



Meeting Minute

Technical Consultation Meeting among the three migrant sending countries; Cambodia, Lao and Myanmar on roles of the sending countries to strengthen the protection of At-Risk Migrants Against Forced Labour and Human Trafficking

24-25 May 2018

Siem Reap, The Kingdom of Cambodia

A 2-day Technical Consultative Meeting was held at Sokha Hotel in Siem Reap from Thursday, 24 May 2018 to discuss about the roles of the three migrant sending countries, including Cambodia, Lao and Myanmar to strengthen the protection of At-Risk Migrants Against Forced Labour and Human Trafficking. **H.E Chou Bun Eng**, the Secretary of State for the Ministry of Interior, and the Permanent Vice Chair of the National Committee for Counter Trafficking (NCCT) was the head of the Cambodian delegation, the Lao delegation was led by **Mr. Oevong Keobunnavong**, director of the child victim assistance unit of the Social Well-being department of the Ministry of Labour and Social Well-being, while the Myanmar delegation was led by **Mrs. Thin Pyant Thida Kyaw**, advisor and the Vice Chief of Mission of Myanmar Embassy to Cambodia.

A. PARTICIPANTS OF THE MEETING

19 participants from Cambodian delegation representing the Ministry of Interior, Ministry of Women's Affairs, Ministry of Labour and Vocational Training, Ministry of Foreign Affairs and International Corporations, General Commissariat of National Police, General Department for Immigration, General Department for Identification, General Secretariat of NCCT and the Provincial Office of Siem Reap.

Laos Delegation consists of 3 participants, representing the Ministry of Labour and Social well-being.

Myanmar Delegation consists of 1 participant, representing the Myanmar Embassy to Cambodia.

Civil Society Organizations, include: UN Women, IOM, IJM, ILO, UN-ACT, JICA, USAID, GVC, LSCW, LPN, Hope for Justice, Winrock Int, Ratanak Int, Samaritan's purse, Chabdai Coalition, World Vision Cambodia and ACRA.

B. OPENING

To start the programme, **H.E Chou Bun Eng**, provided the welcome speech and appreciation for the participation of the Delegation of Laos, Myanmar and Cambodia who are technical officials from various ministries, relevant departments, international organizations and civil society. Her Excellency continued with the following brief: Due to the fact that the three countries have been encountering the same issues on migrations, particularly in Thailand and because each country has different management standards and implementation procedures including strengths and weaknesses, thus, this consultative meeting will enable an open and friendly discussion to identify and prioritize real issues in order to find appropriate solutions by individual country, as well as common solutions among the three countries. The primary purpose of this meeting is to understand situations and good experiences in sending migrants and managing irregular migration flows which is the source of human trafficking and all forms of exploitation, particularly is to identify strategies and priority activities, and to propose key recommendations to seek support of the head of the Government of the three countries to negotiate and advocate with the destination country. Therefore, as soon as appropriate solutions are identified, they will be discussed with Thailand, the destination country, to jointly protect migrants and to promote safe, orderly and regular migration in the future. On behalf of the Cambodian National Committee to Counter Trafficking, we hope that the discussion will achieve fruitful results which can be brought up to their respective leaders responsible for encounter trafficking and migration management in their country for review and additional comments, and which then can be approved by the leader of the three countries through a joint statement on common solutions in the near future, and which also can be discussed with Thai counterpart for collaborative protection of migrants in Thailand.

H.E San Arun, the Secretary of State, the Ministry of Women's Affairs, welcomed and appreciated all delegation members. Her Excellency extended her appreciation to the COMMIT Working Group, which consists of six countries, including Lao and Myanmar, who have met several times, and believed that the delegation will share relevant and good experiences in this meeting. Her Excellency thought that our three countries have worked together, but our implementation is still fragmented, therefore, we need to explore possibilities where we can have better collaboration, and wish the meeting a success.

Mrs. Sarah Knibbs (UN Women): migration is beneficial to both the sending countries and receiving countries, though exploitation exists, particularly for women who are easily to be cheated, especially the illegal and low-paid female domestic workers. UN Women is pleased to participate in this consultative meeting to identify solutions for the migrants' issues; therefore, the open speaking about migration is crucial.

