

## **Migrants Workers and Human Rights Plights in Thailand: The Case of Cambodian Migrants in Surin Province**

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### **Abstract**

The research aims to examine Cambodian migrant workers problems in Surin Province in order to propose policy recommendations that could serve as a framework to manage migrant workers' problems in Thailand. This paper is a qualitative research study. The data were collected using in-depth interview. Semi-structured questionnaires were administered to 100 key informants from Cambodia who live and work as migrant workers in Surin Province (a bordering province between Thailand and Cambodia). Furthermore, 3 Cambodian migrant workers from different walks of life and backgrounds were included in this study. These differences also reflect the kinds of human rights issues that confront them in their jobs and conditions of living. This provided the researcher the opportunity to clearly see their problems from a broader perspective. To broaden experts' opinions in the study, a total of 6 officials with over 5 to 10 years of experience in dealing with migrant workers' issues in Thailand were also interviewed. Among these officials, 2 were immigration officers, 2 officials came from the Ministry of Foreign Affairs, and the other 2 officials were selected from the Ministry of Labour. The collected data were analyzed and the findings revealed that despite their difficulties, Cambodian migrant workers in Surin Province enjoy significant the higher standard of living when was compared with their folks at home and counterparts across the Thai-Cambodian borders. And this accounts for the flow of more Cambodian migrants into Thailand.

**Keywords:** *migrant workers, Cambodian migrant workers, human rights, Surin province, Thailand - Cambodia border, work conditions*

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### **1. Introduction**

International migrants by definition refers to "anybody who lives temporarily or permanently in a country where they are not born, and has obtained some important social attachments to the country" (The United Nations Educational, Scientific and Cultural Organisation [UNESCO], 2017). The International Migration Report 2015, which contains the most recent evaluations of international migrants shows that the number of international migrants worldwide continue to grow in recent years, reaching 258 million in 2017, up from 220 million in 2010 and 173 million in 2000. Its also indicates that over 60 percent (that is, 80 million) of all international migrants live in Asia, 78 million reside in Europe. North America housed the third largest number of international migrants of about 58 million, followed by Africa which remains home to about 25 million, 10 million migrants dwell in Latin America and the Caribbean and about 8 million migrants exist in Oceania<sup>1</sup> (Department of Economic and Social Affairs [DESA], 2017).

Thailand migrants in the year 2011, International Organization for Migration (IOM) reported that there are more than 3.5 million people without Thai nationality living in the nation, including some long haul inhabitants and offspring of migrants born in Thailand. More than 3.0 million of them are working in the nation. According to the report, this trend existed since 1990s because of the attractive low-wage laborers from the neighboring countries around Thailand as well as from around the world. Keen efforts to regulate migrant workers in Thailand is traced back to 1992 when the policy to enroll workers from Myanmar in ten provinces along the border was enforced. That policy has relentlessly been extended to include workers in low-skilled occupations from Cambodia, the Lao People's Democratic Republic and Myanmar in every province in Thailand. In 2010, there were already over one million workers from these three nations at some phase of enlistment and around 1.4 million dependents and others who were not registered (International Organization for Migration [IOM], 2011).

Subsequently, Thai government endeavored to set up a framework to enroll every migrant worker from these three neighboring nations through formal systems. To do so, Thailand has signed the memorandum of understanding (MOU) with these three nations in 2002 and 2003. Before the end of 2010, less than 80,000 migrant workers had entered the nation through that formal procedure. Supported by The Alien Employment Act of 2008, which manages the work of low-gifted migrant workers as indicated by the three controlling standards of national security, ensuring work open doors for Thai people, and building up a level of work movement that would bolster the development and improvement of Thailand. In 2006, Thailand started executing a procedure that requires low-talented migrant workers to have their nationality confirmed by their nation of birthplace before they are qualified to work in Thailand. That procedure has been plagued by operational issues. However, before the end of February 2011, just 550,000 migrant workers had finished the nationality confirmation process. In June 2011, the government opened another enrollment opportunity for migrant workers in the nation that gave unpredictable migrant workers a rare opportunity to regularize their status in Thailand.

