

# Violence against Women Migrant Workers in Thailand

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A paper on “Violence against Women Migrant Workers in Thailand” will show the situation of women migrant workers in Thailand, why they have to come to Thailand, what kind of job they do, how they are abused and exploited by employer in many types of violence and how the Thai government manages to solve the problems and assist them.

The term or definition of “violence against women-VAW” and “discrimination against women” is provided and based on the definition stated in the Declaration on the Elimination of Violence Against Women and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Readers will see that violence against women is a form of discrimination committed on a basis of sex. In other words, VAW is a clear violation of women’s inherent human rights including the rights to life, liberty, and security of person, equality, equal protection under the law and freedom from all forms of discrimination.

More than one hundred thousands of women illegal migrant workers work in Thailand. They come from countries in the Mekong Sub-region namely Myanmar, Lao PDR, Cambodia, Vietnam and China (Yunnan province). As they come illegally and have low level of education and working skills, they are vulnerable to exploitation, abuse or face violence. In general, they work in small factories, domestic work and restaurant. They are forced begging, forced prostitution or work in a slavery-like condition.

Root causes of illegal migration and VAW are interrelated and occur in both sending and receiving countries of migrant workers. Poverty, demand and supply sides of labor, level of education, no knowledge of their own rights, impact of capitalism and gender issues, are mentioned as original factors of migration and VAW.

The Thai government has national policy, plan, instrument and measures to cope with in- migration of illegal workers. Not only government agencies are active to solve the problems and assist the women migrant workers, but also non-government and international organizations as well as the UN agencies are working seriously to assist them and protect their rights.

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## What is violence against women?

The definition of violence against women (VAW) appears in the UN declaration and convention as follows. “Violence against women, in particular, has inhibited women as a group from enjoying the full benefits of human rights. Women have been vulnerable to acts of violence in the family, in the community and by States”. (UN Special Rapporteur on Violence Against Women-E/CN.4/1995/42)

The Declaration on the Elimination of Violence Against Women has defined violence against women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psycho-

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logical harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”

Article 1 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), defines violence against women as a form of discrimination, that the term “discrimination against women” shall mean “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil and any other field.”

In other words, “violence against women is a clear violation of women’s inherent human rights,

including the rights to life, liberty and security of person, equality, equal protection under the law, and freedom from all forms of discrimination". (*Position Paper by Asia Pacific Forum on Women, Law and Development, 47<sup>th</sup> Session of the UN Commission on the Status of Women, March 2003*)

### **General Situation of Women Migrant Workers in Thailand**

Thailand shares long borders, approximately 6,000 kilometers, with Myanmar, Lao PDR and Cambodia. Moreover, there is an agreement between Thailand and these three countries that its citizens do not require to have document or visa for crossing country's borders. This provides an opportunity for illegal migration flow from countries in the Mekong Sub-region, Myanmar, Lao PDR, Cambodia, Vietnam and China (Yunnan province), to Thailand in order to seek job or better life.

It has been widely acknowledged that migrant workers, men and women, from our neighboring countries have been increasingly coming to Thailand both legal and illegal. The statistics of the Ministry of Labour in the year 2003 shows that there are 288,780 illegal migrant workers registered to the Department of Employment. And 131,381 out of 288,780 are women. However, we know that many of women migrant workers all over the country do not come to register and they become the high risk group for violence.

### **Where or in which areas that women migrant workers go to work in Thailand.**

According to statistic of the Foundation for Women (FFW) and Kredtrakan Protection and Occupational Development Centre, Department of Social Development and Welfare, women migrant workers work in many areas such as garment factories, forced prostitution, forced begging, domestic workers, restaurants, sale flowers or toffee on the street and working in small shops.

In the year 2003, FFW had assisted injured women totally 157 cases and 147 out of them were foreign women. They were exploited in various forms, for instance a 10-year old Myanmar girl was forced to sale toffee from 7 pm. to 3 am. When the girl could not reach the sale target set by her Myanmar employer, she was beat, not given food and tied with the stairs all night. A neighbour informed the police that led to the rescue of other 4 Myanmar children in the house. Later, the children were repatriated to their families, while the employer was prosecuted and jailed for 7

years. The other case is about a 65 year-old Vietnamese woman who was persuaded by 3 Vietnamese women to Thailand. She had worked as a beggar for 5 years in Pattaya and was arrested by the police. She was already repatriated to her family in Veitnam. However, she did not give information about the 3 women who brought her to Thailand.

In the year 2003, Kredtrakan Protection and Occupational Development Centre had assisted totally 442 children and women from countries in the Mekong Sub-region. They came to Thailand for work but later became victims of human trafficking. And at the moment, June 2004, there are 181 trafficked victims. Most of them worked in illegal, small factories or worked as domestic workers and a small number of them were begging and forced prostitution. They faced problems of labor or wage exploitation and were physically and mentally abused.

### **Types of Violence against Women Migrant Workers**

Offences committed against women migrant workers include physical, mental and sexual Violence. There are sexual harassment, rape, unwanted pregnant, various forms of physical torture, limited food, beating, threats, long period work or work without payment, low wage, slavery-like condition in workplace, HIV infected, forced prostitution, forced begging and etc.