Mr. Onevong Keobunnavong, head of the Lao delegation: our three countries have more migrants in Thailand, and this meeting is to identify appropriate solutions for similar issues that we have been encountering, and it is also an opportunity to help each other. We also have worked with COMMIT since 2004 to assist migrants and we had signed agreement to better our collaboration. In fact, we have done all these within the Mekong Sub-Region, however, no concrete implementation procedure was developed, but the implementation was done based on the agreement only. I encourage the Government of the three countries to put hands together to solve the problems, and I highly value this meeting, and wish for the success, especially to have good recommendations, experiences and solutions.

Mrs. Thin Pyant Thida Kyaw, the head of Myanmar delegation: This meeting will surely benefit the solutions for the issues of the migrants from the three sending countries. 70% of Myanmar migrants are living in rural areas and changing according to foreign investments, and most of them migrated in whole of family and marriage. Myanmar has the highest number of migrants within the Mekong Sub-Region, where women are trafficked and men are sent to construction work and fishing. This Technical Meeting will enable the sharing of good experiences and lessons learned, and Myanmar is also part of this collaboration platform.

C. DISCUSSION PROCEDURE

Session 1: Current status of migration in Thailand and the impacts of law enforcement by Thai Authorities

- **The presentation by Mr. Uy Akhara (IOM Phnom Penh): Risks and rewards: Outcomes of Labour Migration in South-East Asia**
 - This study was commissioned by ILO TRIANGLE, implemented in ASEAN and executed by Rapid Asia.

- The number of migrants who migrate to other destination countries in ASEAN almost reaches to 6.9 million, which is a 5-time increase since 1990.
- The study reveals that even though the socio-economic benefits of migration have not been maximized at their full capacity within ASEAN, the positive results can be achieved if migrants are offered with opportunities to improve their skills, avoid debts, receive minimum wage, and working with skills from which can continue benefiting when they return. To a larger extent for these positive results to be materialized, it is required for changes in policies, and policy implementation by the Governments, employers, and private recruiting agencies rather than the behavior changes of migrants. In order to support the increased positive results, it is also required for changes in migration governance, labour migration within ASEAN, which then contributing to increasing experiences of the migrants and maximizing the positive results.

Recommendation:

- Develop regular migration network which could provide quick services, uncomplicated and less costly
 - Shift the labour recruitment fee from workers to employers
 - Ensure that both female and male migrant workers are fully covered by the labour and social protection law regardless of their sector of work
 - Strengthen social benefit protection for migrants
 - Expand access to justice for migrants
 - Enforce stricter penalty for any employers and private recruitment agencies who violate the migrants' rights
 - Provide skills training which are demanded by employers to migrants, and offer skills validity for both low and medium skilled workers
 - Expand services for migrants pertaining to returning and reintegration.
- **Presentation by Mr. Oevong Keobunnavong, head of Laos delegation: Challenges:**
 - There are many challenges for migration, and we found out that some of them are reasonable, while others are not. The Government of Lao has tried to prevent irregular migration which creates many problems for the society. According to research findings, if

there is no prevention, two issues would be occurring: 1. unfair wage, and 2. no job guarantee.

- Three key issues which are usually found are: 1. no-skills migrants receive low wage; 2. developed countries have always lured migrants from other countries; 3. challenges for departure.
- Laos migrants have also experienced payments at the exit gates and other small detour gates; and migrants' expectations have never been achieved, and they always have many problems, such as traffic accidents, also increased expenditure/payments.
- We need to provide an easy departure procedure for regular migrants, and ensure that they will receive their wage as agreed.
- Poor migrants need support from employers, therefore, we need to recruit migrants through legal recruitment agencies correctly, and encourage these agencies to meet their plan.

