



International Organization for Migration (IOM)
The UN Migration Agency

Cumulative Outcomes from the National Consultations on the Global Compact for Safe, Orderly and Regular Migration

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The Royal Thai Government • Ministry of Foreign Affairs • IOM

FINAL REPORT

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CONTENTS

3	<u>Section I</u> <i>Introduction to the Global Compact for Migration- Background, Aims and Objectives</i>
4	<u>Section II</u> <i>Background to the National Stakeholder Workshops</i>
5	<u>Section III</u> <i>Thematic Cluster #1: Human Rights of all Migrants, Social Inclusion, Cohesion, and all Forms Of Discrimination, including Racism, Xenophobia and Intolerance</i>
7	<u>Section IV</u> <i>Thematic cluster #3: Governance of migration in all its dimensions, including at borders, on transit, entry, return, readmission, integration and reintegration</i>
8	<u>Section V</u> <i>Thematic cluster #4: Contributions of migrants and diasporas to all dimensions of sustainable development, including remittances and portability of earned benefits</i>
9	<u>Section VI</u> <i>Thematic cluster #5: Smuggling of migrants, trafficking in persons and contemporary forms of slavery, including identification, protection and assistance to victims</i>
11	<u>Section VII</u> <i>Thematic cluster #6: Irregular migration and regular pathways, including decent work, labor mobility, recognition of skills and qualifications, and other relevant measures</i>

BACKGROUND, AIMS AND OBJECTIVES

In an era characterized by environmental uncertainty, human-made crises, overpopulation and globalized economies, increasing trends in global migration have resulted in the necessity for strengthened migration governance. The international framework of the Sustainable Development Goals has recognized the positive contribution of migration and has brought to the attention of world leaders the need for countries and regions to engage in collaborative efforts to resolve shortcomings, share best practices and promote positive change in the way migration is perceived, managed and understood across the globe.

In September 2016 Heads of State and Government came together to discuss, at the global level within the UN General Assembly, issues related to migration and refugees. This sent an important political message that migration and refugee matters have become major issues in the international agenda. In adopting the New York Declaration for Refugees and Migrants, the 193 UN Member States recognized the need for a comprehensive approach to human mobility and enhanced cooperation at the global level and committed to:

- protect the safety, dignity and human rights and fundamental freedoms of all migrants, regardless of their migratory status, and at all times;
- support countries rescuing, receiving and hosting large numbers of refugees and migrants;
- integrate migrants – addressing their needs and capacities as well as those of receiving communities – in humanitarian and development assistance frameworks and planning;
- combat xenophobia, racism and discrimination towards all migrants;
- develop, through a state-led process, non-binding principles and voluntary guidelines on the treatment of migrants in vulnerable situations; and
- strengthen global governance of migration, including by bringing IOM into the UN family and through the development of a global compact for safe, orderly and regular migration

Annex II of the New York Declaration set in motion a process of intergovernmental consultations and negotiations culminating in the planned adoption of the **Global Compact for Migration (GCM)** at an intergovernmental conference on international migration in 2018.

Aims of the Global Compact for Migration

The GCM is framed consistent with target 10.7 of the 2030 Agenda for Sustainable Development in which member States committed to cooperate internationally to facilitate safe, orderly and regular migration and its scope is defined in Annex II of the New York Declaration. It is intended to:

- address all aspects of international migration, including the humanitarian, developmental, human rights-related and other aspects;
- make an important contribution to global governance and enhance coordination on international migration;
- present a framework for comprehensive international cooperation on migrants and human mobility;
- set out a range of actionable commitments, means of implementation and a framework for follow-up and review among Member States regarding international migration in all its dimensions;
- be guided by the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda; and
- be informed by the Declaration of the 2013 High-Level Dialogue on International Migration and Development¹.

¹ The views, opinions, conclusions and other information expressed in this document are not given nor necessarily endorsed by the International Organization for Migration (IOM).