### **Root causes of problems of women migrant workers in Thailand**

- Poverty: different levels of economic growth between Thailand and neighboring countries
- Demand and supply sides of labor between sending and receiving countries
- Low levels of education and skills
- No knowledge of legal protection, assistance and their own rights
- Negative impact of capitalism in globalizing world
- Gender issue or male dominated society

### **Poverty, Demand and supply sides, Low levels of education and skills**

Poverty, demand and supply sides of labor forces, as well as low levels of education and working skills of women are interrelated factors leading to illegal migration flow out of their own countries to Thailand. On this basis, violence or discrimination was committed against women migrant workers.

This could be said that root causes of problems occur in both home countries of migrant

workers and in Thailand, a receiving country. Lower level of economic growth in home countries or sending countries, comparing to Thailand could be a major factor contributing to migration. Thousands of people come to Thailand for employment. And a shortage of unskilled workers in Thailand combined with an influence of capitalism that focuses on capital reduction for the maximum profit, has led to labor exploitation of migrant workers, particularly women as cheap labor. At this point, Thailand, the demand side of labor meets the supply side of labor in neighboring countries.

#### **No knowledge about legal protection, assistance and their own rights**

Considering the root causes of problems, women migrant workers are more vulnerable to violence than men. Their illegal entry into Thailand prevents them from access to the law protection and social assistance because they are afraid to call for help or go to see the police when they have problems. Their low levels of education and working skills do not allow them to have any choice, so that they are not in the position to negotiate for appropriate job and wage according to the Labor Protection Act B.E. 2541 (1998).

Moreover, migrant women do not know about their legal right that they are protected by the law equal to Thai people, especially as victims or injured persons. This allows employers to easily take advantage on them and put them in risky situation to be physically and mentally abused and exploited of their labor. Therefore, violence against women migrant workers has been committed in various forms depending on types of their work.

#### **Negative impact of capitalism**

In this globalizing world, the progress on information technology has greatly been adopted by agents or brokers to recruit labor across country's borders around the world. This is also the case of migrant workers that receive help from an agent to illegally entry into Thailand and in turn the agent will receive a financial or other benefit from the migrants. Internet network, mobile phone and cross border trade have been freely exploited for people smuggling. Moreover, many governmental programmes that have a primary goal on financial gain without considering its impact on the well being of people on other dimensions, are directly contributed to violence against women. For example, the promotion of tourism has led to sex tourism and women pornography. The victims

of tourism are both Thai women and women of neighboring countries.

#### **Gender issue**

In this region, male dominated society has long been prevailed where women and daughters are viewed as assets of a man or father. Daughter has an obligation to pay gratitude to her family that has a father as a breadwinner. Nowadays, when poverty is a major problem of Thailand's neighboring countries, it is inevitable that women of these countries have to help her family earn money. As a result, many girls and women are sold to work in Thailand. However, in reality, many parents did not realize that they sold their daughters. An agent or relatives who work in Thailand just go to visit them and offer a job to their daughters and give the parents advanced money. The daughters automatically become debt-bondage workers and no one knows what kind of job and situation the daughters have to face in Thailand.

#### **Policy and Measures for Assistance of Migrant Workers**

The problems or violence against these women are very well recognized and concerned by the Thai government. As we can see from many policies, instruments and measures adopted by government agencies in cooperation with NGOs, concerned UN agencies and international organizations to protect their rights. The policy and instruments are, for example, as follows.

- National policy and plan on prevention and solution of domestic and cross-border trafficking of children and women of 2003-2007.

- Ministerial resolutions on March 2<sup>nd</sup>, 2004 and April 27<sup>th</sup>, 2004 for guidelines on the management of illegal migrant workers.

- MOUs between Thailand and Cambodia or between Thailand and Lao PDR to assist migrant workers who are victims of human trafficking.

- MOU between concerned ministries on guideline for solving violence against women and children that include violence against women illegal migrant workers.

More than that, there are legal and social welfare services that have been employed to assist and protect the rights of foreign migrant workers in Thailand.

It is very important to note that NGOs and international organizations (IOs) in Thailand are very active and play essential role in many initiative

programmes, in close cooperation with governmental organizations (GOs), to assist and develop women migrant workers who have problems, especially those who are injured and victims of violence. As a result, there are MOUs between NGOs or IOs and between NGOs and GOs as well.

#### **Concerned Laws**

There are many laws for the protection of the rights of women and children who are legal and illegal migrant workers.

1. The Immigration Act of 1979
2. The Labour Protection Act of 1998
3. The Prostitution Prevention and Suppression Act of 1996
4. The Measures on Prevention and Suppression of Trafficking in Women and Children Act of 1997
5. The Penal Code Amendment Act (No.14) of 1997
6. The Criminal Procedure Amendment Act (No. 20) of 1999
7. The Money Laundering Control Act of 1999
8. The Compensation for Crime Victim Act of 2001

#### 9. The Witness Protection Act of 2003

#### **Social Welfare and Legal Services**

The Department of Employment, the Department of Social Development and Welfare, the Office of the Commissioner-General, Royal Thai Police, Non-governmental organizations and International organizations including concerned UN agencies, have worked together to assist women migrant workers who faced problems particularly who are abused or exploited. After being rescued by the police officers and while waiting for repatriation to home country, the injured women will be provided with temporary shelter, meals, (mental) rehabilitation services and occupational training. At the same time, prosecution of people involved in offences or negotiation with employers will be proceeded. All services, legal and social assistance, will be provided free of charge. The injured women will receive compensation as appropriate to their injuries and as judged by the court. If the case is not brought to the court but settled by negotiation, Labor Inspector, Social Workers, Police Officers and Lawyers will represent injured women to negotiate with the employers. Injured women will take 100 % of compensation received from the judgment of the court or the employer.