the actual number of migrant workers in Lao PDR is much higher. The Chinese Association in Vientiane estimates the number of Chinese in Vientiane is around 11,300.

The Lao PDR has a strict official policy on incoming migrants. According to the Immigration Department, all foreign workers who want to work legally in Lao PDR 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. They must then apply to the MoLSW 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 are fined up to USD150.12

It should be noted that in addition to recent migrants, Lao PDR is also host to well-established immigrant communities from China and Vietnam. Such communities are, in most cases, composed of several generations of ethnic Chinese or Vietnamese, the younger of which are most often born in Lao PDR. These communities enjoy greater security, rights, and access to services than less-established, undocumented, or more transient migrant workers.

While the majority of Chinese migrants have obtained Laotian citizenship, only around 5% of Vietnamese migrants are known to hold Laotian citizenship. The Laos-Vietnam Co-operation Agency estimated the number of Vietnamese migrants in Laos PDR at around 15,000 as of 1999.13 Vietnamese media sources have occasionally reported on established migration flows and routes from Vietnam into Lao PDR. One report described how 2,000 of the 12,000 villagers of An Nong, in Hue Province, Central Vietnam, had migrated to work in Lao PDR. These migrants were men and women, married and single, and mostly young.14 The majority of Vietnamese migrants work as laborers, with 40% working in the construction industry, 30% as retail traders, and 10% in factory work. According to Laos Youth Union (LYU), most Vietnamese migrants are located in Southern and Central Laos and Vientiane Prefecture. The majority of migrants are women who work mainly as street vendors. Vietnamese migrant workers also figure prominently in the construction industry, where 95% of the migrant workers are male. Earnings in this sector average around LAK25,000 per day.15 Also, Vietnamese women can be found performing sex work in Southern Laos, mostly serving other Vietnamese migrant laborers.16

Most of the Chinese immigrants, having settled in Lao PDR for three or more generations, are naturally more established and enjoy better cultural and financial security than their Vietnamese counterparts. On the other hand, there are also a certain number of temporary migrant workers, who range from highly paid professionals to day laborers in a variety of industries and fields. Chinese workers are thought to be concentrated in North and Central Laos, as well as in Vientiane Prefecture; Chinese authorities estimate there are 80,000 Chinese professionals and laborers scattered throughout the country, working in architecture, mine development, and construction work.17 Many Chinese companies set up business in Lao PDR, especially in the Vientiane area, and subsequently employ large numbers of Chinese migrant workers. It is believed that most of these workers are documented and legally brought to Lao PDR by their employing companies. Undocumented Chinese migrants generally take up casual work as street vendors or construction workers. Chinese women are also found performing sex work, with the majority of their clients being other Chinese migrants. These Chinese sex workers can be
mostly found in the north.\textsuperscript{18}

Lao PDR is also a transit country for human traffic from China and Vietnam, as well as South Asia. Lao PDR is often a stop on the way to a third country for many traffickers and their victims. The Lao department of immigration estimates around 100 South Asians are caught in the process of trafficking every year.

\section*{2. Overview of Migration from Lao PDR to Thailand}

Neighboring Thailand is the main destination for Laotian migrants. Thailand’s Ministry of Labor and Social Welfare (MoLSW) reports that 179,887 Laotian workers registered for a temporary residence card in 2004. Many believe, however, that the number of undocumented Laotian migrants in Thailand far exceeds the population of those who are registered. The provinces sending the most migrants to Thailand are Bokeo, Xayabouly, Vientiane, Vientiane Capital, Borikhamxay, Khammoune, Savannakhet, Saravan and Champassack.\textsuperscript{19} Thai migrant registration data from 2002 shows that most Laotian migrants were working as domestic workers, followed by employment in agriculture and livestock sectors.

\textbf{Push and Pull Factors}

The main push and pull factors influencing migration from Lao PDR to Thailand are
centered around the economic disparity between the countries. Thailand is comparatively more economically stable than Lao PDR, and the wages that Laotian workers can expect to earn there are higher than what they would earn at home. Those living in poverty in Lao PDR may also be persuaded by family members or friends who have themselves gone abroad to work, or who have witnessed the investments, improvements, and consumer goods that have been made possible by remittances. Laotian workers are popular among certain employers in Thailand because, in addition to performing work that Thai laborers often don’t want to do, Laotians can cost less to employ.

Gender roles and expectations in Lao PDR may be creating additional incentives for female migrants to travel to Thailand for work. A 2003 survey showed that more than two-thirds of migrants leaving Lao PDR are female. Studies show that Laotian women work over three hours more than men on a daily basis, perform 90% of all reproductive tasks and 50% of productive tasks, and spend less time than men sleeping, playing sports, resting and socializing with others outside of the family. Compared with this, working in Thailand may appear more attractive. One respondent in a 2001 case study 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, she was occasionally able to go out and enjoy leisure time.

Thailand is a culturally as well as economically attractive destination country for Laotians. Historically, the regions along the porous Laos-Thailand border have shared cultures and kinships, making the transition for a Laotian migrant worker less jarring than in other situations. A 1997-1998 survey conducted by the Institute for Cultural Research (ICR) in Vientiane revealed that 91% of respondents understood the Thai language. Laotians are also influenced by the wide appeal of Thai pop culture, visible in television, music, karaoke, and other media outlets. Thai influence in youth-oriented entertainment is particularly evident among potential young migrants. This may be one of contributing factors in a large number of young migrants: it was estimated that more than one-fifth of Laotian migrants are under the age of eighteen. The ICR study found that 94% of respondents had watched Thai television in the past week, and 60% had actually learned the Thai language through exposure to Thai media. Such media portrays life in Thailand as affluent, easy, trendy, and modern, thereby promoting notions of consumerism and materialism towards which many Laotians aspire.

In addition, Laotians, especially in border communities, have a long tradition of interaction (including intermarriage) with Thai border communities, and will migrate across the border in continuation of this tradition. Many of these migrants entering Thailand may have no idea they are breaking the law by crossing the border unofficially.

The MOU on Employment Cooperation

The Lao Ministry of Labor and the Thai Ministry of Labor signed the MOU on Employment Cooperation on 18 October 2002. According to the MOU, both governments will take measures to make channels for legal migration available to migrants: the competent authority of each party can inform its counterpart of labor needs, number of desired workers,
duration, qualification, employment conditions and wages as proposed by concerned employers; and the counterpart competent authority will send a list of potential workers. The authorities of both countries will work with national immigration services to process necessary documents such as visas or other travel documents, work permits, insurance, “deportation fund” and other taxes. Each worker will receive a two-year work permit, renewable up to four years only. Upon the completion of the work permit, workers who repatriate will be eligible to re-apply after a period of three years. The MOU also outlines the policy of obligating each worker to save 15% of their monthly wages as deportation fund: the authority of the host country can use the deportation fund to cover the cost of deportation of workers; and workers who do not violate the terms of their work permit and return home willingly can apply for a refund of their contributions plus interest, should they report to the designated authority in their home country upon their return.

To date, the process of implementing the MOU has proven to be rather time consuming, and only the cooperation on verification of the nationalities of registered migrants in Thailand has taken place. The verification mission team, composed of representatives from various ministries namely Ministry of Foreign Affairs, Ministry of Public Security, and Ministry of Labor and Social Welfare, has been formed. The verification process is as follows:

1) In cooperation with the Ministry of Labor of the Royal Thai Government, Lao authorities will verify the identity of Lao laborers who are already working in Thailand and have applied for registration in Thailand. To do this, the Lao authorities will check a migrant worker’s travel document, such as a border pass and/or passport. Those who hold a Lao passport or a legal travel document will be referred to the Thai authorities as Lao citizens, and temporary registration cards will be issued to them.

2) For migrants without a travel document, local authorities from his/her province, district, or village will confirm the details of her/his identity (See below for details.)

3) For migrants without a travel document, and whose identity cannot be confirmed by the local authorities (neither province, district nor village level) of place of his/her origin, the cases will be considered at a later date.28

As explained above, the local authorities play an important role in confirming the migrants’ identity. At the village level, the village committee will collect data including the number of workers abroad, and each worker’s gender and family background, including the names of parents, the number of children, and the like. Once the worker’s identity is confirmed, the village authorities will issue certification for the worker and report to the district authority. Authorities at the district level will check the documents that are reported from the village authorities to authenticate them. If they suspect the legitimacy of the documents or find anything unclear, they will consult a family registration book at the village to double-check. Once the authorities at the district level approve and sign the documents, they will report to authorities at the provincial level. Authorities at the provincial level will
once again verify the documents submitted by the district level, input the data in the computer and send it to authorities at the central level such as Ministry of Labor and Social Welfare, Ministry of Foreign Affairs, Ministry of Interior, and the Lao Embassy in Bangkok. The data will be also passed on to the verification mission team, and then the mission will issue a temporary passport for the Lao migrant workers in Thailand.

By April 2005, the Lao verification mission team had interviewed 1,700 of the 179,887 Laotian migrants registered for the purpose of verifying the nationality. Fourteen of these applicants were denied Laotian citizenship.

Migration Patterns

Despite the MOU, the existing migration flow continues to be mostly through unofficial channels. Many simply cross on foot through mountainous or wooded regions, or by boat across the Mekong River; others pay a broker or agent to smuggle them or falsify documentation. Some enter Thailand on a tourist visa or a three-day border pass and simply overstay to work illegally. Of the workers interviewed in Nakham village, only a small number (2%) had crossed into Thailand by boat, with legal visiting documents, and overstayed the terms of their visa/pass, while the rest chose unofficial crossings.29

Migrants who go to Thailand may have relatives who have lived there since ancient times, or friends or families who are currently working there. Those who have relatives in Thailand typically go to work in Thailand after the harvest season, as there often isn’t much to do during the non-harvest season and there are few jobs available in the villages. Many people migrate with the entire family, while others will leave on their own. This type of migrant will typically go back to their village for the harvest season, and repeat such seasonal migration over time.

While crossing the border, some have a passport and a three-day border pass and overstay. Others will seek the help of brokers. The brokers may provide travel papers, provide information about the available work in Thailand, or assist the travel. The broker fee will depend on the nature of job offered and place of work: for example, a migrant will have to pay a broker THB6,000 to go to the South of Thailand for work, THB3,000 to go to Bangkok or Chiang Mai and THB2,000 to go to Isane (Northwest). Those who have relatives in Thailand may simply cross borders without any document and wait for their relatives to come and pick them up.

3. Quality of Life at Home

Background of the Study Villages

For this research, the Lao country research team (CRT) conducted a series of interviews in five villages, namely: Nong Beuk Tay Village, Sikhottabong District, Vientiane Capital City; Don Khouang and Nakham Villages, Nong Bok District, Khammoune Province; and Nateuy Neua and Phai Villages, Champhone District, Savannakhet Province.
The five villages are at similar levels of economic development. They typically have one main road passing through the village, and all villagers obtain their water through wells and pumps. The villages have obtained electricity only relatively recently: 1987 in Nong Beuk Tay Village, 1991 in Don Khouang Village and Nakham village, 2000 in Nateuy Neua Village, and 1999 in Phai Village. Agriculture is the main occupation for most of the villagers. Nong Beuk Tay Village and Don Khouang Village have primary and secondary schools while the other three villages have only a primary school. Health center is found only in Nakham village, Nateuy Neua village, and Phai village, while the other two villages don’t have a medical infrastructure available at all.

Interestingly, many of the villages have strong ties with Isan (Northeast) of Thailand. People in Nong Beuk village are originally from Isan, while Nateuy Neua village and Phai village are said to have originated from “Grandfather”, who came from Isan. It is thus not surprising that many migrants cite the cultural similarity as one of the reasons for migration, as mentioned earlier.

Migration Trends from the Study Villages

While many of the push factors for migration are shared by all the villages, there appear to be unique characteristics regarding migration trends from each village.

In Nong Beuk Tai village, 26 people out of the total population of 1,195 were known to
be working in Thailand as of 2004. Although the village is located only 8 km away from Vientiane, many chose to migrate to Thailand rather than Vientiane because it is difficult to get a job in Vientiane, and the wages in Thailand are higher compared to Vientiane. Moreover, the district to which this village belongs shares a long border with Thailand along the Mekong river, making it easy for people to cross by boat.

Don Khouang village also shares its western border with Thailand along the Mekong river. 96 people out of the total population of 1,302, or 7.3% of the total population, were known to be working in Thailand. The most popular destination for migrants from this village is Chantaburi province in Thailand. Most of these migrants have migrated in groups.

In Nakham village, 231 people out of the total population of 1,779, or 12.9%, are working in Thailand. Most of these migrants are known to be working in Rayong province, Chantaburi province, Samui Island, or Phuket province. Most of them are said to have crossed the river by small boat, while around 2% appear to have legally entered Thailand with a short visit permit and then overstayed to work. Most of the migrants are said to have gone in groups, and stay in Thailand for more than five months.

In Nateuy Neua village, 200 people out of the total population of 1,493 persons, or 13.3% of the total population, are known to be working in Thailand. Many of them are working in Bangkok.

In Phai village, where the total population is 1,056, the exact number of people working in Thailand is not known, but the villagers shared their view that the trend of migration seems to be increasing, with an average of one person per family working in Thailand. Migrants from this village typically go to Bangkok.

As the study of the five villages shows, there seems to be certain popular destinations for migrants from each village. This appears to indicate the role that the informal network, including the network of friends and relatives, plays in deciding where migrants will go and work. Overall, 36.7% of migrants whose families were interviewed went to Thailand alone, 50% of them went in a group and 6.7% migrated with all of their family members. Female migrants are more likely to migrate alone than male counterparts.

The findings of the research indicate a certain correlation between the family size and propensity to migrate. The research findings indicate that the villagers from both very small families and very large families are less likely to migrate than villagers from medium sized families. According to the observations of the Lao CRT, very small families (two to three people) have fewer dependents and therefore are more secure and may have fewer needs. Similarly, a small family size may make potential migrants reluctant to leave family members alone or with few relatives for company or support. Very large families (ten to thirteen people) are similarly secure, but are so because of the higher number of wage earners and their greater likelihood of owning more land. Medium-sized families (average six or seven people) are more likely to foster potential migrants, as there is a simultaneous likelihood in such families towards both fewer wage earners and more dependants.

As previously mentioned, some of the main pull factors involved in migration to Thailand from Laos include the higher wages to be earned in Thailand and the similarities between
Laotian and Thai culture and language—in fact, nearly 27% of the villagers interviewed cited cultural and lingual similarities as reasons for migration. Land access and land rights also factor heavily into the decision to migrate, as the villagers interviewed by the Lao PDR team rely heavily on agriculture for their livelihoods. 17% cited a lack or shortage of agricultural land as the reason behind labor migration.

However, the research findings indicate that more people migrate from median poor families rather than poorest families. (See Table 1).

This may be due to the fact that the poorest households have less mobility and are thus less likely or less able to migrate abroad.

**Impact of Migration at Home and Issues upon Return**

Villagers interviewed by the Lao CRT had both positive and negative views of how migration to Thailand affected migrants and their home communities.

The positive effects of migration to Thailand are mainly seen in remittances and the improved quality of life that comes as a result. 80% of families interviewed received remittances from migrant relatives, usually one to three times a year, while the rest never received one.

As shown in Table 2, the greatest number of interviewees (20%) received between THB 20,000-30,000 per year. More than three-fourths of the families interviewed reported improvements in their lifestyles or family conditions as a direct result of remittances from family members working in Thailand. Nearly 47% had been able to repair or build houses, and 26% were able to buy motorized vehicles such as tractors or motorbikes. Other improvements made possible with remittances were the purchase of land for farming or building (6.7%), the payment of debts (6.7%), and the education of younger family members (6.7%). Many families and friends enjoy the higher status afforded to them by the purchase of consumer goods such as televisions and other electrical appliances. It is often these visual demonstrations of the benefits of migrant work that prompt other members of the same community to go abroad themselves.

However, the exchange of cultural ideas and values concomitant with overseas migration is not always smooth or welcome. Migrants who return to Lao PDR from Thailand may face
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a difficult adjustment in reconciling their past lives with their experiences abroad. Furthermore, the communities to which they return must also adjust to a familiar person who may have been changed by his or her time in a foreign setting. Some of the most common complaints when discussing the drawbacks of migration to Thailand concerned “bad habits” and unwelcome trends brought back to home communities. Some of the friction comes from mere matters of appearance: many villagers complained of returned migrants dressing “messily”, or having dyed hair. In some cases, returned migrants are blamed for bringing back far more serious problems like drug addiction or STDs. A village head in Nakham and Phai village, for example, described that repatriated migrant workers may bring unfamiliar and unpleasant customs into the home community, such as ways of speaking or dressing, negative behavior, and the threat of diseases like HIV/AIDS.30

Female migrants in particular may have a difficult time reconciling the different lives they led in their native communities and in their work environment abroad. Women who experienced independence and empowerment while working in Thailand may find it difficult to readjust to their former gender roles upon return. Women who have engaged in sex work, especially those who have contracted STDs or fallen pregnant as a result of their work, are likely to be stigmatized by their communities and to feel shame over their foreign livelihoods.

Both repatriated migrants and their families will face serious problems in cases of migrants returning home injured or disabled; due to the nature of work they often perform, Laotian migrants are more susceptible to industrial accidents. In addition to the personal distress this will cause, such accidents usually leave the migrant incapable of working and supporting his or her family.

There were also reports of broken homes, as migrants who left Lao PDR fell in love with Thais and subsequently abandoned their families in Lao PDR to start new lives.

Another problem faced by returning migrants is the lack of progress insofar as savings or paying off debts. Many migrants return to home communities after months or years abroad with no savings. Some may return even further in debt than when they left.

Laotian migrants are subject to fines from both Thai and Laotian governments. According to the village leader in Nong Beuk Tai village, a migrant will be fined LAK200,000 if she/he stayed in Thailand illegally up to six months, and LAK100,000 if under three months.31 In Don Khouang village, the returnee will be fined LAK20,000 for the first occurrence, LAK50,000 for the second, LAK100,000 for the third, and LAK450,000 for the fourth.

However, such measures apparently do little to discourage informal border crossings, as the village studies revealed rampant undocumented migration. Of the migrants that had left the surveyed villages, a staggering 86.7% were undocumented.

4. Responses and Recommendations
4.1 Responses from Laotian Bodies to Migration

Responses from Inter-Governmental Organizations and National Government Bodies

1. The International Labor Organization International Program on the Elimination of Child Labor (ILO-IPEC) and the Ministry of Labor and Social Welfare (MoLSW) have forged a partnership to address the issue of child labor on the national, provincial, and district levels. In addition to drawing together and empowering key local players on each level, the MoLSW has signed a decree to create a foreign labor unit which will regulate outward migration.32

2. COMMIT: Laos is party to the October 2004 MOU on Cooperation against Trafficking in Persons in the Greater Mekong Sub-Region (COMMIT), along with China, Cambodia, Myanmar, Thailand, and Vietnam. As a signatory to COMMIT, Lao PDR is expected to construct an effective governmental anti-trafficking plan in order to implement the COMMIT action plan. While the Laotian Government has not yet articulated a complete national action plan, there has been the creation of an inter-ministerial committee on human trafficking and labor issues. Limited resources are also allocated for the protection of children, and MoLSW has created a team of staff to follow up on trafficking issues.33 UN Inter-Agency Project Against Trafficking (UNIAP) will work closely with these government agencies to implement the anti-trafficking measures.

3. The Lao MoLSW and Thai Ministry of Labor signed the MOU on Employment Cooperation in October 2002 and the Lao mission team has been working on the verification of the workers registered in Thailand. (See p.7 for the details.)

4. Mass organizations such as the Lao Youth Union or the Lao Women’s Union help the government in implementing policies related to migration. These organizations also have activities to: 1) educate their members and general public on the positive and negative effects of migration; 2) seek micro credit for the villagers so that they will be able to create livelihood alternative to migration; and 3) provide skills training.

4.2 Recommendations

Although two years have passed since the Thai and Lao ministries of Labor signed the MOU on Employment Cooperation, there has been little progress in creating an accessible legal channel for prospective migrants to migrate to Thailand. The verification of the identification of migrants already in Thailand in itself has proven to be a difficult task. Migrants are also generally uninformed of the details of the MOU, and thus cannot make
an informed decision on migration or registration with a full knowledge of their rights and entitlements. With the ASEAN’s plan to have increased mobility through its FTA and improved highways, and with the Lao PDR’s central location in the GMS, Lao PDR is facing increasing pressure to respond to migration-related issues promptly. Given these realities, we would like to make the following recommendations:

1. For the mass organizations to educate prospective migrants on the labor rights that they are entitled to in Thailand, as well as the redress mechanisms that they can avail themselves of should their rights be violated.
2. For the Ministry of Labor and Social Welfare (MoLSW), in collaboration with local authorities and mass organizations, to widely disseminate detailed information regarding the MOU on Employment Cooperation.
3. For the verification mission team (Ministry of Foreign Affairs, Ministry of Public Security, and Ministry of Labor and Social Welfare) to swiftly process the verification of Lao migrants’ identification in Thailand so that migrants will be able to enjoy the protection as registered workers without delay.
4. For the Ministry of Labor and Social Welfare (MoLSW) to set up channel for documented migration that is accessible and affordable.
5. For the relevant Laotian authorities to work in collaboration with their Thai counterparts to prevent the exploitation of Laotian migrant workers in Thailand and assist their nationals in accessing redress mechanisms.
6. For the Lao government to improve its socioeconomic infrastructure, including education, health care, training and vocational possibilities, and utilities and roads, especially in poorer rural areas, in order to reduce economic dependency on labor migration amongst the poorer families.
7. For mass organizations and NGOs to: conduct preventive training to educate and warn migrant workers and potential migrant workers on the dangers of HIV/AIDS and drug addiction; also to provide training, education, and counseling services to help those who have contracted HIV or developed drug addictions.
8. For the relevant government agencies, mass organizations, and NGOs to aid and assist the repatriation and reintegration of both migrant workers and trafficking victims through mediation, counseling, vocational training, and other support services.
9. For the Lao government to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and adopt national laws in accordance with the convention.

FOOTNOTES
4 CIA World Factbook.
6 The Migration Authority Control Unit, 1995.
8 Common country assessment, UN December 2000.
9 Indian Embassy, Vientiane, Lao PDR
12 Immigration Department, 2002
13 Ibid.
16 UNICEF and MLSW, 2001, p. 27.
18 UNICEF and MLSW, 2001, p. 27.
20 Mr. Boutha, village head of Nongbok, Khammuane Province, interviewed by Lao CRT on 16 October 2004.
24 Lao Women’s Union Gender Resource Information and Development Centre, Kohnthapane, “Gender and Land Document: How do Society’s Perceptions of Gender Affect Women?”,
2000, p. 5.
26 Ibid.
28 Minutes of the first meeting concerning the implementation of Memorandum of Understanding on the Cooperation of Employment by senior officials from Lao and Thai governments, at the Ministry of Labor and Social Welfare of Thailand, on 22 April 2004, Saam District, Saraburi Province, Thailand.
29 Lao PDR Research Team, Case Study of Nakham Village, NongBok District, Khammouane Province.
30 Lao PDR CRT interviews with Mr. Bounpheng, village head of Phai Village, Champhone District, Savannakhet Province, 17 October 2004 and Mr. Bouda, village head of Nakham Village, Nong Bok District, Khammouane Province, 16 October 2004.
31 Lao PDR CRT interviews with a village leader of Nong Beuktay Village, September 2004.
1. Overview of the Country Situation

Vietnam borders China in the North, Lao PDR in the West, and the Pacific Ocean in the East and South. Vietnam can be divided into three main geographical areas: North, Center, and South, with a total land area of 329,241 square kilometers and more than one million square kilometers of sea.¹

Although the rate of population growth in Vietnam is decreasing, it is still relatively high at 1.3% per annum, and by mid-2003, the population reached almost 81 million.² Vietnam has 54 ethnic groups, of which the Kinh majority accounts for about 87%. Other minority groups include the Tay, Muong, Nung, Thai, Hoa (Chinese), and Khmer. Most of the ethnic groups live in mountainous areas. There are six main religions in Vietnam: Buddhism, Catholicism, Protestantism, Islam, Cao Daism, and Hoa Hao.³

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 the Saigon Regime in 1975 and the end of the war with the United States, which lasted from 1954 to 1975 and claimed the lives of...
an estimated 1.3 million Vietnamese and 58,000 U.S. soldiers.

In 1986, Vietnam adopted a policy of doi moi, or economic restructuring, to move from a centralized economy towards a market economy. Since the launch of doi moi, Vietnam’s economic and agricultural sectors have developed rapidly. In particular, Resolution Ten, approved by the Central Committee of the Communist Party of Vietnam in 1988, gave farmers more autonomy over the land they worked and managed. Since then, Vietnam has evolved from a rice-importing country to the second largest exporter in the world. With a continued trend towards industrialization and modernization, GDP growth has averaged 7.06% annually,4 and the country’s GDP doubled during the ten-year period between 1993 and 2002.5 The IMF and World Bank argued in 2003 that Vietnam had largely avoided the economic turbulence caused by the collapse of the Soviet Union by keeping a low inflation rate, a moderate budget deficit, and a sustainable level of public debt.

Meanwhile, privatization has had an increasing presence in Vietnam, with the share of State-Owned Enterprises (SOEs) in economic activity slowly declining. According to the Vietnam Development Report, the industrial production of SOEs in Vietnam has been increasing, on average, by 11% annually. Private—both foreign invested and local—enterprises, on the other hand, have recorded 18% annual expansion. Through an “equitization”6 process, the number of SOEs fell from around 12,000 in 1990 to around 5,300 in 2000. Vietnam plans to reduce the number of SOEs to 3,000 by the end of 2003, and to 2,000 by the end of 2005. This means that the number of employees in these SOEs is to decrease from 1,681,000 in 2001 to 1,260,000 in 2003.7 The World Bank predicts that the number of redundant workers as a result of equitiation of SOEs will be 400,000 from 2001 to 2005.

As the government saw the opening up of the country’s economy to foreign trade and investment as a crucial contributor in achieving the goals of economic reform, it has sought regional and multilateral trade and economic integration. Vietnam became a member of ASEAN in 1995 and APEC in 1997. In January 2005, Vietnam formally applied for a membership in the WTO, in which it had been granted observer status since 1994.

**Poverty in Vietnam**

As shown in the Vietnam Development Report (VDR) 2004, poverty has declined in Vietnam over the last decade. As recently as 1993, 58% of the population lived in poverty, compared to 37% in 1998 and 29% in 2002. This shows that nearly a third of the total population was lifted out of poverty in less than ten years. According to the World Bank’s comments in the VDR 2004, Vietnam’s achievement in terms of poverty reduction is one of the greatest success stories in economic development.

Poverty has a strong geographical dimension in Vietnam. The Central Highlands is the poorest region in the country, followed by the Northern Mountains and the North Central
Quality of Life at Home – Vietnam

The Central Highlands stand out in particular because of its very limited poverty reduction over the last four years. Food poverty in this region has remained almost unchanged for an entire decade, in sharp contrast with the improvements seen elsewhere. Indicators show that inequality seems to be expanding between the rich and the poor, between urban and rural areas, and between regions, despite the government’s efforts to keep development process equally beneficial to all the people in Vietnam. The expenditure share of the poorest 80% of the population has declined slightly over time, while that of the wealthiest group has increased. This split matches almost exactly the urban-rural divide of Vietnam, as almost 80% of the population still lives in rural areas, whereas the richest 20% lives in urban areas.8

Women’s and Children’s Issues

Although Vietnam’s economic development shows all the hallmarks of a success story, many Vietnamese women still struggle with established gender roles and the multiple duties of agricultural work, marriage, and motherhood: it is observed that while men have enjoyed benefits from development, women have to work harder as they have to bring up children as well as do productive work such as agricultural work and/or catching crabs and shellfish. This heavy workload subsequently reduces women’s chances of engaging in educational activities or training. Illiteracy is thus more common among women.

While women have yet to experience the full benefits of economic development, they are often too tied up with both productive and reproductive tasks to attend community meetings, and even when they do attend them, they tend not to speak up as a result of their illiteracy and lack of self confidence; thus, the decisions tend to be based on male interests. According to a head of the Women’s Union in one province: “Inequality between men and women still remains; family members usually have to follow men’s decisions; therefore men speak at meetings from their own points of view which might not represent women’s viewpoints and might not bring about practical advantages to them.”9 Women, especially those in rural areas, are exposed to domestic violence, often fuelled by alcohol consumption. In the region of Ha Giang, a northern mountainous province alongside the border with China, instances of drunken domestic violence were described as “common.”10

Children’s access to education, meanwhile, is said to be improving in most cases. However, the high costs of education still constitute a barrier to many families. In Ho Chi Minh City, children in poor families are important wage earners and are engaged in a range of activities such as selling lottery tickets, washing duck eggs, and collecting scrap metal. Many families have no other choice but to let their children work, though they understand that lack of education would lead to diminished opportunities and likely unemployment in the future for these children.11
Health Issues

As in education, the overall performance of Vietnam in the health sector has improved following the economic transition. However, there exist considerable disparities between the rich and the poor in their capacity to access quality health care. The poor are less likely to seek medical treatment even when their illnesses become serious. The difference between the poor and the rich is most striking in the health condition of children. The probability of stunted growth among the children of poor families is almost three times as high as among the children of the rich.\textsuperscript{12}

The average medical cost that each person spends in Vietnam is in excess of VND800,000 (more than USD55) per year, of which two-thirds correspond to treatment.\textsuperscript{13} Even for the poorest Vietnamese, the expenditures amount to roughly VND300,000 (USD20) per patient per year,\textsuperscript{14} which is a significant burden on the poor. As a part of the national “Hunger Eradication and Poverty Reduction” program, qualified poor people are entitled to subsidies through health care cards. However, there remains a gap in its implementation, and even with subsidized medical costs, poor people can’t afford related costs such as the transportation costs to the hospital.

2. Overview of Migration

Vietnam is both a sending and receiving country of migrants. There is also a significant trend of internal rural-to-urban migration. Vietnam mainly receives professionals, but is also the destination for a small segment of Cambodian trafficking victims. These victims are mostly children, with some women as well. Meanwhile, a large number of Vietnamese migrate across the porous GMS borders, especially into Cambodia. Women and children are also vulnerable to the risk of being trafficked. Vietnamese sex workers are also found in Yunnan Province of China. In addition to spontaneous migration, there is formal, industrialized labor exportation, which is mainly focused on sending construction workers and domestic workers to other parts of Asia, such as Taiwan, Japan and South Korea. There is also a significant trend of Vietnamese women who migrate to Asian and Western countries for marriage.