- **Presentation by Mr. Chhot Thany (LPN): Law enforcement by Thai Authorities**

- Thailand has between 5 and 6 million legal migrants, and 2 million migrants have pink cards. For the good work done by Lao and Cambodian counterparts, Thailand has extended the migrant registration process until 30 June, and will provide arrangements for these registered migrants to work in Thailand. Some migrants who have not been registered are working in other places. Irregular migrants or those do not have adequate documents will be penalized or arrested.
- Thai has developed law which requires employers to issue migrant recognition letter, but there are still some shortfalls, which lead to disordered issues in Thailand. Places where offer higher wage, those places also have a lot of corruption. Irregular migrants dare not go outside, and thus, buy foods within the working premise, and this enables possible exploitation by employers. Some migrants who work at underground are missing, and those who work in the fishing industry drowned to death.
- Currently, only when they turn to be 18 years old or older are allowed to work, but still some migrants have increased their age in order to get job. For private recruitment agencies, they need to ensure that the recruitment and migrants have adequate legal documents (previously, some agencies have cheated migrants to enter Thailand illegally, then ignored them, but then those migrants were arrested and deported by Thai authorities). Therefore, the recruitment agencies must prepare a report about the migrant's

journey. Brokers received money from employer, and this also contributes to lower wage being received by the migrants.

- The most challenges to deal is with fishing companies for which the Government required precise reports; however, they showed only those migrants with documentation when they were inspected by competent authorities, and the irregular migrants came out as usual after authorities left.
- Most brokers are friends or coming from the same country, and they are using falsified stamp on papers in order to get money from migrants, and this makes a lot issues for the employers.
- The Thai Government is currently strengthening law enforcement, and as a result, migrants are missing or some migrants escape. If migrants are found guilty, they will be referred to public law entities, and currently, some of them are being kept in temporary accommodation.
- Organizations from Cambodia, Lao and Myanmar have agreed that they need to help each other when there are any issues which require solutions.
- We held workshops on safe returning for women and children, and workshops to identify appropriate resolution strategies.

Session 2: Shortfalls, challenges and good practices of the existing mechanisms, policies and labour migration governance framework and regulations on the migrant registration process

- **Presentation by Mr. Uk Ravuth (Ministry of Labour and Vocational Training): Strengthening Protection of At-Risk Migrants Against Forced Labour and Human Trafficking:**
 - Cambodia has been sending migrants to Thailand, Korea, Malaysia, Singapore, Hong Kong, and Saudi Arabia, and those migrants have remitted more than USD1.7 billion. By 2017, there are 1.2 million migrants working in destination countries, such as:
 - Thailand: 1,056,358 migrants with an average wage of USD250 per month
 - Korea: 44,229 migrants with an average wage of USD1,200 per month
 - Japan: 6,000 migrants with an average wage of USD1,500 per month
 - Malaysia: 30,000 migrants with an average wage of USD240 per month
 - Singapore: 487 migrants with an average wage of USD450 per month
 - Hong Kong: 15 migrants with an average wage of USD550 per month
 - Saudi Arabia: 12 migrants

- In Cambodia, there are 80 Private Recruitment Agencies; public recruitment agencies (MTOSB), Association of Cambodian Recruitment Agencies (ACRA) and Migration Association of Cambodia (MAC). Migrants received pre-departure orientation.
- The Ministry of Labour and Vocational Training has developed Sub-degree, Prakas and Memorandum of Understanding (MoU) with many relevant countries, as well as the Labour Migration Policy (2014-2018), National Employment Policy (2015-2025).
- The Ministry’s protection measures for migrants, include:
 - Train and send migrant counselors to destination countries
 - Strengthen counseling services to support migrants
 - Penalty measures
 - Develop pre-departure training programme
 - Establish One-Window-Services
 - Develop educational materials, including smart manual
 - Financial education, particularly local money transfer
 - Support for the sign-up for bank account for migrants in Cambodia and in the destination countries, which will help facilitate money transfer.
- **Presentation by Mr. Oevong Keobunnavong, head of Lao delegation:**
 - When we have any problems in Thailand, we discuss and explore solutions
 - Migrants have low knowledge, do not know how to write, which require companies to complete their application free of charge.
 - Documentation processing takes long time and costly.
 - There are many irregular Laos migrants, we negotiated with Thai authority, and we could help some of them, but not all yet.
 - In 2001, there were 2,600 victims of trafficking, which most of them are forced labour migrants.
 - In the last 2 years, the number of victims has been decreased.
 - In Lao, there are 9 private recruitment agencies, but only 3 of them that have followed and collaborated to send migrants and now are sending migrants, but are facing some challenges.
 - Currently, Laos migrants are registering, and the Laos Government and Thai Government have agreed to carry out this registration.
 - Two remaining points: justice for, and expenditure of migrants.