(II) BACKGROUND TO THE NATIONAL STAKEHOLDER WORKSHOPS

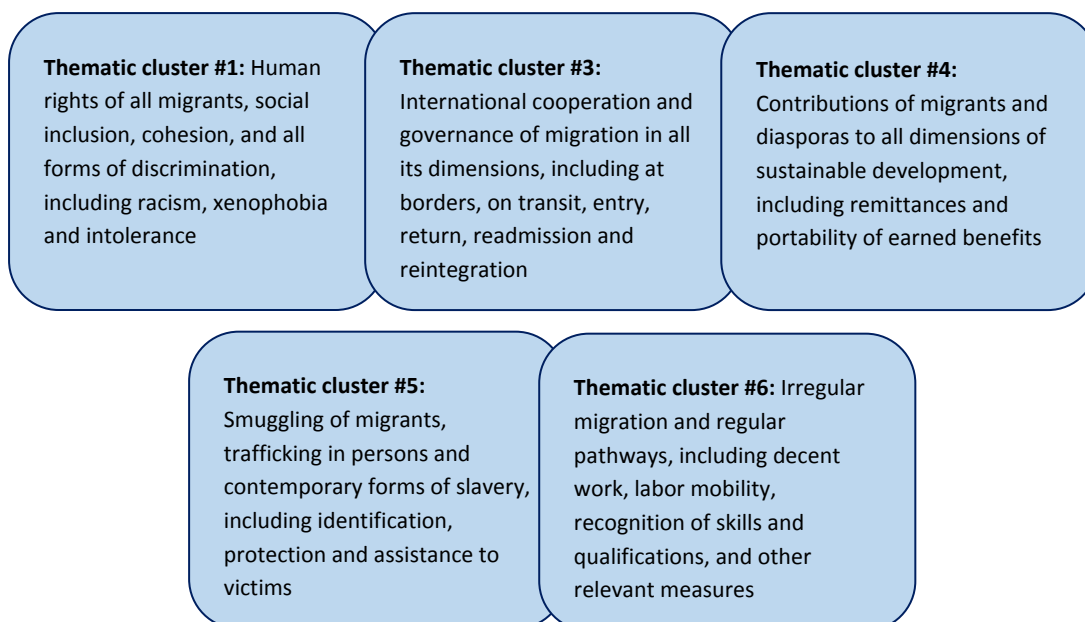
The GCM is a Member State-led effort, for which two stakeholder workshops were held in Thailand to prepare the inputs and contributions of the Royal Thai Government to inform the Regional Preparatory Meeting to be held in Bangkok in November 2017. As National Chair, the Ministry of Foreign Affairs organized and facilitated stakeholder workshops in Tak and Samut Sakhon, two provinces with significant migrant populations. The stakeholder workshops ensured an open, transparent and inclusive process of consultations and the effective participation of a diverse range of stakeholders, including governmental agencies, international non-governmental organizations (NGOs), national NGOs and community-based organizations, and intergovernmental organizations. The stakeholder workshops therefore enabled a wide range of stakeholders to:

- reflect on particular concerns and issues relating to migration, as well as priorities in the short- and long-term;
- identify and reach consensus on good practices at the policy and operational level;
- work together to identify practical and pragmatic recommendations for policies, strategies and activities at local, national, and regional levels;
- influence the direction of the Regional Preparatory Meeting;
- promote policy dialogue, and identify avenues for future cooperation and partnership on migration issues amongst various stakeholders.

To best ensure that discussions within the stakeholder workshops remained strategic and pragmatic, each workshop had a thematic focus, as follows:

- Tak Province: Enhancing cross-border cooperation and governance of migration in all its dimension to combat smuggling and trafficking of migrants;
- Samut Sakhon Province: Promoting Human Rights of Migrants through Safe Migration, Including Health and Education.

