



Terms of Reference for the Thailand Migration Network Working Group

Background

As a key country of origin, transit and destination for migrants, displaced persons and asylum seekers, Thailand is a regional migration hub within South-East Asia. The number of non-Thai residents within the country is an estimated 4.9 million in 2018, which includes approximately 3.9 million migrant workers from Cambodia, the Lao People's Democratic Republic, Myanmar and Viet Nam, 10 per cent of Thailand's total labour force. With an ageing population, low birth rate, low unemployment rate and continuing economic growth, the high demand for migrant workers in Thailand is likely to continue for the foreseeable future.

Although migrant workers from neighbouring countries constitute the vast majority of Thailand's current population of migrants, its migration flows remain heterogeneous and complex. There are a wide variety of other groups residing within the country who do not hold citizenship status, including stateless persons, asylum seekers and refugees, professional workers, foreign investors, foreigners married to Thai nationals, students and retirees. Furthermore, some migrants bring their families, and 600,000 migrant children are estimated to be in the country. In addition, internal and international migration of Thai nationals continues to be an important phenomenon, largely motivated by uneven levels of development between the rural and urban areas of Thailand and the lack of sufficient livelihood opportunities in the former.

Human trafficking in Thailand primarily occurs in the context of large-scale labour migration from neighbouring countries. Because effective recruitment systems and migration governance frameworks have not been established to facilitate the movement and regulate the employment of this workforce, they remain vulnerable to exploitation at various points during the migration process.

Migrants will continue to play a key role in Thailand's development as it integrates into the ASEAN Economic Community and restructures its economy under the Thailand 4.0 economic model. These initiatives take place against the backdrop of significant efforts by the Royal Thai Government (RTG) to combat human trafficking and exploitative working conditions for migrants. A range of measures have recently been introduced to address these issues, including the enactment of the Royal Ordinance on the Management of Foreign Workers Employment, the establishment of Migrant Worker Assistance Centres, and the ratification of the Protocol to the Forced Labour Convention, 1930 (No. 29).

Though Thailand's national policy framework towards migrant children provides full access to birth registration, access to free public education, and access to health care, challenges remain in practice: it is estimated that less than 70% of migrant children are fully registered at birth, less than 50% have effective access to education, and less than 25% have effective access to routine basic health care.

The United Nations Country Team is committed to support the RTG in reaching its policy and management goals, as exemplified through the development and joint endorsement of the United Nations Partnership Framework (UNPAF) for 2017-2021. The five results groups that complement the UNPAF, People, Prosperity, Planet, Peace, and Partnerships, define the priorities for the UNPAF for this period for all population groups, including migrants in Thailand.



The RTG has demonstrated its commitment to addressing the aforementioned issues at an international level through its work to achieve the 2030 Agenda on Sustainable Development; by endorsing the Global Compact for Safe, Orderly and Regular Migration (GCM) in December 2018 following three national consultations; and by implementing several international conventions addressing the vulnerabilities of migrants, which are listed at the end of this document.

As a follow-up to the adoption of the GCM, at the global level the United Nations established the United Nations Network on Migration to ensure effective, timely and coordinated system-wide support to Member States on migration as they respond to the GCM. To support the Network's initiatives at the regional level, the Regional Migration Network was established in Bangkok in 2019. The Thailand Migration Network Working Group, formerly known as the UN Thematic Working Group on Migration, will support these Networks at the national level.

The overall objective of the UN Thailand Migration Network Working Group will be to strengthen the capacity of the United Nations Country Team with regards to facilitating the implementation of the GCM, as well as to accelerate the implementation of the Sustainable Development Agenda in line with the priorities defined by the outputs and outcomes of the UNPAF 2017-2021, Thailand 4.0, and the Thailand National 20-Year Strategy. The MNWG will also be guided by the Delivering as One (DaO) approach.

Principles and Functions

The MNWG is a coordination body for programme areas related to migrants to complement the UNPAF and its five results groups. In line with the UNPAF priorities, under the overall leadership of the UN Resident Coordinator, and Chaired by the International Organization for Migration, the key Principles and Functions of the Migration Network Working Group are:

1. Uphold full respect for the human rights of migrants, particularly the most vulnerable, by promoting migrants' access to social services in Thailand, and raising awareness on the need for a comprehensive approach to migration for the benefit of all.
2. Support the RTG in the development of a coordinated and coherent migration policies through fostering policy dialogue and providing international expertise through a whole-of-society approach.
3. Promote research and information management among migration policy makers in Thailand, with tools such as the drafting and publication of the *Thailand Migration Report*.
4. Harness the contribution of national stakeholders, UN partner agencies and non-national stakeholders in enhancing cooperation on international migration to feed into regional discussions such as ASEAN, the Bali Process on Trafficking and Smuggling, the Colombo Process, the COMMIT Process, and other related Regional Consultative Processes.
5. Act as the voice of the UN Migration network in Thailand by sharing GCM-related core priorities and thematic priorities and capacity building mechanisms envisioned by the GCM, such as the Migration Multi-Partner Trust Fund/MPTF (the Start-up Fund), and the Global Knowledge Platform and Connection Hub.