However, impermanent migrant workers were expected to return home upon concluding the agreement which impeded any long-term integration chances for them. Another dark side of it all is that there is no provision for the integration of their dependents in Thai society, other than allowing their children to attend school which made it hard for them to migrate alongside their dependents or families.

As an alternative, some migrant workers indulged into marrying Thais. As a result, some of the children who were born and educated in Thailand are unlikely to leave willingly when one of their parent is forced to go home because of immigration problems. Accordingly, This made the future of the 3.5 million global migrants in Thailand uncertain even in the near future. According to some of the experts interviewed in this study, they maintain that while the Government of Thailand sees a considerable lot of the migrants as impermanent migrants, irregular migrants, and displaced persons who should return home, it might be foreseen that huge numbers of them will wish to stay in Thailand if given the chance to regularize their status, regardless of whether they are in a sporadic status.

According to experts, migrant workers and human rights in a Thai context, sporadic migrants are known as one of the gatherings most defenseless against rights infringement in a host state since their intangibility in the public arena regularly implies that they can't report mishandle (Global Migration Group [GMG], 2010). In contrast, customary migrants by and large experience less issues both in their every day lives and at work, unlike the unpredictable migrants who have restricted legitimate status and are over and again subjected to capture, torture, coercion and expulsion. By and large, the main rights that unpredictable migrants might enjoy is the capacity to profit from the least levels of insurance as ensured by universally perceived human rights, especially, those enshrined in the 1990 Convention on the Protection of the Rights of every single migrant worker and members of their families, including in other centers and worldwide human rights traditions. Dread of capture and expelling is a noteworthy tactic frequently utilized by bosses to control and guarantee the ceaseless abuse of sporadic migrants. Being captured is regularly a more noteworthy worry for sporadic migrants than even working and living in barbaric conditions on the grounds that, once captured, there is a solid probability they will be ousted to their country.

#### 1.1 Categories of Migrant Workers from Cambodia, the Lao Peoples' Democratic Republic and Myanmar

Migrant workers from Cambodia, the Lao Peoples' Democratic Republic and Myanmar can be separated into four subgroups:

(i) Registered migrants: these migrants are classified as unpredictable migrants who have enlisted for impermanent stay enrollment (Tor Ror 38/1) and got a 13-digit ID number from the Ministry of Interior beginning with 00. These migrants at that point passed a well-being check and connected with jobs allowed the Ministry of Labor. Therefore, they have acquired three authority reports, a transitory stay archive (Tor Ror 38/1), a medical coverage card and a work permit card.

(ii) Unregistered migrants: these are migrants who work without work permits, in spite of the fact that they may have the Tor Ror 38/1 archive. The quantity of unregistered migrants in Thailand is obscure. These migrants regularly live in persistent dread of capture, turret, coercion and even expulsion.

(iii) Nationality Verification (NV) migrants: since 2006, the Government has set up a technique for formalizing sporadic movement streams between nations. Transients who initially had "illicitly" crossed into Thailand were yet enrolled as sporadic migrants and were specially given the chance to get general go

through the NV Process. As examined in section two, NV for migrants from the Lao People's Democratic Republic and Cambodia has been progressing since 2006 in Thailand. Migrants from the Lao People's Democratic Republic get a transitory travel permit issued by the Ministry of Foreign Affairs while Cambodian transients get an endorsement of ID issued by Cambodia's Ministry of Labor. The NV process for transients from Myanmar just started in 2009. The technique has been entangled and moderate as the procedure for the most part should be finished in Myanmar and comprises a few more unpredictable advances. Migrants passing NV ought not be liable for capture or extradition and they can reside in any regions of Thailand and in addition, back to their nations of origin (however a re-entry permit must be applied for at the migration office if the laborer needs to come back to Thailand after their takeoff). NV migrants are obliged to report to the nearby migration office every 90 days. These migrants are however not allowed to expand their work permits over four years (2 years x 2 times) and should hold up to three years work permits prior to reapplying for work in Thailand after exhausting the four years