The thematic focus areas of the workshops were designed to enable broad-based discussions that would encompass key element of four of the thematic clusters identified in the Modalities Resolution, namely:



Ultimately the workshops were designed to be fundamentally participatory in nature and were successful in this regard with many fruitful plenary and breakout discussions facilitated. The dialogue was guided by agendas that followed a logical trajectory, beginning with challenges, moving to best practices and concluding with detailed consultations on recommendations for policies and programmes moving forward. The below pages will incorporate a range of recommendations grouped under the thematic clusters that prevailed as important considerations during the stakeholder dialogue at both the Tak and Samut Sakhon workshops.

(III) THEMATIC CLUSTER ONE

HUMAN RIGHTS OF ALL MIGRANTS, SOCIAL INCLUSION, COHESION, AND ALL FORMS OF DISCRIMINATION, INCLUDING RACISM, XENOPHOBIA AND INTOLERANCE

The principle focus of the GCM stakeholder workshop in Samut Sakhon was to open a multifaceted dialogue on the promotion of human rights of migrants through safe migration. The event's discussion touched on existing challenges in Thailand and resulted in the development of a diverse series of recommendations to promote and uphold migrant rights, irrespective of status. In consideration of the theme for the day, many of the recommendations were collectively based on increasing overall migrant access to social services including health and education.

The morning session was devoted to discussing challenges restricting the protection of human rights of migrants. In particular, it was agreed that current legislation does not adequately cover **all** migrants, taking into account various legal statuses. It has been found that many migrant workers do not actively endeavor to break the law, but instead they have not been provided adequate information to make legally-informed choices regarding registration. Most pertinently, important services such as victim compensation and the justice system are only available to those who are officially registered. Industries like domestic work and agriculture are more difficult to regulate, and are therefore accommodating a higher percentage of informal workers. Many migrant workers in these sectors have limited or no access to legal protection or social services.

RECOMMENDATIONS

Safeguarding equity of access to education and training as a fundamental human right for migrant populations:

- a) Strengthen the portability and transferability of skills and education, to enable migrant students to receive an ongoing and un-interrupted education.
- b) Increase the mandatory quota for migrant children in the formal education system to ensure that schools are providing fair and equitable access to education services for students of diverse heritage.
- c) Enhance synergies between schools and non-formal learning centres, in order to assist migrant children in obtaining skills and knowledge to contribute to driving social and economic development in Thailand and the wider region.
- d) Promote subsidized book distribution in schools and at home as well as encouraging parents to understand the importance of education to improve student retention.
- e) Introduce government endorsed information campaigns and workshops to educate migrant workers on the Thai legal and regulatory system.
- f) Implement further government-led campaigns to assist the social integration of migrant workers by disseminating messages that challenge the current attitudes of Thai society, break down socio-cultural barriers and promote inclusion.

Migrants employed in "3D jobs" (dirty, dangerous and

demanding), including manufacturing, construction and fisheries are also considerably more vulnerable to exploitation and precarious workplace conditions. However there is no existing policy that takes these industry specific dangers into account. Current migrant policies are also yet to consider the needs of migrant workers' children.

Another issue raised was the discernible information gap between policy-level stakeholders and operational-level activities. Front-line actors like field officers, law enforcement officials and immigration police require clearer and more simplified guidelines to ensure efficiency and competency in migration case selection, prioritization and management. To address this gap, local law enforcers should be instructed on international standards and protocols for protecting the human rights of migrants and their families. This was discussed in relation to how one should professionally manage the deportation of irregular migrants when they are medically vulnerable (pregnant, drug users etc.).

Although these challenges and gaps were identified, the delegates also highlighted a broad range of best practices to be utilized as productive examples to build on for next steps in future government migration management. Pertinent best practices listed include the establishment of a sufficient complaint mechanism by the Ministry of Labour available in three migrant languages, and the legal requirement (under law Labour Relations Act B.E. 2543) for 80-90% of companies that consist of more than 50 workers to establish a “workers working group” by election, to hold quarterly meetings with their workers to enable discussions on labour rights.