6. Encourage the participation of national and non-national stakeholders in sharing good practices in the field of migration to inform key stakeholders, such as the private sector, civil society, trade unions, international organizations and the media, to promote safe migration and decent work for migrants.

Organization and Reporting

A. Chair of the Thailand Migration Network Working Group

The Chair is held by the International Organization for Migration (IOM), usually represented by the Chief of Mission unless delegated to another IOM official. The Chair of the MNWG serves as the Secretariat for the group. As such, its responsibilities are as follows:

1. Convene and run regular meetings, including preparing the agenda, drafting and disseminating meeting minutes, inviting government officials and other stakeholders when necessary, reporting to the Resident Coordinator, maintaining an up-to-date list of participants, and following up on action points with relevant counterparts.
2. In coordination with the MNWG members, develop annual work plans based on the migrant-related sub-components of the five UNPAF results groups and share with the Resident Coordinator's Office.
3. Coordinate the drafting, printing and launch of the *Thailand Migration Report* publication every 3-5 years. Liaise with the Ministry of Foreign Affairs for review of the draft and launching of the publication.
4. Collect up-to-date and accurate information on gender-responsive migration regulations and policies and regularly share this information with the MNWG members both in meetings and through the distribution of meeting minutes.
5. Liaise with the UN Country Team on all matters related to migration and represent the MNWG at relevant meetings along with other relevant agencies as per the General Assembly's mandates.
6. Liaise with the Secretariat of the United Nations' Migration Network in Geneva to inform on developments in Thailand, gather sex-disaggregated data, information and updates from the Secretariat, and share priorities with the MNWG.
7. Coordinate multi-agency proposals for the Migration Multi-Partner Trust Fund/MPTF (the Start-up Fund).
8. Identify opportunities for joint and multi-disciplinary programmes on migration and take the lead in developing relevant project proposals.



B. Membership

1. All UN agencies that are interested may participate in the Thailand Migration Network Working Group. They are invited by the Chair to appoint a focal point to attend the MNWG meetings.
2. Government officials are invited as guest speakers to ensure the alignment of the MNWG with the RTG's priorities and to support the exchange of information.
3. International development partners, academia, civil society organizations and media can participate upon invitation.

C. Meetings and Reporting

1. The Thailand Migration Network Working Group will meet on a quarterly basis and will be convened by the Chair. Ad-hoc meetings can be called if the situation requires increased coordination or information sharing.
2. As an output of the MNWG, the *Thailand Migration Report* monitors the progress made in Thailand against the evolving needs of migrants. The *Thailand Migration Report* is produced every 3-5 years, based on the evolving migration context and the available funds of UN agencies.
3. The MNWG will report on an annual basis on the main achievements and key points identified and advocated through the MNWG. The report will also outline the main action points taken. This report will be shared with the Resident Coordination and the UN Country Team and made available to the Royal Thai Government through the Ministry of Foreign Affairs. If particularly sensitive information is contained in the annual report, a separate internal report will be made available for the UNCT.



Annex I: Conventions and legal instruments adopted by The Royal Government of Thailand in relation to migration

| International Conventions | Summary |
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| ILO international labour standards: | <p>Thailand has ratified a total of 19 ILO Conventions, including six of the eight ILO Conventions deemed fundamental to the protection of human and labour rights of all workers:</p> <p>C029 - Forced Labour Convention, 1930 (No. 29) ; ratified in 1969 C100 - Equal Remuneration Convention, 1951 (No. 100) ; ratified in 1999 C105 - Abolition of Forced Labour Convention, 1957 (No. 105) ; ratified in 1969 C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111) ; ratified in 2017 C138 - Minimum Age Convention, 1973 (No. 138) ; ratified in 2004 C182 - Worst Forms of Child Labour Convention, 1999 (No. 182) ; ratified in 2001</p> <p>Other Conventions ratified by Thailand that are important to labour migration includes:</p> <p>C019 - Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19) C187 - Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) C.188 - Work in Fishing Convention, 2007 (No 188)</p> |
| 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime | This Protocol came into effect in 2003 and aims to prevent and combat trafficking in persons, to protect and assist victims of such trafficking, in particular women and children, to prosecute perpetrators of such crimes and to promote cooperation among States Parties. Thailand ratified this Protocol in 2013. |
| 2000 Protocol against the Smuggling of Migrants by Land, Sea and Air supplementing the United Nations Convention against Transnational Organized Crime | This Protocol came into effect on 2004 and is an effective tool for combating and preventing the smuggling of “human cargo”. It reaffirms that migration in itself is not a crime, and that migrants may be victims in need of protection. Thailand signed this protocol in 2001. |
| Convention on the Rights of the Child | Thailand is a signatory to this Convention. Some challenges remain regarding the children of migrant workers, particularly those unregistered, are among the most vulnerable in Thailand and are subject to systematic violations of their |