- **Presentation by Mrs. Thin Pyant Thida Kyaw, head of Myanmar delegation:**
 - Myanmar currently has policies for migrants in foreign countries, and has drafted laws to protect the benefits of migrants
 - Myanmar has signed Memorandum of Understanding (MoU) with Thailand in 2003, but it does not have full coverage.
 - The recruitment agencies have sent more than 700,000 migrants, and they received free training.
 - We have teams who are responsible for migrant registration and migrant’s rights protection.
 - Migration Resource Centres are established by ILO and IOM to provide information to migrants.

- **Presentation by Mr. Danh Eng Kakada (ACRA):**
 - The challenge is that there are still migrants who travel to destination countries illegally (because there are still those who accept irregular migrants). Some people were sent through the recruitment agencies, but when they arrived the destination, they followed others, which make the agencies trouble.
 - Membered Agencies must be ethical in the recruitment process, and must provide pre-departure orientation to migrants.
 - Partner with organizations and business associations in other countries to train and increase understanding.
 - Perform self-assessment to see what are legal and what are not.
 - Partner with the Government and Embassies to counter human trafficking and improve migrant protection.
 - Train members on safe recruitment and safe departure.
 - Partner with relevant organizations and institutions to develop unskilled migrants and skill recognition scheme.

Questions and Answers

Question (UN Women)

Before, only women migrated to Malaysia, now men also do, but women face more challenges. They receive lower wage, and spend more money on healthcare. Suggestion to have more attention to women, and there should be more budget to support them when

they are pregnant.

Answer (MoLVT) Law is protecting every migrant in general regardless of men and women, and which country they go to. Migrants are protected by the same laws and standards (women get lower wage may be a result of having fewer responsibilities than men).

Question (LSCW) Making documentation takes long time with complicated procedures, and thus, migrants prefer brokers instead. Therefore, employers should be required to pay recruitment fees on behalf of the migrants; can this be negotiated with Thailand?

Answer (MoLVT) Whenever we prepare MoU, we always discuss about the minimum wage. There are certain fees, such as employers are required to pay to the sending countries; and we are now working with ILO towards a reduced fee.

Question (CHABDAI) Does the MoLVT have any specific mechanisms to assess the remittance?

Answer (MoLVT) Average revenue assessed by ADB, World Bank, etc was used to assess the revenue of migrants in Korea.

Question (UN-ACT) Are there many children migrated to Thailand from Lao and Myanmar?

Answer (Lao) Law does not allow anyone under the age of 18 to migrate to work, but still some secretly did.

Answer (Myanmar) Law does not allow anyone under the age of 18 to migrate to work, but most of migrants are living in rural areas, and when they cross border, they do in form of a whole family using ox-cart.

Answer (UN-ACT) If cases are found in Saudi Arabia, where the victims should be referred to?

Answer (MoFAIC) We do not have Embassy there; therefore, we have to refer them to the nearby countries.

Question (UN-ACT) If the extended migration registration process is expired, and there are still irregular migrants, what measures the Thai authorities will take?

Answer (LPN) We have telephone number through which they can contact us, even though they came to Thailand through agencies or by

themselves; therefore, the migrants have to provide their information to us.

Answer (MoLVT)

The completion of the registration process is the ministry's mandate, and both Cambodia and Thailand are committed to end the process by 30 June. We have tried our best to communicate this information to migrants. Now, we are informed that about remaining 80,000 migrants have not registered yet, and we are requesting village and commune authorities to take stricter measures. Cambodia and Thailand have agreed to develop a joint digital information sharing system, and a technical working group is being established.

Suggestions

(UN-ACT) We also want to see key resolutions on household expenditures.

Session 3: Group Discussions to identify challenges/key issues experiencing by the three countries

Group 1: Mechanisms or systems to protect migrants at-risk

- After the 30 June deadline for migrant to register, any migrants who do not have legal documents shall face legal action enforced by Thai Authorities.
- The pink card which is being hold by some migrants cannot be extended in term of its validity.
- New comers who do not have legal documents will create more new troubles.
- Limited control of cross-border migrant flows.
- The process to get legal documents is complicated, costly and takes long time.
- No clear inspection on migrants on fishing boats.