The life quality of migrant workers has been actively improved upon through the collaborative efforts of the National Housing Authority by providing places of residence for migrant workers to rent and the Ministry of Social Development and Human Security, which funds one-stop service centers to promote migrant access to health care.

Migrant workers are also currently preparing to have their own union/confederation (currently being revised under the Labour Relations Act B.E. 2543), which will be an important step in ensuring transparency in government schemes and accountability within the private sector. In the meantime, there are existing civilian networks that help to monitor recruitment agencies and factories that have been found to violate human rights in the past. This has been particularly effective in the seafood processing industry in Samut Sakhon.

Although the abovementioned positive measures are being enforced, it is evident that important social services, such as healthcare and protection, remain fragmented between different laws and institutions, resulting in both insufficiencies and segments of the migrant completely unprotected by official schemes.

RECOMMENDATIONS

Ensuring safe and reliable healthcare for all, with a view to promote regional continuum of care:

- a) Develop simple yet effective info-graphic campaigns in the native languages of migrant workers to promote awareness on how to access education and healthcare services. Disseminate campaigns via social media as an effective and economical channel through which to reach out with the most impact.
- b) Review the current healthcare coverage and consider a possible balanced solution to sustain the health welfare system that takes into account the needs of migrants and enables the migration population to contribute to the health security of Thailand.
- c) Introduce policies that explicitly take into consideration the needs of migrant children, who are at risk of finding themselves in an irregular status and unable to access social welfare and healthcare services.
- d) Implement measures to best ensure continuum of care, most pertinently when migrants return to their countries of origin, as well as identifying and tackling those bottlenecks to healthcare that impinge upon health outcomes within migrant communities.

The discussions highlighted that, through strengthening ongoing policies and practices, Thailand can remain a leader in ASEAN in assisting and guiding neighboring countries by enforcing exemplary measures for the protection of rights and social inclusion of migrants. Instrumental to the promotion of fundamental human rights for migrant communities is the provision and access to basic social services in the form of education and healthcare. By providing access to these basic necessities, the government will provide the best chance possible for migrant families to naturally integrate into Thailand and prosper as productive members of Thai society, with a decrease in instances of racism, xenophobia, discrimination and intolerance.

(IV) THEMATIC CLUSTER THREE

INTERNATIONAL COOPERATION AND GOVERNANCE OF MIGRATION IN ALL ITS DIMENSIONS, INCLUDING AT BORDERS, ON TRANSIT, ENTRY, RETURN, READMISSION, INTEGRATION AND REINTEGRATION

During each stakeholder workshop participants highlighted the importance of reinforcing both existing coordination mechanisms and creating new opportunities for enhanced regional coordination, as well as fostering bilateral and regional dialogue and cooperation on relevant issues of common concern, most pertinently with Cambodia, Lao PDR, and Myanmar.

The Royal Thai Government both acknowledges its key position as the main destination country for international migration in the Greater Mekong Sub-region (GMS) and realizes its responsibility in leading the development and implementation of improved regional-level regularized systems of migration management. In this way, horizontal coordination and dialogue between origin and destination countries on migratory patterns is likely to ensure the improved protection of migrant workers through bilateral government accountability.

Stakeholders highlighted some of the best practices as regards regional cooperation, such as MOU development to promote cross-border economic cooperation through establishing legal channels for safe migration, Thailand and Myanmar bilateral SOP on Case Management, Repatriation, and Reintegration of Victims of Trafficking and regional cooperation between border officials on child protection and identification and referral of potential victims. The stakeholders largely emphasized the importance of continuing to identify avenues for increased coordination and harmonization of approaches across the GMS. Through strengthening ongoing policies and practices that fosters international collaboration, Thailand remains a leading country within ASEAN that can provide guidance in migration management to other countries, particularly as regards to the provision of education and healthcare for migrants.