2-1. Internal Migration

After the unification of Vietnam in 1976, the government commenced the nationwide implementation of the centrally planned economic strategy. Migration was planned and regulated in order to mobilize labor sources for newly cleared arable land and heavy industrial development, so free flows of migration occurred on a very small scale at this time. The population movement due to post-war repatriation and official transfer were prominent during the period of 1975-1979, so urban population pressure was relatively minor; population growth rates were even negative in some cities. For example, the population growth of Ho Chi Minh City in 1978 was negative 21.2\%.\textsuperscript{15}
During the period of 1980-1989, there were official policies to move people away from main urban areas and populous rural areas to the New Economic Zones (NEZs) in the South and West. The main objectives of the economic settlement programs were to make the best use of the remote land, abandoned during the war, in the South of Vietnam. The number of migrants moving to the New Economic Zones (NEZs) was substantial, reaching 1.5 million during the late 70s and remaining significant into the early 80s.  

Ultimately, however, the programs were not very successful. The economic zones were seriously lacking in basic technical and social infrastructure, and a number of people returned to cities. 70% of Ho Chi Minh City’s out-migrants returned to the city from the Southeastern region and the Mekong Delta within two or three years. Also at this time, the outflow of international migrants from Vietnam into surrounding countries was considerably significant.  

The migration trend has been considerably different since 1986, when the state initiated its doi moi policies towards economic reform. With the vision of an industrial development strategy to create a diversified, export-oriented and labor intensive sector, the Vietnamese government proposed an economic plan. Consisting of three major growth-hubs and 36 other sub-hubs set up mostly in urban or town areas, the plan was to improve the viability of infrastructure and to create a domestic consumption market. Unbalanced development and the aggregation of foreign investment in large cities widened the gap between rural and urban in the early phase of the economic reform. These factors resulted in mass flows of people moving out of rural areas to large cities in hope of a better life, and it in turn has contributed much to the rapid urbanization in some major cities in Vietnam.  

From the late 90s until the present, the Vietnamese government has tried to discourage rural-urban migration through restrictive policies. The policies are composed of many restrictions towards non-residents without registration papers in the cities. Only eligible city residents or residential permit holders are allowed access to subsidized water and electricity, the costs of which are much less than market price. Similarly, the local authority in education provides priority seats for the children of residents. Despite these measures, there are more and more rural migrants coming to the big cities seeking jobs and better incomes in order to escape unemployment or underemployment in many rural areas.  

The most important findings of the Participatory Poverty Assessments (PPAs) conducted in 2003 in two districts of Ho Chi Minh City concern migration and urbanization. Since 1999, the population of urban poor in Ho Chi Minh City has increased by 28-39%, while between 30-40% of the urban poor do not have permanent residence status. In the newly urbanized and industrialized areas in the outskirts of the city, these figures are estimated to be as high as 65%. A lack of permanent residency naturally implies unequal access to education, health care, credit programs, and other forms of social assistance, in addition to higher costs for water, electricity, and the renewal of temporary registration.
On the other hand, the remittances sent by family members who left for the cities in search of work serve as an important source of supplementary income for poor families in rural areas. In the Mekong Delta, for example, people described three types of internal migration which were supporting household incomes. These included:

1. Seasonal migration to work as hired agricultural labor within the Mekong Delta. Large groups of men migrate for one or two months at a stretch during times of peak demand for agricultural labor. Each worker can earn VND400,000 to 600,000 after expenses, “sufficient to feed them and their families for several months after returning home.”

2. Seasonal migration to work as hired agricultural labor in other regions. Men travel to the Central Highlands during the coffee harvest and earn VND15,000 per day. Or they travel to Ca Mau, the furthest semi-island province of the Bass Mekong Delta, to dig shrimp ponds. Aquaculture is becoming more mechanized, however, and attracting fewer migrants.

3. Long-term migration to Ho Chi Minh City and other provinces. In one of the communes studied there were 300 applicants for “leave passes,” of which 153 were women. Their objective was to do semi-skilled work in Ho Chi Minh City, Binh Duong and Dong Nai. These migrants are typically able to remit about VND400,000 to 600,000 per month, which has become a “key source of income for many families.”

Similar stories emerge from other rural sites where PPAs were carried out. In Nghe An, officials from a commune with a population of 1,765 households reported that more than 300 people had migrated to work in garment and footwear factories in Binh Duong or Ho Chi Minh City and that only about 15 people were working overseas under labor export programs. Provincial officials suggested that “a great number of children from Nghe An have left the province for work. When they come home and give their parents VND 500,000, the sum is equal to their parents’ income for the whole year. This is also a major contribution to eliminating hunger and reducing poverty.”

2-2. Cross-Border Migration
After doi moi in 1986, the Vietnamese government pursued an open door migration policy. Consequently, more people have been able to easily pass across borders with neighboring countries such as Cambodia, Lao PDR, and China to seek jobs and higher incomes.

Cross-border migration from Vietnam occurs in various forms, including the following:

1. Regulated labor exportation flows, through manpower exportation companies which are licensed by the Ministry of Labor, Invalids, and Social Affairs (MoLISA), to countries outside the GMS including South Korea, Malaysia, Taiwan, etc.
2. Spontaneous migration flows to neighboring countries, such as Cambodia, China, or Lao PDR, possibly to continue on to a third country, such as Thailand.

3. Human trafficking flows to neighboring countries, and then on to third countries.

4. Migration in a form of marriage as “mail-order” brides, to marry men from Taiwan, South Korea, or other countries.

**Industrialized labor exportation**

Vietnam started exporting labor in 1980. At that time, labor exportation from Vietnam was primarily to socialist countries in Eastern Europe, including the Soviet Union, the Democratic Republic of Germany, Czechoslovakia, and Bulgaria. In 1980, 1,070 Vietnamese laborers were dispatched to these countries. 1988 was the peak year of migration flow to Eastern Europe, when 71,830 Vietnamese migrated. By 1990, 244,186 of the estimated 300,000 migrant workers that had left Vietnam during the 1980s had been dispatched to Eastern Europe. Other destinations during the 1980s included Africa, where approximately 7,200 specialists were working, and the Middle East, where 18,000 construction workers were located.

By the early 1990s, the war in Iraq and a changing political landscape in Eastern Europe coincided with Vietnam’s transition to a market-oriented economy to create different demands and opportunities for migrant workers. In 1991, Vietnam reformed its
labor export mechanism, separating manpower export management from the administration of the state, and an increasing number of labor exportation companies have since received licenses from the Department of Labor, Invalids, and Social Affairs (DoLISA) and Department of Administration of Foreign Exported Labor (under MoLISA). Under current regulations, three types of companies are eligible to apply for specialized licenses to export labor from Vietnam: State Owned Enterprises (SOEs); SOE-turned-joint stock companies whose majority stakeholders are the state; and companies affiliated with mass organizations such as the Youth Union, the Women’s Union, and the Farmer’s Union. Consequently, the market for Vietnamese labor expanded to North and Southeast Asia, the Middle East, North Africa, and the South Pacific Islands. The number of exported migrants climbed from 1,022 in 1991 to 37,000 in 2002.

Vietnamese workers are allowed to accept all forms of employment except the following: singer, dancer, or masseuse; jobs in which workers are exposed to explosives, poisons, wastes, radiation, and other dangerous chemicals; jobs in which workers are exposed to pesticides, herbicides, anti-rat chemicals, and other poisons; jobs in which workers have close contact with leprosy and HIV patients or dead bodies; conflict areas and war zones; and areas polluted by dangerous radiation or poisons. Additionally, migrants wishing to be employed as domestic workers, female seafarers, or in arduous and hazardous conditions must gain approval from MoLISA. Before departure, prospective migrants will undergo training provided by labor exportation companies in which they will learn basic knowledge of the host country’s habits, customs, and language.

As expressed in the Documents of Politburo of the Communist Party and Government, the Vietnamese government considers exportation of labor to foreign countries to be one of the most crucial strategies of employment and poverty reduction in Vietnam:

“Apart from employment generation initiatives at home, the export of workers and specialists proves to be an important and long-term strategy that helps develop the labor force for industrialization and modernization and promote international cooperation… It is essential to improve the competitiveness of Vietnamese manpower for export by strengthening the quality of training, increasing the proportion of highly-trained workers/specialists in manpower export, and improving the managerial skills of manpower-exporting companies. Equal attention is to be paid on the legitimate rights and benefits of workers in consistent with Vietnamese laws and the laws of the receiving countries.”

However, migrants are not free from fraud by agents or from the risk of being exploited by employers in the receiving countries. In 2002-2003, there were many cases citing poor young people in rural areas being cheated by exportation companies who prepared fake documents or created poorly written contracts with foreign companies. There were also many cases where migrant workers were exploited in the receiving countries, and in an effort to escape from the exploitative working condition and look for
a better employment, many workers left the factories with which they had signed contracts. As a result, these migrants became undocumented.

**Spontaneous migration to neighboring countries**

The most common destination for spontaneous migrants is Cambodia, where the estimated number of Vietnamese migrants and immigrants ranges greatly, but is generally cited to be at least 150,000. Many of these migrants come from An Giang, Tay Ninh, Kien Giang, Dong Thap, and Long An. The first wave of migration to Cambodia took place while Vietnamese troops were stationed in Cambodia in 1979-1988 after they had ousted the genocidal Pol Pot regime, with many families and relatives subsequently following those who had settled in Cambodia. More recently, the nature of migration to Cambodia has become increasingly economically driven. Migrants cross the border mostly through unofficial channels with an aim to work as construction workers, wood craftsmen, mechanics, taxi drivers, or sex workers. Unlike its policies in regard to labor exportation to other countries in East or Southeast Asia, the Vietnamese government does not have comprehensive or explicit policies towards spontaneous migration flows into neighboring GMS countries like Cambodia, nor does it have realistic data as to the number of its nationals migrating to Cambodia.

There are also a certain number of Vietnamese migrating to Lao PDR. Reflecting the traditionally friendly relations between these two countries, Vietnamese migrants in Lao PDR are said to be integrating into the host society relatively smoothly and safely.

A number of women from mountainous northern villages along the border with China, such as Ha Giang, Cao Bang, Lang Son, Lao Cai, and Quang Ninh, migrate to Yunnan. Many of these migrants belong to ethnic groups and often share the same ethnicity or even kinship with people living in the host villages in China. Many cross the border through unofficial crossings to work as hired agricultural laborers during the harvest seasons, and a large number of these eventually get married to local men in the host villages.

**Trafficking of women and children to neighboring countries**

According to estimates from the Ministry of Public Security (MoPS), there has been an increasing trend of human trafficking in Vietnam. Since 1995, 3,761 cases involving 10,218 women and children have been officially recorded, with 87% of victims being trafficked into sex work. Most of these cases relate to trafficking to China and Cambodia, while other cases include trafficking to Hong Kong, Taiwan, and Macau, primarily through marriage. MoLISA estimates the number of trafficked children nationwide to be around 15,000. Based on the result of the research on cross-border trafficking in women and children conducted by the Department of Criminal Police of the MoPS and UNICEF Vietnam in 2002-2003, the following provinces had the highest numbers of trafficking victims: Thanh Hoa (473 victims found); An Giang (350); Nghe An (180); Tay Ninh (116); Quang Ninh (69); Bac Giang (66); and Lang Son (65).

In order to combat the problem of human trafficking on a national level, Deputy Prime
Minister Phan Gia Khiem signed a National Plan of Action (NPA) Against the Crime of Trafficking in Children and Women in July 2004. The NPA will be effective until 2010 and is to be enforced by the Ministry of Public Security (MoPS), who will focus on tackling the problem of trafficking through four different strategies: 1) awareness raising and educating within communities targeted at potential victims to prevent trafficking; 2) prosecuting traffickers; 3) repatriating, rehabilitating, and supporting the victims of trafficking; and 4) developing and finalizing legal frameworks to prevent and combat human trafficking.

**Migration through marriage**

There have been number of Vietnamese women getting married to Taiwanese men as mail-order brides. There is also a new, but apparently increasing trend of Vietnamese women getting married to South Korean men, though the number is still very limited. According to the census data of the Taipei Economic Cultural Office based in Ho Chi Minh City, there were 72,251 Vietnamese mail-order brides married to Taiwanese men between 1995 and January 2004. The number has been increasing rapidly in the past few years, and it is estimated that there will be approximately 100,000 mail-order brides in Taiwan by the end of 2005. Most of the women come from the Mekong delta provinces such as Can Tho, Vinh Long, Tra Vinh, and Dong Thap.

**3. Quality of Life at Home**

**Push Factors**

Based on the interviews conducted with Vietnamese migrants in Cambodia, most of these migrants come from poor families in urban areas or families of peasants who don’t have land for cultivation, don’t have working skills, or have a lot of children. Some of the migrants, especially sex workers working in brothels, come from the families who have fallen into difficult situations as a result of debts, diseases, gambling or alcohol addition.

As the Vietnam Development Report 2003 concluded, many households, especially those whose expenditure level is very near the poverty line, those who live in areas exposed to natural disasters, and those who have limited to no assets, are vulnerable to falling into poverty upon experiencing an adverse shock, despite the overall achievement of the country in reducing a number of people living in poverty.25

The Participatory Poverty Assessments (PPAs) which were conducted in 2003 in 12 sites throughout Vietnam26 indicate that these adverse shocks commonly include:

- Episodes of ill health or incidents of occupational accidents, especially destabilizing if they affect a key income-earner;
- Failure of a crop or investment, such as the death of livestock, which is particularly hard to handle if it has been funded through credit;
- Adverse movements in the prices of key agricultural commodities, especially
where there is little diversification in household income sources;
- Fluctuations in income associated with unstable employment opportunities; and
- Occurrence of natural disasters, which in Vietnam are largely weather-related.

Nationally, 10.2% of the population of Vietnam has no assets to cope with unexpected expenses. In the Mekong Delta region, that percentage jumps to 17.8%. While natural disasters and failing investments are widely experienced by many families, most people in Vietnam more immediately associate chronic or severe illness, and the associated medical costs, as a constant threat that can trap them in severe poverty.27

Land issues can also play significant roles in defining the sustainability of people’s livelihood. In 1988, land in Vietnam was redistributed in a remarkably successful and egalitarian program. This program was managed in a decentralized way: local authorities were allowed to adapt the redistribution program to relevant rural customs, needs, and priorities. Most agricultural land in the lowlands has been allocated, and at present the process is underway in the highlands albeit much more slowly.

However, a market for land is also emerging. In 2002, 15% of rural households had leased land to a renter or from an owner, compared to 10% in 1998 and 5% in 1993. This suggests a move away from the egalitarianism of the original distribution. The process tends to favor patriarchic, better educated households with long-term standing in their communities.28

The tendency towards the concentration of land is clearly visible in the data from the 2002 Vietnam Household Living Standard Survey. Overall, 18.9% of rural households were landless in 2002, compared to 9.2% in 1998 and 8.2% in 1993. The tendency is more or less consistent across all regions. Part of the increased landlessness is due to the fact that the wealthier do not rely on land as a source of income. The Mekong delta, however, is an exception to this pattern. In this region, which has the second-highest level of landlessness in the country, it is the poorest fifth of the rural population who lack access to land. This region also displays a very rapid increase in landlessness among the rural poor. Four years ago, 26% of the poorest quintile was landless, compared to 39% nowadays.

In poor areas, especially in provinces that are home to ethnic groups such as Khmer and Champian in the Mekong Delta and northern highlands, the government is implementing a special credit program which helps farmers redeem the lands they mortgaged. However, the program is facing many challenges: after receiving loans for redeeming mortgaged lands, farmers continue to mortgage them again to have cash for necessities such as daily food, medicine, and so on. Thus, the trend of landless farmers in rural areas seems to grow.29

Return and Re-integration

Given the relative advantage of working in Cambodia, many Vietnamese working in Cambodia who were interviewed for this study expressed their intention to stay in
Cambodia rather than returning to Vietnam. Some have gone back, only to decide to migrate again. For example, Vietnamese migrant fishermen who have been living in Wat Cham-Pa, Cambodia, returned to Vietnam only to be given land in remote areas which they could not cultivate. Consequently, many decided to go back to Cambodia.

Most of the newly arrived migrants in Cambodia reported that they do not intend to go back to Vietnam soon, as they want to save money first. However, those who have a love interest waiting at home may return regularly for visits. Motorbike taxi drivers in neighboring countries also return home often, taking advantage of their access to transportation and the flexibility of their working schedule.

Sex workers interviewed in Svay Pak, Phnom Penh have mixed visions about their future. A small number of sex workers talked about their dream of opening a café or a barber’s or tailor’s shop in Vietnam. Others however, have no clear plan about the future.

“I have no idea about my future because we have no small piece of land back home.”
*(Sex worker, during the FGD in Svay Pak)*

Although the Vietnamese government carries out supporting programs for migrants returning from abroad, sex workers are afraid to face the stigma associated with their careers.

“I wish I could turn the clock backwards so that I could feel happy again with my parents, although we had to work hard in Vietnam.”
*(Sex worker, during the FGD in Svay Pak)*

Family members of sex workers interviewed in Vietnam said that their greatest concerns for their migrant relatives were debt and the threat of disease. Their fears are not ungrounded. Sex workers face the threat of HIV/AIDS and other STDs, which may be contracted into the community upon their return. Male migrant workers often frequent brothels and engage in unprotected sex, creating another channel for STDs to enter their communities. The lack of public programs on sex education, STD prevention and treatment, and psychological counseling compound the problem by creating a deadly environment of shame and silence.

### 4. Responses and Recommendations

#### 4.1 Responses

There have been no clear responses or support from the government for spontaneous migrants from Vietnam to neighboring countries, especially to Cambodia. On the other hand, the government has been active and responsive to the issue of trafficking. As
mentioned earlier, the Deputy Prime Minister signed an NPA against trafficking in July 2004, and in October 2004, Vietnam signed an MOU on Cooperation Against Trafficking in Persons in the Greater Mekong Sub-region (COMMIT), along with five other GMS countries. It is also expected to sign an MOU on bilateral cooperation for eliminating trafficking in children and women with Cambodia.

Similarly, the existing projects implemented by government agencies, mass organizations, IGOs/UN agencies, NGOs, and INGOs mostly focus on prevention of trafficking or assisting victims of trafficking for their return and reintegration.

1. International Labor Organization (ILO), in partnership with MoLISA, Vietnam Women’s Union (VWU), and other partners from national to local levels, works on a project against trafficking. In 2005, the Vietnamese government agreed on the expansion of the ILO’s Mekong Sub-Regional Project to Combat Trafficking in Children and Women (TICW) in Vietnam, which will focus on prevention of trafficking, with surveys and research to determine the extent of the problem in high risk areas.

2. Action Aid Vietnam and People Committees of Districts in Ho Chi Minh City, Tra Vinh, Tay Ninh, and Vinh Long Provinces of the Mekong Delta focuses on a participatory pilot study to identify an action plan on preventing trafficking in women and children; this project has been ongoing since 2000.

3. Save the Children-UK, Save the Children-Sweden, and Oxfam-Quebec launched a project called “Community–based initiatives against child trafficking in Vietnam in the provinces of Quang Ninh, Lang Son and Bac Giang”, in collaboration with the Vietnam Women’s Union at various levels. This project aims to reduce and prevent child trafficking. To help the target communities to identify problems and build their self-reliance, the project provides capacity-building through training, research, field surveys and planning. The action research of this project was conducted from May to October 2003.


5. Mobility Research and Support Center (CARAM Vietnam) conducts participatory research on marriages between Vietnamese women and Taiwanese men and Vietnamese migrant workers in Korea and Cambodia and aims to collaborate with the relevant organizations in the host countries to support vulnerable migrants in need.

6. Vietnam Women’s Union (VWU) and IOM have launched an action plan for 2004-2007, which is the continuation of the 1999-2002 action plan against trafficking in women and children in and from Vietnam. The general long-term objectives are: 1) raising awareness; 2) facilitating participation of individual
women and the women’s unions at all levels to prevent trafficking; 3) assisting victims of trafficking for their return and reintegration into communities; and 4) effectively preventing the trafficking of Vietnamese women and children. VWU also has an action plan for 2004-2007, which assists returnees in reintegrating into communities through services such as physical and mental health care, vocational training and job placement, loans, and work consultation.

7. AFESIP (Acting for Women in Precarious Situations): AFESIP’s Vietnamese program assists women in reintegrating into communities by providing shelters, job training, sex education and HIV/AIDS prevention, counseling, a 24-hour hotline, business loans, and other follow-up care.

Other responses related to cross-border migration issues mainly focus on the issues of HIV/AIDS. Relevant Vietnamese government agencies and academe have taken a part in the UN Regional Task Force on Mobility and HIV Vulnerability, through which the members of the task force share and exchange information and strategies to tackle the problem. There has also been development in bilateral cooperation on this issue. With a close cooperation between the Chinese and Vietnamese governments, Hekou County, in China and Lao Cai province, in Vietnam, have established a cooperative scheme in HIV/AIDS prevention. Presently both sides hold biannual conferences on special topics to exchange information and discuss strategies for future cooperation.

### 4.2 Recommendations

In relation to the spontaneous migration from Vietnam to neighboring countries, the following are the recommendations.

1. For MoLISA to clarify government policies towards migration to neighboring countries and inform potential migrants about how to access a legal migration channel, if any.
2. For local authorities and mass organizations to support the establishment of community-based organizations (CBOs) so that the social environment of the communities will become more empowering.
3. For local social institutions and mass organizations to create activities through which migrant returnees can share their experiences. Such a process will not only help keep villagers informed of the situation in the migrant host countries, but also help returnees re-integrate into community.
4. For mass organizations and NGOs to disseminate information on the lives of migrants in receiving countries so that people will be able to make informed decisions about migration.
5. For Vietnamese embassies in the host countries of migrants to actively assist migrants in need and communicate with the relevant government agencies in the host countries on how to help Vietnamese migrants to integrate into host societies or
to return home safely.

6. For local Vietnamese authorities, mass organizations, NGOs, and the relevant government agencies in the host countries, in collaboration with UN agencies, to collaborate on assisting migrants during their return and reintegration processes.

7. For mass organizations to assist migrant returnees in accessing social services such as credit, vocational training, job placement, and other services.

8. For the local governments to hold dialogue with judicial and educational systems on the provision of birth certificates and enrollment in school for returnees’ children.

9. For relevant government agencies in collaboration with UN Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region (UNIAP) and other UN agencies to follow up on the implementation of the COMMIT MOU.

10. For the Interior and Security departments to relax the procedures for local NGOs to apply and obtain permission to carry out their work for migrants so that there can be more a comprehensive response on the issue from the NGOs.

ENDNOTES


4 Ibid.


6 The process is similar to privatization, but is known as “equitisation” in Vietnam.

7 Central Enterprise Management Reform Board, December 1999.

8 VDR 2004.

9 Ibid.

10 Ibid., p.31-34.

11 Trinh Ho Ha Nghi, Huynh thi Ngoc Tuyet and Bill Tod, Ho Chi Minh City Participatory Assessment, Save the Children-UK, Hanoi, Vietnam, 2003.


14 VDR 2004: 67


17 Vu Duc Tuan, 1996, p. 11.

18 Vu Duc Tuan, 1996, p. 120.

19 *Ho Chi Minh City Participatory Poverty Assessment*, 2003, p. 2.


23 MoLISA, 2002.


25 *VDR 2003*.

26 Participatory Poverty Assessment conducted with the technical and financial support of the Vietnam Consultative Group for the launching of the *VDR 2004*.

27 *VDR 2004*: 36.


29 *VDR 2004*, p. 39.
This chapter covers three major receiving countries in the GMS, namely Thailand, Cambodia and Yunnan/China. Each report has the general overview of migration in each country and provides an in-depth discussion on the quality of life of migrants.
1. Political and Social Situation of Thailand

Thailand has been strengthening the institutionalization of democratic structures over the past decade. In 1997, the government promulgated a new constitution entitled the People’s Constitution. In 2000, the first democratically elected Senate was sworn in, and in 2001 an independent National Human Rights Commission was created. Despite these steps, the new democratic system remains fragile and undeveloped, and could easily be weakened by corruption or abuse of power.

In the 2001 general elections, the Thai Rak Thai political party, headed by business tycoon and former policeman Thaksin Shinawatra, won a landslide victory. During the following four years, a large number of populist policies were enacted, increasing support among the rural population in central, northern and northeastern Thailand. The populist policies included the village fund scheme, under which 70,000 villages nationwide were each given THB one million, as well as the promotion of small enterprises through the One Tambon’ One Product scheme.

Despite the popularity of such schemes, there has been growing concern with the style of
leadership. Criticism has included the failure to solve growing conflicts in the three southernmost provinces, the 2,500 extra-judicial killings during the war on drugs, and issues of corruption and conflicts of interest.

During its four years in government, the Thai Rak Thai Party absorbed the New Aspiration, Seritam and Chart Pattana Parties, holding 300 out of 500 seats in the House of Representatives. Its only opposition was the Democrats Party, which failed to strategize in their choice of leader, electing the soft-spoken Banyat Bantadtan who proved no match for Thaksin-style political maneuvering, as successor to veteran politician Chuan Lekpai.

The general elections on 6 February 2005 were fought over social welfare issues, with each party offering social safety nets to the population, including free education and health, writing off farmers’ debts, and giving land to the landless. The Election Commission announced the results on 25 February, with Thai Rak Thai winning 75% of the votes, while the Democrats won 19% and Chart Thai received 5% of the votes. The country was clearly divided, as the South remained a Democrat stronghold, but Thai Rak Thai took nearly every seat in the rest of the country.

**Violence and Unrest in the Deep South**

The three southernmost provinces of Thailand have been under martial law since January 2004, when violence between the police, army, and local community increased. Over 1,000 people have been killed in the violence in 2005.

Prominent Thai human rights lawyer and human rights defender, 53 year-old Somchai Neelaphaijit, went missing on 12 March 2004. He had been working to support the end of martial law in the deep South, advocating the promotion of rule of law and justice for Muslim suspects accused of terrorism and treason. It was only in August 2005 that a team was set up under the Department of Special Investigation (DSI) to look into his disappearance.

A National Reconciliation Commission (NRC) was set up in March 2005 to investigate the situation in the South and propose a peaceful resolution. Among the responsibilities of the NRC are to conduct inquiries into the conduct of the military during the Krue Se and Tak Bai massacres. In April 2005, the NRC reported its findings and was critical of the military, accusing the army of “excessive force” at Krue Se Mosque and “serious dereliction of duty” at Tak Bai. Despite this, only four military officers have been transferred out of the area and no criminal charges have been brought.

On 16 July 2005 the Emergency Decree on Public Administration in Emergency Situations came into effect in Yala, Pattani, and Narathiwat, as well as four districts in nearby Songkla, namely, Thepa, SabaYoi, Chana and NaThawi. The decree gave Prime Minister Thaksin and his security forces absolute power to suppress all dissent. Suspects can now be held for 30 days without charge. The most controversial clause in the decree grants immunity from criminal prosecution for any policeman or soldier accused of committing abuses. In an apparent concession to critics of the measures, the clauses suppressing media coverage, banning public gatherings, and imposing evening curfews were omitted from the decree when it went to cabinet.
By mid-year 2005, the Bank of Thailand cut its 2005 growth forecast to 3.5 – 4.5% from April’s estimate of 4.5 – 5.5%, citing the damage done by the drought and the December 26th tsunami, as well as high oil prices. The hike in world oil prices has pushed up retail fuel costs in Thailand by some 26%, forcing the government to cut fuel subsidies. Inflation and interest rates are rising, while the current account deficit blew up to USD4.6 billion in the first five months of the year. To offset discontent over falling living standards, the government was compelled to introduce a series of measures. Key points of the package include a 5% salary increase for civil servants, a hike for minimum daily wages, subsidies for the elderly poor, special funds for every rural village, and big tax breaks for employers providing fair treatment to workers.

Since 2002, the Thai government has aggressively pursued a policy of rapidly entering into Free Trade Agreements (FTAs). Under the Enterprise for ASEAN Initiative (EAI) in October 2003, American President George W. Bush announced his intent to negotiate an FTA with Thailand. The United States hopes to finish negotiations with Thailand in early 2006. The director general of the WTO has been Thai Supachai Panitchpakdi, who will finish his term in September 2005 and become the new Secretary-General of the United Nations Conference on Trade and Development (UNCTAD).
Social Security

Although the Universal Health Care Coverage Project (the “30 baht health scheme”) now reaches 95% of the population, the social security program still only reaches just “more than 20% of the workforce”, according to a report on the assessment of the Ninth National Economic and Social Development Plan (2002 -2006) presented at the Cabinet on 20 July 2004. One of the main priorities and targets for achieving quality of life in the Plan is to set up a social protection system for the non-covered population. According to the same assessment, in the first half of the Plan, Thai people have an average of only 7.8 years of education, lower than the target of 9 years. Only 38% of working age people had completed a secondary education. Tackling issues related to HIV/AIDS was also given priority in the Plan.

Avian Flu

Avian flu has killed 12 people in Thailand and caused economic hardship to chicken and duck farmers. In August 2005, the government announced plans to cull about 2.7 million free-range ducks to stem the spread of avian influenza, which will severely affect 4,000 farmers. Tigers have also died of the flu. The response was low-key at first but as the number of cases increases and the WHO warns of a global pandemic, the Thai government has started to make provisions for a possible outbreak, including requesting permission to manufacture generic vaccines for avian flu.

The Tsunami

On 26 December 2004, an earthquake off Sumatra, Indonesia caused a tsunami which devastated Aceh and then spread across the Indian ocean, hitting coastal communities in Thailand, Burma, Malaysia, Sri Lanka, the Nicobar islands, and the Maldives before arriving on the coast of Africa in Somalia. 321,914 people have been confirmed dead although groups working in Aceh say that the real number for Aceh alone is near 400,000. In Thailand, 5,399 people were officially confirmed dead, of whom about one third are foreign tourists and an unidentified number are Burmese migrants. 1,100 children were orphaned.

Despite the threats of tragedies like the tsunami, SARS, avian flu, and terrorism, Thailand still received 5.2 million visitors in the first half of 2005, an increase of 1.1% as compared to arrival statistics of the previous year. However, tourist arrivals in the Andaman Sea region remains reduced by 24-34% from the comparable time period of previous year.

2. Policy/Laws and Impact on Quality of Life of Migrants in Thailand

The work of migrant workers from Burma, Cambodia, and Lao PDR has boosted the Thai economy over the past decade. The workers have contributed so successfully to the economy that they have now been semi-institutionalized into the economy through a system of
registration. By the early 1990s, undocumented migrant workers had already become a significant feature of the Thai economy and society, and in 1996 the government made the first attempt to address the issue by announcing it would allow undocumented migrants to work in specified occupations and in certain provinces. This policy allowed migrant workers to work for two years, and since 1998 the policy has been reenacted annually in various forms.