(iv) MOU Migrants: The memorandum of Understanding between the Government of Thailand and the Governments of Cambodia, Myanmar and the Lao People's Democratic Republic in 2002 and 2003 additionally settled a system for low-talented migrant specialists to enter and work in Thailand "lawfully". Expert migrants under this plan are qualified for a similar welfare, medicinal services, rights and different advantages enjoyed by Thai laborers and transients who pass NV. Although MOU migrants from the Lao People's Democratic Republic and Cambodia have been coming to Thailand since 2005, however, for MOU transients from Myanmar, it took seven years for the consent to be operational and they have just begun to come to Thailand lately in very small numbers. Like NV transients, MOU migrants can't expand their work permits more than four years (2 years x 2 times) and should hold up to three years work permits prior to reapplying for work in Thailand after exhausting the four years.

### 1.2 Migrant Workers Human Rights Problems in Thailand

Despite the above efforts, there is a textbook of abusive practices against migrants in Thailand. In fact, a noteworthy number of migrants are exposed to extensive variety of gross abuses, word related risks, extreme circumstances and wretchedness (Archavanitkul & Caouette, 2000; Amnesty International [AI], 2005; Pearson, et al., 2006a; Human Rights Watch, [HRW], 2010). Transients are frequently compelled to do substantial and troublesome work for low wages, and are set in perilous or unsanitary workplaces. Most transients can't get legitimate human services and by and large are not secured by Thai labour laws, which are not always enforced notwithstanding for Thai laborers. There have been various stories of managers declining to pay specialists and afterward advising the police to capture them, which at that point regularly brings about the transients being deported without payment. In addition, numerous migrant specialists fall into semi-constrained work as they are disallowed from leaving their working environment because of the seriousness of their managers or obligation servitude identified with the high expenses of unregulated enrollment/regularization forms frequently paid by their bosses first and afterward deducted from their pay rates over numerous years. Reports of migrants succumbing to orderly brutality (counting torment and killings), blackmail, unlawful capture, confinement and different sorts of misuse in their regular day to day existences are likewise far reaching (AI, 2005; HRW, 2010).

Evidence suggest that the correct number of Cambodian migrant workers in Thailand is not known due to the unlawful nature of their movement. For example, a current convention paper put the number at around 82,000 much lower than those from Myanmar, but higher than those from Laos (Sophal, & Sovannarith, 1999; Thongpakde & Paitoonpong, 1999).

### 1.3 The Push Factors

According to a preliminary assessment conducted with 1,467 migrant labourers in the 14 villages in order to understand the key push factors that drive the migration from Cambodia into Thailand, the study result found that:

1) These Migrants had little chance to generate income either in their home town or in neighboring areas.

2) Earnings in Thailand are higher than in Cambodia as the daily wages varied from 80 to 200 baht, which is twice as much as earnings for similar work in Cambodia.

3) The poor villagers are motivated by the financial gains of other migrants from the village in the years prior to the crisis

4) Moving to work in Thailand was considered the best way to have a capacity to reimburse serious debts at home.2)

#### 1.4 The Pull Factors

1) The research also found out that the short-term migrants work on the basis of every day wage for Thai farmers along the Thai-Cambodian border where they are engaged in jobs like transplanting and harvesting of rice, picking corn, harvesting sugar cane, weeding, and so on.

2) These migrants prefer these seasonal jobs for shorter periods to the long range migrants and are less prone to the Thai police or immigration arrest. These jobs along the borders are less dangerous in that no smuggling is involved or charges paid even though the wages are lower.

3) Those who do long-period jobs are often engaged in construction sector, ferry porters, fishing industry off the coasts of Thailand, and manufacturing or food-processing firms.

In fact, despite the many advantages of migration, migrants themselves stay among the most helpless individuals from society. They are regularly the first to lose their job in case of a financial downturn, frequently working for less pay, for longer hours, and in more terrible conditions than national workers. While for many migration is an empowering experience, others bear human rights infringement, abuse and discrimination. Migrants, especially women and children, are over and over again victims of human trafficking and the egregious types of abuse that characterized the architectural nature of human trafficking businesses. Even so, in many parts of the world, migration stays one of only a handful couple of alternatives for individuals, especially young people, to find respectable work, and escape poverty, persecution and violence (Department of Economic and Social Affairs [DESA], 2016).