RECOMMENDATIONS

Promoting regional and international cooperation to ensure cross-border control of migration flows and coordination of best practices:

- a) Improve country-level coordination on migration management practices across the region. In particular enhance information-sharing and collaboration between governments of sending and receiving countries.
- b) Enhance scope for coordination at the field level between front line officials from Thailand and those of neighbouring countries.
- c) Establish tailored bilateral labour agreements concerning the deployment of migrant workers from a source country to work in certain key industries in Thailand to improve migration management for both States and better protect migrant workers in the industry.
- d) Support development of harmonized Standard Operating Procedures to facilitate regional cohesion in approached towards

CONTRIBUTIONS OF MIGRANTS AND DIASPORAS TO ALL DIMENSIONS OF SUSTAINABLE DEVELOPMENT, INCLUDING REMITTANCES AND PORTABILITY OF EARNED BENEFITS

The stakeholder discussions highlighted the mutually reinforcing nature of Thematic Clusters One and Four. By drawing on and promoting the positive benefits of migrant communities on the socioeconomic development of host countries, tensions and prejudice between the broader society and incoming migrant workers are likely to diffuse. The potential success of migrant communities, however, is inherently linked to access to basic social services afforded by the host government as discussed under Thematic Cluster One.

Most pertinently, education and training should be made widely accessible in order to equip new migrant workers and families with the skills and knowledge they need to not only survive, but thrive in the new social environment of the destination country. Unfortunately, even if an equitable education system was established to service the needs of all migrant populations residing in Thailand, many migrant families rely on their children for menial labour to support income generation for the wider family. This calls for the need for innovative solutions, like flexible school days and digital learning platforms. Other obstacles were identified in discussions, including the existing information gap between country-level practitioners working in the non-formal education sector and provincial-level law enforcers. The former are mandated by a clear policy to provide non-formal education to the children of foreign workers however the latter often regard these activities as illegal. NGO or private-sector funded curriculums for migrant students are also not recognized by the formal education sector, so an education received in the non-formal sector, it is not recognized through certification, greatly hindering opportunities for future tertiary education or a tangible career path.

Discussions also centered on effective ways to manage remittances as an important source of private capital and contribution to broader development. Through promoting faster, cheaper and safer and legal transfers in both source and recipient countries, governments will enable remittances to have the most effective impact and in turn will harness the future contribution of migrant communities.

RECOMMENDATIONS

Increasing cooperation with private sector stakeholders to promote skilled migrant workforces and enhance migrant contributions to sustainable development:

- a) The Royal Thai Government should certify private sector actors with good practices in hiring migrant workers; this would incentivize businesses and serve to elevate recruiting standards in all sectors.
- b) Develop clearer criteria regarding industry skill certification in labour migration policies to enable the productive placement of skilled migrant workers with companies which have particular industry requirements.
- c) Establish additional MOU certified cross-border recruitment systems to both promote formal channels of safe labour migration and undercut the profitability of informal trafficking and people smuggling networks.
- d) Promote the sending of migrant remittances through formalized systems of banking instead of informal monetary networks that cannot be monitored by the government.
- e) Promoting workplaces that are culturally sensitized and respectful of diverse religious practices.

SMUGGLING OF MIGRANTS,
TRAFFICKING IN PERSONS AND
CONTEMPORARY FORMS OF
SLAVERY, INCLUDING
IDENTIFICATION, PROTECTION
AND ASSISTANCE TO VICTIMS

As an upper-middle income economy with low unemployment, Thailand is an attractive destination for migrants from neighbouring countries. Furthermore, with an ageing work force and a declining birth rate, Thailand's economy will continue to be dependent on migrant workers, most pertinently from Cambodia, Lao PDR, Myanmar, and Vietnam, particularly as the move towards a digital and innovation-driven economy under Thailand 4.0 requires the support of migrant workers.