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| | <p>human rights, including arbitrary arrest and often indefinite detention.</p> <p>Thailand also adopted the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict</p> |
| Protocol to the ILO Forced Labour Convention, 1930 (No. 29) | This protocol was ratified by Thailand in 2019 and can support efforts towards ameliorating exploitative working conditions for migrants across all sectors. |
| International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) | Ratified in 2003 by Thailand, the Convention commits its member to the elimination of racial discrimination and the promotion of understanding among all races. |
| International Covenant on Civil and Political Rights (ICCPR) | Ratified on October 29 th , 1996 by the Thailand. The covenant commits its parties to respect the civil and political rights of individual, including right to life, freedom of religion freedom of speech, freedom of assembly, electoral rights and due process |
| International Covenant on Economic, Social and Cultural Rights (ICESCR) | Ratified on September 5 th , 1999 by Thailand. The Covenant commits its parties to work toward the granting of economic, social, and cultural rights (ESCR) to the Non-Self-Governing and Trust Territories and individuals, including labour rights and the right to health, the right to education, and the right to an adequate standard of living |
| Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) | Ratified in 1985 by Thailand. |
| Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) | The term "torture" under Article 1 of the Convention shall accordingly be interpreted in conformity with the current Thai Penal Code. The Kingdom of Thailand shall revise its domestic law to be more consistent with Article 1 of the Convention at the earliest opportunity |
| Convention on the Rights of Persons with Disabilities (CRPD) | Signed in 2007. The Convention intends to project the right and dignity of people with disabilities. Thailand also ratified the Optional Protocol to the Convention on the Rights of Persons with disabilities in 2016 |
| Regional Conventions | Summary |
| The ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers 2007 | The Declaration calls on countries of origin and destination to ensure the dignity of migrant workers by outlining their obligations in the areas of: (i) protection from exploitation, discrimination, and violence; (ii) labour migration governance; and (iii) the fight against trafficking in persons |
| The ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers 2017 | The ASEAN Consensus stipulates the general principles, fundamental rights of migrant workers and members of their families, specific rights of migrant workers, obligations and commitments of ASEAN Member States. While it is non- |



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| | legally binding, it aims to establish a framework for closer cooperation among member states on addressing migrant workers' issues in the region. |
| ASEAN Convention Against Trafficking in Persons Especially Women and Children 2015 | This Convention came into force in 2017 and was developed in recognition of the growing issue of human trafficking within and involving the ASEAN Member States. The document recognizes the need for more coordinated enforcement and collaborative action across the region in order to better prevent trafficking and protect and assist victims. |
| Thai Legal Instruments | Summary |
| Royal Ordinance on the Management of Foreign Workers Employment B.E. 2560 | The new revision aims to facilitate better control and monitoring of the process of bringing foreign workers into Thailand, the working conditions of foreign workers and the process of obtaining jobs in Thailand as well as adjust the terms of punishment to be in line with human rights obligations. Prior to the 2018 amendment, this Royal Ordinance endorsed severe penalties and imprisonment for irregular migrants and caused an exodus of migrants leaving Thailand in 2017. |
| Prevention and Suppression of Human Trafficking (No. 2) Amendment Act, 2015 [B.E. 2558]. | The amendment helps to ensure that legislation is more reflective of the current realities of exploitation faced by vulnerable individuals by revising "exploitation" to include "practices similar to slavery" and the revised definition of "forced labor or services" to include seizure of identification documents and debt bondage. |

Other conventions:

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| International Conventions | Summary |
| International Convention on the Protection of the Rights of all Migrants Workers and Members of Their Families | This convention entered into force in July 2003. Its primary objective is to protect migrant workers and their families, a particularly vulnerable population, from exploitation and the violation of their human rights. Thailand has not signed this convention. |
| 1951 Convention relating to the Status of Refugees and its 1967 Protocol | Thailand is not a signatory to the Convention or Protocol and the Royal Thai Government has employed instead the term "displaced persons" to refer broadly to those fleeing from fighting or political persecution from specific third country. |