In 2001, the Royal Thai Government expanded its policy on migrant workers by calling for all migrants from Burma, Cambodia, and Lao PDR to apply for work permits. Previous policies on “illegal entrants” from Burma, Cambodia, and Lao PDR to Thailand dating back to 1996 had set quotas on the number of migrant workers through allocations to each province. At the time that the 2001 policy removed this quota system, 508,249 migrants were registered. In the following two years, those migrants who had previously registered were allowed to re-register.

Of all the registered migrants in 2001-2003, just under half were women. The areas with the largest number of migrants were the garment factories of Mae Sot in Tak province, the fish processing industry in Samutsakorn, the agricultural and construction sectors in Chiang Mai, and the fishing industries in Surattani and Ranong. Migrants working as domestic workers in households were found in every city in Thailand.

As indicated in Table 1, the total number of registered workers dropped dramatically between 2001 and 2003. This fall does not indicate that there were fewer migrant workers; rather, fewer migrant workers decided to register due to systemic problems with the registration system. Some of the problems contributing to the fall in the number of migrants re-registering included the following:

- Registration was linked to the employer. Under the 2001 policy, the migrant worker had seven days to change employers. Under the policy for the following years, migrants were not given any time to find a new employer. Accordingly, any migrant who found his/her job conditions unsatisfactory were either forced to endure the situation or risk losing both his/her job and legal status in Thailand.

- Because the minimum wage of about USD86 a month (daily rate of USD3.5) is not enforced, many migrants did not have the money to pay the USD100 registration fee. Some were forced to borrow the money from their employers, bonding them in debt and leaving them vulnerable to rights violations.

- Many migrants paid about two months’ wages to their employer, plus interest, for the work permit card, which officially entitled them to health care and protection under the labor laws. After one or two years, however, it became evident that no agency was monitoring the enforcement of labor laws, and that there was little political will or commitment on behalf of officials to ensure that migrants workers’ rights were protected. Therefore, in practice, many migrant workers were discouraged from registering, as they could see no real benefit from becoming registered workers.

- It was cheaper to pay the police protection fees than to pay the fee for the legal work permit, particularly in light of the fact that migrants will have to pay interest to the
employers and will become indebted.

In response to some of these problems, the 2004 Alien Labor Policy of Thailand attempted to reduce migrant dependency on employers. Registration in 2004 took place in two stages: 1) registration of migrants for temporary ID cards and registration of employers who declared their needs for potential migrant workers; and followed by 2) registration of migrant workers and employers for work permits.

While the Royal Thai Government implemented the registration policies, it signed the MOU on Employment Cooperation with Lao PDR, Cambodia, and Burma in October 2002, May 2003, and June 2003 respectively. The MOUs aim to make the migration flows legal and regulated, entitling migrant workers to due protection. As an initial stage of implementation of the MOU on Employment Cooperation, Thailand, in collaboration with Lao PDR and Cambodia, simultaneously started the processes of verification of country of origin and issuing of travel documents to migrant workers. In 2005, as the verification process was taking much time, the government passed a Cabinet resolution to allow registered migrants to renew their permits. The following are the details of these processes.

**Stage 1: July 2004**

1.a Registration of migrants (Tor Ror 38/1 Temporary ID card)

Migrants from Burma, Cambodia, and Lao PDR could present at the designated local office to register as temporary residents, either with a landlord or with a central village house registration. This phase of the registration process was free, and would entitle migrants to a one-year temporary residence card, legalizing their stay in Thailand for the next year. The migrants’ only expenses were for the cost of the photograph and for lost wages from the day off of work to complete the registration. Many migrants, however, actually ended up paying for these residence cards under false pretenses. For example, village headmen, particularly in the north of Thailand, took advantage of the general confusion regarding ID cards for the hill-tribes of Thailand and offered anyone willing to pay a chance to get a temporary ID card, which they fraudulently inferred would lead to full Thai citizenship. Some headmen charged as much as THB1,000-3,000.

By the end of July, 1,284,920 migrants (921,492 from Burma, 179,887 from Lao PDR, and 183,541 from Cambodia) had registered during this phase for the temporary residence card. It was announced in August that migrants with this card could buy into the 30 baht

<table>
<thead>
<tr>
<th>Year</th>
<th>Burma</th>
<th>Cambodia</th>
<th>Lao PDR</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>451,335</td>
<td>59,358</td>
<td>59,358</td>
<td>508,249</td>
</tr>
<tr>
<td>2002</td>
<td>340,029</td>
<td>36,818</td>
<td>32,492</td>
<td>409,339</td>
</tr>
<tr>
<td>2003</td>
<td>247,791</td>
<td>19,675</td>
<td>21,314</td>
<td>288,780</td>
</tr>
</tbody>
</table>

Source: Office of Foreign Labour Migrant Commission, 2003
health insurance scheme independently of the work permit, paying a total of THB1,700 (USD43) for a year’s access to health care. Education for children was officially guaranteed for any child on Thai soil, although in reality there has been little facilitation of this for the children of migrants.

1.b Registration of employers
At the same time, employers were asked to register their needs for potential migrant workers. 246,553 employers registered, requesting registration of a total of 1,591,222 migrants.

Stage 2: 1 August – 15 November 2004
Work permit registration for migrants and employers
During this stage, migrants who had registered for the temporary residence card could start the process to obtain a work permit. Migrants first had to present at the hospital for a health check up. Migrants paid THB600 (USD15) to be screened for tuberculosis (TB), filararius, syphilis, malaria, drug abuse, alcohol abuse, and mental illness. If one of the first four diseases were diagnosed and determined to be at a treatable stage, migrants received treatment and were allowed to continue their application for a work permit. However, if a disease was diagnosed at a later stage, or if migrants were suffering from the latter three health conditions, they would be unable to apply for a work permit and would be deported. Female migrants were also subjected to pregnancy screening, which led to the deportation of some pregnant migrants. There was an outcry against this inhumane treatment, however, and the pregnancy-related deportations soon ceased.

Those migrants who passed the health check paid THB1,700 (USD43), which entitled them to access the universal health care system in Thailand. After this, they could find an employer who had registered their need for a migrant worker. Employer and employee would then register together for the work permit. 900,000 migrants, of whom 90% were from Burma, registered for work permits. To get a one-year work permit, migrants had to pay a total of THB3,800 (USD100).5

Stage 3: Implementation of the MOUs
Verification of country of origin and issuing of travel documents
The implementation of the MOUs on Employment Cooperation necessitated the verification of the citizenship of migrant workers currently in Thailand, in order to issue these migrants with travel papers and a Thai work visa. The Lao PDR government commenced the process by interviewing Lao migrants to verify their citizenship. By April 2005 the Lao government had interviewed 1,700 of the 179,887 registered Laotian migrants. 17 of these migrants could not be confirmed as Laotian. As of September 2005, over 10,000 Laotians have been interviewed but no figures of verification are available. The process has also commenced for Cambodian migrants and 78 migrants have been interviewed, of whom three were found not to be Cambodian. Meanwhile, there has been no information available about the process for Burmese migrants. In April 2005 the Bangkok Post reported that the
government of Burma had demanded that the Thai government send one million migrants back to Burma so that they could issue travel documents and visas, purportedly within five days. The Ministry of Foreign Affairs of Thailand denied this report, however, and it is still unclear how the process will proceed in Burma. It is particularly worrying that the SPDC may use this opportunity to deny citizenship to certain sectors of Burmese society. It is as yet unclear what status those migrants who are denied nationality by their respective governments will have.

When the countries have verified migrants’ citizenship, the migrants will be issued a travel document and a work visa and will be able to regularly migrate under the protection of the principles of the MOUs. While regular migration is usually beneficial for migrants, there are many fears among migrant workers from Burma about a process which involves interviews and the collection of personal details by Burmese authorities. Meanwhile, most migrants are unaware of the details of the MOUs.

“We did not know our rights and we never demand our rights. I never heard about the MoU.”

(Migrant worker from Ayeyawaddy Division, Burma)

Stage 4: July 2005
Renewal of Work permits

With the verification of nationalities proceeding slowly, a renewal of the policy on illegal entrants to Thailand was passed in a Cabinet Resolution of 10 May 2005, allowing for:

a) Migrants with work permits to extend those permits for an additional year;
b) Dependents (with temporary ID cards) of migrants with work permits to extend for an additional year;
c) Migrants with no documentation or only a temporary ID card, with no relation to a migrant with a work permit, to be deported;
d) Migrants with only a temporary ID card to register for work permits;
e) A new registration period for potential employers of migrants; and
f) One-day border passes and passes for seasonal work in border areas, at the discretion of the provincial governor.

Both the MOU and the migrant registration policy allow for the two policies to be in place at the same time. Thus the verification of nationality will also continue during this phase.

Ultimately, only 705,293 migrant workers registered for work permits in 2005, while employers registered a need to employ 1,881,529 workers.6

The 2004 policy had the potential of vastly improving the quality of life of migrants. Migrants who managed to register for the temporary ID card independently of their employers were no longer bound to their employers in order to retain their legal status. Indeed, as soon as the temporary ID cards were issued, a noticeable change occurred in migrant communities. Migrants walked and talked openly on the street, sat alongside local Thais having noodles, and when the Shan temple in Chiang Mai held their annual festival, the
temple was so packed with Shan migrants that it was impossible to enter the compound. It was estimated that in the past, around 3,000 Shan migrants would attend the two-day festivities, but after the 2004 registration as many as 10,000 Shan migrants attended.

However, the reality of being a migrant worker soon prevailed over the euphoria of temporary legal status. In April 2005, 230 migrant workers from the Uni Ocean factory in Mae Sot went on strike, demanding the minimum wage and better working conditions. These workers were thrown out of the factory, and thus out of their living quarters as well, for challenging their employer. Despite retaining legal status, they had nowhere to stay. The only place they could go was to a monastery, but even then they were only allowed to stay for a few nights, after which point they became homeless.

The clause in the 2004 policy which allowed migrants to change employers also seemed to offer some form of protection to migrants who were being abused or exploited by their employer. But those who tried to exercise their right to change employers found that they had to go through the entire registration process again, paying another USD100. This requirement was imposed even though most of the workers were changing employers because their previous employers had not paid them, making the registration fee extremely burdensome. Moreover, migrants who complain about working conditions are usually blacklisted in factory areas, making it next to impossible to find new employment.

The policy of 2005 made further attempts to allow migrants to move for work. Migrants could now register to work in another province, or could move from one province to another.
for work after re-paying the registration fee and making the correct documentation at the Department of Employment. This policy was initially hoped to contribute to improving the quality of life of migrants. However, only the employers seem to benefit from this: for example, employers of domestic workers now have the privilege of taking the domestic worker with them, wherever they go in Thailand.

3. Quality of Life of Migrants in Thailand

Living and Working Conditions
Most migrant workers are housed in accommodation provided by the employer, whether it be barracks in the factory compound, shacks on construction sites or a small space somewhere in the house for women working as domestic workers.

These living quarters often expose migrants to diseases and put added stress on their immune systems. The crowded dormitories in which factory workers sleep are poorly ventilated, allowing for communicable diseases such as TB to spread easily. Fishermen have to sleep packed together on the boat with no personal space and little access to hygienic facilities. On construction site, migrants have to construct their own living quarters out of unused construction materials. No drainage facilities are installed by the employers, and in rainy season the muddy areas become breeding grounds for mosquitoes carrying dengue fever.

Since migrants cannot move freely, because of lack of free time, prejudice by locals, and fear of arrest, they may buy most of their food from the employer or from small trucks bringing a mini-market to their work-sites. They do not have a choice of food and rarely get fresh fruit and vegetables.

The situation seems particularly worrying in areas where the migrant population has increased recently. “Economic zones” have been created in some border provinces for the benefit of the Thai economy, employing thousands of migrant workers. This new population is composed of migrants from Burma, Cambodia and Lao PDR who have been invited to fill the labor shortages by the Ministry of Interior and the Ministry of Labour. In addition to the economic zones, many other areas including Tak province, Ranong, Phang Gna, Phuket, Samut Prakan, Samut Sakorn and Samut Songkram have seen a dramatic increase in the migrant population, particularly women. Despite the increase in population in these areas, local councils have not provided increased public or community housing to accommodate the workers. These economic zones, often rural areas, were previously sparsely populated and had services only appropriate to that population.

There are also around 100,000 migrant domestic workers in Bangkok who may not be able to access existing services. The living conditions under which migrant domestic workers live make them particularly vulnerable to physical and sexual harassment or even violence. When women are bound to the employer not only for their work but also for their accommodation, the situation can be comparable to domestic violence: she is unable to leave
any situation of abuse as she will lose her security and in the case of migrant workers, legal status.

### 3a. Working Conditions

According to Thailand’s migration policy, all migrants who register to work in Thailand are protected by the National Labor Laws of Thailand. Minimum wages are specified by law for each province and vary between THB139 (USD3.5) and THB181 (USD4.5) per day. (See Table 2.)

Despite this policy, most migrants receive far less than the minimum wage. For example, most female factory workers in Mae Sot work from 8am – 5pm but only receive THB50 – 70 per day, about a third of the minimum wage. During peak seasons, they may work overtime from 6pm – 11pm or even to early morning but only receive THB30 for six hours of overtime. The employers deduct between THB100 – 300 for accommodation (often a small floor space in a crowded dormitory), and also deduct the cost of the work permit on a monthly basis. Therefore, a female migrant factory worker, on average, has a “take home” salary of THB1,200 – 1,500 a month. Even further deductions can lower a salary even more. In some factories, (BBTop, Relong) rules and regulations posted in Burmese, include fines of THB50 for “taking a long time” in the toilet or for arriving at work five minutes late. If workers miss a half day of work they face a deduction of THB200 (equivalent of four full days’ work).

Moreover, many migrants experience delayed payment or even non-payment of their wages.

> “After I arrived in Rayong in 2000, I worked on a boat for three months. My employer simply kept prolonging payment of my salary, as his profit had decreased around that time. I complained about this a number of times and eventually got dismissed from work and received about one third of my full salary.”
> (35 year-old ex-migrant worker, interviewed in Cambodia)

Agricultural workers earn some of the lowest wages. In an interview with a Shan woman working in a tangerine orchard in Fang District, Chiang Mai Province, she said that working in a large agro-business orchard, “women can earn THB70 a day; men earn THB80 a day”. Agricultural workers may also have to work very long hours.

> “I was working at the rubber plantation, and we worked from 8:00 p.m. to 10:30 a.m the next morning. In total, we worked 13 and a half hours daily but did not receive

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**Table 2. Minimum Wage Per Day**

<table>
<thead>
<tr>
<th>Province</th>
<th>THB (USD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bangkok, Samut Sakorn, Samut Prakan</td>
<td>181 (4.5)</td>
</tr>
<tr>
<td>Phuket</td>
<td>171 (4.2)</td>
</tr>
<tr>
<td>Chiang Mai, Phang Nga, Ranong, Rayong</td>
<td>153 (3.8)</td>
</tr>
<tr>
<td>Kanchanaburi</td>
<td>148 (3.7)</td>
</tr>
<tr>
<td>Khon Kaen</td>
<td>144 (3.6)</td>
</tr>
<tr>
<td>Mae Hong Son</td>
<td>141 (3.5)</td>
</tr>
<tr>
<td>Narathiwat</td>
<td>139 (3.4)</td>
</tr>
</tbody>
</table>

Source: Office of Foreign Labour Migrant Commission, 2003
“I’ve been working at the orange plantation for seven months. But the employers never gave me my pay. I did not know where to complain. I myself was an illegal worker and I am afraid to be arrested and deported back home.”

(Migrant worker from Mon State, Burma)

According to a report by the Action Network for Migrants (ANM), quarry miners earn the highest wages, but also work in one of the most dangerous jobs, dynamiting the quarries by hand.8

Cambodia CRT puts fishery work as one of the hardest jobs, as workers have to stay on a boat for seven to 10 days per shift, working for nearly 16 hours a day with no days off until they return to the shore. On top of this, fierce storms may wreck their boats and threaten their lives at any time.

“I was not sure what kind of job I would get when I arrived in Thailand, because I only knew how to do farming back in my village. Then I was employed to work in a fishing trawler. The first few days were the worst of my life. I was seasick and remained pale in bed. I felt better later on and started work such as pulling the net, carrying baskets of fish, or breaking ice into small pieces. This was labor intensive. Often I had to work day and night, and I did not sleep well. Sometimes we would
just be starting a meal and they would whistle to call us back to work, and we had to skip our meal for a while.”

(Ex-migrant worker from Prey Veng Province, Cambodia)

Many workers have been cheated during the process of migration and once they start working:

“I was promised work at a restaurant, but when I reached Thailand I found out that I had been cheated, and I had to work selling sex. While working, I was arrested several times by the police but my boss came to my aid. I signed an agreement with my employer but it is all in Thai, so I have no idea what it says. I received only half of the amount of pay I was promised by the agent. I felt like I was doing nothing good for myself, only for the employer.”

(Migrant worker from Shan State, Burma)

Most of the migrants interviewed received only one day off every two weeks, although domestic workers were given a mere two or three days off a year to attend religious ceremonies or for the Water Festival. Domestic work is not protected by the national labor laws of Thailand and domestic workers are totally dependent on their employers’ goodwill for beneficial working conditions.

Most migrants reported that they had few breaks from work, and even if they were given a break, no space was made available for them. For many workers, clean drinking water was scarce. Sex workers in brothels had to work from 7 p.m. to 3 - 5 a.m. with no break. Most migrants said that they had no free time to take any exercise or play sports, and if they lived and worked at the same compound there was no sports equipment or space provided to exercise.

“For Burmese migrant workers, there are no holidays and rest days. In cases of illness and inability to work, their pay was reduced.”

(Migrant worker from Taninthayee Division, Burma)

Although all workers and their employers are legally compelled to pay into a social security scheme, only in very rare instances do the employers of migrant workers facilitate this process.

Furthermore, many employers confiscate the migrant workers’ personal documents, as evidenced in cases brought to the Labour Court by migrants. Without their personal documentation, workers have no personal security. They may be approached by the police or immigration at any time and arrested and deported. Without their health cards, they cannot access the national health service (30 baht scheme) for which they paid THB1,900 during the registration process.
Legal Protection

Migrant workers are banned by law in Thailand from forming their own unions. The law specifies that the Board of all unions must only have Thai nationals born in Thailand. (Labour Relations Act 1975, Section 101). Legally, registered migrant workers are allowed to join Thai unions. However, in areas where migrants work, i.e. garment factories on the Thai-Burma border such as Mae Sot, employers expressly employ only non-unionized migrant labor, and there are no Thai unions active in these areas for migrants to join. In addition, only 3% of the Thai work force is unionized and therefore all workers in Thailand are facing many challenges with few representatives advocating for the improvement of conditions.

Migrants are also physically limited from forming committees due to lack of free time, no autonomous community areas and difficulties in moving around and meeting workers from other sites.

“If I have an argument or problems with my boss or my neighbors, I would not dare to seek help from the police because I am an illegal migrant. If I contact the police, the only result would be being sent back to Cambodia.”

(31 year-old female from Pailin, Cambodia, who worked in a field in Thailand)

Most of the 64 Cambodian migrants who were interviewed by the Cambodia CRT, either during a visit to their family or upon return, did not know about their labor rights and were unaware of services provided by NGOs.

Not being able to form unions is a major barrier for migrants trying to improve their working conditions. In addition, many migrants never actually meet their employer. They deal only with a supervisor, a foreman, or a mamasan who may or may not represent their case to the employer. In some cases, where migrants banded together to complain about not being paid, they merely received their wages a few days earlier than usual. In most of these cases, the wages were still well below the minimum wage. In one case, the migrants tried to negotiate for an increase in wages. They were unsuccessful in this, but managed to achieve some compromises: the cost of electricity, water, and bedding was no longer deducted from their salary.

There have been some encouraging cases where workers in factories began speaking out against exploitation. In 2003, 34 workers who worked for far less than the minimum wage and had been subjected to physical and psychological abuse at the Nut Knitting factory in Mae Sot filed complaints to the Labor Protection office. The office issued an order for the employer to compensate the workers THB4.6 million (USD118,000) in unpaid back wages. When the employer did not pay, the migrant workers took the case to the Labor Court. One and a half years later they received compensation of THB1.3 million (USD33,333). This was much less than the original claim owed, but a victory nonetheless for migrant workers who had previously believed that they could not avail themselves of the legal system of Thailand.

Following the success of their colleagues, more migrant workers dared to approach the Labour Protection office with their cases of exploitation. Between September 2004 and September 2005, 421 migrant workers (171 women and 250 men) have received over THB2
million in compensation for exploitative working conditions on construction sites, in factories and as domestic workers in Mae Sot. Similar cases have been taken to the Labour Protection office in Chiang Mai by migrant domestic workers and construction workers. Several cases which could not be settled at the Protection office have been taken to the Labour court. On May 2005, 80 workers from the Uni Ocean factory, Mae Sot, who had been paid only a third of the minimum wage, filed complaints against their employers. On 20 July 2005, the Labor Protection office issued an order to the employer to compensate the workers for THB1,999,450.50 (USD50,000). The case is currently going through the Labour Court.

Workers and their supporters face many difficulties in adjudicating these cases. They are frequently harassed and threatened, and little protection is available. One such supporter, a volunteer interpreter, was arrested in a clear attempt to send a discouraging message to migrants who think of complaining. The interpreter, a young bilingual man who holds a pink card (issued to displaced Burmese in the 1970s) was arrested for volunteering his skills to a group of migrant workers. Migrants in factories have also been warned about meeting or talking to staff from migrant support groups such as Yaung Chi Oo Workers Association and MAP Foundation. Photos of support group staff are put up in the factories with warnings to workers seen communicating with them. Prohibited from forming unions, the migrant workers have to depend on these support groups and the legal assistance given by the Law Society of Thailand. The harassment is aimed at instilling fear in migrants to prevent contact with any support group.

Movement and Travel

Until recently, all migrants from Burma, Cambodia and Lao PDR entered Thailand without any travel documents. Some have crossed the border on their own, while others
have sought help of agent, brokers or traffickers in crossing the border.

“My brother told me that he was asked to lie down underneath the Hilux truck carrying many goods to cross into Thai border.”
(Migrant worker from Shan State, Burma)

Those who had just crossed the border into Thailand again faced difficulties in moving from the border to inside Thailand. Despite the danger, many migrants chose to move further in search of employment: although there is some work available at border crossing points, other work is well inside the country. To get to these work areas, migrants have to find a way to move past the numerous checkpoints on the roads from the border to inside Thailand. Brokers, agents and traffickers take advantage of this situation and facilitate migrants in moving around through providing means of transportation, bribing officials, and finding employers for migrant workers. They charge extortionate fees for such services and subject the migrants to severe forms of exploitation and danger.

In March 2002, 13 Burmese migrant workers, including five children, were found dead in a waste site east of Bangkok. They had been smuggled to Bangkok in a pickup truck transporting roses and had suffocated in the truck.

As explained earlier, Thai laws allow undocumented migrants to register for residence and work permits and legalize their status. However, even after registration migrants are not fully granted with a right to freedom of movement. Migrants are not allowed to move beyond the province where their employment is registered. This imposes a severe burden on migrant workers who need to travel for various reasons, such as to visit a spouse who is ill, or to engage in social or educational activities. In July 2004, a group of migrants negotiated with the local government for a permit to travel to Bangkok, in order to attend the World AIDS Conference. Despite their efforts, the request was rejected.

According to the 2005 policy, only those who find a new employment in another province are allowed to travel to a new place of employment. This policy was initially expected to improve the migrants’ situation as migrants now seemed to have a better chance to leave their employer and look for a new employer, should their working condition be exploitative. However, it has turned out that in practice, it is extremely difficult for migrants to satisfy all the requirements to make their travel legal.

This restriction continues to allow brokers to control the movement of migrants. If an employer in another region needs workers, a broker will make the arrangements and charge the workers. Once the workers have moved, they have to pay back the money and are again forced into debt bondage. If they find that their new work is exploitative or dangerous, they face extreme hardship in a number of ways. This is because migrants are completely under the control of the employer and the broker. In a sense, they are “legally bonded”, since the law makes no provision for migrants to have self-determination or to be able to follow the legal procedures set in the policy.

This can be seen in the example of over 200 migrants who moved legally from their
previous employment in Mae Sot to Daechapanich fishing net factory in Khon Kaen in 2005. At their new place of employment, they experienced abuse and rights violations. Because of this, they requested to return to Mae Sot, but were unable to follow the necessary procedures to legally make the move. Thai policy required them to go to the local Department of Employment with their employer, and provide contact details of the employer in the city they were moving to. This proved impossible. 200 Burmese migrants could not board a bus either to the Department of Employment in the same city nor to travel across country back to their original registration place. As migrants are seen as “illegal” and “threat”, a large group of migrants will be immediately questioned by the police and likely to be arrested. Furthermore, there is no community accommodation that migrants can access, so losing their jobs also entailed losing their living quarters. The loss of housing concomitant with the loss of employment threatened their personal security, as a large group of Burmese migrants on the streets would immediately be arrested by the police as migrants are seen as “illegal” and a “threat”. These travel restrictions, as well as the lack of appropriate community housing services, force migrant workers into situations where their personal security is threatened, and where it is impossible for them to have the control necessary to follow the procedures written in the policy.

In a similar case, workers who had moved from Mae Sot and then been threatened with violence at their new work place in Haad Yai were able to follow the legal process to return but had no means of actually physically moving from one place to another for the same reasons described above. The workers in Haad Yai thus had to depend on immigration to take them to Bangkok and then to Mae Sot. They travelled in an open immigration truck from Haad Yai to Bangkok (a journey of 10 hours) in the rainy season and then had to spend several days in the Immigration Detention Centre in Bangkok. Although the treatment in the IDC was reasonable, these migrants had not committed any illegal act and therefore did not need to suffer the humiliation of being detained. But with no community housing, services, or transport available, this was their only choice.

Travel restriction particularly increase the vulnerability of migrant women. If they need to travel to another province for personal reasons, they have no option but to try and move without any legal protection. Many women have to pay a broker to assist them in moving and passing through the police and army check-points. The process of using a broker (finding money to pay them, travelling in disguise or hidden, not having any form of contract or protection, not being in control of the travel arrangements or the final destination) makes women highly vulnerable to extortion (from officials and people pretending to be officials), violence (sexual, physical, emotional), danger (suffocation when hidden in trucks, unsafe driving, kidnapping) and forced labor at the end of the route.

**Occupational Health and Safety**

To achieve acceptable safety levels, much of the work migrants do require stringent occupational health and safety (OHS) standards being enforced. Their work involves working with chemicals (spraying pesticides in orange orchards), lifting heavy objects (construction
sites), or long hours of standing or repetitive movements (factory work). No migrant workers have reported that they have received training on occupational health hazards, no safety officers are available for consultation, and none of the migrant workers were issued safety equipment in their workplace, whether safety hats and hard shoes for construction site workers, face masks for garment workers, protective clothing for migrants spraying pesticide in orange orchards, or goggles for mechanics. Only some brothels provided condoms for sex workers. Only some workplaces had emergency fire equipment and instructions on what to do in case of fire. None of the migrants interviewed had ever seen a first aid kit at the workplace.

However, there is no mechanism for workers to complain without repercussions which have included immediate dismissal, threats on personal security, and intimidation by “hired thugs”.

Health

The health situation in Burma is reflected in both the health status of migrants arriving in Thailand and the health situation on the border. In 2003, 70% of all malaria cases in Thailand occurred in the ten provinces bordering Burma. The Ministry of Public Health figures for 2004 show that around 16,898 of the 288,000 migrants eligible for health care reported to state hospitals for treatment, the majority of them from Burma. Topping the list of conditions was acute diarrhea, with 5,822 cases, followed by malaria with 4,667 cases. Other conditions
included pneumonia (830 cases), venereal disease (718 cases), and tuberculosis (519 cases). Most worrying were reports of illnesses already eliminated among the Thai population, including leprosy (12 cases), tetanus among newborn infants (6 cases), and elephantiasis (5 cases). Around a quarter of the immigrant workers with medical conditions were found in the border province of Kanchanaburi.11

According to Dr. Amnuay Gajeena from the Bureau of Policy and Strategy at the Ministry of Public Health,12 the primary public health issues along the Thai border include the following:

1. Communicable diseases: malaria, diarrhea, tuberculosis, HIV, and other STDs;
2. Referral systems;
3. The standard of control and prevention of communicable diseases;
4. Curative treatment;
5. Health promotion;
6. Health information system;
7. Resources: human resources, budget, medical equipment and drugs;
8. Communication problems, languages;
9. Human rights; and

As can be seen from the list above, public health issues cannot be confined to disease and treatment. Migrants are particularly susceptible to the influence of the socio-political environment on health status. When nurses and doctors cannot speak the language of the migrants, and health service providers do not provide counselors and translators, the system of public health promotion, information, and treatment breaks down. Migrants often live in a situation where their human rights have been abused in their home country and where they are unable to fully exercise them in the country of destination. Intrinsic to the improvement of public health is the public. This includes the participation of the public in the design, implementation, and evaluation of public health programs. Migrants, however, are deliberately isolated by their employers, and have no right to form unions, which, as migrant workers, would be the strongest bond for a temporary community. Instead they are exploited and silenced in the workplace, which even public health authorities have difficulty accessing. Thailand has a system of village health volunteers who are trained to work within the community to improve the public health. While local public health officials recognize the need for migrant health volunteers, both with the public health authorities and with NGOs, there is no official system to legally employ migrant health volunteers to date. In addition, migrants face security issues which deny them the ability to travel and meet freely. The security issues also affect their ability to complete courses of medication. Treatment for TB has to be taken over a period of six months, but no one can guarantee that the migrant will be able to get to the treatment center regularly and will not be arrested and deported within those six months. Burmese migrants, who come from a country ruled by military dictatorship, may fear anyone in uniform. These migrants cannot distinguish between a guard at the gate of a
hospital and an immigration officer, and will therefore only access public services when absolutely necessary.

It is estimated that 16% of children of migrant workers do not receive vaccinations, although many public health departments are now working with local NGOs to gain access to migrant communities to increase vaccination rates.

Migrants who have not registered to work in Thailand and are thus considered “illegal” have to pay the full costs when they visit a hospital, and in some provinces will be handed over to the Immigration authorities after treatment. This is, of course, a major deterrent to visiting a hospital and receiving health care.