The fee that migrant workers have to pay to migrate and work legally in Thailand can be as high as THB 27,000 (≈ USD 800). This can leave migrants in a situation of bonded labour, and indebtedness, including that resulting from recruitment costs, increases the vulnerability of migrants to abuse and exploitation.

Despite efforts to provide options for regular migration, under MOU arrangements, and regularization, through One Stop Service-Centres and the nationality verification process, a significant number of workers remain in irregular status, who may have entered Thailand without documents and did not register, or who failed to complete the regularization process. Such migrants lack legal status and social protection on arrival and are vulnerable to exploitation and abuse.

The Royal Decree on Managing the Work of Aliens B.E. 2560, which became effective in 2017, complements the memoranda of understanding in place with neighboring countries, namely Cambodia, Lao PDR, and Myanmar, and has allowed for the registration of more than 770,000 migrant workers.

This constitutes a key process, as migrants without registration were highlighted as being frequently paid less than the minimum wage and subjected to illegal wage deductions, excessive working hours, and poor living and working conditions. However, issues were raised concerning the labour registration process; at a local level in Tak Province, many teachers are migrants and are therefore unable to register because the occupation is reserved for citizens of Thailand. Furthermore, issues were raised as regards the effectiveness of the current registration process as the validity period of the new permits ends on 31 March 2018.

RECOMMENDATIONS

Reinforcing the “3P” paradigm – prevention, protection, and prosecution to minimize the risk of and combat human trafficking:

- a) Incorporate key issues into education programmes, to reduce risks of child migrants becoming victims of trafficking or irregular workers in the future.
- b) Design and support information and communication efforts that increase knowledge levels among migrants, but also demonstrably changes attitudes and behaviours, including within host communities.
- c) Increase incentives for victims to cooperate with law enforcement in the investigation and prosecution of trafficking cases, and enhance the practicalities and efficiency of witness protection processes.
- d) Focus on encouraging effective enforcement rather than imposing extreme punitive measures within legislative penalties.
- e) Improve efforts to proactively screen for and identify victims of trafficking and labour exploitation among migrant populations.
- f) Support registration efforts of migrant workers, as well as registration at birth of migrant-born children.

The issue was raised of potential dissatisfaction among Thai citizens concerning the entitlement of so many migrant workers to social welfare. Taking into account the importance of migrant workers to the economy of Thailand, particularly in the lower- and medium-skilled sectors, efforts to highlight the benefits migrants bring to society and the economic development of the country will help reduce xenophobia, and should be supported.

Because of the well-established linkages between recruitment-related deployment of workers to certain industries in Thailand and abuses and forced labour, ensuring that recruitment is conducted in an ethical manner is integral to the protection of migrant workers at all stages of the migration cycle and requires the collaborative effort of all relevant stakeholders.

The private sector has a significant role to play herein, particularly in placing additional attention on their supply chains, specifically to assess the recruitment of their workforce. Therefore, public private partnerships should be sought in this regard.

RECOMMENDATIONS

Enhancing broad-based partnerships to bring together diverse experience and leverage resources in the fight against trafficking:

- a) Enhance coordination among survivors, NGOs, CBOs, community leaders and the private sector to increase awareness of at-risk populations, and root causes and consequences, to enhance efforts to prevent trafficking, protect victims, and prosecute traffickers.
- b) Influence businesses by imposing requirements to ensure the ethical recruitment and management of migrants, including certifying recruitment agencies with good practices in hiring migrant workers, to incentivize businesses and serve to elevate recruiting standards across the board.
- c) Invite private sector to provide inputs on how to make the existing MOUs more effective and efficient.