#### 1.5 Some of the Legal Instruments that Guides Migrant Workers in Thailand

The Department of Labor Protection and Welfare (DLPW) of the Ministry of Labor (MOL) is in charge of the advancement of the privilege to work assurance. On a fundamental level, under the 1998 Labor Protection Act (The Department of Labour Protection and Welfare, 2014), both consistent and sporadic migrant workers are qualified for a similar work assurance principles. This Act gives a lawful premise to least wages, most extreme work hours, word related well-being and security, directing the work of ladies and kids and an arrangement of work assessments and punishments against those breaking arrangements of the Act. In any case, migrants regularly get not as much as the legitimately commanded the lowest pay permitted by law for unreasonably extend periods of time of work and face routine findings from their pay rates (ACILS, 2007; Chantavanich et al., 2009; HRW, 2010).

Hopefully, The research has discovered and painted a better picture about the human rights pleas of Cambodian migrant workers in Surin Province. It is also expected that the information on the present circumstances and human rights problems of the Cambodian migrants could serve as a compass helps Thai and Cambodian Government to better understand the difficulties migrant works face in Thailand as well as a wake up call for action from all concern authorities, especially with respect to human rights issues.

## 2. Objectives

1. To explore and chronicle the difficulties faced by Cambodian migrants workers in Surin Province with special emphasis on human rights issues
2. To discover any existing measures put in place to address the issues in Thailand
3. To examine the pull and push factors that continue to attract more Cambodians into Thailand
4. To unveil any existing legal Instruments that guide or regulate labour practices in Thailand
5. To proffer policy framework for better management of migrant workers in Thailand

### 3. Materials and Methods

This qualitative study aims to explore the Cambodian migrant workers who live and work along the Thailand-Cambodian bordering area of Surin Province. For the purpose of this study, the majority of data were collected as primary data in an in-depth interview with over 100 Cambodian migrant workers and relevant Thai officials using semi-structure interview questionnaires. Due to achieve the main objectives of this study, the secondary data were also collected from available depth of relevant resources such as archival materials, official documents, publications and briefings from agencies and organizations that are concerned about the situation of human rights and related issues in Thailand and around the world. The insights from these materials provides the base from which the conclusion of the study was drawn and appropriate recommendations that could help fix the problems were made.

Due to time limitation, financial constraint, and the sensitive nature of the research topic, purposive sampling method was used. The sampling design and procedure primarily target the group of 3 kinds of Cambodian migrant workers who cross the border to work into or along the Thai-Cambodia border areas in Surin Province. The first category consist of farmers, construction workers, and restaurant workers. The second constitute those who stay and work in Thailand for at least six months with Thai villagers. And the third group is made up of working age of 20-40 years old, including both men and women. Again, considering the sensitive nature of the subject (human rights issues) studied in Thailand, ethical standards were highly upheld to ensure that the respondents' right of privacy were highly respected and protected and personal biases did not influence the results of the study. Also their condition of living, and other related issues, including backgrounds were certainly given the desired attention during the study.

The data Analysis of the primary data was done using a qualitative research technique known as judgemental data analysis method. This is because the judgmental data analysis provide more accurate results in studying and analyze a practical matter that demands various kinds of prognosis, advice or decisions that depend on judging what is likely to happen in the near future, and how the course of events might be affected by the actions we take ourselves. It also looks at the accuracy of the predictions they can make. This was done by analyzing the data gathered from the key informants gathered through in-depth interviews. Afterward, the results of the study were used to propose policy recommendation to provide migrant workers human rights problems in Thailand.

### 4. Results and Discussion

#### 4.1 Research Results

The present predicaments of Cambodian migrants in Surin Province in Thailand occurred naturally because of the push and pull factors - existing significant differences in standards of living across the Thai-Cambodian border, including the high demand for labour in the labour-intensive industries and sectors across Thailand where the low wages paid to these unskilled and low value added labour is needed to sustain Thailand's huge manufacturing cohort, the fishing industry and agricultural sector. Besides, financial gains serve as a keen attraction between the migrant workers themselves and those who facilitate their movement into Thailand, either legally or illegally. Unless, the situation is rectified urgently, this situation might be contribute to social tensions that could continue to drag Thailand's Human Rights Records to the mud. This will also undermine the country's ability to move on to move the value added economy that could enable the country to gain the desired reputation in producing high-earned products both in the interim and in the long run, which could also affect profitability.