Some factories offer alternative medical “care”:

“The boss gives medication when workers are sick. Workers are asked to take an injection. The medical officer collects the medical fare at the end of the month, holding a notebook where the debts are written down. He used to ask the workers to buy more medication by exaggerating the sickness. He is a fraud physician. He made a copy of a fake medical certificate and stuck his photo on it.”

*(Factory worker in Mae Sot at a focus group discussion)*

Better alternatives, however, are available if the migrants are able to leave the factories. In Mae Sot, a well-established community health service run by award-winning Dr. Cynthia Maung offers treatment and care in the migrants’ languages, reaching over 500 migrants a day. In Ranong, Mae Sot, and Mae Sai, World Vision (Thailand) provides basic medical services to migrants through Burmese doctors. In Mae Sai, the EMPOWER foundation runs a community health center for sex workers. In Rayong, Center for AIDS Rights (CAR) runs a community health center for Cambodian migrants. Other NGOs around Thailand provide health education and counseling through outreach, or, in some instances, on the radio. MAP Foundation broadcasts daily on the National Broadcasting Station of Thailand in the Karen and Shan languages, and also hosts live phone-in programs on local community radio stations. Some NGOs also provide translators for the hospitals.

**Access to Family Planning Services**

There are limited health care services specialising in reproductive health and women’s health needs. Among migrant communities, there are many incidences of unwanted pregnancies, home abortions, STDs (including HIV), and birth defects such as cleft palate, or spina bifada which could be avoided with appropriate health promotion, prevention, treatment and care services. Migrant women suffer from anaemia, malnutrition, communicable diseases, septic abortions, stress and other mental health problems. Cambodian migrants interviewed said many migrant women give birth with the help of unlicensed midwives, as their services are cheaper than going to a hospital.

Although condoms are on sale in most convenience stores in Thailand, due to the lack of mobility and the often remote workplaces of migrants, condoms are not readily available to
any group. Sex workers have relatively easier access to condoms, though this is not always the case, as condoms are provided by either brothel owners, NGO workers, or social or health volunteers in their workplace. Many of the factories in Mae Sot have no access to supplies of condoms.

Local NGOs have noted that they are increasingly seeing pregnant Burmese women giving birth to premature babies or babies with birth defects, including heart problems, cleft palates, and spina bifida. This possibly reflects the malnutrition faced by Burmese women both in Burma and as migrants in Thailand, and their lack of access to pre-natal health services in the early months of pregnancy.

Meanwhile, prevention of mother to child transmission (PMTCT) of HIV treatment is readily available in Thailand and great efforts have been made to make it accessible for ethnic minorities and migrant groups. Materials have been produced in ethnic languages and distributed, and information has been broadcast on the radio in ethnic languages. All pregnant women are tested for HIV on a voluntary basis, but there are few migrant counselors.

**HIV/AIDS**

Due to the lack of voluntary counseling and testing services in the languages of the migrants, most migrants do not know their HIV status until they are very sick and have no choice but to go to hospital. The emergency accommodation run by MAP Foundation provides temporary accommodation, access to state hospital services, counseling, and support to over 100 migrants a year, including around 20 HIV-positive migrants. Most of the migrants are young men who present with TB or pneumonia. In areas where the public health authorities and/or NGOs are active, migrant communities are now more aware of HIV and there is less stigmatization than a few years ago. However, considering that there are an estimated two million migrants in Thailand and only a handful of NGOs, many communities remain where stigmatization and misunderstandings are rife. While there are no specific statistics for HIV/AIDS among migrant workers in Thailand, the latest UNAIDS report suggests that the prevalence is particularly high in Burma on the Thai border. In Hpa-an, Burma, a crossroads for migrants crossing to Thailand’s Tak province, the prevalence rate is 7.5%. Migrants with HIV/AIDS in Thailand can receive free treatment for opportunistic infections and there are currently some small pilot projects offering Anti-Retroviral (ARV) medication, but as yet migrants do not have access to the national program to make ARVs available to all people who need them. None of the migrants interviewed, or in contact with the networks of NGOs in Thailand, have ever heard of anyone getting access to ARVs in Burma.

**Mental Well-being**

Migrant sex workers and domestic workers both talked about the stress and strain of trying to please many employers. Domestic workers often received conflicting orders from various members of the household, while sex workers were told what to do by the manager, the mamasan and the client. In addition, sex workers spoke of their fears of fights between
clients on the premises which would require police intervention and lead to possible arrest for the sex workers.

Migrant women are particularly vulnerable to violence due to the lack of personal security created by their situation as migrants. The One Stop Crisis Centers in hospitals in Thailand provide services to all women irrespective of nationality or legal status, but it is still difficult for migrant women to access them.

In only a handful of cases can women pursue the Thai legal system to demand justice. In 2003, two Thai soldiers who raped a refugee woman and girl were sentenced to six and nine years respectively by the military court.

To campaign against all forms of violence and to find some ways to offer services, 600 migrant and refugee women have put together a ten step guideline outlining support, medical, and legal responses for migrant and refugee women who had suffered physical or sexual abuse.14

**Education in Thailand**

“My wife and I worked in Thailand for seven years. Our first child was born in Thailand. At that time we did not have the labor card. So we had to pay very dearly. Now that I have my labor ID and my employer has signed a contract for me, our child
can study at the public school. The school fees are THB800.”

(Migrant worker in Mon State, Burma)

On 5 July 2005 a Cabinet Resolution on the education of undocumented and non-Thai persons was passed. (See Box “Main points of the CABINET RESOLUTION, RTG, 5th July 2005” p.124.) The resolution provides for the education of all children from kindergarten through high school. A budget for non-Thai children at the same rate as Thai students will be allocated on a per-student basis to each school. The students will be issued with a 13 digit personal identity number and will be given travel passes in order to allow them to travel to school. As of August 2004, 1,269 undocumented and non-Thai children were registered in Thai schools, with the appropriate budget allocated. During the 2004 registration of dependents of migrants, it was estimated that 40,000 child dependents of migrants were registered. In addition, there may be up to another 50,000 children who are not registered.

Remittances

Both Burmese and Cambodian migrants use the Hundi system to send money home. Through this system, the migrant gives the remittance to a broker in Thailand. The broker in Thailand then calls a broker in the home country to give the money to the recipient. The sender pays around 7% of the money, and the receiver may also pay a percentage. But in the absence of the right to open a bank account in Thailand, most migrants find this system effective and reasonably safe.

Migrant workers from Burma stated that communication with their families used to be very difficult and this lack of correspondence with their family members led to increased loneliness and anxiety. The communication had improved at the time of the interviews;

“People feel more comfortable to go and work in Thailand nowadays because they can reach their family members easily by telecommunication. They can make remittance easily through the Hundi system with the help of their agents, for a service charge of 5%.”

(Migrant worker from Ayeyawaddy Division, Burma)

Migrants who return home regularly may carry some money with them, or buy gold to take home. For migrants who are returning home for the first time, running into police and army checkpoints and having to pay fines or bribes is a problem. More experienced migrants know how to avoid these checkpoints.

Security Issues

Security issues greatly affect the physical, social, and emotional well-being of migrants. In May 2005, the Thai government threatened to push 400 Shan refugees, including 208 orphans back into Shan State from the Loi Tai Laeng camp, Mae Hong Son. In June 2005, 68 refugee families were forced to relocate across the border.15
Immigration raids on factories, particularly in the middle of the night, create panic and confusion, and, in the worst case scenarios, result in death. In Kanchanaburi in January 2004 the Vita Pineapple canning factory was raided, and 11 migrants who tried to escape to the river drowned. In August 2005 a Shan woman drowned in Chiang Mai when a group of migrants heard a rumor they were about to be raided and ran to cross the river.

During times of mass crackdowns, deportations are carried out in haste without proper safety or humane standards. There have been several cases of migrants being dangerously packed into old trucks which have then crashed. In one case in February 2004, a truck commissioned by Immigration and insured for 20 passengers was carrying 106 migrants when it crashed, killing eight and seriously injuring many more.16

The Tsunami and Burmese Migrants in Thailand

Over 100,000 migrants from Burma were registered to work in the areas of southern Thailand affected by the tsunami. This number, however, probably only represents one half or one third of the actual number of migrants in the area. Migrants in Phuket and Phang Nga, two of the worst hit areas, were working on construction sites, in the fishing industry, in the tourist industry, on rubber plantations, and as domestic workers.

Immediately after the tsunami hit on 26 December 2004, everyone who was affected moved into camps where relief and shelter could be supplied. However, after a few days
The Cabinet approved the setting up of a system to document the day, month, year of entry of undocumented or non-Thai persons into the education system according to the recommendations put forward by the Ministry of Education as follows:

1. To expand the opportunity for undocumented and non-Thai persons to enter into the education system, including groups who had previously been excluded from some levels of education. In order to make the education system more widely available, there will no longer be restrictions on levels of education or on travel to educational institutes. Educational institutes will now accept, register and give certificates to all undocumented and non-Thai persons at all levels.

2. To allocate a budget per student for the educational institute which is giving education to the undocumented and non-Thai person, from kindergarten to high school. The amount per student will be the same as per Thai student. An extra budget of 6.5 million baht will be needed to support the entry of the 1,269 undocumented and non-Thai students and will be organized by the Office of the Committee for the Promotion of Private Education.

3. The Ministry of Interior will provide the 13 digit personal identity to undocumented and non-Thai persons to be able to identify the status of undocumented and non-Thai persons. The Ministry of Interior will grant permission and facilitate children and youth who are restricted by law to live in certain areas, to be able to travel to the education facility according to the term times without have to ask for permission each time. Students “displaced by armed conflict”¹ and POCs are excluded from this permission to travel to their place of study.

4. The Ministry of Education will organize the appropriate education for children and youth who are “persons displaced from armed conflict” to develop their quality of their life and solidarity.

¹The Royal Thai Government does not use the word “refugee” but instead uses the phrase “people displaced by armed conflict.”
Responsibilities of various agencies
The Committee on Education, Religion and Culture chaired by Deputy Prime Minister Chaturong Chaisaeng has approved 6.5 million baht which will be allocated according to the actual number of students studying.

The National Security Council will be responsible for developing a strategy to deal with the problem of the status and rights of people, in order to grant them status and basic rights according to Cabinet Resolution January 18th 2005. This will be done quickly in order to make the education policy effective.

The Ministry of Interior will actively survey the number of undocumented and non-Thai students.

The Ministry of Education will provide the justification and facts to prepare proposals for future budgetary allocations.

The National Security Council, The Ministry of Interior, Bangkok Metropolitan Administration, the Ministry of Defense, The National Police Force, the Ministry of Culture, the Ministry of Tourism and Sport, the Ministry of Transport, the Ministry of Science and Technology and The Thai Red Cross will set up the regulations and procedure to implement this policy. Vocational training agencies will accept the certificates issued under this policy for admission to their courses.

The Ministry of Interior will survey the number of undocumented and non-Thai students. The Ministry of Interior together with the Ministry of Education has already started this process from January 1st 2005 and will complete the survey within two months. This information will be used to supply the personal identity 13 digits.

The Ministry of Defence will survey the educational institutes in areas which have restricted safety and security issues\(^2\) in order to coordinate with the Ministry of Education to allow children in these areas to access appropriate educational facilities.\(^3\)

\(^2\) this presumably refers to the three southernmost provinces of Thailand.
immigration came to the camp and took Burmese migrant workers for deportation. While some migrants wanted to go home after the traumatic experience they had been through, others wanted to continue to work in Thailand to earn some savings, especially after having lost everything in the tsunami. After the first group of unwillingly repatriated migrants arrived in Burma, reports started filtering back to those still in Thailand that they had been forced to pay fines for illegal entry into their home country, that some had been imprisoned, and others had been forced to do hard labor. The migrants who had remained in Thailand immediately left the camps and moved to less devastated migrant communities out of the fear that the same fate awaited them. Those who had no contacts went into hiding in the mountains. The Law Society of Thailand estimated that at least 2,500 migrants had been affected by the tsunami. It has been impossible to determine how many migrants died.

Migrants were too afraid to go to the morgues to try and identify their loved ones because there were many soldiers and police at the morgue assisting the operations. When NGOs tried to follow up on identification of migrants who had died in the tsunami they were told that they would have to bring a blood relative to the center for DNA testing. As most migrants’ blood relatives were in Burma, this was impossible. At the time, most migrants said that they wanted to hold religious ceremonies for their loved ones, but would rather not become involved in the redtape of the identification process, knowing there was no support from the Burmese authorities. Several months later, when most of the Thai and tourists bodies had already been identified, but with several hundred bodies left in the morgue, several agencies decided to try and start an identification process.

With migrants having left the relief distribution camps, the Thai authorities did not know how to reach those who remained. A group of NGOs formed TAG17 (Tsunami Action Group) for migrants, and started to deliver emergency supplies to migrants. The migrants were scattered in many areas, living in the mountains or on isolated rubber and coconut plantations, so it was quite difficult to reach them. In addition, both migrants and employers were suspicious of outsiders in the area. At one point, staff of World Vision were held in a cage and threatened by employers who thought they were sending the migrants home. TAG delivered rice, food, mosquito nets, clothes, and toys for children and gradually built up trust with the migrants.

Apart from relief, the other major concern for migrants was their security and legal status. Many migrants had lost their documents in the waters of the tsunami. TAG assisted 320 migrants in going to the local government office to have their documents re-issued. Migrants also needed transport, translation and assistance to go to the hospitals after the tsunami. Several migrant women gave birth prematurely the day after the tsunami hit, and others within a few weeks. These babies needed special care. One migrant, who had been injured in the tsunami and gone into hiding, had been too afraid to visit a hospital when his leg became infected. By the time TAG members met him and could take him to hospital, he had to have his leg amputated.

After the immediate trauma of the tsunami, the next major issue for migrants was livelihood. Some employers had been killed in the tsunami; the construction sites, fishing
boats, and houses had been destroyed. There was no work for migrants, and when there was work the employers did not have any money to pay them. When the national registration of migrants started in July 2005, migrants and employers in the area complained that they did not have enough money to register. There was a call to reduce the cost of the work permits in the area, but it was not heeded. As of 20 August 2005, only 8,693 migrants have registered for work permits, while the employers cited the need for 38,262 workers.18

The tsunami highlighted the vulnerability of migrants. While embassies from around the world set up emergency centers for their nationals, no representatives from the Burmese embassy visited the area or inquired after the situation of the thousands of Burmese migrants in the area. While Thailand did not have a deliberate policy to exclude migrants from relief or compensation, there was no system available which could reach migrants, either.

4. Conclusion and Recommendations

4-1. Conclusion

Thailand’s policies regarding migrant workers are comprehensive offering protection under the national labor laws and access to a universal health care system. A system of social security exists in Thailand for all workers, and migrants can also pay into this system. However, major problems remain regarding the implementation of the policies. At some level, the problems can be addressed by taking very practical steps. Migrant health workers could be trained and employed to offer translations at hospitals, health education at migrant workers’ sites, and health counseling. Migrant workers could also be trained in OHS standards and organize themselves to be safety officers. The labor department could monitor working conditions more closely and enforce the labor laws more stringently. But all of these measures demand a commitment by the employers of migrants to fair working conditions and reasonable wages. To improve labor relations, migrants would need to be able to form unions in order to have proper representation in labor disputes. While the political and human rights situation in Burma remains dire, migrants will continue to come to Thailand to work. There is no excuse for exploiting them further in the country to which they flee for safe refuge and livelihood.

4-2. Recommendations

On policy/laws

- For the Ministry of Labor to make all information about the migrant registration process available prior to the registration in the languages of the migrant workers, in coordination with mass media and NGOs.

- In recognition of difficulties in implementing the MOU on Cooperation of Employment with Burma, we encourage the Thai government to continue simultaneous registration
policies for undocumented migrants, which include the protection of migrant workers under Thai labor laws.

- For the Royal Thai Government to prioritize provision of humanitarian aid over exercising immigration policies in cases of natural disasters or similar exigent circumstances such as the 2004 tsunami.

- For the Royal Thai Government to review and revise the fee assessment scheme wherein migrants and employers can pay applicable fees in installments throughout the year instead of paying a lump sum at the beginning of the registration process, in order to reduce the incidence of debt-bondage.

- For the Royal Thai government to allow migrant workers to form unions in order to reduce the incidence of servitude and debt-bondage.

- For the Royal Thai government to monitor all employers to ensure that they register migrant workers in the social security scheme according to the requirements set out by the national laws of Thailand.

- For the Royal Thai government to promulgate labor laws recognizing domestic work as work, and guarantee all domestic workers at least one full day off per week.

**Movement and travel**

- For the Royal Thai Government to lift the restrictions on freedom of movement for registered migrants in accordance with Thailand’s obligations as a signatory to the International Covenant on Political, Cultural and Civil Rights.

- For NGOs, with the support of the government, to establish Half-way shelters/guest-houses at major “cross-roads” in Thailand for overnight stays.

**Working and living conditions**

- For the Royal Thai Government to create a mechanism whereby migrants can report situations of servitude and exploitation in order to improve the working and living conditions of migrants. The mechanism should be accessible to migrants and linked to the judicial system. The Ministry of Labour should also provide training on how to use and monitor the mechanism with migrant workers.

- For the Ministry of Labour to monitor and strictly enforce the implementation of labor laws, especially in regard to payment of minimum wage and overtime pay, working hours and regular days off and public holidays.
For the Ministry of Labor and Police to severely punish the employers who break the law by withholding the documentation of migrants.

For the Ministry of Labour to require all employers of domestic workers to sign a contract of employment, which specifies working hours and conditions and guarantees at least one day off a week for domestic workers.

For the Ministry of Labour to employ and train interpreters to work in Labour Protection Offices and in the Labour Court and develop a legal dictionary on labour laws in Burmese, Cambodian and Laotian.

For the governor and local council of each province to ensure that all people in their province can safely use the legal system and do not face harassment, intimidation, arrest or deportation during the legal process.

For each province, using the figures made available by the Ministry of Labour, to make provisions to develop safe, cheap and appropriate housing options for migrant women and men. The housing should be independent of the employer.

For the Administrative Committee on Irregular Migration to expand its composition to include migrant representatives, including women and men from each nationality.

For local councils to make community space available for migrant workers.

**Occupational Health and Safety**

- For the Ministry of Labour to enforce OHS standards at every worksite.

- All employers should be required to provide training on safety at work for their workers. Migrants attending such training should be paid at minimum wage rate for their time in the training.

- The Ministry of Labour should also provide separate training to develop migrant safety officers in every work-place to assist the state labour inspectors. Employers should be required to provide time and payment for migrant safety officers to perform their duties.

- The Ministry of Public Health should conduct a survey of the health of migrant workers in relation to working conditions and occupational hazards and make appropriate recommendations to employers.

- The Ministry of Justice should facilitate migrants’ access to compensation in cases of industrial accidents, and health problems resulting from unsafe working conditions.
Health

- For provincial bodies to set up schemes to include non-documented migrants and their families in the National Health Service (30 baht scheme).

- Using the data supplied by the Ministry of Labour regarding the requirements of employers for migrant workers the Ministry of Health should request an appropriate budget to develop new health services in areas which previously had a small population and which are now densely populated. These services should take into account the particular nationality, language and gender of the population in each area and provide services appropriate to these populations and their needs. Representatives of these populations should be included in the planning, implementation and evaluation of the services.

- For NGOs and the Public Health authorities to coordinate outreach visits to the work sites of migrant workers. Public health authorities should particularly focus on working with the employers to improve sanitation in the workplaces and living quarters of migrants.

- For local health authorities to establish mobile, multi-lingual health units, including voluntary and confidential counseling and HIV testing, access to contraceptives, and mother and child care in all areas where there are large numbers of migrants registered.

- For legal provision to be made to employ and train migrant women (and men) as full-time health workers.

- For the Ministry of Public Health and Ministry of Labour to require registered employers of migrants to provide paid time off for migrant workers to be trained and provide peer health counseling services.

Children

- For the Royal Thai Government to immediately implement mechanisms to grant full birth registration and legal status to immigrant, refugee, and stateless children.

Education

- For the Ministry of Education to set up a committee that include representatives of schoolteachers, NGOs, and migrant parents in order to implement and monitor the new policy of including migrant children in schools.

Remittances

- For the Royal Thai government to promulgate measures providing migrant workers with the right to open personal bank accounts, independent from their employers.
Security

- For the government to ensure that the innovative One Stop Crisis centers for victims of sexual assault and other crimes of violence are located in hospitals in all districts and have the necessary resources, training, and coordination with police to work effectively and respond to the needs of all victims of sexual assault, including migrants.

- For the police to establish and utilize transparent, open legal channels to respond to all cases of employers using threats, coercion, and violence against migrant workers.

- For the Royal Thai Government to take all necessary measures to ensure that defenders of migrants’ human rights are protected.

Return and re-integration

- For the Ministry of Interior to ensure that there be no mass deportations of migrant workers.

- For the Royal Thai Government to carry out any deportation procedures with respect for the safety and dignity of migrants.

- For the Thai Government to implement policies ensuring that migrants will only be deported if their safety in their home country can be guaranteed.

General

- For the Royal Thai Government to ratify the International Convention on the Protection of the Rights of all Migrant Workers and members of their Families, 1990.

ENDNOTES

1 This scheme is known as the “30 baht scheme” because treatment for each disease costs THB30 only.

2 A tambon is a sub-district.


4 See regional overview and Appendix 1~3 for the details of the MOU.

5 Migrants could get a three month work permit (THB450, USD12), a six month work permit (THB900, USD24) or a one year work permit (THB1,800, USD48).

6 The total number of registered migrants includes 539,416 Burmese, 90,073 Laotian, and 75,804 Cambodians, according to the Ministry of Labour, September 2005.


Currently, the Governments of Camodia and Lao PDR are in the process of verifying the nationality of the migrants and issuing travel documents.

“Immigrant workers provoke public health concerns” in *MCOT News*, 31 March 05.


The three coordinating NGOs under TAG (Tsunami Action Group) for Migrants were Grassroots HRE, HREIB, and MAP Foundation. See TAG home page for more detail. <www.saydanatsunami.org>

Quality of Life of Migrants – Cambodia

1. Overview of Migration in Cambodia

Cambodia is both a sending and a receiving country for migrants. Cambodians often travel to work in Thailand, while Cambodia itself receives more Vietnamese migrants than any other GMS country. Cambodia also serves as a transit country for migrants continuing on to a third country, especially victims of human trafficking. (For issues related to migration from Cambodia to Thailand, see “Quality of Life of Migrants: Thailand” p.100 and “Quality of Life at Home: Cambodia”, p.39. Also see the overview of the country situation in “Quality of Life at Home: Cambodia”.)

Cambodia as a Receiving Country
The majority of cross-border migrants in Cambodia come from Vietnam; specifically, from provinces near the border with Cambodia such as An Giang, Tay Ninh, Kien Giang, Dong Thap, and Long An. It is not unusual, however, for migrants to come from other parts of Vietnam, such as the north. Vietnam estimates that 150,000 Vietnamese live in Cambodia, some for generations. The Cambodian government, however, says the number might be much higher.¹
The Vietnamese population can be divided mainly into two groups: those who came between 1979 and 1988 after the Vietnamese troops had delivered Cambodia from the genocidal Pol Pot Regime; and those who came after 1988. The latter are mostly immediate family members or relatives of those who came during the first wave. Other more recent migrants include: those with some education, who set up small businesses; those who are less educated and are hired as laborers by Vietnamese business owners; and those who work in the service sector serving the needs of the Vietnamese communities. Other sectors of the Cambodian economy prefer hiring Vietnamese workers—for example, Vietnamese construction workers are greatly valued for their high skill levels and hard working attitudes and they are paid higher wages than the local workers. Vietnamese wood craftsmen and mechanics are also said to be in demand. Meanwhile, Cambodia’s lack of a developed, comprehensive mass transportation system has created job opportunities for taxi drivers, especially as cars and fuel are cheaper than those in Vietnam.

Most migrants come to Cambodia without documentation. When crossing the border for the first time, Vietnamese migrants must pay USD50, which includes a bus ticket and a ‘service fee’ for agents. People who regularly cross the border pay USD20, which includes USD10 for the bus ticket and USD10 for Cambodian Customs officers. Anyone who has lived in Cambodia for more than a year must file for temporary residence registration with the local authority.

2. Quality of Life as Migrants in Cambodia

Vietnamese migrants in Cambodia often face a series of challenges, including homesickness and difficulties interacting with the local society. Even seeking medical attention may prove a challenge to migrants. Vietnamese migrants rarely or never receive treatment in Cambodian hospitals, mainly because of the language barrier, but also due to prohibitive costs. Instead, Vietnamese migrants may buy medicine or receive treatment from Vietnamese pharmacists or doctors, but these, too, are very expensive, and the doctors are not highly qualified. They may sell medicine without prescriptions or packaging. Interviewees said that the language barrier facilitates the overcharging of Vietnamese who go to Cambodian hospitals. In general, migrants from Vietnam are unable to communicate with local Cambodians and therefore have few opportunities to become part of the Cambodian community.

Many children, who become undocumented if their parents are undocumented, also become stateless since their mothers can’t send them back to Vietnam. These children have no access to proper education and live on the margins of society.

Partly because of the language barriers, but also because of perceived stereotypes, Cambodians may be reluctant to hire Vietnamese laborers even though Vietnamese workers are reportedly preferred in certain job categories in Cambodia. “Local people may view skilled undocumented migrants as opportunists who take away local jobs,” and “many
Vietnamese become a source of tension if local people dislike them for competing for scarce jobs or getting better wages.”5 Sex workers have few opportunities to learn the Khmer language or to interact with Cambodian society for a variety of reasons, including a fear of being arrested, a fear of violence against them, unfamiliarity with the regions where they live and work, and feelings of shame or insecurity related to society’s perception of the type of work they perform. Some brothel owners don’t allow the sex workers to physically leave the brothels in order to keep them in their control and collect debts. Although Vietnamese sex workers may receive Cambodians as clients, the working conditions do not encourage personal communications.

While the extent of Vietnamese migrants’ vulnerability to exploitation and discrimination varies depending on their immigration status, work sector, gender, age, and length of stay in Cambodia, it is important to note that historical reasons can make relations between Cambodia and Vietnam sensitive, and may lead to discrimination against all Vietnamese, even those born in Cambodia.6

Many members of the Vietnamese communities lack legal documentation and thus face threats of eviction, and undocumented migrants can face a threat of deportation. In 1999, Vietnamese people living in a floating village on the Tonle Bassac in Phnom Penh were evicted, despite rare protests by Vietnamese government. In 2000 another warning was issued, that foreigners living illegally in Phnom Penh would be expelled.7

For the purpose of this study, Vietnamese migrants in Cambodia are grouped into the following categories: multi-generational Vietnamese fishermen, small business owners, and hired laborers including sex workers.

**Multi-generational Vietnamese Fishermen**

There are groups of Vietnamese fishing communities along the Mekong river in Cambodia, many of whom have been settled in Cambodia for two or three generations, originating from the first wave of Vietnamese migration to Cambodia between 1979 and 1988.

These immigrants live along the waterways which are their livelihoods, in stilt houses. The water is often dirty and polluted, both from the fishing communities and from nearby towns or cities. The migrants living in fishing communities often use water straight from the river to bathe or wash. They will buy bottled water for drinking or cooking; however, this bottled water has often been pumped directly from the same polluted river. While many filter this water again before using it, the polluted waterways still have a negative impact on the health of these immigrant communities.

These communities are generally poor and have low levels of education. While most are able to read and write, illiteracy is not entirely uncommon. Younger generations who were born in Cambodia have a fluent understanding of Cambodian culture and language. Children of documented immigrants are entitled to Cambodian citizenship and all the protections and privileges contained therein. However, a lack of education is not uncommon even among these younger generations, as a result of poverty and lack of schools close to remote fishing
villages. This locks fishermen in a cycle with few opportunities to change careers. Those who
do change occupations often end up doing other jobs common amongst Vietnamese laborers,
such as welding, carpentry, or driving taxis.

On the other hand, fishing generally provides them with a relatively steady source of
income, however meager, and in the off-season fishermen may earn extra income by catching
rats. These multi-generational immigrant families enjoy the relative stability of large
communities and the proximity of their families. However, as mentioned earlier, these
communities occasionally face the threat of eviction, affecting the quality of life of
immigrants.

**Business Owners**

Vietnamese business owners may not be legally certified as owners of a large production,
trading, or service business if they are undocumented migrants. However, many neatly side-
step this roadblock by hiring a Cambodian local to be named as the owner in the business
license. The Cambodian “business owner” receives a monthly commission in exchange. Thus,
while it is not legally possible, in practice, there are many Vietnamese-owned businesses in
Cambodia. In order to keep business running smoothly, many foreign businessmen pay bribes
to local police on a weekly basis, in addition to paying taxes every month according to
government regulations. The amount of the bribes and taxes varies with the size of the
business.

The small business owners interviewed for this study range in age from 40 to 50, and
come from secure economic backgrounds. They have long-term residence registration and
own homes. Earnings vary between USD2,000 to 5,000 per month. They employ laborers,
often fellow Vietnamese. Many of these business owners have been in Cambodia for more
than ten years, building up to business ownership from lower-paid jobs. The types of
businesses range from restaurants and grocery stores targeting Vietnamese migrants to cross-
border importation to fill niche markets in Cambodia. Many businesses are production or
service units, such as household carpentry workshops, car and motorcycle repair shops, or
construction contracting.

Because the business owners are well-established and have residence registration, they
have better access to health care and Cambodian hospitals than many other migrants. They
can also easily return to Vietnam for health care, should they so desire. Because they are more
financially secure, they are able to send their children back to Vietnam. Overall, these
migrants are in a more stable financial situation and less likely to suffer from stress or other
difficulties as much as other migrants.

“… Mrs. N came from Chau Doc, Vietnam. She got married in 1984, when she was
18. Her family was poor and they had no work. She and her husband decided to go to
Nam Vang, Cambodia to earn a living. After they arrived, they rented a house. Her
husband started to learn carpentry by working for a Vietnamese employer. At that time,
she earned KHR3,000 (~USD 0.75) a day by selling sugar cane. Three years later in
1987, they bought a house, which cost 0.5 tael of gold (~USD 200). By that time, her husband had learned carpentry and he started to work for himself. After a year, his business improved and he started to employ others working for him. At first, he employed Vietnamese laborers who had been living in Cambodia for years, because those who had just migrated to Cambodia were not familiar with the styles of designs that would appeal to Cambodian customers. After five years, they had so many customers that they had to bring siblings and relatives from Vietnam to Cambodia to learn carpentry and work for them. Their eldest son is already married, and he and his wife are living and working with them. Two younger children are now living with their grandparents in Vietnam, as they are still going to school.  