Group 2: Prevention

- Migrants are low educated to understand our education, and in community, generally, fewer women participated, compared to men.
- Those who have lower education or no education or no skill, are vulnerable to cheating or trafficking.
- Employers still employ undocumented workers whom could be easily exploited, for instance low wage.

- Migrants have their own network, and they tend to use brokers to migrate because it is faster, while migrating through MoU is complicated, costly and takes long time.
- Border management is not yet good enough, which requires good collaboration between the sending and receiving countries and correct implementation according to their agreement.
- Some private recruitment agencies are not good. They falsify documents and take bribe. They are required to be trained on proper behaviors in ethical recruitment; and strengthen and develop the skills of migrants.
- We have done a lot of prevention work, but its results have not been assessed, how much have been improved? What degree we have helped? Suggestion to both sending countries and receiving countries to think about these.
- The flow of migrants has become a modern slavery resulting in many issues, such as trafficking and labour exploitation, for which we are required to precisely identify issues, and take preventive actions and collaboration to end this modern slavery.

Group 3: Victim Protection

- There are some problems in communication and information exchange between the sending countries and receiving countries, whether through the Ministry of Foreign Affairs or formal partners, etc.
- Legal assistance provision is available at ASEAN level, but its collaboration is not good yet.
- Collaboration of the private recruitment agencies to assist the victims is not good yet.
- There are many problems in regard to the detention of migrants or placing the migrants in the correction center, such as legal process takes long time, which then creates health issues, loss of revenue, challenges in communicating to family members, as well as other challenges.
- The process to identify victim takes long time: it takes 6 months in Malaysia. If it is found that migrants are not the victim, they will be arrested and deported.
- Migrant returning mechanisms are not harmonized, and the identification of victims is not consistent between the Country of Origin and the Country of Destination.
- Court procedure to compensate the victims is complicated and takes long time. During the prosecution, it is rare to get compensation.

- Identification is changing, for instance, name of the migrants who are working on fishing boat with fishing identification card (Seaman Book) was changed, and their nationality was changed to Thai; therefore, the identification is complicated.
- Issues that the victims do not cooperate; as they do not know if they are the victims.
- **Lao:** Regarding to migration centre in Thailand, when anyone is identified as victims, they will be kept in the centre, trained and their family members are contacted. Some victims were summoned by Thai court to solve their cases after returning to their countries for 2 or 3 years (we do not have any transportation cost support for them), and we were not informed by Thai counterpart of the court's decision.
- **Myanmar:** Myanmar migrants have undergone with similar victim identification in Thailand to Laos migrants. Most women are not educated, and are forced to marry elder Chinese men, and when they are identified as victim, they are returned from China and kept in the centre. They do not want to go back to their home, but they want jobs at restaurants or other places. Their background and capacity are assessed by organization to match with the job they want.

Group 4: Strengthening law enforcement

- The safety of migrants has not been adequately protected.
- Protection and management of border is relevant to the rights and freedom of migrants, thus, we cannot stop them from crossing the border, and this results in problems at both land border and water border. It is hard to identify where and how they were brought out by the brokers.
- Destination countries has law already, but has not enforced yet, only administrative penalty. If the law is implemented, there will be arrests, escapes or returning home for migrants.
- The collaboration between the sending countries and receiving countries is not good yet, only on paper. There are more unofficial collaborations that require urgent solutions.

Recommendations

- Strong political commitments and measures between the sending countries and receiving countries.
- To prevent and protect the victims consistently with a common standard, It is required to have collaboration for a joint implementation and cooperation.

- Strengthen the capacity of competent authorities of both the sending countries and receiving countries to properly enforce laws.
- Encourage unofficial collaboration to assist the victims.
- Increase victim's access to compensation.
- **Lao:** For effective implementation, we need to ensure regular migration; no other options as we cannot stop them from migrating, and the border is land border, which is hard to control, thus, we need to work together to stop irregular migration. Some police are good, and some are bad; thus they also should be encouraged. I strongly request to the destination countries to properly implement the collaboration. We will help speed up the migrant registration.