Most of the Cambodian illegal immigrant workers continue to work and live in very risky conditions and are often treated indecently with little or no respect for human rights. Unfortunately, although there are legal instruments in place that could help them overcome some of these problems, however, there seems to be very little or no effort invested into enforcing these regulations or educating these migrant workers so that they are empowered to know their rights so that they can enjoy defend themselves against these abuses and at least enjoy some economic and social benefits like others while working in Thailand.

Additionally, the possibility of facilitating the employment and hiring of Cambodian nationals in their home country in collaboration with Thai authorities through a state regulated agencies using

standardized methods that encourage transparency, gender equality, and flexibility will go along way to protecting migrant workers against any further gross violations and in fixing these problems.

The study therefore hopes the recommendation proffered in this paper will help to provide appropriate responses and the will to address migrant workers' human rights problems in Thailand.

#### 4.2 Discussion

This study indicates that labour migration of Cambodians to Thailand has been significant for the Cambodian economy over the past years. Despite the controversies that dominate the discussions, it has provided employment and huge earnings to a large number of poor Cambodians, especially in the provinces bordering Thailand. The study also revealed that the Thai economy economic crisis contributed to the deterioration of livelihoods of Cambodian migrant workers due to a decrease in work availability. This has also led to an increase in cheating on migrant workers in Thailand by their employers and their agents.

In addition, the difficulties migrants face in maintaining their legal status in Thailand such as visa and work permit extension also created a legal loophole that is often used as a strength by their guides and Thai employers who consistently take advantage of migrant workers in Thailand. According to the respondents, there have been many occasions when they were forced to take drugs in order to gain employment. It was also discovered that such loophole created a flourishing environment for some corrupt immigration and Thai police official to collaborate with the traffickers and their bosses to harass and sometimes arrest them with impunity. They also face the risk of sexual abuse, especially between male and female migrant workers.

Back in their home villages, the migrants' children and elderly relatives are left without breadwinners or helpers to provide immediate care. In spite of these problems and the adverse impact of the economic crisis, many of the interviewees still believe that migrating to Thailand is a risk worth taking. Some of them stated that they will not return to work in Thailand while others were either still migrate, or were waiting for better conditions in Thailand before doing so. Although 90 percent of them would prefer to stay and work in their villages in Cambodia, about 5 percent of them are not hopeful that there would be sufficient earning opportunities in their local areas. They claimed that the common resources have either been over-exploited or privatized thereby putting the number of landless people on the rise in Cambodia.

#### 5. Conclusion

The research findings conclude that although the complicated nature of migration regulation is never free from ups and downs, nonetheless, Cambodian migrant workers in Surin Province enjoy significant high standard of living when compare with their folks at home and counterparts across the Thai-Cambodian borders. This accounts for why large numbers of Cambodians risk their lives to migrate to Thailand to work on a temporary or permanent basis. The Cambodian illegal immigrant workers are working and living under very risky conditions and are often treated indecently. They experience and continue to face many difficulties, including the the lack of right to protest if their employers cheat on them on labor wages. They also live under violent conditions and have very limited space and right to travel.

The study therefore recommends that keen efforts should be made to facilitate the employment and hiring of Cambodian nationals in their home country. Also, both Governments need negotiate more lenient bilateral agreements in order to properly regulate the employment process to ensure decent work conditions for Cambodian nationals in Thailand is strictly enforced. Most importantly, both parties should also ensure that a gender sensitive approach is given the right and desired footing in enacting labour and migration related laws and regulations in Thailand.

The researcher uses this opportunity to call for similar further research about other groups of migrant workers at different other areas of Thailand such as Thailand-Myanmar border or Thailand-Laos border in order to discover any similarities or differences that could help Thailand better understand the phenomenon. This could help this work to further pinpoint more major factors that motivate the migrants from these countries to travel to work in Thailand.

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