

**CONFIDENTIAL**



**IMMEDIATE**

No. 52101/394

**OHCHR REGISTRY**

**30 JUN 2011**

PERMANENT MISSION OF THAILAND

Recipients:.....

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29 June 2011

Dear Ms. Shahinian, Mr. Bustamante and Ms. Ezeilo,

I wish to refer to your communication dated 15 February 2011 informing the Royal Thai Government about the case involving alleged trafficking of Mr. Kyaw Kyaw, a migrant worker from Myanmar. The Permanent Mission has duly forwarded the matter to the concerned authorities in Thailand for further examination.

While we are awaiting information in response to your specific questions, I wish to address some of the concerns raised in the communication. As all of you are aware, Thailand has faced significant challenges, as both a transit and destination country for migrants, owing to the social and economic disparities that exist with some of its neighbors, from which over 2 million migrant workers in Thailand originate. To overcome such challenges, the Royal Thai Government has implemented a number of labor legislation and policies in order to promote and protect the rights of migrant workers.

Among other measures, the Government has undertaken a registration system which will entitle all registered migrant workers with work permits to the same rights as Thai workers. Migrant workers are also entitled to protection from abuse by their employers under the 2008 Employment of Aliens Act which imposes heavier penalties on employers who engaged in human trafficking and forced labor.

Ms. Gulnara Shahinian,

Special Rapporteur on contemporary forms of slavery;

Mr. Jorge Bustamante,

Special Rapporteur on the human rights of migrants;

Ms. Joy Ezeilo,

Special Rapporteur on trafficking in persons, especially women and children;

Office of the United Nations High Commissioner for Human Rights,

Palais des Nations,

GENEVA.

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File No.: AL G/SO 214 (106-10) Slavery (2007-2) Trafficking (2004-5)

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The Government has also taken a proactive approach at the sub-regional level. Thailand has concluded Memoranda of Understanding (MOUs) with Cambodia, the Lao PDR and Myanmar in order to provide a formal channel for migrant workers from these countries to legally work in Thailand. Workers entering Thailand under these MOUs will be provided with visas and work permits for two years, with a possible extension for another two-year period.

Furthermore, the Royal Thai Government takes all allegations of trafficking and labor exploitation seriously, particularly those involving the fishery industry. The Subcommittee on Assistance Program for Workers in the Fishery Industry, an inter-agency body led by the Immigration Office, was set up in order to systematize the recruitment of seamen, to improve monitoring of working conditions and to prevent exploitation. Programs to provide interim remedies through inter-agency shelters and assisted returns for trafficked victims are also in place.

Regarding the case of Mr. Kyaw Kyaw, we therefore wish to inquire whether he has been able to secure a work permit, which will help to alleviate his future risk of falling victims to trafficking agents. At the same time, as you asked for details and results of the investigation in this case, we seek further information whether a complaint has been lodged, so that there can be appropriate follow-ups of the case.

In this connection, the Government looks forward to welcoming Ms. Ezeilo, in your capacity as the Special Rapporteur on trafficking in persons, especially women and children during the upcoming official visit to our country on 8 – 19 August 2011. It is our hope that the *in situ* visit will provide Ms. Ezeilo with a first-hand experience and an opportunity for the Government to work constructively with you in order to address our challenges regarding the situation of migrant workers, particularly the issue of trafficking in persons.

Lastly, I wish to reassure you of the Royal Thai Government's commitment to working with all relevant special procedures of the Human Rights Council to promote and protect rights of migrant workers under our international obligations.

Sincerely yours,



(Sek WANNAMETHEE)  
Chargé d'affaires, a.i.