

Oct 19 2010

Migrant Workers and Human Rights In Southeast Asia

LSE Ideas

By Donna Guest

Amnesty International has focused on migrant rights in Malaysia and Thailand, two main receiving countries of migrant workers in Southeast Asia. The vast majority of migrant workers in Thailand are from Myanmar, some of whom are also potentially refugees fleeing from persecution. Thailand also receives a significant number of migrant workers from Cambodia and Laos. Malaysia hosts migrants from many countries, including the Philippines, Indonesia, Bangladesh, Nepal, India and Myanmar. Many of the latter are also potential refugees. Migrant workers suffer from a wide range of abuses in receiving countries, from their employers, recruiting agents, and the security forces.

In Thailand, it is estimated that more than 2 million registered migrant workers make up somewhere between 5 -10 percent of the workforce. Corresponding figures for Malaysia indicate an estimated 2.2 million documented migrant workers, or about 20 percent of the workforce. While impossible to verify, the number of undocumented workers is estimated to be about the same. There are also an estimated 90,000 refugees and asylum-seekers in Malaysia, many of them also migrant workers. In Thailand, many who work as migrant labourers, particularly the Shan, may also have a valid fear of persecution in Myanmar. Neither Thailand, nor Malaysia, has ratified the Migrant Worker Convention or the Refugee Convention. While the UNHCR issues "persons of concern" documents, these are rarely honoured by security forces and thus offer scant protection from arrest.

One difference between Thailand and Malaysia is that the latter brings workers in from farther afield, and relies more upon agents and outsourcing for the recruitment of foreign workers. For example, agents from Nepal, India, and Bangladesh recruit migrants in their home country, sometimes promising jobs that never materialize in Malaysia. Migrants typically pay at least \$1,000 to these agents, often putting them in debt. When they arrive in Malaysia, their employers almost always hold their passports and other documentation.

In both Thailand and Malaysia, migrants work and live in poor conditions and work long hours, including on farms, in factories, and as domestic workers. Domestic workers are at particular risk of abuse because they are more isolated from migrant communities and because they are living in employer's homes, thus leaving them and their work out of the public eye. The widely reported cases of abuse of Indonesian female domestic workers at the hands of their Malaysian employers have become a familiar flashpoint in the relations between the two countries.

Migrant workers are at risk of shakedowns by the police in both Thailand and Malaysia. In addition, migrant workers in Malaysia also face the largely untrained volunteer defense corps known as RELA, which is responsible for some of the worst abuses. These agents can stop anyone on the street and detain them without a warrant. Penalties for undocumented workers are severe, including fines, imprisonment, deportation and up to six strokes of the cane. Conditions in detention centres remain very poor, with reports of extreme overcrowding and lack of regular access to clean water, medical care and sufficient food.

Non citizens as well as citizens are protected by international human rights law. Migrant workers in both Thailand and Malaysia are protected by the international human rights treaties those states have ratified – in the case of Malaysia, very few, but Thailand has ratified most of the major human rights treaties. At the regional level, ASEAN has taken some tentative steps forward on human rights issues, notably the ASEAN Charter (2008), and the ASEAN Intergovernmental Commission of Human Rights (2009). And in January 2007 the Declaration on the Protection and Promotion of the Rights of Migrant workers was agreed by ASEAN member states, which have also established a Committee tasked with drafting an ASEAN instrument on migrant workers – this could be a binding treaty. With a drafting committee comprised of representatives of sending states (Philippines and Indonesia) and receiving states (Singapore and Malaysia), negotiations remain stuck around several issues.

*On 14th October 2010, **Donna Guest**, Deputy-Director for the Asia-Pacific Program of Amnesty International, spoke at IDEAS to present the issues and research behind AI's advocacy and campaigning for migrant labour and human rights in Southeast Asia. Chair and commentator: IDEAS Research Fellow **Dr Eva-Lotta Hedman**.*

This entry was posted in [ASEAN](#), [Human rights](#), [Malaysia](#), [migration](#), [Nations](#), [Southeast Asia](#), [Southeast Asia](#), [Thailand](#). Bookmark the [permalink](#).