



Appeal to the International Community on the Vulnerable Situation of Burmese Migrant Workers in Thailand

January 7, 2005

The Burma Lawyers' Council is making an urgent appeal for intervention on behalf of the Burmese Migrant Workers who along side with foreign tourists and Thai citizens have had their lives and livelihoods devastated by the December 26th Tsunami. This natural disaster has wreaked havoc on the lives of all involved equally; however, the access to the relief has not been equal. This is especially true in respect to Burmese Migrant Workers employed in the effected areas, which face particular hardships due to their extremely vulnerable situation in Thailand. The Burmese Junta, the State Peace and Development Council (herein after SPDC) have displayed an awe inspiring dereliction of duty owed to its citizens seeking economic opportunities abroad by not addressing their concerns with the Thai government.

The SPDC has not sent a delegation to the effected areas where it has been reported that at least 1,000 registered (not including unregistered) Burmese Workers have gone missing. The SPDC has not raised the issue of identifying bodies or compensating relatives of the victims with Thailand or the international community. Furthermore, because of the lack legal status of Burmese Migrant Workers in Thailand Burmese victims who are not registered or have lost their registration cards in the crisis are fearful of Thai authorities and therefore are reluctant to come forward for the badly needed aid relief. However, these fears of prosecution and repatriation have not been alleviated such that the Burmese victims of the Tsunami may come forward without trepidation. The precarious circumstances of the Burmese Workers in Thailand due to lack of legal status and disregard of the SPDC has caused these victims several urgent concerns;

- Impeded access to relief because of fear of authorities
- Addressing the issue of the living conditions of those victims who lost their living spaces in the crisis
- Ascertaining the number of missing, injured, and dead
- The identification and return of victims' bodies to relatives due to the dereliction of duty on the part of the SPDC to address the issue
- The addressing of compensation to victims' relatives; who have in some cases lost the only bread-winner in the family
- The issue of compensation must be addressed for both registered and non-registered workers
- The addressing of the issue of what is the legal status of Burmese Migrant Workers who have lost their registration papers in the crisis
- What actions will be taken for those workers who wish transit back to Burma
- What actions will be taken to address the concern that because of the lack of legal status in Thailand Burmese Migrant Workers are left vulnerable to prosecution on their return to inside Burma by the SPDC for up to 5 years imprisonment

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This human crisis has numerous humanitarian aspects which are of concern to the Burmese Migrant Community but there also exists two major legal points that compound the humanitarian aspects. The following are the two legal problems which require urgent and immediate attention:

1. The SPDC in a stunning disregard for the welfare of its citizens working abroad has failed to establish a process by which traumatized Burmese Migrant Workers may return to inside Burma. Due to the fact that presently Burma has no legal framework for the exit or entry of Burmese Migrant Workers the psychologically battered victims of the Tsunami are forced to smuggle themselves back in their motherland. There has not been a procedure put into place between Thailand and Burma for the cooperation in the return of traumatized Migrants. While the Thais have established centers for Workers who wish to return; the Thai authorities are forced to simply drop the Workers at the Border because the SPDC has not set up a center for accepting the return of these Workers.

2. During the crisis most Workers lost all their worldly possessions not to mention their Worker Registration Papers and therefore the Burmese Migrant Workers face a daunting and complex procedure for re-obtaining their papers. The Burmese Workers usually do not speak Thai which is required for the obtaining the papers and they must overcome the common-place fear of Thai authorities in order to initiate this process.

The Burma Lawyers' Council recommends and requests that;

- (1) The international community place pressure on both the Thai government and the Burmese junta to legalize the procedure by which the exit and entry of Migrant Workers is controlled.
- (2) The international community intervene at the highest levels of the Burmese junta in order that the regime coordinate with the Thai officials in the acceptance of the return of Migrant Workers through legal and formal channels; thereby alleviating a portion of the trauma which these victims have suffered.
- (3) The Burma Red Cross Society addresses the immediate humanitarian issues facing both the Migrant Worker Communities in the effected areas and in addition those psychologically battered Workers returning to Burma from these same effected areas.
- (4) Thai NGOs endeavor to facilitate the obtaining of legal status for Burmese Migrant Workers who have lost their means of economic support and who wish to remain in Thailand to work legally.

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