IRREGULAR MIGRATION AND REGULAR PATHWAYS, INCLUDING DECENT WORK, LABOR MOBILITY, RECOGNITION OF SKILLS AND QUALIFICATIONS AND OTHER RELEVANT MEASURES

Many concerns were raised when stakeholders brainstormed strategies to reduce the incidence and impact of irregular migration in Thailand. The Royal Thai Government has comprehensive policies to manage illegal migrants, including cross-border agreements (MOUs) to control the irregular movement of people across the region. However, these policies, although theoretically sound, do not always translate well on the operational level. Other challenges that need to be addressed are the existing inconsistencies between policies within labor legislation. Incompatibilities such as standard working permits being provided on a two-year basis, yet social welfare only being valid for one year means that some migrant workers choose to remain unregistered. Although many obstacles continue to hinder progress, the introduction of the Royal Decree on Managing the Work of Aliens B.E. 2560 complements the MOU in place with neighboring countries, and the law has successfully facilitated the registration of more than 770,000 migrant workers.

Many challenges elucidated demonstrate the vital necessity to develop and implement improved policies that are more adaptable to respond to and consider the fluidity of migrant worker situations. The Royal Thai Government should in particular consider policies that will better detect and track deviations in migrant worker statuses over time. This is

RECOMMENDATIONS

Promoting safe migration through regional collaboration, policy development and long-term strategies:

- a) Improve country-level coordination on migration management practices across the region. In particular enhance information-sharing and collaboration between governments of sending and receiving countries.
- b) Increased dedicated resources to feed into the recruitment of more interpreters at migrant registration centres to allow more efficient processing.
- c) Explore options to establish a shared database system to track vital information about registered migrant workers (details of employer, length of contract, social welfare access and length of its validity, health check status) to assist the government in the protection of migrant rights and improvement of access to healthcare and education.
- d) It is important that the Royal Thai Government continues to consider and adhere to the standards and sub-policies adopted by International Organizations such as the ILO and UNHCR in regards to upholding the human rights of migrant workers.
- e) Improve legislative developments in the field of migration to respond to long-term rather than short-term policies in order to avoid relying on temporary solutions but instead pursue structural change for improved migration management across the board. A long-term direction and management framework should be established to allow the government to track progress and evaluate impact.
- f) It would be beneficial that a Standard of Procedure (SOP) be enforced across all government agencies on migration issues to allow officials who cannot outstep their specific role and responsibilities to forward cases on to the relevant agency.

to more effectively respond to the reality that regular migrants may become irregular after changing employers, not renewing work permits, or over-staying the MOU period.

Currently, government resource limitations and complex bureaucratic mechanisms also impinge on the timeline for processing migrants. The significant delays disincentivize safe and regular migration practices and inadvertently drive migrants to turn to irregular channels for more direct assistance.

Another reality to consider is that some migrants intend to obtain legal documents and migrate through formal channels, but are taken advantage of by brokers/middlemen. Many migrants pay for documents that are, unbeknownst to them, illegitimate and are then charged by Thai authorities for forgery. Law enforcement must take into account the complex context of these crimes to ensure the people at the root of the criminal activity are being prosecuted and not just those who innocently fall victim to illegal processes.

These discussions proved fruitful in revealing to stakeholders the gaps and challenges that must be addressed in order to implement policies to successfully regularize the status of migrant workers across the board. Most pertinently, many tangible examples were provided for why it is so important to provide functioning and accessible mechanisms for migrant worker registration. For example, the Ministry of Public Health displayed concern that there is a need to determine accurate estimates of the number of migrants in Thailand as the current budget for healthcare is inadequate. The high concentration of communicable diseases such as TB in migrant populations adds a further stress on the healthcare system, with many hospitals unable to sufficiently respond to the large number of migrants with such serious health concerns. The magnitude of this problem is unknown to the state because the majority of said migrants are unregistered.

Ultimately the regularization of migrant workers directly impacts upon the capacity of the Royal Thai Government to provide the appropriate care, protection of labour rights and adequate social services to newly arrived populations. In particular, newly improved processes of regularization will allow Thai authorities to monitor precarious employment practices, protect vulnerable sub-groups like women and youth across sectors and promote safe labour mobility including legal circular migration.