Session 4: Group Discussion to identify strategic priorities and common solutions

Group 1: Mechanisms or systems to protect migrants at-risk

- Implementation by country:
 - Encourage the implementation of the existing mechanisms that are not adequately well implemented
 - Continue disseminating irregular migration, consequences of living and working illegally
 - Shorten times and fees for documentations
 - Strengthen the effectiveness of law enforcement
 - Work together between the governments and organizations
 - Expand Migration Resource Centres
 - Strengthen border control
 - Increase wages for domestic workers
- **Collaboration:**
 - Share information and experiences in meetings
 - Establish contact focal points
 - Establish common mechanism among sending countries and discuss on any emerging issues
 - Develop an in-out data system

Group 2: Prevention

- **Implementation by country:**
 - Pre-departure training
 - Continue activities on safe migration and arising awareness on the safe migration
 - Continue to increase job opportunities in each country
 - Encourage domestic investments
 - Increase skill development: We are doing and will continue doing
 - Involve private sector to provide job opportunities
 - Continue building the capacity of relevant border officials: We are doing and will continue doing
 - Ethical recruitment
 - Facilitate travel and documentation services
 - **Myanmar:** Sometimes policies are changing which creates suspicion. Myanmar requests trust on policy and thus requests the government not to change any policy too quickly.
- **Collaboration:**
 - Request to have regular meetings between the sending countries and receiving countries
 - Timely information sharing
 - Common policy and common definition
 - Request all countries to discuss and collaborate with each other for a consistent implementation

Group 3: Victim protection

- **Implementation by country:**
 - Strengthen collaboration in sharing information of the victims, we all as to protect the victim's privacy
 - Develop online data which is to be done by the Ministry of Social Affairs
 - Want to have same procedures to identify victims, train relevant officials and have a budget to support the returning victims
 - Strengthen and improve reintegration system (With budget and training)
 - Speed up the legal documentations
 - Identify the victims at the One-Window-System and compensation
 - **Laos:** There should be a Standard Operating Procedures (SOP)

- **Myanmar:** Lack of reserved budget.
- **Collaboration:**
 - There should be regular meetings
 - Systematic information sharing
 - Establish contact focal points in each country

Group 4: Strengthen law enforcement

- **Implementation by country:**
 - Speed up law approval
 - Speed up legal assistants in criminal cases
 - Strengthen the implementation frame work
- **Collaboration:**
 - Encourage and strengthen unofficial collaborations between the sending countries and receiving countries through specialized institution
 - Have a common agreement in identification

D. CLOSING

Mr. Onevong Keobunnavong, head of the Laos delegation: Thanks to all delegations, we have understood all the challenges and achieved what we need. When I return home, I will bring these results to the attention of my leaders, and comprehensively discuss and further disseminate them in order to achieve our work.

Mrs. Thin Pyant Thida Kyaw, head of the Myanmar delegation: Thanks to all delegation and I am very pleased to participate in this discussion on the tasks relevant to the migrants.

Her Excellency Chou Bun Eng: On behave of the Government of Cambodia and the National Committee to Counter Trafficking (NCCT), I wish to express my appreciation to your invaluable presents of the delegations and development partners aiming at protecting and caring for our citizens. The meetings, in which participated by Cambodia, Laos and Myanmar, has identified challenges and solutions and agreed to continue this work in order to achieve our common objectives. I hope that each country will further discuss about these results, particularly with the Government leaders, and further strengthen the

weaknesses. I highly appreciate the times spent by delegations and guests, and I wish we will achieve our results soon.

In order to close the meeting, the head of the delegations of the three countries: Cambodia, Laos and Myanmar, signed on the minutes of the meeting which has been agreed in a happy and friendly moment on the 25th of May 2018 in Siem Reap, Kingdom of Cambodia.

**Submitted to Her Excellency
Permanent Vice Chair, for information**

Phnom Penh, 28 May 2018

Minute taker



Handwritten signature in blue ink and a red official stamp in Khmer script.

**Seen, and submitted to Samdech Kralahom, for
information and advices**

Phnom Penh, 31 May 2018

Permanent Vice Chair of NCCT



Handwritten signature in blue ink and a red official stamp in Khmer script.