**Hired Laborers**

Hired laborers from Vietnam are generally between 20 to 30 years of age. Occupations range from shop assistants and waiters to carpenters, mason coolies, and motorbike taxi (xe om) drivers. Few are married—those who are married often leave their spouses and families behind in Vietnam. Some, however, have large family networks in Cambodia, and it is through these familial connections that they migrate to Cambodia to find work. Most are working with plans to remit money to their families, or to acquire savings before getting married and starting a family of their own, though many come home with much lighter
pockets than expected. Hired laborers, especially those with access to vehicles, such as taxi drivers, enjoy informal border crossings, and may visit their families on a regular basis.

According to Mr. N, a Vietnamese businessman who owns two restaurants and one leatherworking shop, local (Cambodian) business owners do not like to employ Vietnamese laborers, so most Vietnamese laborers are working for Vietnamese owners. Mr. N’s employees have a day off at the weekends and earn a monthly wage of USD 50.9

An official from the Cambodian Commercial Department explains some of the prevailing attitudes, and his own personal opinions, about Vietnamese laborers in Cambodia:

“Those who have been living here for over two years have a relatively stable life now. Those who have just come here are the ones who encounter difficulties in Vietnam. The Vietnamese mason coolies here are mainly hired laborers. It is therefore difficult for them to become contractors, because they are not highly trusted by others. I am Cambodian, but I lived in Vietnam for many years and I know much about Vietnam and the Vietnamese. However, I would not feel very confident if I employed Vietnamese laborers, because I would have to undertake two responsibilities for them, the responsibility of their wages and also for meals and accommodation. When I employ Cambodian laborers, I just pay their wages on a monthly basis, but if I employed Vietnamese laborers, I would have to pay them weekly. I would have to advance them some money every Saturday. They go out on Sunday and they may spend all the money I gave; consequently, they may borrow more money from me early the next day. We have to follow regulations in the Labor Code, but they do not
have money to buy the Labor Registered Certificate, so they cannot improve their situation. It is difficult to have a contract, because we don’t understand the psychology of Vietnamese laborers; we don’t know which ones we can trust and which ones we cannot. In addition, we don’t know their background and origin… also, because their education is very limited and they are informal migrants, they do not understand the law, and therefore are constantly breaking it. If there is a conflict or dispute (for example, when the police come to check), the owner of the workplace will be responsible for dealing with it – usually, the owner just pays some money under the table.”

Between 90 to 95% of hired laborers from Vietnam live in rented houses or rooms in communities with other Vietnamese migrants, such as Saigon-Chraom-Pau Bridge in Mean-Chey District (Phnom-Penh) or Svay-Pak (often called Kilometer No.11 as it is 11 kilometers from the city center). Many have hired rooms or houses from their employers. As cited above, it is not unusual for those whose accommodation is provided by employers to have some meals provided free of charge as well. Some workers who cannot afford the rent of around USD 25-30 a month for a four square meter room will hire a tent, which costs around USD 10 a month. Such a tent is only big enough to house a small bed. Others sleep in the workshops where they are hired. Migrants who sleep on-site at their workplaces experience a lack of comfort, a lack of privacy, and limited to no access to sanitary toilet facilities.

Crowded and occasionally unsanitary conditions both in living quarters and on the job can cause health problems for hired laborers, ranging from physical to psychological.
Although some workers have families and communities in Cambodia, many have families and loved ones back in Vietnam, and being separated from them can cause stress, depression, and anxiety. Hired laborers generally have a lower level of education, which means they may not necessarily be highly conscious of health problems or safety issues.

**Sex Workers**

Sex-workers mainly come from provinces in the Mekong Delta such as An Giang, Kien Giang, Dong Thap, and Tay Ninh. Most of them come from rural areas, where they experienced economic difficulties or there was no work for them. Tempted by the possibility of having enough money, many decide to leave their village and agricultural life to look for what they desire.11

In the city of Phnom Penh, sex workers mainly congregate in Svay Pak, in the Russaykeo District. In August 2004, there were 10 brothels with some 200 sex workers in Svay Pak.12 Of these 200 sex workers, over 80% were women between the ages of 17 and 22. They come from poor families, or from families whose work in Vietnam is seen as “closely related” or a possible gateway to sex work such as bars, sex cafes, etc. Education amongst sex workers is very limited: about 30% are illiterate and 60% have not attended school beyond a primary level. Upon arrival at Svay Pak, brothel managers sort out residency registration with police on behalf of the sex workers. Sex workers must then make monthly payments of USD20 to maintain the registration.13
When girls begin to work for a brothel, they usually borrow between USD200–300 as an advance in order to send money home to their families. They generally agree to a three month contract, either written or orally, with the brothel owner. Once they pay back all the money to the brothel owner, they may leave to go home or find another job.

However, most of the girls reveal that it is very difficult for them to repay the debt to the owner, because their family always needs more money than what they are able to earn. In addition, they have to cover many unexpected expenses while working in the brothels: for example, if they are arrested, they will need to post bail of around USD50. If they are unable to make bail, they must borrow the money from the brothel owners.\(^{14}\)

The working hours of sex workers vary, starting any time in the afternoon and ending around midnight. Their earnings are shared with the owner 50/50. The number of clients they can receive and the amount of time they spend with clients depends on their agreement with the owner. Sex workers generally earn at least around USD 200 per month. Every time a sex worker receives a client, she is paid around USD2.50. This means sex workers usually have to serve at least three clients a day. Some girls are able to earn much more, however. On the whole, sex workers are often able to earn much more than other laborers in Cambodia.\(^{15}\)

Living arrangements for sex workers may vary. While most sex workers live in brothels or with those who supervise or manage them, CRT interviews were conducted with a group of ten women who pool money to rent a house in which they live and work with the brothel’s procurer. These women used to live at the brothel but began living with the procurer after a series of police raids.

Unlike other migrants from Vietnam, who may join families already in Cambodia or send for them later, sex workers rarely have family networks in Cambodia. Some sex workers will, however, occasionally recruit friends or family members to join them in brothels when they visit home. Like other migrants, sex workers may show signs of earnings and financial success when they return home, which may tempt younger relatives to join them. Sometimes, a woman who is the victim of sex trafficking will end up becoming an agent in the very cycle that enslaved her. Money is remitted regularly to family back home in Vietnam, either through friends or bus drivers, who take a USD5 fee for every USD100 remittance.\(^{16}\)

The working conditions of the sex workers are not always safe and if condom use is not enforced, they face the risk of contracting STIs including gonorrhea, syphilis, vaginitis, vulvitis, and HIV/AIDS. Many new sex workers are uneducated about the proper way to have protected sex. Sex workers who have been taught about protected sex may still be unable to assert the usage of condoms upon their clients. They may also have unprotected sex with boyfriends and lovers, exposing either themselves or their boyfriends to infections. Sex workers who do not take preventative measures are also subject to unwanted pregnancies, which must be terminated in order to continue working.\(^{17}\)

Sex workers who have contracted diseases may face discrimination and low self-esteem. If they are still willing to work, they risk exposing themselves and others to disease, and they may not be able to earn as much as symptoms affect their appearance and their health. As their earnings fall, so does their likelihood of being able to afford medical attention, and some may
simply be waiting to die. Traditional attitudes and social institutions back home may prevent them from returning home or talking about their past or their disease. In this way, it is easy to foster a culture of silence and shame regarding disease, making it difficult to educate and warn sex workers or those who are likely to engage in sex work, which in turn facilitates the spread of disease.

3. Responses and Recommendations

3.1 Responses
There are several organizations and programs dedicated to helping migrants, most of which target sex workers or victims of trafficking in Cambodia.

Responses from Governmental Bodies
1. The Ministry of Social Affairs, Labor, Vocational Training, and Youth Rehabilitation (MoSALVY) created the special department of Anti-Human Trafficking and Juvenile Protection in 2002. MoSALVY works in collaboration with the International Organization for Migration (IOM) to repatriate trafficking victims to Vietnam from Cambodia, as well as to Cambodia from other receiving countries.

2. Bilateral agreements and MOUs: Cambodia is currently in talks with Vietnam to finalize an MOU concerning trafficking between the two countries. This would be the first agreement on such issues between Cambodia and Vietnam. The content of this soon-to-be-signed MOU is said to be similar to that of the MOU which Cambodian and Thailand signed in 2003. (The Memorandum of Understanding on the Bilateral Cooperation for Eliminating Trafficking in Children and Women focuses on cooperation in arresting and prosecuting traffickers and on repatriating and reintegrating victims of trafficking.) Cambodia has also signed the MOU on Cooperation against Trafficking in Persons in the Greater Mekong Sub-Region, along with China, Lao PDR, Myanmar, Thailand, and Vietnam.

Responses from Inter-Governmental Organizations (IGOs)
1. International Labor Organization-International Program on the Elimination of Child Labor (ILO-IPEC) has conducted baseline research throughout 2004 in receiving areas of trafficked labor in Phnom Penh, Sihanouk Ville, and Siem Reap. Focusing on child labor, sex work, and trafficked labor, the findings of the research will provide rational for actions and information for more effective programs to address the realities of trafficking in both sending and receiving areas.
Responses from Non-Governmental Organizations (NGOs) and other organizations

1. CARAM Cambodia provides assistance for Vietnamese sex-workers by: holding training courses on participatory learning action (PLA) for peer educators, who work with sex workers and people living with infectious diseases; disseminating leaflets, cassettes, videos, and CDs related to safe sex and preventive methods against HIV/AIDS; teaching basic Khmer; and assisting sex workers who have contracted STIs, including HIV, to visit hospitals.

2. KHEMARA Cambodia provides free health services to sex workers, including free medical examinations twice a month and free medication for less-serious STIs. KHEMARA also conducts skills workshops, language classes (English, Khmer and Vietnamese), awareness raising on the dangers of STIs/HIV and training in safe sex. It also provides temporary shelter and psycho-social counseling for sex workers as well as for children of migrants. KHEMARA plans to organize vocational training on massage, but some sex workers are pessimistic about the value of this new skill, since it will earn less money than sex work.
3. Medecins Sans Frontieres also helped sex workers by conducting short vocational and informational courses in foreign and Khmer languages. The courses taught sex workers how to access different sources of information, such as documents, newspapers, and television. Some of the vocational skills taught to sex workers included hairdressing. Since Medecins Sans Frontieres was replaced by KHEMARA, however, these trainings have ceased to continue. The sex workers continue to educate each other on the topics, however, passing down the knowledge from those who first took the courses from Medecins Sans Frontiers.

4. Acting for Women in Precarious Situations (AFESIP) is an international NGO with headquarters in Phnom Penh, Cambodia, and branches worldwide. AFESIP’s Cambodian programs help Vietnamese sex workers, especially those trafficked into sex work, by providing counseling, education, education on HIV/AIDS prevention, job training, repatriation, and political advocacy.

5. Cambodian Women’s Crisis Center (CWCC) runs programs fighting violence against women, with a special focus on helping victims of sex trafficking. CWCC provides health education, including STI prevention, and runs a crisis shelter, a counseling service, and vocational training. CWCC also has a program focusing on assisting the repatriation and reintegration of sex workers.

While most of the responses of the above-mentioned NGOs focus on sex workers, Association of Overseas Vietnamese (AOV) serves all Vietnamese migrants in Cambodia. It often collects donations to support migrants, mainly hired laborers in Phnom Penh who suffer from unforeseen difficulties such as storms, floods, or fires.

3.2 Recommendations

While there seem to be relatively strong responses to the issues faced by migrant sex workers or victims of trafficking in Cambodia, there appears to be a gap in responses to the poorer Vietnamese communities who are working as hired laborers. As there are a number of relatively wealthy Vietnamese business owners in Cambodia, the plight of less protected Vietnamese migrant sectors may not receive particular attention. Vietnamese migration to Cambodia also apparently continues to be a sensitive issue, thus making it difficult for both governmental and non governmental bodies to openly discuss it. Given the realities and issues discussed earlier, the following are the recommendations coming out of this study.

1. For NGOs to provide language and adult literacy classes for poorer Vietnamese communities. This will help them overcome the language barrier, enabling them to communicate with local people, gain access to jobs, and receive medical attention more easily.
2. For the Royal Cambodian Government to make its policies towards Vietnamese migrants widely available to public, especially to Vietnamese communities.

3. For NGOs to disseminate necessary information on traveling, legal issues, procedures, and regulations which must be followed in order for migrants to travel to and live in Cambodia safely, legally, and with a full understanding of their rights and responsibilities.

4. For the Royal Cambodian Government to facilitate the safe, legal process of residence registration and labor registration with the proper legal documentation for all foreign migrant workers. Having the proper documentation and certificates will not only make it easier for migrants to find work and for the government to assess the migrant workers’ situation in Cambodia properly, it will also make it harder for dishonest employers to take advantage of undocumented workers.

5. For the Cambodian Ministry of Health to strengthen programs disseminating information on fertility health, safe sex, and AIDS prevention, targeting all sexually active men and women.

6. For the Royal Cambodian Government to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, ILO #97 Migration for Employment Convention and ILO #143 Migrant Workers Convention.

7. For the relevant Cambodian authorities to ensure that victims of trafficking are not criminalized, but rather, protected and aided in their transition out of slavery during the return process, consistent with the principles enshrined in the MOU on Cooperation against Trafficking in Persons in the Greater Mekong Sub-Region, which the Cambodian government has signed.

8. For NGOs working on various migration-related issues in Cambodia to strengthen the coordination between them, so that they can support migrants to organize in order to protect their rights.

9. For NGOs to collectively identify strategic intervention points to better protect migrants’ rights.

ENDNOTES

1 Some sources cite up to a million Vietnamese migrants (including immigrants) in Cambodia. For example, see “Vietnamese Refugees to be Repatriated”, in Migration News, last accessed at <http://www.migration.ucdavis.edu/mn/more.php?id=594_0_3_0>.
3 According to interviews and FDGs conducted by Vietnam CRT, 2004.
5 *Ibid*, p.70.
8 Owner of a carpentry production unit in Ward BUNG-KIN-KON III, District CHAM-KAMON, Phnom-Penh. Interviewed by the Vietnam CRT.
10 As interviewed by Vietnam CRT, August 2004.
11 According to Khemara staff, August 2004.
12 *Ibid*.
13 According to Khemara reports, August 2004.
14 Interview with a sex worker in Svay Pak by the Vietnam CRT, August 2004.
15 According to Khemara staff, August 2004.
16 Interview with a sex worker in Svay Pak by the Vietnam CRT, August 2004.
17 Interview with a medic working for Medicine of Hope Cambodia (MEC), August 2004.
Yunnan province, China is a both a receiving and sending region for migrants. This report focuses on the issues of incoming migrants in Yunnan. For the discussion on the situation of outgoing migration or trafficking from Yunnan to other GMS countries, please see “Quality of Life at Home: China/Yunnan” on p.53. Also see p.53 for the overview of political and economic situation of China and Yunnan.

1. Overview of Migration to Yunnan

Migration into Yunnan from the GMS comes mainly from Burma and Vietnam. Migrants from Burma tend to settle in Ruili, Dehong Prefecture, while Vietnamese migrants tend to settle in Hekou, Honghe Prefecture. 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 sex workers. In rural villages in Yunnan, there are also Vietnamese and Burmese wives married to local farmers.
China and Vietnam have a long history of friendly relations. Yunnan and Guangxi provinces share a 2,373 km-long border with Vietnam. The people dwelling along the border of China and Vietnam are mostly from the same ethnic groups; they come and go across the border and have historically maintained cross-border marriages and kinships. For example, when the Miao ethnic group on the Chinese side holds Caihuashan (a festival during which people dance and sing) during the Chinese New Year, Miao from the Vietnamese side will come over to the Chinese side to participate in the festival. Since the normalization of Sino-Vietnam relations in 1989, both sides started to progressively open up the border, which culminated in a complete opening in 1993. The gradual opening of the country and the rapid social and economic development in China has resulted in rising cross-border commerce. In the first half of 2004, the total China-Vietnam cross-border trade amounted to USD120 million, the third highest foreign cross-border trade figure (after trade with Russia and Kazakhstan, respectively).

The border between Yunnan and Vietnam is 1,353 km long and spans the six counties of Honghe Prefecture and Wenshan Prefecture. Hekou County in Honghe Prefecture is the biggest trading route of Yunnan to Vietnam. Guangxi and Vietnam have a 1,020 km-long land border and a 1,624 km-long coastal border. Among these border regions, Guangxi and Pingxiang, located at the Sino-Vietnam borderline, occupy the more important positions of China’s “National Gate Cities,” and comprise the prominent communication bridge between China, Vietnam and ASEAN markets.
**Hekou**

Hekou County, where the majority of the population is of Yao ethnicity, is located at the Southeast region of Yunnan Province in China, where the Red River and Nanxi River converge. The entire area of Hekou covers 1,332 square km. The border between Hekou and Vietnam is 193 km long, including the regions of Mong Cai, Lao Cai and Jian Jui in Vietnam.

One of Hekou’s main advantages is the railroad which travels from Kunming to Hanoi via Hekou. Hekou is situated favorably, about 469 km from Kunming and 296 km from Hanoi, and the unimpeded railroad serves as a conduit across the border. Because this railroad, constructed by French colonists, was the first railroad in mainland China, Hekou became the era’s most important and prosperous foreign trading gate in Yunnan and was known as “little Hong Kong.” The Sino-Vietnam Railroad Bridge and Sino-Vietnam Highway Bridge, traversing the Nanxi River, also link Hekou with the cities in Lao Cai of Vietnam. In November 2004 two freeways officially opened for transport service from the Han and Yi Ethnical Autonomous Prefecture in Yunnan. Passing through Vietnam via these freeways, people have little difficulty reaching Hekou Gate. Additionally, Hekou is only 416 km away from the biggest seaport, Haiphong, in Northern Vietnam. Due to its geographical importance, Hekou plays a crucial role in the “ten plus one” free trade zone of China and ASEAN, and also in the construction plan of the economic corridor between Yunnan Province and Vietnam.

Hekou’s first cross border gate opened in March 1988. Since then, a national gate, three provincial gates, and around one hundred more unofficial crossing points have been formed in Hekou. Through these gates, Hekou is authorized to process entrance and exit visas and has also become the first gate along the Sino-Vietnam border with the authority to grant visas. Border trade between Hekou and Lao Cai is increasing fast with a total trade volume of over USD150 million in 2000-2002.2

Hekou has 11 hotels and 73 taverns, with a total capacity of up to 4,000 beds, which are often filled during holiday weekends and special occasions. Because Hekou attracts so much tourism, it also attracts migrants in search of hospitality-related work.

China’s central government, as well as the local government of Hekou, have encouraging and supportive policies towards border trading and the opening of borders. As a result, there is a continual growth in the migrant population.

Hekou County has a population of 78,690 permanent residents and 16,536 migrant inhabitants. There are an additional 3,000 off-border inhabitants who commute to work in Hekou. In 2002, Hekou gate’s yearly entering and exiting count reached 1,357,000 trips. The majority of these migrants are Vietnamese, from Lao Cai province and its border counties, but also includes some migrants from Yen Bai province and the north. Most migrants are young women between the ages of 16-26 and concentrate in the border-trading market area, running small shops or restaurants. The government has set up Jinming Market especially for Vietnamese migrants, and this is where many migrants gather. Locally, this area is known as “Vietnam Street”.

1-2. Yunnan and Burma

Facing Burma in the north, southwest and southeast, Ruili has a 141 km long 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 has thus become a place of great trade and employment opportunities, and the first destination for Burmese migrating to China.

Migration from Burma to Yunnan started in 1984 and began to reach significant levels after Burma opened its borders with China at the end of 1988. While Burmese businessmen and workers can be found all over Yunnan, the vast majority of migrants are concentrated in Ruili, Dehong, making the density and numbers of cross-border migrant populations greater here than in any other part of the province. 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 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 as a result of this slowdown, bringing the current number of Burmese migrants in Ruili down to an estimated 1,500.3

2. Overview of Migration into Yunnan

2.1 Vietnamese Migrants

Mobile Vendors
Hekou has many vendors from Vietnam. Starting from eight o’clock in the morning, as many as 1,000 vendors will line up to cross the Hekou border checkpoint at the Nanxi River. Riding tricycles equipped with longboards, the vendors carry Vietnamese produce such as sugarcane, mango, and longan, along with other Vietnamese crafts or specialties, to the permanent Vietnamese vendors in Hekou. Returning across the border, they will bring Chinese products such as apples, pears, Xinjiang watermelon, cabbage, and daily supplies to sell in Vietnam. Some of the mobile vendors also engage in the selling of specific products, such as condoms or even drugs. They directly transport condoms to Hekou’s hair salons or to other establishments where sex workers work, to supply Vietnamese women who prefer Vietnamese-produced condoms. Beishan in the Hekou development zone has become the main area of the Vietnamese drug trade.

Small Vendors
There are around 1,400 Vietnamese vendors and entrepreneurs which comprise 47.8% of
Vietnamese migrants in Hekou. Congregating at the first floor of Hekou’s Jinming Market in Vietnam Street, these vendors sell the Vietnamese fruits and products brought across the border by the traveling vendors. The stalls are often run by married couples or brothers, and they often rent living spaces upstairs from Jinming Market or around Vietnam Street. Small vendors usually can speak basic-level Mandarin because their customers come from all over the nation. Most of the small vendors come from Lao Cai in Vietnam and therefore have an easy time traveling across the border and often journey back and forth.

**Sex Workers**

Hekou has around 120 entertainment places. Though the signboards of these places say things like “singing-hall”, “hair salon”, or “bar”, they mostly offer commercial sexual services. Sex workers in Hekou number more than 700, of which approximately 500 are Vietnamese. Young Vietnamese sex workers usually congregate on the second and third floors of Jinming Market or approach lone males on Vietnam Street in order to solicit their business. Sexual products are sold publicly on the first floor of the Jinming Market, and large ads for sexual products hang on the outside of Jinming Market. The sex workers mostly come from Vietnam’s Lao Cai province, or the villages of Hanoi and Hai Phong provinces or cities. They are generally between the ages of 17 and 22, few with education beyond primary school, and have little Chinese proficiency. They generally work for about two years in Hekou to save up
a certain amount of money before returning to their township to get married and start families. Occasionally, they will return to Hekou after their marriage to continue earning money.

There are two types of sex work, “instant” and “overnight”. “Instant” service is a one-time sexual service, usually from RMB30-40 (about USD4-5); “overnight” costs RMB150-200 (about USD20-25). Customers pay the pimps, who then pay sex workers a monthly salary of around RMB1,000-1,500 per month (USD125-188). For Chinese sex workers, the “instant” service costs RMB100-200 (about USD12-25), and “overnight” service is RMB250-400 (about USD33-50); Chinese sex workers only need to pay the panderers RMB50 (about USD 6) as a deducted fee, a percentage from the sum, and keep the rest for themselves.

**Refugees**
The emergence of the Hekou County Refugee site was a result of the Sino-Vietnam War, during which a number of ethnic people in Vietnam as well as Chinese people born in Vietnam came to Hekou seeking refuge. In February 1979, the Vietnamese government drove the refugees into Chinese territory. These refugees were stateless people with no identifying papers, neither Chinese nor Vietnamese. Today the county has 1,383 refugee households, a total of 6,351 people, of whom 3,088 are male and 3,263 are female. These refugees are mainly composed of members of the Zhuang, Miao, Buy, and Dai ethnic groups. They are concentrated in the two refugee spots of Dananxi and Qiaotouxiang Chahe which are near Hekou.

The fleeing refugees in Chinese territory lack land and fixed residences; moreover, they have no legal documents, so they cannot look for jobs through normal channels. Thus, they do not have steady incomes and live in impoverished conditions. There are services such as the national Refugee Relocation Office and the UN Refugee Office, which provide subsidies and other forms of assistance. However, these measures do not address the fundamental problems of the refugees’ official statelessness, and the impoverished conditions of the refugees remain severe. According to survey conducted in 2003, almost half of the refugees earn less than RMB300 annually.

The pressure of landlessness, statelessness, and poverty lead many refugees to succumb to negative behaviors such as stealing, fighting, and drug abuse. Of Hekou’s estimated 270 drug addicts, refugees comprised 61%.

**Vietnamese Brides**
Starting in the late 1990s, the number of Vietnamese women marrying Chinese men increased dramatically; however, since the majority of these women did not register with local governments, the official number is difficult to estimate. They generally remain in the border areas of Yunnan and Guangxi provinces. Due to lack of research, it is difficult to study them in depth. According to a women’s federation survey in Guangxi Province, there were a total of 1,104 Vietnamese women marrying villagers in Pingxiang, Guangxi and 1,269 marrying villagers in Dongxing, Guangxi in 2002.

2-2. Migrants from Burma
There can be great disparities in the quality of life for many of Ruili’s Burmese. Burmese businessmen, and others who have formal occupations and stable incomes, have legally entered China and many are permanent residents. They are financially secure and enjoy better living and working conditions than other Burmese migrants.

Other Burmese who enter China illegally don’t have as much job security. Consequently, their living conditions, food, income, and health are all affected and tend to be very insecure. Language barriers and prohibitive costs can prevent Burmese migrants, especially children, from seeking medical attention when needed. Sex workers, many of whom are victims of trafficking, are strictly controlled by pimps and also restricted by language barriers, and therefore have limited opportunity to learn about STI prevention or to access prompt medical attention.

As a result of such disenfranchisement, many Burmese in China resort to selling and using drugs. In Ruili or Jiegao, drugs are easily and cheaply obtained. Local Burmese have shared their observation that many Burmese people in Ruili die of drug addiction. Accordingly, Ruili has the highest incidence of HIV in China. Because of vulnerability to HIV due to drug use, as well as the lack of STI prevention education amongst Burmese sex workers, the Burmese in Ruili have a very high HIV infection rate.

Many of the Burmese communities in Ruili and Jiegao are Muslim. Burmese Muslims are generally able to better integrate into Chinese communities, being able to establish cooperation with local Chinese Muslim communities. A mosque was established in 1992 in Ruili, during which time a community center for Muslim Hui was also established. Both
communities provide integration with Chinese culture and assistance to newly arrived Burmese. However, a marked schism between social classes remains. Many of the wealthy businessmen are able to send their children back to Burma for school. This both preserves their sense of identity and culture, and costs much less than school in China. In Ruili, there is no school catering especially to Burmese children aside from some small classes run by the Burmese Muslims at a mosque. Poorer Burmese migrants who cannot afford to send their children back to Burma for schooling will therefore face a serious problem as their children will face a language barrier if they attend a local school, not to mention the high cost of local education. As a result, many of these children drop out of school or do not receive any education at all, and may end up working as beggars on Ruili’s streets.

3. Quality of Life of Migrants

This section focuses on the quality of life of Vietnamese migrant sex workers in Hekou and Vietnamese wives married to Chinese in Wenshan.

Sex Workers in Hekou
Vietnamese sex workers are a high-risk group in regard to vulnerability to HIV infection. Since the first diagnosis of HIV in Hekou, there have been a cumulative total of 47 cases of HIV infection through the end of July 2003, six of which were Vietnamese nationals. The leading cause of HIV infection in Hekou is through the use of intravenous drugs, while sexual
transmission is the second most likely cause.

In FDGs, Vietnamese sex workers expressed concern for their health, but also demonstrated some knowledge about STIs and preventative methods. They are familiar with gonorrhea, syphilis, and HIV/AIDS, and also largely understand that condoms can prevent the transmission of these STIs. While they often manage to persuade customers to wear a condom, there are still instances where customers refuse to do so, putting both sex workers and customers at risk of infection. Interviewed sex workers said that one in every five customers refused to wear a condom. They also said they refused to give sexual services to drug users with needle tracks on their bodies, or customers with visible symptoms of STIs on their genitals. Knowledge about health and STIs is sometimes learned from the pimps, but mostly it is exchanged between the sex workers.

However, despite the precautions sex workers take, some of their knowledge on STIs is limited or based on misconceptions. For example, during FGDs, sex workers and pimps were unclear whether or not HIV and other STIs could be transmitted orally. Sex workers believed that even if they engaged in unprotected sex, they could still prevent STIs, including HIV, by washing their genital region with water or medical liquid after intercourse. Sex workers would go to a hospital for medical check up only when they experienced STI symptoms, and not for any preventative care. Hekou regulations dictate that sex workers must have yearly health examinations, but these are merely routine physical examinations, and do not include tests for HIV or other STIs.

Interviewed Vietnamese sex workers expressed they were receptive to and appreciative of information and assistance that would help them maintain their health and prevent the spread of STIs such as HIV, especially if provided in the Vietnamese language. They would accept and complete anonymous questionnaires and actively participate in training. They are also willing to cooperate with doctors, in the hopes that doctors will be able to respectfully and patiently educate women about their health, and that STI prevention, detection, and treatment will become less expensive.

**Vietnamese Wives in Wenshan Prefecture**

The county in Wenshan Prefecture that was studied in this research is located at the Southeast region of Yunnan Province. The county is located 442 km away from the provincial capital of Kunming, 73 km away from the capital of Wenshan Prefecture, and only about 20 km away from the Vietnamese border. The entire county has a population of 330,000, comprised of 11 ethnicities. Ethnic groups, particularly Zhuang and Miao, make up 49% of the entire population in the county.

According to the survey, there are a total of 293 Vietnamese women distributed among the 14 villages and towns of the county, half of which live in the three border towns of Dulong, Jinchang, and Xiaobazi. These Vietnamese women are mainly from the Zhuang, Miao, and Yi ethnic groups. Despite the formality of the Chinese border, most of the Chinese husbands are of the same ethnicity of their Vietnamese wives: 231, or 79%, of the cross-border marriages in Wenshan are between couples of the same ethnicity. 72 couples belong
to Zhuang ethnic group, 61 couples belong to Miao ethnic group, and four couples belong to
Yi ethnic group. Through the survey it was discovered that the actual marrying ages of some
of the women are 16-18 years old, below the legal marrying age in China. They are generally
uneducated or undereducated, wholly or partially illiterate, and unable to speak Mandarin.
The majority of these women did not go through any visa formalities, nor have they acquired
official marriage licenses.

In addition to sharing ethnicities and common culture, cross-border marriages are a
simply a continuation of a long tradition carried on in border communities. Contemporary
cross-border marriages also address a disproportionate scattering of genders on either side of
the border. In Yunnan, economic migration has created a male to female ratio of 115:100.
Conversely, in Vietnam, the male population has been depleted by war, and the areas near the
border with China report a female to male ratio of 150:100.

Such cross-border marriages are within generally impoverished families with an average
annual income of not over RMB300 (USD40), and the Vietnamese wife is essential in their
agricultural livelihoods and households of such families. Some of the interviewed families
earned even as little as RMB70. Not only do these families need an extra hand in their
agricultural livelihoods, but also they simply cannot afford marrying a local woman, as the
betrothal gift alone will cost RMB4,000-5,000 and they will also need to pay for the wedding
banquet. All these costs are unnecessary if they marry Vietnamese women. Besides being
poor, some men are much older than their wives or are disabled. Meanwhile, the border area
on the Vietnamese side is generally even more impoverished, thus a number of women are

Discussion with Vietnamese brides. These brides as well as most of their husbands, are Zhuang ethnicity.
Wenshan Prefecture, Yunnan Province, August 2004.
willing to migrate to the Chinese side. Once married, the Vietnamese wives will take up tasks such as herding horses and cows, transplanting rice seedlings, growing corn, and other duties.

The interviewed Vietnamese wives rear an average of two children. As their families are very poor from remote villages, most pregnant women did not receive any prenatal examination. All of them give birth at home, some using traditional methods. Half of the interviewed women said they had to work right after giving birth. Some reported they could not afford sanitary products, which indicates that the sanitary conditions during and after child bearing among these women may be very poor.

Vietnamese wives generally integrate well into the local community due to the fact that they share the same ethnicity, with similar language, culture, and customs, with many of the people in the community. However, as they do not have a legal immigration status and cannot speak Mandarin, their mobility is confined to their community. This deprives them of a number of opportunities, including the opportunity to learn agricultural technology which could increase their productivity.

Interviewed women shared their views that their greatest fear is deportation to Vietnam. Indeed, the wives are routinely deported, only to return to China a few days later. Previously, babies were able to inherit only their mother’s nationality, thus offspring of a Chinese man and Vietnamese woman used to face difficulties. However, a new law was passed on 1 July 1997, allowing children to inherit either the father’s or mother’s residency right and nationality. Those who were born before this date can also stay and go to school within their local communities, but will face a problem if they want to study and work outside the community as they do not have an ID card.

Finally, because the marriages are not legally sanctioned through proper channels, the husband and wife are seen legally as “co-habitating”, rather than married, and therefore enjoy no legal protection. This results in the vulnerability of the Vietnamese wives, who will be in an isolated situation if their relationship with their husbands is broken.

4. Responses and Recommendations
4.1 Responses

**HIV/AIDS Awareness and Prevention**

1. With the support of governmental departments, members of the China-UK AIDS Project have been taking action to prevent HIV and other STIs among sex workers and their clients in Hekou. The program has held workshops, distributed condoms, shown films, and published books in both Chinese and Vietnamese on safe sex and the prevention of STIs, including HIV. In addition, the group works in conjunction with a local newspaper to publish STI/HIV prevention advice in regular issues.

2. With the close cooperation between the Chinese and Vietnamese governments, Hekou county, China and Lao Cai province, Vietnam, have established a good cooperative scheme in AIDS prevention. Presently both sides hold biannual conferences on special topics to exchange information and discuss strategies for future cooperation.

3. “Red Sunset” (Elder People) Performing Arts Group based in Hekou county, is an amateur group consisting of elderly Yao people. It was established in December 1997 and has become an influential group for border region people. “Red Sunset” uses its platform to effectively disseminate information on STI/HIV prevention throughout the area. They perform at each town and village in Hekou county and to the people of Lao Cai Province, contributing to health education in border regions.

4. The Center for Ruili Women and Children was established in 2000, providing education and services to Burmese sex workers on the subjects of reproductive health, STIs, and HIV/AIDS. The Center aims to set up a cross-border health clinic in order to give Burmese women access to affordable health care in their own language.

5. In 2005, the police forces of China and Vietnam launched a joint campaign that aims to increase the awareness regarding trafficking and prevent and curb the increase of trafficking through education and publicity. In addition, over 280 police officers were trained to handle trafficking cases. An information sharing and communication system was also established between the two countries.

6. The Bureau of Public Security of Dongxing Prefecture of Guanxi Province established the Transitional Center for Rescued Foreign Women and Children with the support of UNICEF. The center provides a safe refugee and personal care for rescued Vietnamese women and children.

4.2 Recommendations
Most of the existing responses focus on health education, particularly HIV/AIDS prevention. While such response is crucial and needs to be further strengthened, there also needs to be more comprehensive responses to the needs of migrant workers in Yunnan. The understanding of the migrant situation in Yunnan is still limited or sporadic, and there is little to no response to the issues faced by migrants except for sex workers. With Yunnan expected to experience higher mobility in the near future, it is essential that governments as well as advocates consolidate their understanding on the issue sooner rather than later and build foundations where cross-border migration in the future will be carried out in a protected manner. In recognition of these gaps, the recommendations are the following.

1. For further study on migrants in Yunnan to be done in order to more deeply understand the issues faced by migrants and to develop more strategic intervention to improve their quality of life.

2. For relevant health officials to provide health education including education on HIV prevention to all migrant workers as well as local people in Yunnan.

3. For local community neighborhood committees, quasi governmental bodies in which representatives from the local community can join, to play an active role in awareness raising activities regarding HIV/AIDS and changing communities’ attitudes towards the issue. The committees have the most frequent and daily exchange with people at risk as well as the general public, thus the committees’ intervention can be effective and sustainable.

4. For the Chinese and Vietnamese governments to increase cooperative work to protect the rights and welfare of the Vietnamese migrants and wives in China. Particular attention needs to be paid to ensure that the rights of immigrant children are protected: there is a need for a process where immigrant children who do not have an ID or citizenship can apply for either Chinese and Vietnamese citizenship and formalize their status in China swiftly so they will have a greater access to education and employment opportunities beyond the local community where they are residing.

5. For NGOs and Women Federations to increase cross-border cooperation with similar organizations working in the home countries of migrants.

**FOOTNOTES**


2 H.E. Mr. Li Xinhua, Vice Governor of Yunnan Province, “Regional Integration and Development of Yunnan Province”, a speech given at the Opening Markets and Continuing Growth: Vietnam and the Asian Economy, 5-7 March 2003.

3 Asian Migrant Centre & Mekong Migration Network, *Migration Needs, Issues & Responses*

4 Interview with a local official by China CRT, 2004.
MEMORANDUM OF UNDERSTANDING
BETWEEN
THE GOVERNMENT OF THE KINGDOM OF THAILAND
AND
THE GOVERNMENT OF THE KINGDOM OF CAMBODIA
ON COOPERATION IN
THE EMPLOYMENT OF WORKERS

THE GOVERNMENT OF THE KINGDOM OF THAILAND AND THE
GOVERNMENT OF THE KINGDOM OF CAMBODIA,
hereinafter referred to as “the Parties”;

RECOGNISING the principles enshrined in “The Bangkok Declaration on
Irregular Migration of 1999”;

BEING CONCERNED about the negative social and economic impacts caused
by illegal employment;

DESIROUS of enhancing mutually beneficial cooperation between the two countries;

HAVE AGREED AS FOLLOWS:

OBJECTIVE AND SCOPE

ARTICLE I
The Parties shall apply all necessary measures to ensure the following:
1) Proper procedures for employment of workers;
2) Effective repatriation of workers, who have completed terms and conditions of
   employment or are deported by relevant authorities of the other Party, before completion
   of terms and conditions of employment to their permanent addresses;
3) Due protection of workers to ensure that there is no loss of the rights and protection of
   workers and that they receive the rights they are entitled to;
4) Prevention of, and effective action against, illegal border crossings, trafficking of illegal
   workers and illegal employment of workers.

This Memorandum of Understanding is not applicable to other existing processes of
employment that are already in compliance with the laws of the Parties.
AUTHORISED AGENCIES

ARTICLE II

For the purpose of this Memorandum of Understanding, the Ministry of Labour of the Kingdom of Thailand and the Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation of the Kingdom of Cambodia shall be the authorized agencies for the Government of the Kingdom of Thailand and for the Government of the Kingdom of Cambodia respectively.

ARTICLE III

The Parties, represented by the authorized agencies, shall hold regular consultations, at senior official and/or ministerial levels, at least once a year on an alternate basis, on matters related to the implementation of this Memorandum of Understanding.

The authorized agencies of both Parties shall work together for the establishment of procedures to integrate illegal workers, who are in the country of the other Party prior to the entry into force of this Memorandum of Understanding, into the scope of this Memorandum of Understanding.

AUTHORISED AND PROCEDURE

ARTICLE IV

The Parties shall take all necessary measures to ensure proper procedures for employment of workers. Employment of workers requires prior permission of the authorized agencies in the respective countries. Permission may be granted upon completion of procedures required by laws and regulations in the respective countries.

The authorized agencies may revoke or nullify their own permission at any time in accordance with the relevant laws and regulations.

The revocation or nullification shall not affect any deed already completed prior to the revocation or nullification.

ARTICLE V

The authorized agencies may through a job offer inform their counterparts of job opportunities, number, period, qualifications required, conditions of employment, and remuneration offered by employers.

ARTICLE VI

The authorized agencies shall provide their counterparts with lists of selected applicants for the jobs with information on their ages, permanent addresses, reference persons, education, experiences and other information deemed necessary for consideration by the prospective employers.
ARTICLE VII
The authorized agencies shall coordinate with the immigration and other authorities concerned to ensure that applicants, who have been selected by employers and duly permitted in accordance with Article IV, have fulfilled, inter alia, the following requirements:

1) Visas or other forms of entry permission;
2) Work permits;
3) Health insurances or health services;
4) Contribution into savings fund as may be required by the authorized agencies of the respective Parties;
5) Taxes or others as required by the Parties;
6) Employment contracts of employers and workers.

Contract of the terms and conditions of employment shall be signed between the Employer and Worker and a copy each of the contract submitted to the authorized agencies.

ARTICLE VIII
The authorised agencies shall be responsible for the administration of the list of workers permitted to work under this Memorandum of Understanding. They shall keep, for the purpose of reference and review, the lists of workers who report themselves or have their documents certified to the effect that they have returned to their permanent addresses after the end of the employment terms and conditions, for at least four years from the date of report or certification.

RETURN AND REPATRIATION

ARTICLE IX
Unless stated otherwise, the terms and conditions of employment of workers shall not exceed two years. If necessary, it may be extended for another term of two years. In any case, the terms and conditions of employment shall not exceed four years. Afterwards, it shall be deemed the termination of employment.

A three-year break is required for a worker who has already completed the terms and conditions of employment to re-apply for employment.

ARTICLE X
The Parties shall extend their fullest cooperation to ensure the return of bona fide workers, who have completed their employment terms and conditions, to their permanent addresses.

ARTICLE XI
The authorised agencies of the employing country shall set up and administer a savings
fund. Workers are required to make monthly contribution to the fund in the amount equivalent to 15 percent of their monthly salary.

ARTICLE XII

Workers who have completed their terms and conditions of employment and returned to their permanent addresses shall be entitled to full refund of their accumulated contribution to the savings fund and the interest by submitting the application to the authorised agencies three months prior to their scheduled date of departure after completion of employment. The disbursement shall be made to workers within 45 days after the completion of employment.

In the case of workers whose services are terminated prior to completion of employment and have to return to their permanent addresses, the refund of their accumulated contribution and the interest shall also be made within 45 days after termination of employment.

ARTICLE XIII

Temporary return to country of origin by workers whose terms and conditions of employment are still valid and in compliance with the authorised agencies’ regulations shall not cause termination of the employment permission as stated in Article IV.

ARTICLE XIV

Procedures and documents required in the application for refund as stated in Article XII shall be set forth by the authorised agencies.

ARTICLE XV

The right to refund of their contribution to the saving fund is revoked for workers who do not return their permanent addresses upon the completion of their employment terms and conditions.

ARTICLE XVI

The authorised agencies of the employing country may draw from the savings fund to cover the administrative expenses incurred by the bank and the deportation of workers to their country of origin.

PROTECTION

ARTICLE XVII

The Parties in the employing country shall ensure that the workers enjoy protection in accordance with the provisions of the domestic laws in their respective country.

ARTICLE XVIII

Workers of both Parties are entitled to wage and other Benefits due for local workers
based on the principles of non-discrimination and equality of sex, race and religion.

ARTICLE XIX

Any dispute between workers and employers relating to employment shall be settled by the authorised agencies according to the laws and regulations in the employing country.

MEASURES AGAINST ILLEGAL EMPLOYMENT

ARTICLE XX

The Parties shall take all necessary measures, in their respective territory, to prevent and suppress illegal border crossings, trafficking of illegal workers and illegal employment of workers.

ARTICLE XXI

The Parties shall exchange information on matters relating to human trafficking, illegal immigration, trafficking of illegal workers and illegal employment.

AMENDMENTS

ARTICLE XXII

Any amendment to this Memorandum of Understanding may be made as agreed upon by the Parties through diplomatic channels.

SETTLEMENT OF DISPUTES

ARTICLE XXIII

Any difference or dispute arising out of this Memorandum of Understanding shall be settled amicably through consultations between the Parties.

ENFORCEMENT AND TERMINATION

ARTICLE XXIV

This Memorandum of Understanding shall enter into force after the date of signature and may be terminated by either Party in written notice. Termination shall take effect 90 (ninety) days following the date of notification. In case of termination of this Memorandum of Understanding by either Party, for the benefit of the workers, the Parties shall hold consultation on how to deal with employment contracts that are still valid.
IN WITNESS WHEREOF, the undersigned, being duly authorised by their respective Governments, have signed this Memorandum of Understanding.

DONE at Ubon Ratchatani on the Thirty First Day in the Month of May of Two Thousand and Three of the Christian Era in English language, in two original copies all of which are equally authentic.

FOR THE GOVERNMENT OF
THE KINGDOM OF THAILAND

Original Signed
Suwat Liptapanlop
Minister of Labour

FOR THE GOVERNMENT OF
THE KINGDOM OF CAMBODIA

Original signed
Ith Samheng
Minister of Social Affairs,
Labour, Vocational Training
and Youth Rehabilitation
MEMORANDUM OF UNDERSTANDING (MOU)  
BETWEEN  
THE ROYAL THAI GOVERNMENT AND THE GOVERNMENT OF  
LAO PDR  
ON EMPLOYMENT COOPERATION

BOTH GOVERNMENTS, hereinafter called “the parties” are concerned with the widespread trafficking in human due to common illegal unemployment, and accept the principles in the Bangkok Declaration on illegal migration 1999, agree to:

OBJECTIVES AND SCOPE

ARTICLE I

The parties will take action to realize:
1.1) appropriate procedure in employment
1.2) effective deportation and return of migrant workers who have completed the duration of their work permit
1.3) appropriate labour protection
1.4) prevention and intervention in illegal border crossing, illegal employment services and illegal employment of migrant workers

The MOU does not include other measures currently in force in national legal frameworks.

AUTHORIZED AGENCY

ARTICLE 2

MOL of Thailand and MOL of Lao PDR are authorized to carry out this MOU.

ARTICLE 3

The parties can organize regular high-level meetings at least once a year to discuss matters related to this MOU.

AUTHORITY AND PROCEDURES

ARTICLE 4

Employment of workers must be authorized by competent authorities.
The competent authorities may cancel work permits issued to individual workers as per the agreement above whenever appropriate within the purview of the parties’ respective national laws.

The cancellation will not affect any action already completed prior to the announced date of cancellation.

ARTICLE 5

The competent authority of each party can inform its counterpart of labour needs, number of desired workers, duration, qualifications, employment conditions and wages as proposed by concerned employers.

ARTICLE 6

The counterpart competent authority will respond by sending a list of potential workers (name, hometown, reference, education, and other experiences).

ARTICLE 7

The competent authorities will work with national immigration services to process:

7.1) visa/other travel document/arrangement
7.2) work permit issuance
7.3) insurance or health insurance
7.4) contribution to the deportation fund
7.5) other taxes as per national regulations

ARTICLE 8

Both parties will maintain a list of workers benefited from this MOU. The list will be kept and record the return of the workers until 4 years after the recorded date of return.

RETURN AND DEPORTATION

ARTICLE 9

Unless otherwise specified, each worker will receive a two-year work permit. If renewal is necessary, for whatever reasons, the total term of permit shall not exceed 4 years. Thereafter, the person shall be ineligible for work permit. Also, the work permit will expire when the employment of the worker concerned is terminated.

Workers who have completed the terms of their work permit can re-apply for work again after three years have passed between the date of the expiration of the first term and the date of the re-application. Exception shall be made when the worker concern had his or her employment terminated under the conditions not of their faults.

ARTICLE 10

The parties will collaborate in sending workers home.
ARTICLE 11
Workers will contribute 15% of their salary to deportation fund set up by the host country.

ARTICLE 12
Workers who wish to return home can claim their contribution to the fund in full amount with interest. The request must file 3 month before the return date and the money will be paid to the workers within 45 days after the date their employment ends.

ARTICLE 13
Home visit during the period of work permit does not end the employment.

ARTICLE 14
The host country will determine the procedure and required documents as per the steps/application mentioned in Article 12.

ARTICLE 15
A worker will forfeit his or her right to receive his or her contribution to the deportation fund unless s/he reports him/herself to the designated authority in his/her home country upon his/her return.

ARTICLE 16
The competent authority of the host country can use the deportation fund to cover the cost of deportation of workers.

PROTECTION

ARTICLE 17
The parties will apply national laws to protect the rights of workers (to whom this MOU applies).

ARTICLE 18
Workers will receive wage and benefits at the same rate applied to national workers based on the principles of non-discrimination and equality on the basis of gender, ethnic identity, and religious identity.

Article 19
Labour disputes will be governed by the host country’s national laws and by its relevant authorities.
MEASURES ON ILLEGAL EMPLOYMENT

ARTICLE 20
The parties will take necessary measures to prevent and intervene in illegal cross-border labour practices and employment.

ARTICLE 21
The parties will share information with regards to human trafficking, undocumented entry, unlawful employment, and unlawful labour practices.

AMENDMENT ON THE MOU

ARTICLE 22
Amendment of this MOU requires consultation through diplomatic channels.

DISPUTE INTERVENTION

ARTICLE 23
Any conflict arising from this MOU shall be settled through consultation between the parties.

ENFORCEMENT AND CANCELLATION

ARTICLE 24
The agreements in this MOU are in force upon the date of signing by the representatives of the parties. Cancellation requires written notification and will be in effect 3 months after the date of notification.

This MOU is signed at Vientiane, Lao PDR, on 18 October 2002, in the Lao and Thai version. Both versions have similar values.

FOR THE GOVERNMENT OF THAILAND

Original Signed
Suwat Liptapanlop
Minister of Labour
Royal Government of Thailand

FOR THE GOVERNMENT OF LAO PDR

Original Signed
Sompan Pangkammee
Minister of Labour and Social Welfare
Lao PDR
MEMORANDUM OF UNDERSTANDING
BETWEEN
THE GOVERNMENT OF THE KINGDOM OF THAILAND AND THE GOVERNMENT OF THE UNION OF MYANMAR
ON COOPERATION IN THE EMPLOYMENT OF WORKERS

THE GOVERNMENT OF THE KINGDOM OF THAILAND AND THE GOVERNMENT OF THE UNION OF MYANMAR, hereinafter referred to as “the Parties”;

BEING CONCERNED about the negative social and economic impacts caused by illegal employment;

DESIROUS of enhancing mutually beneficial cooperation between the two countries;

HAVE AGREED AS FOLLOWS:

OBJECTIVE AND SCOPE

ARTICLE I

The Parties shall apply all necessary measures to ensure the following:
1) Proper procedures for employment of workers;
2) Effective repatriation of workers, who have completed terms and conditions of employment or are deported by relevant authorities of the other Party, before completion of terms and conditions of employment to their permanent addresses;
3) Due protection of workers to ensure that there is no loss of the rights and protection of workers and that they receive the rights they are entitled to;
4) Prevention of, and effective action against, illegal border crossings, trafficking of illegal workers and illegal employment of workers.

This Memorandum of Understanding is not applicable to other existing processes of employment that are already in compliance with the laws of the Parties.
AUTHORISED AGENCIES

ARTICLE II
For the purpose of this Memorandum of Understanding, the Ministry of Labour of the Kingdom of Thailand and the Ministry of Labour of the Union of Myanmar shall be the authorised agencies for the Government of the Kingdom of Thailand and for the Government of the Union of Myanmar respectively.

ARTICLE III
The Parties, represented by the authorised agencies, shall hold regular consultations, at senior official and/or ministerial levels, at least once a year on an alternate basis, on matters related to the implementation of this Memorandum of Understanding.

The authorised agencies of both Parties shall work together for the establishment of procedures to integrate illegal workers, who are in the country of the other Party prior to the entry into force of this Memorandum of Understanding, into the scope of this Memorandum of Understanding.

AUTHORITY AND PROCEDURE

ARTICLE IV
The Parties shall take all necessary measures to ensure proper procedures for employment of workers.

Employment of workers requires prior permission of the authorized agencies in the respective countries. Permission may be granted upon completion of procedures required by laws and regulations in the respective countries.

The authorised agencies may revoke or nullify their own permission at any time in accordance with the relevant laws and regulations.

The revocation or nullification shall not affect any deed already completed prior to the revocation or nullification.

ARTICLE V
The authorised agencies may through a job offer inform their counterparts of job opportunities, number, period, qualifications required, conditions of employment, and remuneration offered by employers.

ARTICLE VI
The authorised agencies shall provide their counterparts with lists of selected applicants for the jobs with information on their ages, permanent addresses, reference persons, education, experiences and other information deemed necessary for consideration by the prospective employers.
ARTICLE VII

The authorised agencies shall coordinate with the immigration and other authorities concerned to ensure that applicants, who have been selected by employers and duly permitted in accordance with Article IV, have fulfilled, inter alia, the following requirements:

1) Visas or other forms of entry permission;
2) Work permits;
3) Health insurances or health services;
4) Contribution into savings fund as may be required by the authorized agencies of the respective Parties;
5) Taxes or others as required by the Parties;
6) Employment contracts of employers and workers.

Contract of the terms and conditions of employment shall be signed between the Employer and Worker and a copy each of the contract submitted to the authorised agencies.

ARTICLE VIII

The authorised agencies shall be responsible for the administration of the list of workers permitted to work under this Memorandum of Understanding. They shall keep, for the purpose of reference and review, the lists of workers who report themselves or have their documents certified to the effect that they have returned to their permanent addresses after the end of the employment terms and conditions, for at least four years from the date of report or certification.

RETURN AND REPATRIATION

ARTICLE IX

Unless stated otherwise, the term and conditions of employment of workers shall not exceed two years. If necessary, it may be extended for another term of two years. In any case, the terms and conditions of employment shall not exceed four years. Afterwards, it shall be deemed the termination of employment.

A three-year break is required for a worker who has already completed the terms and conditions of employment to re-apply for employment.

ARTICLE X

The Parties shall extend their fullest cooperation to ensure the return of bona fide workers, who have completed their employment terms and conditions, to their permanent addresses.
ARTICLE XI

The authorised agencies of the employing country shall set up and administer a savings fund. Workers are required to make monthly contribution to the fund in the amount equivalent to 15 per cent of their monthly salary.

ARTICLE XII

Workers who have completed their terms and conditions of employment and returned to their permanent addresses shall be entitled to full refund of their accumulated contribution to the savings fund and the interest by submitting the application to the authorised agencies three months prior to their scheduled date of departure after completion of employment. The disbursement shall be made to workers within 7 days after the completion of employment.

In the case of workers whose services are terminated prior to completion of employment and have to return to their permanent addresses, the refund of their accumulated contribution and the interest shall also be made within 7 days after termination of employment.

ARTICLE XIII

Temporary return to country of origin by workers whose terms and conditions of employment are still valid and in compliance with the authorized agencies’ regulations shall not cause termination of the employment permission as stated in Article IV.

ARTICLE XIV

Procedures and documents required in the application for refund as stated in Article XII shall be set forth by the authorised agencies.

ARTICLE XV

The right to refund of their contribution to the savings fund is revoked for workers who do not return to their permanent addresses upon the completion of their employment terms and conditions.

ARTICLE XVI

The authorised agencies of the employing country may draw from the savings fund to cover the administrative expenses incurred by the bank and the deportation of workers to their country of origin.

PROTECTION

ARTICLE XVII

The Parties in the employing country shall ensure that the workers enjoy protection in accordance with the provisions of the domestic laws in their respective country.
ARTICLE XVIII

Workers of both Parties are entitled to wage and other benefits due for local workers based on the principles of non-discrimination and equality of sex, race, and religion.

ARTICLE XIX

Any dispute between workers and employers relating to employment shall be settled by the authorised agencies according to the laws and regulations in the employing country.

MEASURES AGAINST ILLEGAL EMPLOYMENT

ARTICLE XX

The Parties shall take all necessary measures, in their respective territory, to prevent and suppress illegal border crossings, trafficking of illegal workers and illegal employment of workers.

ARTICLE XXI

The Parties shall exchange information on matters relating to human trafficking, illegal immigration, trafficking of illegal workers and illegal employment.

AMENDMENTS

ARTICLE XXII

Any amendment to this Memorandum of Understanding may be made as agreed upon by the Parties through diplomatic channels.

SETTLEMENT OF DISPUTES

ARTICLE XXIII

Any difference or dispute arising out of this Memorandum of Understanding shall be settled amicably through consultations between the Parties.

ENFORCEMENT AND TERMINATION

ARTICLE XXIV

This Memorandum of Understanding shall enter into force after the date of signature and may be terminated by either Party in written notice. Termination shall take effect 90 (ninety) days following the date of notification. In case of termination of this Memorandum of Understanding by either Party, for the benefit of the workers, the Parties shall hold consultation on how to deal with employment contracts that are still valid.
IN WITNESS WHEREOF, the undersigned, being duly authorised by their respective Governments, have signed this Memorandum of Understanding.

DONE at Chiang Mai on the Twenty First Day in the Month of June of Two Thousand and Three of the Christian Era, in the Thai, Myanmar, and English languages, in two original copies all of which are equally authentic. In case of divergence of interpretation, the English text shall prevail.

FOR THE GOVERNMENT OF
THE KINGDOM OF THAILAND

Original signed

Surakiart Sathirathai
Minister of Foreign Affairs

FOR THE GOVERNMENT OF
THE UNION OF MYANMAR

Original signed

Win Aung
Minister of Foreign Affairs
The Government of the Kingdom of Cambodia and the Government of the Kingdom of Thailand (hereinafter referred to as the “Parties”),

HAVING SOUGHT to strengthen the bonds of friendship between the two countries and to increase the bilateral cooperation on the suppression of trafficking in children and women,

RECOGNIZING that trafficking in children and women is a gross infringement of human rights and grievous trampling on the dignity of human beings,

GRAVELY CONCERNED that trafficking in children and women has negative impact on individual physical, mental, emotional, moral development and is detrimental to the social fabric and values of the society,

TAKING INTO ACCOUNT that transnational criminal groups and organizations are actively involved in trafficking in children and women and that such transnational organized crimes have affected not only Thailand and Cambodia but also the region and the global community at large,

CONFIRMING that the Parties share the common concern against transnational human trafficking as addressed in the Bangkok Declaration on Irregular Migration deliberated in the International Symposium on Migration "Towards Regional Cooperation on Irregular/Undocumented Migration" held in Bangkok during 21-23 April 1999, and "The Bali Conference on the people Smuggling and Trafficking in Person" held in Bali during 26-28 February 2002,

RECALLING the Agreed Minutes of the Third Meeting of the Joint Commission for the Bilateral Cooperation between the Kingdom of Cambodia and the Kingdom of Thailand, in Siem Reap Province of the Kingdom of Cambodia, during 31 January-1 February 2000 with regards to the intensification of cooperation in suppressing cross
border trafficking in human beings, especially in women and children,


CONVINCED that suppressing the crime of trafficking in children- and women through mutual cooperation in law enforcement and criminal procedures is an effective measure to ensure justice against human trafficking,

PLEDGING that the Parties shall faithfully cooperate to eliminate trafficking in children and women, and to protect and assist them,

HAVE AGREED as follows:

I- SCOPE OF THIS MEMORANDUM OF UNDERSTANDING

ARTICLE 1
This Memorandum of Understanding shall apply to trafficking in children and women as defined in article 2 of this Memorandum.

II –DEFINITION

ARTICLE 2
For the operational purpose of this Memorandum:

(a) “Trafficking in Children and Women” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat, use of force, or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include the exploitation of others through prostitution or other forms of sexual exploitation, forced labour or service, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in children and women to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) A child who has been recruited, transported, transferred or harboured for the purpose of exploitation shall be considered “as a victim of trafficking” even if this does not involve any of the means set forth in subparagraph (a) of this article; and

(d) “Child” shall mean any person under eighteen years of age.

ARTICLE 3
The Parties recognize that examples of the purposes of trafficking in children and women include, but are not limited to, the following:
Appendix 4

(a) Prostitution;
(b) Forced or exploitative domestic labour;
(c) Bonded labour and other forms of hazardous, dangerous and exploitative labour;
(d) Servile marriage;
(e) False adoption;
(f) Sex tourism and entertainment;
(g) Pornography;
(h) Begging; and
(i) Slavery by the use of drugs on children and women.

III- PREVENTIVE MEASURES

ARTICLE 4
The Parties shall undertake necessary legal reform and other appropriate measures to ensure that the legal frameworks in their respective jurisdictions conform with the Universal Declaration of Human Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, and other international human rights instruments which both parties have ratified or acceded to and are effective in eliminating trafficking in children and women and in protecting all rights of children and women who fall victims to trafficking.

ARTICLE 5
The Parties shall undertake educational and vocational training programs, in particular for children and women, to increase the opportunity for employment and hence reduce vulnerability to trafficking.

ARTICLE 6
The Parties shall make best effort to prevent trafficking in children and women through the following preventive measures:

(a) Increase of social services such as assistance in job searching and income generating and provision of medical care to children and women vulnerable to trafficking,
(b) Reform of educational and vocational training programs to improve their linkage with job opportunities;
(c) Enhancement of public awareness and understanding on the issue of trafficking in children and women; and
(d) Dissemination of information to the public on the risk factors involved in trafficking of children and women and on the businesses that are exploitative to children and women.
IV- PROTECTION OF TRAFFICKED CHILDREN AND WOMEN

ARTICLE 7

Trafficked children and women shall be considered victims, not violators or offenders of the immigration law. Therefore,

(a) Trafficked children and women shall not be prosecuted for illegal entry to the country;
(b) Trafficked children and women shall not be detained in an immigration, detention center during the times awaiting the official repatriation process, but shall be put under the care of the Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation (Cambodia) or the Department of Social Development and Welfare (Thailand), and shelter and protection shall be provided to the victims according to the policy of each state;
(c) The relevant authorities shall ensure the security of trafficked children and women; and
(d) Victims shall be treated humanely throughout the process of protection and repatriation, and the judicial proceedings.

ARTICLE 8

The Parties shall undertake appropriate measures, which may include legal reform and legal aid, to ensure the effective legal remedies to victims of trafficking as follows:

(a) Victims may claim restitution of any undisputed personal properties and belongings that have been confiscated or obtained by authorities in the process of detention or any other criminal procedure;
(b) Proceeds of crime of trafficking shall be liable for confiscation and managed according to the laws of relevant country;
(c) Victims may claim compensation from the offender of any damages caused by trafficking in children and women;
(d) Victims may claim payment for unpaid services from the offender; and
(e) Victims shall have access to the due process of law to claim for criminal justice, recovery of damages, and any other judicial remedies.

ARTICLE 9

The relevant Governmental agencies where appropriate, in cooperation with non-governmental organizations, shall provide trafficked children, women, and their immediate family, if any, with safe shelters, health care, access to legal assistance, and other imperative for their protection.

V-COOPERATION IN SUPPRESSION OF TRAFFICKING IN CHILDREN AND WOMEN

ARTICLE 10:

The law enforcement agencies in both countries, especially at the border shall work in
close cooperation to uncover domestic and cross border trafficking of children and women.

**ARTICLE 11**

(a) The law enforcement process shall be streamlined so as to combat crimes of trafficking in children and women effectively;

(b) The investigation and the prosecution of offenders and criminal syndicates in trafficking cases shall be intensified; and

(c) The Parties shall undertake training programs unilaterally and bilaterally, concerning the applicable legal rules and skills of investigation and protection in trafficking cases for law enforcement personnel, with emphasis on the rights of children and women, with reference to the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, other international human rights standards and the relevant domestic laws.

**ARTICLE 12**

(a) The Parties shall promote bilateral cooperation in the judicial procedure against trafficking, e.g., prosecution of transnational traffickers, extradition arrangement, mutual judicial assistance in the criminal procedures; and

(b) The parties shall afford one another the widest measure of mutual legal assistance in investigation, prosecution and judicial proceeding in relation to trafficking in children and women including existing arrangement on extradition.

**ARTICLE 13**

The police and other relevant authorities in both countries shall cooperate in exchange of information concerning trafficking cases, e.g., trafficking routes, places of trafficking, identifications of traffickers, network of trafficking, methodologies of trafficking, and data on trafficking.

**ARTICLE 14**

(a) The Ministry of Foreign Affairs and International Cooperation, the Ministry of Interior, the Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation, the Ministry of Women's and Veterans' Affairs, the Ministry of Justice, and the Ministry of Tourism (Cambodia) and The Royal Thai Police, the Ministry of Foreign Affairs, the Ministry of Labour, the Ministry of Social Development and Human Security, the Ministry of Public Health and the Department of Social Development and Welfare, the local police, or immigration border control checkpoints (Thailand), along with other relevant non-governmental organizations, shall cooperate in collecting information and evidence relating to human trafficking cases;

(b) The information and evidence obtained in accordance with the above paragraph shall duly be delivered to the competent police office, immigration office, prosecutor's office or other relevant parties who takes legal action in trafficking cases of children and women.
women, e.g., searching for offenders, investigating in cases, prosecuting offenders, and proceeding with any other judicial procedures.

ARTICLE 15
The police and other appropriate authorities of the relevant state shall undertake the protection program to secure the safety of victims and eyewitnesses from retaliation or menace during and after the judicial proceedings as deemed necessary.

VI- REPATRIATION

ARTICLE 16
(a) The authorities in charge of repatriation shall use the diplomatic channel of communication to inform the other Party of repatriation arrangements of trafficked children and women in advance;
(b) Repatriation of trafficked children and women shall be arranged and conducted in their best interest; and
(c) Children and women who have been identified as victims of trafficking shall not be deported. Repatriation of children and women victims will undertaken in accordance with the above.

ARTICLE 17
(a) The Parties shall establish the Focal-Point to implement the repatriation process of trafficked children and women;
(b) The Focal Point shall be composed of the competent authorities from both Parties;
(c) The Focal Point shall undertake the following duties:
   (i) To arrange repatriation of trafficked children and women;
   (ii) To implement the arranged repatriation of trafficked children and women;
   (iii) To provide security for trafficked children and women in the repatriation process;
   (iv) To endeavour to monitor trafficking in children and women; and
   (v) To establish informal national networks concerning the practice of trafficking in children and women among the national and internationals law enforcement authorities and relevant civil society organizations.

VII-REINTEGRATION

ARTICLE 18
(a) The Parties shall make all possible efforts towards the safe and effective integration of victim of trafficking into their families and communities in order to restore their dignity, freedom, and self-esteem.
(b) For this purpose, the Parties shall take appropriate measures to attain the following
objectives:
(i) Victims of trafficking shall not suffer any further victimization, stigmatization or dramatization in the judicial procedure;
(ii) Continuous social, medical, psychological and other necessary support shall be provided to children and women who are victims of trafficking and their families particularly to those who are infected with sexually Transmitted disease including HIV/AIDS;
(iii) Children and Women who are victims of trafficking, shall not be discriminated or stigmatized socially; and
(iv) Child victims of school age shall be ensured appropriate educational opportunities.

ARTICLE 19

The Parties shall provide the following training programs for the purpose of effective reintegration:
(a) The vocational training program for victims of trafficking to opportunity of alternative means of their livelihood; and
(b) Training programs to sensitize those working for victims of trafficking in regard to child development, child rights and child/gender issues with reference to the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and other relevant human rights instruments to which both parties are parties.

III- JOINT TASK FORCE

ARTICLE 20

(a) The Parties shall establish the Joint Task Force;
(b) The Joint Task Force shall be comprised of competent representatives from both Parties;
(c) The Joint Task Force shall be called for to meet as the need arises. The date and venue of the meeting of the Joint Task Force shall be agreed by both Parties;
(d) The Joint Task Force shall assume the following responsibilities:
(i) To monitor and assess the implementation of this Memorandum and report to the Joint Commission for Bilateral Cooperation between Cambodia and Thailand at its annual meeting;
(ii) To initiate establishment of strategies, implementing guidelines and other necessary framework to implement this Memorandum;
(iii) To make recommendations toward further development of the mutual cooperation against trafficking in children and women; and
(iv) To review the implementation of this Memorandum of Understanding every 5 years.
IX- FINAL PROVISIONS

ARTICLE 21

Parties shall endeavour to settle disputes concerning the interpretation or application of this Memorandum through negotiation.

This Memorandum of Understanding shall take effect on the date of signature by both Parties.

ARTICLE 22

Either party may terminate this Memorandum of Understanding at any time by giving written notice to the other party through diplomatic channels, and the termination shall be effective six months after the date of receipt of such notice.

ARTICLE 23

This Memorandum of Understanding may be amended upon the agreement of the Government of the Kingdom of Cambodia and the Government of the Kingdom of Thailand.

This Memorandum of Understanding shall be written in duplicate in English.

IN WITNESS- WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Memorandum of Understanding.

Done at Siem Reap on 31st May 2003.

FOR THE GOVERNMENT OF THE KINGDOM OF CAMBODIA

ITH SAMHENG
Minister of Social Affairs, Labor, Vocational Training and Youth Rehabilitation

FOR THE GOVERNMENT OF THE KINGDOM OF THAILAND

ANURAK CHUREEMAS
Minister of Social Development and Human Resources
We, the representatives of the Governments of the Kingdom of Cambodia, the People’s Republic of China, the Lao People’s Democratic Republic, the Union of Myanmar, the Kingdom of Thailand and the Socialist Republic of Vietnam:

Deeply Concerned over the suffering caused by the trafficking in persons within the Greater Mekong Sub-Region and from the Greater Mekong Sub-Region to other regions of the world;

Asserting that it is completely unacceptable that human beings are traded, bought, sold, abducted, placed, and maintained in exploitative situations, thus being denied their most fundamental and inalienable rights;

Recognizing that poverty, lack of access to education, and inequalities, including lack of equal opportunity, make persons vulnerable to trafficking;

Further recognizing the link between trafficking and the growing demand for exploitative labour and exploitative sexual services;

Acknowledging that trafficking is intensified by discriminatory attitudes, practices and policies based on gender, age, nationality, ethnicity and social grouping;

Emphasizing that children and women who become victims of trafficking are particularly vulnerable, and need special measures to ensure their protection and well being;

Concerned by the involvement of both community members and organized criminal groups in trafficking in persons;

Recognizing the need for a strengthened criminal justice response to trafficking on order to secure justice for victims of trafficking and end impunity for traffickers and others who derive financial benefits from this crime;

Acknowledging the importance of effective and proportionate penalties for traffickers, including provision for freezing and confiscating their assets, and for the proceeds to be used for the benefit of victims of trafficking;
Recognizing the important contribution that survivors of trafficking can, on a strictly voluntary basis, make to developing, implementing, and evaluating anti-trafficking interventions, and in securing the prosecution of traffickers;

Acknowledging the important role played by victim support agencies in the areas of prevention, protection, prosecution, rescue, repatriation, recovery and reintegration, as well as in supporting a strengthened criminal justice response;

Recognizing that each Government hereby undertakes to take steps, individual and through international assistance and co-operation, to the maximum of its available resources, with a view to achieving progressively the full realization of the commitments recognized in this MOU by all appropriate means;

Recalling the Universal Declaration of Human Rights, particularly Article 4, which states that ‘No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms’;

Commending those Greater Mekong Sub-Region States which have ratified and/or acceded to the key international legal instruments concerning trafficking and related exploitation including the:

- United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);
- ILO Forced Labour Conventions (29 & 105);
- ILO Convention (182) Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;

and encourage those States which have not yet done so, to accede to these instruments at the earliest possible time;

Reaffirming the importance of the United Nations Recommended Principles and Guidelines on Human Rights and Human Trafficking contained in the report of the UNHCHR (2002) to the United Nations Economic and Social Council;

Reaffirming existing regional initiatives and commitments to combat trafficking in persons;
Welcoming the pioneering Memorandum of Understanding between Thailand and Cambodia on Bilateral Cooperation for Elimination Trafficking in Children and Women and Assisting Victims of Trafficking (2003) and efforts to develop similar bilateral anti-trafficking arrangements within the Greater Mekong Sub-Region;

Welcoming the importance of bilateral migration agreements, such as the Memoranda of Understanding on Cooperation in the Employment of Workers between Thailand and Cambodia, Lao PDR and Myanmar respectively, in promoting safe, orderly, well-regulated migration as this serves to reduce the demand for illegal migration services which provide opportunities for traffickers;

Intending fully that this MOU reflects the continuing political will of our Governments to cooperate to combat trafficking in persons; and

Calling upon all countries outside the GMS to join our countries in the fight against human trafficking;

Hereby solemnly commit to the following actions;

I. In the area of Policy and cooperation (national and international):
2. Developing national plans of action against trafficking in persons in all its forms;
3. Working towards establishing and strengthening a national, multi-sectoral committee on trafficking in persons with a mandate to coordinate the implementation of the National Plan of Action and other anti-trafficking interventions;
4. Creating mechanisms to strengthen regional cooperation and information exchange, and designating a national focal point on combating trafficking;
5. Improving regional cooperation against trafficking, in particular through bilateral and multilateral agreements; and
6. Strengthening cooperation with international organisations and non-governmental organisations in combating trafficking in persons.

II. In the area of Legal Frameworks, Law Enforcement and Justice:
7. Adopting and enforcing, as quickly as possible, appropriate legislation against trafficking in persons;
8. Adopting appropriate guidelines and providing training for relevant officials to permit the rapid and accurate identification of trafficked persons and to improve the investigation, prosecution and judicial process;
9. **Investigating**, arresting, prosecuting, and punishing perpetrators of trafficking according to law;

10. **Making** available to trafficked persons legal assistance and information in a language they understand;

11. **Developing** realistic and effective cooperation in the criminal justice system to remove impunity for traffickers and provide justice for victims;

12. **Strengthening** cross-border cooperation in law enforcement among the six GMS countries to combat trafficking through criminal justice process;

13. **Providing** the necessary personnel and budgetary support for trafficking response capacities within national law enforcement authorities, and

14. **Promoting** bilateral or multilateral agreements among the GMS countries to assist each other in the judicial process;

**III. In the area of Protection, Recovery, and Reintegration:**

15. **Promoting** greater gender and child sensitivity in all areas of work dealing with victims of trafficking;

16. **Ensuring** that persons identified as victims of trafficking are not held in detention by law enforcement authorities;

17. **Providing** all victims of trafficking with shelter, and appropriate physical, psycho-social, legal, educational, and health-care assistance;

18. ** Adopting** policies and mechanisms to protect and support those who have been victims of trafficking;

19. **Strengthening** the capacity of the embassies and consulates to ensure that they can more effectively assist trafficked persons;

20. **Ensuring** cross-border cooperation in the safe return of trafficked persons, including support to ensure their well-being; and

21. **Working** together to facilitate the successful recovery and reintegration of trafficked persons and to prevent them from being re-trafficked.

**IV. In the area of Preventive Measures:**

22. **Adopting** measures to reduce vulnerability including: supporting poverty reduction programs; increasing economic opportunities; ensuring access to quality education and skill training; and providing necessary personal legal documentation, including birth registration;

23. **Supporting** the development of community protection and surveillance networks for early identification and intervention for those at risk;

24. **Raising** public awareness at all levels, including through public information campaigns and advocacy, both of the dangers and negative impacts of trafficking, and of assistance available to victims;

25. **Applying** national labour and other laws to protect the rights of all workers based on the principles of non-discrimination and equality;
26. **Encouraging** destination countries including those from outside the Greater Mekong Sub-Region to effectively enforce relevant national laws in order to reduce acceptance of exploitation of persons that fuels the continuing demand for the labour of trafficked persons, and to suppress the crime of trafficking in women and children through mutual cooperation; and

27. **Increasing** cooperation with the private sector, especially the tourism and entertainment industries, to take an active role in the fight against trafficking.

V. In the area of Mechanisms for Implementation, Monitoring and Evaluation of this Memorandum of Understanding:

28. **Developing** an initial Sub-Regional Plan of Action against Trafficking in Persons, 2005-2007 and undertaking all necessary efforts to fully implement this Plan;

29. **Developing** procedures for the collection and analysis of data and information on trafficking cases and ensuring that anti-trafficking strategies are based on accurate and current research, experience and analysis;

30. **Establishing** a monitoring system for the implementation of the Plan of Action to evaluate the status quo and the progress of each country in implementing the commitments covered in this MOU including, at the minimum annual senior official meetings;

31. **Reviewing** the implementation of the Plan of Action and adopting a new Sub-Regional Plan of Action through a GMS Ministerial meeting in late 2007;

32. **Creating** a national task force to collaborate with the COMMIT Secretariat (United Nations Inter-Agency Project against Trafficking in the Greater Mekong Sub-Region) and other partners; and

33. **Inviting** government funding agencies, as well as relevant United Nations and other intergovernmental and non-governmental organizations and the private sector, to provide financial, material and technical assistance to support GSM countries in their anti-trafficking efforts, including the implementation of this MOU and the forthcoming Plan of Action; and

34. **Recognizing** that amendments to this MOU may be desirable in the future, the Governments set out that following process for amending this MOU: (1) if four of the six undersigned Governments believe that the MOU should be changed, and inform the Secretariat in writing, a procedure to consultation shall be undertaken by the Secretariat in a mutually convenient manner; (2) the purpose of such a procedure shall be to propose changes to the MOU; (3) any change to the MOU shall be agreed to unanimously by the six Governments, and the approval of each Government shall be communicated to the Secretariat in writing.
Done at Yangon, on this 29th day of October 2004.

FOR THE GOVERNMENT OF THE KINGDOM OF CAMBODIA

Ith Samheng
Minister of Social Affairs, Veterans and Youth Rehabilitation

FOR THE GOVERNMENT OF THE PEOPLE’S REPUBLIC OF CHINA

Huang Qingyi
Vice Chairperson National Working Committee for Children & Women under the State Council

FOR THE GOVERNMENT OF THE LAO PEOPLE’S DEMOCRATIC REPUBLIC

Somphanh Phengkhammy
Minister of Labour and Social Welfare

FOR THE GOVERNMENT OF THE UNION OF MYANMAR

Colonel Tin Hlaing
Minister of Home Affairs

FOR THE GOVERNMENT OF THE KINGDOM OF THAILAND

Wanlop Phloytabum
Permanent Secretary Ministry of Social Development and Human Security

FOR THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIETNAM

Lieutenant-General Le The tiem
Vice Minister of Public Security
SUB-REGIONAL ACTION PLAN:
AREAS FOR COOPERATION AND ACTIVITIES

AS AGREED AT SENIOR OFFICIALS MEETING II
YANGON, 28 OCTOBER 2004

1. Policy and Cooperation

Area 1: Development of mechanisms to improve regional cooperation including bilateral agreements and systems for information exchange

Activities
1. Seminar/workshop on mechanisms and systems for exchange of information and data collection

2. Seminar/workshop to share experiences on establishment and implementation of bilateral/multilateral agreements on combating trafficking

Area 2: Development of a regional training programme on trafficking for anti-trafficking personnel

Activities
3. Undertake an assessment on training needs at the regional level

4. Training on formulation and implementation of national plans of action

5. Development of a regional training mechanism to improve the capacity of anti-trafficking personnel, including curriculum, instruction and manuals, in critical areas as agreed by countries based on the findings of the training needs assessment

2. Legal Frameworks, Law Enforcement and Justice

Area 3: Cooperation on investigation and prosecution of traffickers, including joint training and cross-border networking

Activities
6. Training for law enforcers, including investigation, prosecution processes and knowledge on relevant laws in the respective countries
7. Sharing information and intelligence on trafficking cases and traffickers

8. Seminar to share experiences in strengthening legal frameworks, including legal procedures to provide better protection of victims and more effective prosecution of traffickers

9. Regional seminar to explore procedural agreements on extradition and mutual legal assistance in criminal matters

10. Seminar to share knowledge, experiences and skills on multi-sectoral cooperation between the criminal justice sector and other Government Departments and NGOs supporting victims of trafficking

3. Protection, Recovery & Reintegration

Area 4: Development of effective systems for victim identification, including tracing of victims

Activities
11. Workshop on criteria and processes for identification of victims

12. Regional seminar to develop possible mechanisms for tracing of victims

Area 5: Enhance and strengthen repatriation and reintegration programmes:
5.1 Improve repatriation systems
5.2 Facilitate reintegration of victims and prevent their re-trafficking
5.3 Improve post-harm support and services for victims

Activities
13. Regional workshop on procedures for repatriation of victims, including development of common guidelines

14. Regional seminar on improving post-harm support and services, taking into account the views of those who are trafficked, to facilitate successful reintegration of victims and prevent their re-trafficking

15. Seminar with international organisations and donors to explore ways of providing resources for better economic support for victims of trafficking, as appropriate to each country’s situation
4. Preventive Measures

Area 6: Strengthening regional cooperation to prevent and suppress illegal and/or exploitative brokering practices that lead to trafficking

Activities
16. Collection and sharing of information on job, marriage and adoption brokers and agencies that the governments reasonably believe are involved in trafficking in persons

Area 7: Strengthen regional cooperation with the tourism sector to prevent and combat trafficking in persons, especially children and women

Activities
17. Regional seminar with the tourism sector to prevent and combat trafficking in persons, especially children and women

5. Mechanisms for Monitoring and Evaluation Implementation of the Memorandum of Understanding

Activities
18. Maintain existing COMMIT Task Forces in each country and work with UNIAP to develop the following for finalisation at SOM 3:

- Terms of reference for Senior Officials Meetings
- Schedule for implementation of the Plan of Action
- Activities for monitoring and evaluating implementation of this Plan of Action, including UNIAP’s reporting role
WE, the Heads of States/Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, the Socialist Republic of Viet Nam, members of the Association of the Southeast Asian Nations, hereinafter referred to as ASEAN,

REAFFIRMING the Ha Noi Declaration of 1998 and the Ha Noi Plan of Action, which, among others, committed to intensify individual and collective efforts to address transnational crimes, including the trafficking in persons;

EXPRESSING the urgent need for a comprehensive regional approach to prevent and to combat trafficking in persons, particularly women and children;

ACKNOWLEDGING that social, economic and other factors that cause people to migrate also make them vulnerable to trafficking in persons;

RECOGNIZING that the immorality and inhumanity of this common concern elicits the need to strengthen legislative, law enforcement and judicial responses to ensure deterrent action is taken against persons involved in individual or syndicated activities of trafficking in persons, particularly women and children;

APPRECIATING that a successful campaign against the scourge of trafficking in persons, particularly women and children, requires continuing dialogue, exchange of information and cooperation among ASEAN;

REAFFIRMING ASEAN's unwavering desire to embrace the spirit behind the United Nations Convention against Transnational Organized Crime and its relevant protocols as it reflects the commitment of the Member States of the United Nations to prevent and combat transnational organized crime;

REAFFIRMING through this Declaration a commitment to human development and security, and the improvement of the quality of life of the peoples of ASEAN;
HEREBY DECLARE, to the extent permitted by their respective domestic laws and policies, to undertake concerted efforts to effectively address an emerging regional problem, namely the trafficking in persons, particularly women and children, through the following measures:

1. To establish a regional focal network to prevent and combat trafficking in persons, particularly women and children, in the ASEAN region;
2. To adopt measures to protect the integrity of their respective passports, official travel documents, identity and other official travel documents from fraud;
3. To undertake regular exchange of views, information sharing on relevant migratory flows, trends and pattern, strengthening of border controls and monitoring mechanisms, and the enactment of applicable and necessary legislations;
4. To intensify cooperation among our respective immigration and other laws enforcement authorities;
5. To distinguish victims of trafficking in persons from the perpetrators, and identify the countries of origin and nationalities of such victims and thereafter ensure that such victims are treated humanely and provided with such essential medical and other forms of assistance deemed appropriate by the respective receiving/recipient country, including prompt repatriation to their respective countries of origin;
6. To undertake actions to respect and safeguard the dignity and human rights of genuine victims of trafficking in persons;
7. To undertake coercive actions/measures against individual and/or syndicate engaged in trafficking in persons and shall offer one another the widest possible assistance to punish such activities; and
8. To take measures to strengthen regional and international cooperation to prevent and combat trafficking in persons.

All Member Countries reaffirm their commitment to accomplish the elements of this Declaration through maximum efforts by such appropriate instruments as may be necessary and consistent with their respective national laws and policies.

ADOPTED by the Heads of State/Government of ASEAN Member Countries on this Twenty-ninth Day of November 2004 in Vientiane, Lao People’s Democratic Republic.
Regional cooperation has stimulated dynamic economic growth. Poverty and gaps in economic growth between neighbouring countries are factors contributing, directly and indirectly, to population mobility and HIV vulnerability in the region. To ensure continued prosperity of Greater Mekong Sub-region countries, it is critical that countries collaborate to protect their economic resources and mitigate the socio-economic and human impacts of HIV/AIDS.

A Memorandum of Understanding (MOU) designed to facilitate the Joint Action Programme for Mobility and HIV Vulnerability Reduction between countries of the Greater Mekong Sub-region was signed on 5th September 2001 in Cambodia – the ASEAN Task Force on AIDS (ATFOA) designated coordinator for ASEAN Work Programme II Population Movement Component. This MOU expired in December 2003. In view of the relevance of this MOU in building regional HIV resilience, as well as acknowledging the achievements in the implementation of the Joint Action Programme to date by the regional, inter-country and in-country efforts, at the 11th ATFOA meeting in 2003, representatives from the Signatory Countries of the MOU decided to update and extend the MOU for strengthened collaboration in building regional HIV resilience. UNDP South East Asia HIV and Development Programme, the World Health Organization and the ASEAN Secretariat are jointly supporting this effort.

It was agreed at the Yangon consultation, 16-17 February 2004, that the governments would facilitate and support further collaboration between and among the countries in the Greater

In particular, the Parties to this Memorandum of Understanding agreed to the following:

**Create enabling policies and systems:** To create enabling policy environment to reduce HIV/AIDS vulnerabilities by improving system of governance on development related mobility, to

- Strengthen Government support for international and national non-governmental organizations, civil society, multiple development sectors and local authorities, to collaborate with those of neighboring countries who are signatory to the Memorandum of Understanding;
- Apply the Early Warning Rapid Response System at the local, national and regional levels through intra- and inter-country multi-sectoral collaboration.

**Promote development strategies that reduce HIV vulnerabilities:** To build resilience and empower communities by improving their choices in reducing HIV/AIDS vulnerability caused by development related mobility, to

- Strengthen collaboration amongst Ministries responsible for agriculture, construction, finance, health, home affairs, labour, public works, public security and transport sectors to promote the updated Bangkok Recommendations on infrastructure construction along the ASEAN Highway network (Annex A);
- Promote community based development approaches using people-centred methodologies.

**Promote HIV/AIDS prevention, care and support:** To build community, national and regional HIV/AIDS resilience by strengthening collaborative regional responses to

- Promote leadership at all levels and political commitment to improve access to prevention, treatment, care and support.
- Promote and implement strategies on access to comprehensive HIV/AIDS prevention, care and support including 3 x 5 strategies on ART for people living with HIV/AIDS, to ensure inclusion and equitable coverage of mobile populations in this region by building partnership with source, transit and destination communities.

To achieve the above commitments, joint efforts are necessary to support the regional coordination mechanism on reducing mobility related HIV vulnerability in the Greater Mekong Sub-region countries. The existing Programme Coordination Committee (PCC) is responsible to facilitate the planning implementation and monitoring of the Joint Action Programme under this MOU. The PCC is coordinated by Cambodia and composed of the Mobility focal points from the GMS Countries and a representative from the ASEAN
Secretariat. The PCC shall report to the ASEAN Task Force on AIDS (ATFOA) and meet one day before the regular ATFOA Meetings.

TERMS OF THE MEMORANDUM OF UNDERSTANDING

The terms of this Memorandum of Understanding is for a period of five years starting from the date of signatures. A mid-term review of the implementation of the Joint Action Programme (Annex B) based on this MOU shall be conducted. With the mutual consent of parties to the MOU, it may be extended to cover other collaborations in building regional HIV resilience on terms and conditions to be agreed upon. Other Governments in the region may be invited to become parties to the present Memorandum of Understanding on the said terms and conditions. Any changes will be reflected in mutually agreed written revisions to this Memorandum of Understanding.

In witness whereof, the Governments sign the present Memorandum of Understanding on the dates appearing opposite their respective signatures.

The Kingdom of Cambodia

Date: 8/11/2004

The People’s Republic of China

Date: 10/18/2004

The Lao People’s Democratic Republic

Date: 20 Oct. 2004

The Union of Myanmar

Date: 22/11/2004

The Socialist Republic of Viet Nam

Date: 30 Sep. 2004
The following organizations work on migration-related issues in specific countries or the Greater Mekong Subregion as a whole.

**Mekong Migration Network**

**CAMBODIA**

1. **Cambodian Women for Peace and Development**
   
   #23, Street 47, Sangkat Sras Chak, Khan Daun Penh, Phnom Penh
   
   Tel/Fax: +855 (23) 724274, 012-959447 (HP)
   
   Email: cwpd@online.com.kh
   
   - Promotes a peaceful Cambodia and contributes to poverty reduction through economic empowerment, health promotion, women and child rights and good governance. Programs such as PROMDAN, PASS, PUAC and SODI. PROMDAN is a project, to promote Migrant’s Health & Development at destination, Thailand, and source, Cambodia, communities. CWPD has been implementing the HIV Prevention and Empowerment Project to Sex Workers. CWPD also runs a skills and livelihood training center.
   - Ms. Chou Bun Eng, Executive Director of the CWPD, is a member of the MMN Steering Committee and is the MMN country coordinator for Cambodia.

2. **Cambodia Human Rights and Development Association (ADHOC)**
   
   #1, St. 158 Khan Daun Penh, Phnom Penh, Cambodia
   
   Tel: +855 (23) 218653
   
   Fax: +855 (23) 217229
   
   Email: Adhoc@bigpond.com.kh

3. **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) 218810
   
   Email: chrtf@forum.org.kh
4. **Cambodia Labour Organisation**  
No. 189 St. 173-432, Sangkat Tomnob Toek, Khan Chamcar Mon, Phnom Penh, Cambodia  
Tel/Fax: +855 (23) 218132  
Email: CLO@forum.org.kh, admin-clo@forum.org.kh  
- Research and training on labor rights.

5. **Cambodian Women's Crisis Center (CWCC)**  
#42F, Street 488, Sangkat Phsar Doeum Thkauv, Khan Chamkarmon, Phnom Penh  
Tel: +855 (23) 982158, 012-688586 (HP), (855) 012-840507 (HP)  
Email: cwccct@forum.org.kh, cwccct@camintel.com, seansokphay@yahoo.com

6. **CARAM Cambodia**  
#193 AEo, Street 63, Bengkeng Kong I, Phnom Penh  
Tel/Fax: +855 (23) 218065  
Email: caram_cam@online.com  
- HIV/AIDS prevention programs and research to assist vulnerable migrant groups such as Vietnamese sex workers in Cambodia.

7. **KHEMARA**  
Ottaravatei Pagoda, National Road #5, Mittapheap Village, Russey Keo District, Phnom Penh  
Tel: +855 (23) 430620, 01-22705203 (HP)  
Email: khemara@camnet.com.kh  
- Svay Pak Sex Worker Program, Literacy Program, Women in Crisis Program, Women in Business Program, Networking Publications & Research Program, Community Health Program, Child Development Program.

8. **Khmer Kampuchea Krom Human Rights Organization (KKKHRO)**  
#183, Street 163, Sangkat Tuol Tumpoung II, Khan Chamkar Mon, Phnom Penh, Cambodia  
Tel/Fax: +855 (23) 993486  
Email: kkkhra@camintel.com

9. **Legal Support for Children & Women**  
No. 38, Street 456, Toul Tumpoung 2, Chamcar Mon. Phnom Penh.  
Tel/Fax: +855 (23) 986457  
Email: lscw.dir@camintel.com  
Web: www.lscw.org  
- LSCW offices (Phnom Penh, Prey Veng and Koh Kong provinces in Cambodia) provide legal support for women and children victims of trafficking, rape, domestic violence, exploitation and abuse. LSCW will implement a new pilot project to address critical gaps in support and
services to vulnerable Cambodian migrant communities in Klong Yai/Had Lek, Trad province, Thailand.

- Contact for migrant project: Mrs Shelley Preece, LSCW Coordinator/Advisor migrant project
  (Tel: 012-944 311 or Email: preeces@online.com.kh)

10. **Overseas Vietnamese Association**
    No. 18 Oknha Nou Kan (st. 105), Phnom Penh, 12258, Cambodia
    Tel: +855 (23) 212607

11. **Program for Appropriate Technology in Health (PATH) – Cambodia**
    #22, Street 184, P.O. Box 1684, Phnom Penh
    Tel: +855 (23) 215005
    Fax: +855(23) 720172
    Email: shou@path.org
    Web: www.path.org

12. **Women and Youth Action**
    #212E0, st.107, Sangkat Orussey 4, Khan 7 Makara, Phnom Penh
    Tel: +855 012-771158 (HP)

**CHINA**

13. **Migrant Workers Education and Action Research Centre**
    100101, Room 1021, No.33 Beisihuang road, Caoyang District, Beijing
    Tel: +86 (10) 64845915
    Email: sdrcbj@yahoo.com.cn; jialinghan@126.com
    - MWETC works for the rights and welfare of rural-to-urban migrant workers, especially women workers and their families. Initially MWETC ran a training center in the migrant working community, and organized training and leisure activities for migrant workers after their working hours. The center has now moved to a migrant living community, and assists children of migrant workers and conducts education for parents on child bearing.
    - Ms. Hanjialing, the director of MWETC, is a member of the MMN Steering Committee and the MMN country coordinator for China.

14. **The Institute of Contemporary Observation (ICO) / Mekong Migration Network**
    6F, Tower A, Anhua Industrial Area, Chegongmiao, Futian District, Shenzhen
    Tel/Fax: +86 (755) 83879209
    Email: liukaiming@yahoo.com.cn
    Web: www.ico-china.org
15. **Ruili Women and Children Centre**  
Tel/Fax: + 86 (692) 4126075  
Email: dwcdc7000@yahoo.com.ch

16. **Society of Strengthening Capability of Women and Communities**  
Tel: +86 (871) 4142126,  
Email: zhaopeilan@sina.com, zhaopeilan@163.com

17. **Yunnan Floating Population**  
Tel: +85 (871) 4142103  
Email: licr2684@sina.com

18. **Yunnan Reproductive Health Research Association**  
No.228 Road Kunrui, Kunming, 650101, P.R China  
Tel: +86 (871) 5511683. Fax: +86 (871) 5511395  
Email: licr2684@sina.com

**LAO PDR**

19. **Faculty of Social Sciences, National University of Laos**  
Dongdok Campus (P.O. Box 7302)  
Vientiane  
Tel: +856 (21) 740505  
Fax: +856 (21) 770381  
• Ms. Phouxay Kabmanivanh is a member of the MMN Steering Committee and the MMN country coordinator for Lao PDR.

20. **Lao Women Union**  
Munthatourath Road, (P.O.Box59), Vientiane  
Tel/Fax: +856 (21) 214306, 214306  
• Provides counseling services for trafficked women and implements anti-trafficking projects through awareness-raising activities.

**THAILAND**

21. **Migrant Assistance Program (MAP) Foundation**  
63/31, Moo 8, U-mong, Soi 4, Suthep Road,  
Muang Chiang Mai, 50200 Thailand  
Tel: +66 (53) 811202  
• The MAP Foundation works with migrant workers on issues of health, labour and women's rights. The MAP Foundation provides information in migrant languages through radio
programs, brochures, audio magazines and interactive magazines. The Act Against Abuse project of MAP supports migrant communities to act against exploitation and abuse through advocacy to prevent exploitation, teach legal rights literacy and provide paralegal assistance. (MAP Foundation is the registered English name, the registered Thai name translates as “Foundation for the Health and Knowledge of Ethnic Labour”)

- Ms. Jackie Pollock is a member of the MMN Steering Committee and is the MMN country coordinator for Thailand.

22. **Thai Action Committee for Democracy in Burma (TACDB)**
   Student Christian Centre, 328 Phayathai Ratharee,
   Bangkok 10400, Thailand
   Tel: +66 (2) 8834428
   Fax: +66 (2) 4249173
   Email: tacdb@ksc.th.com
   - TACDB works with people from Burma including political activists, refugees and migrant workers who seek refuge in Thailand. It advocates for the support of the democracy movement in Burma and for the protection of migrants’ rights in Thailand. It aims to empower migrants from Burma through publishing a monthly newsletter about labor issues, running a training center and providing legal assistance through their Law Clinic.
   - Mr. Adisorn Kerdmongkol is a member of the MMN Steering Committee and is the MMN country coordinator for Thailand.

23. **Action Network for Migrants in Thailand (ANM)**
    c/o MAP Foundation
    - ANM is a network of migrant grassroots organizations and migrant support groups. They collectively advocate for better protection of migrants rights in Thailand.

24. **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) 2187462
    Fax: +66 (2) 2558854

25. **Catholic Commission for Migrants and Prisoners**
    (Maryknoll Thailand) - Ministry to Migrants in Thailand
    2074/17-18, New Road, Bangkok, Thailand
    Tel: +66 (2) 6815427
    Fax: +66 (2) 6815413
    - Provides various forms of relief and assistance for migrants and prisoners.
26. **Catholic Commission for Migrants and Prisoners (Maryknoll Thailand) – Office for Thai Workers Overseas (TWO)**

   122/11 Floor 7, P.S.T. Building, Soi Naksuwan, Nonsi Road, Yannawa, Bangkok 10120
   Tel: +66 (2) 6813900–2 Ext. 1701
   Fax: +66 (2) 6813900–2 Ext. 1703
   Email: cmptwo@ji-net.com

27. **Catholic Migration Commission (CMC) - Women’s Desk**

   232/9 Naret Road, Bangrak, Bangkok 10500, Thailand
   Tel: +66 (2) 2664439
   Tel/Fax: +66 (2) 2333073
   Email: cmcwdesk@bkk.loxinfo.co.th
   ● Provides support group development, skills training and assistance for migrant women.

28. **EMPOWER-Chiang Mai Center**

   72/2 Raming Nives Village, Tippa-netre, Hi-ya District, Thailand
   Tel: +66 (53) 282504
   Fax: +66(53) 201248
   Email: empower@cm.ksc.co.th
   ● Outreach, education and skills training for sex workers in Thailand.

29. **EMPOWER-Mae Sai Center**

   278/4 Mu 7, Ko San Road, Mae Sai District, Chiang Rai, 57130, Thailand

30. **Federation of Trade Unions - Burma (FTUB)**

   P.O. Box 1270
   GPO Bangkok, Thailand
   Tel: +66 01-6442296 (HP)
   Fax: +66 (2) 6328832
   ftub@tradeunions-burma.org
   ● Advocacy, unionizing, training, research, networking, radio broadcasts etc.

31. **Foundation For Women**

   295 Charansanitwong Soi 62, Wat Paorohit, Bangplad, Bangkok
   10700, Thailand; or
   P.O. Box 47, Bangkoknoi, Bangkok 10700
   Tel.: +66 (2) 4351246, 4335149
   Fax: +66 (2) 4346774
   Email: FFW@mozart.inet.co.th
   Website: www.womenthai.org
   ● Provides education, awareness-raising and assistance to women in need, including migrants.
32. **Institute for Population and Social Research (IPSR)**
Mahidol University, Puttamonthon 4 Road, Salaya,
Nakhonpathom, 73170, Thailand
Tel: +66 (2) 4410201~4  Ext. 244
Fax: +66 (2) 4419333

33. **Maryknoll Thailand - Office for Migrants at Immigration Detention Center in Bangkok**
P.O.Box 1112 Suan Phlu 10120, Bangkok
Fax: +66 (2) 2863407

34. **The Mekong Subregional Program-Christian Conference of Asia (MSP-CCA)**
3-6 Chaleonmuang Road, Chiang Mai 5000, Thailand
Tel: +66 (53) 261244
Fax: +66 (53) 302570
Email: mspcca@chmai2.loxinfo.co.th
- MSP's work focuses on HIV/AIDS and cross-border migration. Their goal is to enhance cooperation and the networking of churches and related organizations in the Mekong Sub-region. To facilitate the exchange and sharing of information among church leaders. The program promotes church leadership development and the church’s role in the issues through a leadership and capacity building program including human rights training.

35. **Program for Appropriate Technology in Health (PATH) - Thailand**
37/1 Petchburi 15 Rajthevi, Bangkok 10400
Tel: +66 (2) 6537563~5
Fax: +66 (2) 6537568
Web: www.path.org

36. **Shan Women’s Action Network (SWAN)**
P.O. Box 79 Chiang Mai, Thailand 5000
Tel: +66 (53) 252450/398525
Fax: +66 (53) 399139
- Promotes women’s rights and empowerment along the Thai-Burma border.

**VIETNAM**
37. **Southern Institute of Social Sciences**
49 Nguyen thi Minh Khai Street – Ben Nghe Ward - District 1 - Ho Chi Minh City, Vietnam
Cc: 67/2B Quang Trung Street, Ward 10 - GO VAP District – Ho Chi Minh City, Vietnam
Fax: +84 (8) 9966220, 8223735
Email: tuyeth@hcm.vnn.vn, tuyethuynh253@yahoo.com
The Southern Institute of Social Sciences researches social science and humanity issues related to sociology and development, ethnology and religion, gender and family, economics, history, archeology, literature and linguistics, etc., of which poverty reduction issues in the process of urbanization, industrialization and migration has been a major concern.

Ms. Tuyet Thi Ngoc Huynh is a member of the MMN Steering Committee and is the MMN country coordinator for Vietnam.

38. **Education & Psychology Association - Ho Chi Minh City**
   
   74 Duong Dinh Nghe street, W.8, D.11, Ho Chi Minh City
   
   Tel: +84 (8) 8581189
   
   Email: nhahit@hcm.vnn.vn

39. **Social Work and Community Development Center**
   
   572/4 Le Quang Dinh Street, Ward 1, GO VAP District – Ho Chi Minh City,
   
   Tel: +84 (8) 8955034
   
   hienhulo@yahoo.com

40. **Social Work & Community Development Unit**
   
   130 (Room 306) Pasteur Street, District 1, Ho Chi Minh City – Vietnam
   
   Tel: +84 (8) 8228652
   
   Email: chauthuy@hcmc.netnam.vn

41. **Sunflower Vocational Training Unit**
   
   C 238 Xom Chieu street, District 4, Ho Chi Minh City – Vietnam
   
   Tel: +84 (8) 9402691
   
   Fax: +84 (8) 9858202
   
   Email: truonghiep93@yahoo.com

**REGIONAL**

42. **Asian Migrant Centre (AMC)**
   
   9/F Lee Kong Commercial Building, 115 Woosung Street, Kowloon, Hong Kong
   
   Tel: +852 23120031
   
   Fax: +852 29920111
   
   Email: amc@pacific.net.hk;
   
   Website: http://www.asian-migrants.org

   Ms. Reiko Harima (reiko@asian-migrants.org) is a member of the MMN Steering Committee and is serving as the MMN Interim Secretariat.
MMN PROJECT PARTNERS

43. Rockefeller Foundation
   Bangkok Regional Office
   21st Floor, UBC2 Building, No. 591, Sukhumvit Road
   (Soi 330 Wattana, Bangkok 10110), Thailand
   Tel: +66 22620091~95
   Fax: +66 22620098
   Web: www.rockmekong.com

44. OXFAM Hong Kong
   17/F China United centre
   28 Marble Road, North Point, Hong Kong
   Tel: +852 25202525
   Fax: +852 27899545
   Email: admin@oxfamhk.org

MMN Associates & Contacts

BURMA/MYANMAR

45. Save the Children-Myanmar
   21 A/B, Kanyeiktha Lane, Kaba Aye Pagoda rd., Mayangone, Yangon, Myanmar
   Tel: +95 (1) 665747, 666155
   Fax: +95 (1) 666155
   Email: scuk@mptmail.net.mm

46. Student Christian Movement
   MESC Building (107), GO1 Pyay Road
   Kamayut, Yangon
   Tel: +95 (1) 513579
   Email: shwelin@yangon.net.mm

47. YMCA-Myanmar
   C/o National YMCA. 263, Maitanan Doula Street, Botataung Township, Yangon
   Tel: +95 (1) 685399
   Fax: +95 (1) 685121
48. **World Vision-Myanmar**
   
   Rm 4, Bldg 13, Ministry of Industry 1 Compound, Bahan Township Yangon, The Union of Myanmar
   
   Tel: +95 (1) 525191
   Fax: +95 (1) 527502
   Email: wvm@mptmail.net.mm

   No.56, Nguwar Street, Ahlone Township, Yangon
   
   Tel: +95 (1) 227136

   16, Shin Saw Pu Road, Ahlone Township, Yangon
   
   No.2 6th Floor, Upper Pazundaung Road, Pazundaung Township, Yangon
   
   Tel: +95 (1) 203321, 525191
   Fax: +95 (1) 527502
   
   Website: [http://www.worldvision-asiapacific.org/country.asp?id=7](http://www.worldvision-asiapacific.org/country.asp?id=7)

   - Education, health care and HIV/AIDS awareness-raising, skills training.

**CAMBODIA**

49. **CARE Cambodia**

   P.O. Box 537, House 52, Street 352, Phnom Penh, Cambodia
   
   Tel: +855 (23) 215267–9
   Fax: +855 (23) 426233
   Email: carehiv.adis@online.com.kh

**CHINA**

50. **Women Federation – Wenshen Prefecture, Yunnan**

51. **China National Children’s Centre, Yunnan Branch**

   No. 11 Yongle Lu
   Kunming, Yunnan, China
   
   Tel: +86 (871) 4092625
   Fax: +86 (871) 4141280

52. **Institute for Health Sciences, Kunming Medical College**

   191 #West Renmin Road, Kunming, Yunnan, 650031, China
   
   Tel: +86 (871) 4092625
   Fax: +86 (871) 8222657 / 5311542
53. **Institute of Sociology Yunnan Academy of Social Sciences (YASS),**
   Yunnan Sociology Society
   577 Huancheng Xi Lu
   Kunming, Yunnan, P.R.C.
   Tel: +86 (871) 4154718 or 4157181
   Fax: +86 (871) 4142394

54. **Save the Children - China Programme**

55. **Sociology Institute Yunnan Academy of Sciences (YAS)**
   577 Huancheng West Road
   Kunming, Yunnan 650032 P.R.C.
   Tel: +86 (871) 5127548
   Fax: +86 (871) 3196648

56. **Yunnan Normal University**

**LAO PDR**

57. **Lao Evangelical Church**
   Luangprabang Road, P.O.Box 615, Vientiane, Lao PDR
   Tel: +856 (21) 217541, 216222
   Fax: +856 (21) 216052
   • Provides migration-related assistance with a focus on HIV issues; also conducts reintegration training for village and church leaders in Lao PDR.

58. **Ministry of Foreign Affairs**
   Department of International Cooperation
   Tel: +856 (21) 261003
   Email: vilaythone@hotmail.com

59. **National Economic Research Institute (NERI)**
   Luang Prabang Road, Vientiane, Lao PDR 01001
   Tel: +856 (21) 214740; 216659
   Email: nscp@laotel.com

60. **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) 450863, 450864
   Fax: +856 (21) 414660
   Email: oxfamsol@laotel.com
THAILAND

61. Altsean-Burma
   P.O.Box 296, Lardprao, Bangkok 10310, Thailand
   Tel: +66 01- 8509008 (HP)
   Fax: +66 (2) 5136752
   • Research and advocacy on issues in Burma.

62. Center for AIDS Rights (CAR)
   Email: supatra@carthai.org

63. EMPOWER- Bangkok
   Ar Karn 3, Floor 3rd Pattanarat Road, Silom, Bangkok 10500, Thailand
   Tel: +66 22369272

64. Friends Without Borders (FWB)
   P.O. Box 180, Chiang Mai University P.O.,
   Chiang Mai 50202, Thailand
   Tel: +66 (53) 893095
   Fax: +66 (53) 222509
   Email: aurora@ksc.th.com
   • Promotes understanding between the Thai host community and the Burmese migrant workers;
campaigns against human rights abuses.

65. Pattanarak Foundation
   120/3 Wannaying Road, Muang, Chachoengsao 24000
   Tel/Fax: +66 (38) 514677
   Web: www.pattanarak.or.th

66. Raks Thai Foundation
   185-187 Phaholyothin Soi 11, Samsennai, Phayathai, Bangkok 10400
   Tel: +66 (2) 2795306–7 ext 30
   Fax: +66 (2) 2714467
   Email: promboon@samart.co.th
   Web: www.phamit.org; www.raksthai.org
   • Principle recipient of the Global Fund to Fight AIDS, TB and Malaria (GFATM) support
   program on HIV/AIDS prevention among migrant workers in Thailand. Working with partners
to cover 22 provinces and advocate for the health of migrants.
67. **World Vision -Thailand**  
PO Box 528 Prakanong  
Bangkok 10110, Thailand  
Tel: +66 (2) 3818863  
Fax: +66 (2) 7114102  
Website: www.worldvision.or.th  
- Area development programs, Trafficking Project, and the Girl-child Anti-prostitution project.

68. **Young Chi Oo Association**  
Mae Sod, Thailand  
Tel: +66 (55) 542622  
P.O Box 37, Mae Sot, Tak 63110, Thailand  
Email: moeswe88@hotmail.com

**VIETNAM**

69. **Department for Population Studies, Institute of Sociology**  
27 Tran Xuan Soan St., Hanoi, Vietnam  
Tel: +84 (4) 9725053  
Fax: +84 (4) 8465621  
Email: danganh@netnam.vn

70. **Institute for Social Development Studies**  
Suite 906, Building 17T5, New Urban Area Trung Hoa-Nhan Chinh, Tran Duy Hung Road,  
Hanoi, Vietnam  
Tel: +84 (4) 2510232/33  
Fax: +84 (4) 2510250  
Email: isds@isds.org.vn  
Web: www.isds.org.vn

71. **Mobility Research and Support Center**  
86/23A, Thich Quang Duc St., Phu Nhuan Dist., Ho Chi Minh City, Vietnam  
Tel/Fax: +84 (8) 9551718 / 9951819  
Email: caramvn@hcm.vnn.vn  
Web: http://www.mrsc.org.vn

72. **Vietnam Women’s Union**  
No. 39 Hang Chuoi Street, Hanoi, Vietnam  
Tel: +84 (4) 7751489  
Fax: +84 (4) 9713143
REGIONAL

73. Migrant Forum in Asia (MFA)-Secretariat
   9-B Mayumi St., U.P. Village, 1101 Quezon City, Philippines
   Tel: +63 (2) 4333508
   Tel/Fax: +63 (2) 4331292
   Email: mfa@pacific.net.hk
   Website: www.migrantnet.pair.com

74. Asia Pacific Forum on Women, Law and Development (APWLD)
   c/o Santitiram, YMCA 3rd Floor, Rm. 305-308, 11 Sermsuk Road, Mengrairasm, Chiang Mai, Thailand 50300
   Tel: +66 (5) 3404613
   Fax: +66 (5) 3404615
   Email: apwld@apwld.org

UN AGENCIES AND INTER-GOVERNMENTAL ORGANIZATIONS

75. Economic and Social Commission for Asia and the Pacific (ESCAP)
   http://www.unescap.org
   ● Project: Using Legal Instruments to Combat Trafficking in Women and Children.

76. 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) 2881722, 2882218
   Fax:+66 (2) 2883063
   http://www.ilo.org
   ● Project: Mekong Sub-regional Project to Combat Trafficking in Children and Women.
   (http://www.ilo.org/asia/child/trafficking)

77. International Organization for Migration (IOM), Bangkok
   8th Floor, Kasemkij Bldg.,
   120 Silom Road
   Bangkok, 10500 Thailand
   Tel: +66 (2) 235538~9
   Fax:+66 (2) 2367128
   http://www.iom.int
   ● Project: Return and Reintegration of Trafficked and Other Vulnerable Women and Children Between Selected Countries in the Mekong Region.
78. United Nations (UN), Bangkok
   United Nations Building
   Rajadamnoen Nok Avenue
   Bangkok, 10200 Thailand
   http://www.un.or.th

79. UN Development Program (UNDP)
   Rajadamnoen Nok Avenue
   Bangkok, 10200 Thailand
   Tel: +66 (2) 2882205
   Fax: +66 (2) 2801852
   http://www.undp.org/rbap
   • Project: UNDP South East Asia HIV and Development Project
     (www.hiv-development.org)

80. 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.

81. 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) 2882213
   Fax: +66 (2) 2800556
   http://www.un.or.th/TraffickingProjectk

82. 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.

83. United Nations Development Fund for Women (UNIFEM)
   http://www.unifem-eseasia.org;
   See also: http://www.unifemantitrafficking.org/download/regional.doc
   • Carries out various programs in GMS countries including mental counseling for trauma victims in Cambodia as well as venture capital and leadership programs in Thailand.
84. United Nations Population Fund (UNFPA)

http://www.unfpa.org

- Conducts reproductive health and HIV/AIDS training in GMS countries. Programs include skills training, counseling, awareness-raising and reproductive health information and services in Laos.

Other Relevant NGOs and Organizations

BURMA

85. Association Francois-Xavier Bagnoud (AFBX)

96 Inya Road, Kamayut Township, Yangon, Myanmar
Email: afxbmyanmar@mptmail.net.mm
Website: www.afxb.org

86. Myanmar Maternal and Child Welfare Association

Corner of Than-Thu-Mar Road and Parami Road
South Okkalapa Township, Yangon, Union of Myanmar
Tel: +95 (1) 571123
Fax: +95 (1) 572104
Web: www.mmcwa.org

- Reproductive health care and education, child care services, student scholarships, literacy and income generation programs.

Cambodia

87. Cambodian Red Cross

No. 17, St.180, Phnom Penh, Cambodia
Tel: +855 (23) 363055
Email: hivcrc@forum.org.kh

- HIV/AIDS/STDs Community Education Project.

88. Kampuchea Christian Council

No. 54, St. 111, S/K Boeng Prolit, Khan 7 Makara, Phnom Penh, Cambodia
Tel/Fax: +855 (23) 426619
Email: kcc@forum.org.kh

89. World Relief

- Health care, income generation and small loans programs in Cambodia.
90. World Vision- Cambodia
   P.O. Box 479
   Phnom Penh, Cambodia
   Tel: +85 (52) 3427054
   Fax: +85 (52) 3426220
   • Area development programs, services for children such as Phnom Penh Street Children Project, HIV/AIDS prevention programs.

CHINA
91. Dehong Women’s Federation
   • Helps to operate a Women and Children’s Development Center which provides service to migrants.

92. Muslim Service Center
   • Provides assistance to Burmese migrants in Yunnan, China to deal with problems, including work-related issues and problems with PRC authorities.

93. Ruili Burmese Muslim Association
   • Provides education and community services for Burmese migrants in Ruili.

94. Ruili Women’s Federation
   • Helps to operate a Women and Children’s Development Center which provides services to migrants.

95. Yunnan Women’s Federation
   • Conducts research on migration of women from Yunnan into Southeast Asia.

LAO PDR
96. LPR Youth Union
   Phon Than
   P.O.Box 736, Vientiane, Lao PDR
   Tel: +856 (21) 417107
   Fax: +856 (21) 416727
   • Anti-trafficking awareness-raising, community activities and skills training for Lao youth.

97. Save the Children - Norway (Redd Barna)
   • Programs include education and child labor exploitation prevention in GMS countries such as Cambodia and Lao PDR.
THAILAND

98. Asian Cultural Forum on Development (ACFOD)
   P.O. Box 26, Bungthonglang
   Bangkok 10242, Thailand
   Tel: +66 (2) 3779357
   Fax: +66 (2) 3740464
   Email: acfod@ksc15.th.com
   • Capacity and coalition building among migrants.

99. Burmese Women’s Union
   P.O.Box S2, Mae Hong Son, 58000 Thailand
   Tel: 01-4074778
   Tel/Fax: +66 (53) 612-948 or 245388
   Fax: +66 (53) 852071
   Email: Bwunion@chmai2.loxinfo.co.th

100. Child Workers in Asia
     PO Box 29 Chandra Kasem PO
     Bangkok, 10904 Thailand
     Tel: +66 (2) 9300855
     Fax: +66 (2) 9300856
     Website: http://www.cwa.tnet.co.th
     • Research and advocacy regarding children working in Thailand.

101. Development and Education Program for Daughters & Communities (DEPDC)
     P.O. Box 10, Mae Sai, Chiang Rai 57130, Thailand
     Tel: +66 (53) 733186
     Fax: +66 (53) 642415
     Email: depc@ksc.th.com
     • Program seeks to prevent young girls from entering the Thai sex trade; activities include
       education, skills training, rescue and rehabilitation as well as a program to educate
       street children.

102. Family Health International (FHI)
     Arwan Building 8th Floor
     1339 Pracharat 1 Road, Bangsue,
     Bangkok 10800, Thailand
     Tel: +66 (2) 5874750
     Fax: +66 (2) 5874758
     Email: ane@fhibkk.org
     • Programs include HIV/AIDS services for vulnerable migrants and mobile populations who are
       not reached by national programs.
103. **Foundation of Education for Life and Society (FELS)**
   
   47 Phaholyothin Golf Village  
   Phaholyothin Road, Larprao  
   Chatuchak, Bangkok 10900, Thailand  
   Tel: +66 (2) 5133038, 5134408  
   Fax: +66 (2) 5134408  
   - Education on community development, scholarship opportunities for poor children.

104. **Global Alliance Against Traffic in Women (GAATW)**
   
   P.O. Box 36, Bangkok Noi Post Office  
   Bangkok 10700, Thailand  
   Tel: +66 (2) 8641427  
   Fax: +66 (2) 8641637  
   Website: http://www.inet.co.th/org/gaatw  
   - Conducts research and implements projects to prevent trafficking of women in the Mekong region.

105. **Jesuit Refugee Service, Asia-Pacific**
   
   24/1 Soi Aree 4 (South), Phaholyothin Soi 7  
   Bangkok 10400, Thailand  
   Tel: +66 (2) 2791817  
   Fax: +66 (2) 2713632  
   Email: asia.pacific@jrs.net  
   - Provides various services to refugees and migrants in Thailand.

106. **Karen Human Rights Group**
   
   Email: khrg@khrg.org  
   - Photo diary of Burmese human rights abuses, including abuses experienced by migrants in Thailand.

107. **MAYA: The Art and Cultural Institute for Development**
   
   189 Lardprao 96, Bang Kapi  
   Bangkok 10310, Thailand  
   Tel: +66 (2) 5381404, 9318799, 9318792  
   Fax: +66 (2) 9318746  
   - Conducts various programs such as theatre-in-education and media production services which incorporate human rights education.

108. **Radio Thailand (RT)**
   
   Website: www.prd.go.th/mcic/radio.htm  
   - Broadcasts awareness-raising campaigns and other migrant-related content in indigenous languages.
109. **Save the Children Fund – UK**  
99/5 Sukumvit Rd., Soi 4, Soi.Samaharn, Klong Toey,  
Bangkok 10110, Thailand  
Tel: +66 (2) 2517851, 6568114–5  
Fax: +66 (2) 2557054, 2550754  
- Conducts research on issues related to migrant children in GMS.

110. **South-East Asia Regional Group**  
Asia Partnership for Human Development (APHD)  
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 defense of migrant workers’ rights, and human rights advocacy.

111. **Women’s Education for Advancement and Empowerment (WEAVE)**  
P.O. Box 58, Chiang Mai University, Chiang Mai 50202, Thailand  
Tel: +66 (53) 278945  
Fax: +66 (53) 810500  
Email: weave@cm.ksc.co.th  
- Carries out various programs to assist Burmese women, including migrants. Works through such programs as the Committee for Coordinating Services for Displaced Persons in Thailand and the Burma Border Consortium.

112. **Women’s League of Burma**  
Chiang Mai, Thailand  
Email: wlb@loxinfo.co.th

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**VIETNAM**

113. **CARE- Vietnam**  
93/35, Su Van Hanh Noi Dai, Dist. 10, Ho Chi Minh City, Vietnam  
Phone: +84 (8) 8650232  
Fax: +84 (8) 8626056  
Email: carehcm@vietnam2.org.vn

114. **The Center for Reproductive and Family Health (RaFH)**  
Tel: +84 (4) 7333613  
Email: RAFH@hn.vnn.vn  
- Reproductive health care for poor families in Vietnam.
115. **CHEER/AHO (Association for the Handicapped and Orphans of Hue)**
   - Revolving Loan Fund Program in Vietnam.

116. **Far East Help**
   - Website: www.fareasthelp.org
   - Education services, center for street children in Vietnam.

117. **Horizons Population Council**
   - 02 Dang Dung Street, Hanoi, Vietnam
   - Tel: +84 (4) 7161716
   - Fax: +84 (4) 7161707
   - 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.

118. **International Organization for Migration (IOM) - Vietnam**
   - 43 Tran Xuan Soan Street., 5th Floor, Hanoi, Vietnam
   - Tel: +84 (4) 9716912, Fax: 9716913

119. **OXFAM- Quebec**
   - 16 Lane 164, Doi Can Str., Hanoi, Vietnam
   - P.O. Box 67 Hanoi, Vietnam
   - Tel: +84 (4) 8430632
   - Fax: +84 (4) 8430472
   - Implements counter trafficking projects

120. **Save the Children - UK, Vietnam Office**
   - c/o La Thanh Hotel
   - 218 Doi Can Street, Ba Dinh District, Hanoi, Vietnam
   - Tel: +84 (4) 8325319
   - Fax: +84 (4) 8325073
   - Website: www.savethechildren.org.uk
   - Carries out programs to promote children’s rights and health through social development; currently implementing HIV/AIDS programs.

121. **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) 8413010
OUTSIDE GMS

122. **Asia Against Child Trafficking (AsiaACTS)**
    
    Rm 224, LTM Building, Luzon Avenue
    Quezon City, Metro Manila, Philippines
    
    Tel: +63 (2) 9519982
    Fax: +63 (2) 9520280
    Website: www.stopchildtrafficking.info
    
    - Child trafficking prevention campaigns throughout Southeast Asia, including GMS countries.

123. **Coalition Against Trafficking in Women - Asia Pacific (CATW-AP)**
    
    Suite 406, Victoria Condominium,
    41 Annapolis St., Greenhills, San Juan,
    Metro Manila 1500, Philippines
    
    Tel. +63 (2) 7220859
    Fax: +63 (2) 7220755
    Email: catw-ap@catw-ap.org
    
    - An international network of feminist groups, organizations and individuals fighting the sexual exploitation of women globally.