



PART E: RECENT BLC ACTIVITIES

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A Brief Description of the Recent Work of the Legal Aid Section of the Burma Lawyers' Council

Today, there are Burmese people who work in foreign countries with legal permission from the Burmese military junta, as well as those who leave the country and work illegally as migrant workers. Currently, as a result of Burma's economic crisis, the rise in prices and the lack of work opportunities, the number of people who come to neighboring countries has been increasing. Especially in Thailand, people from Burma come regularly to work, where they are recorded as migrant workers. Regardless of how they arrive in Thailand, legally or illegally, they are migrant workers in Thailand. Burmese migrant workers are covered by international and Thai migrant worker laws, and thus should be protected by these laws. Therefore, the Burmese migrant workers need legal assistance to be able to work legally and get the protection of laws. To meet this need, the Legal Aid Section of Burma Lawyers' Council is providing legal assistance to Burmese migrant workers.

Objectives of the Legal Aid Section

The Legal Aid Section of the BLC implements its work based on following three objectives.

- to get social security for Burmese migrant workers according to law
- to distribute legal knowledge among Burmese migrant workers
- to provide legal assistance to Burmese migrant workers where necessary to overcome difficulties regarding legal processes

Activities of the Legal Aid Section

The Legal Aid Section of the BLC set up the following working plans in order to provide legal assistance to the Burmese migrant workers.

- providing legal counsel to migrant workers involved in legal cases,
- assisting in prosecuting cases,
- security aid for migrant workers,
- legal education,
- conducting workshops and training on migrant issues,
- publishing information about laws and events relevant to migrant workers,



- conducting legal marriages for migrant workers,
- validating the application forms for child adoptions,
- cooperating with other organizations in common areas

(1) Cases

For many reasons, a few of the Burmese migrant workers are involved in crimes in their work areas in Thailand. The cases handled by the BLC are primarily murder, rape, human trafficking and oppression by Thai employers. The workers want to complain to Thai authorities about the problems. Furthermore, they may face threats from business owners and other Thai people. To overcome these situations, the Legal Aid Section of the BLC provides assistance to Burmese migrant workers to seek justice for those who are victims of violations and crime, especially in physical security cases. The following are some cases that the Legal Aid Section has handled.



In 2003, six Burmese migrant workers were shot dead and then burnt with car tires by six Thai people. The Legal Aid Section of the BLC assisted in the prosecution of the murderers and bringing justice to the victims. The murders were sentenced to death in Thai court. The case is currently on appeal.

In November 2007, a Burmese migrant worker was convicted of rape. He used a knife to threaten his victim while her parents were out. Both defendant and victim were Burmese. The Legal Aid Section immediately informed the nearest police station of the case and brought the rapist to the police. They also sent the victim to the hospital for a medical exam. The defendant was convicted of rape and sentenced to 25 years and 1 month imprisonment.



In October 2007, a female migrant worker brought her niece with her to a textile factory located near the riverbank in Mae Sot. One month later, she told her niece to go back alone to Myawady, Burma because they could not get her a good job in Thailand. Shortly thereafter, her niece returned to Myawady. The aunt followed her there but could not find her. The niece's parents talked to the aunt but she did not take responsibility for the disappearance and fled back to Mae Sot. The niece's parents asked the BLC for help to find their daughter and bring the person responsible for her disappearance to justice. The Legal Aid Section sent photos of both of the women to organizations working on Burmese migrant issues. Later, information was received that the aunt was



at the Federation of Trade Unions of Burma. Under the assumption that she was responsible for her niece's disappearance, the Legal Aid Section filed the case at the Mae Sot police station. The investigation into the niece's disappearance continues.

While the Legal Aid Section of BLC deals with the security issues of Burmese migrant workers, giving them assistance in order to carry out justice, to some extent we are able to achieve our objectives but we also fall short sometimes. For example, in some cases the parties concerned are unwilling to bring the case to police. Under these circumstances, the Thai government has not set up any measures to provide security for the Burmese migrant workers. It has failed to create a situation for Burmese migrant workers to bring a case when they are victims of crime and other violations. The government also does not guarantee that the Burmese migrant workers can continue staying and working as usual while their cases are proceeding. Moreover, the Thai government does not help the Burmese migrants get attorneys for their court cases. Those are major obstacles in bringing the cases to justice. Additionally, the Thai government has failed to cooperate with parents and other relatives who come to Thailand to inquire into the death of their family member in Thailand. While the Thai government is exploiting Burmese migrants for its own advantages, there are few organizations providing assistance to Burmese migrants. This situation encourages the employers to oppress their Burmese migrant workers.

(2) Training and Workshops for Migrant Workers

The Legal Aid Section conducts, on average, two educational trainings and one discussion forum for migrant worker education every month. The trainings educate Burmese migrant workers primarily on labor and criminal law issues and rights. The discussion forums allow smaller groups of migrant workers to discuss the issues relevant to them and how to resolve workplace disputes or problems. The Legal Aid Section has found that legal education of migrant workers has a direct impact on the successful resolution of legal conflict in Thai factories and other workplaces. Moreover, many migrant workers travel back to Burma and share their knowledge there. The training subjects include Thai labor law, criminal law, forest law (upon request of the migrant workers) and other regulations affecting migrant workers' security in the workplace and in criminal situations.



Many of the workers who attend the training courses live very far from the training center. Nonetheless, the workers walk or arrange their own



transportation, indicating their strong enthusiasm and desire to attend the training. The workers also show their satisfaction with the courses by telling the Legal Aid Section that they want to extend the one-day course to two and sometimes even three days so that they can learn more.

The workers who attend the discussion forums explain the conditions and problems in the factories and fields, as well as giving ideas about how to overcome the problems.

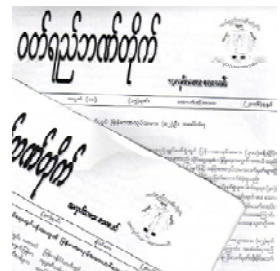
(3) Marriage Certificates

Burmese Migrants Workers come to Thailand for various reasons and get married in Thailand in their traditional way. The BLC provides assistance by issuing marriage certificates in order to make their marriage valid. The Legal Aid Section of the BLC is in charge of issuing legal marriage certificates to Burmese migrant workers.

In 2007, the Legal Aid Section issued marriage certificates to 80 couples. The Legal Aid Section has set up rules regulating the marriage proceedings. For example, the parties must fill out an application form prepared by the Legal Aid Section. The bride and groom must bring two witnesses along with them to the marriage registration center to attest to the marriage on the day the marriage contract is signed. The parties to sign the marriage contract cannot have drunk any alcoholic beverage or the proceeding will be canceled.

(4) Migrant Workers Education Program - Bulletins

A bi-weekly legal bulletin prepared, published and distributed by the Legal Aid Section, “Wut Yee Ban Taik”, is distributed to migrant workers in 18 factories and 3 libraries in Mae Sod, as well as in the Phangnga, Takwapar, Bangkae, Ranong and Bangkok regions of Thailand. 1000 copies of the bulletin are published and issued twice every month. The content of the bulletin mainly focuses on the information Burmese migrant workers may need to know. For example –



- (1) Laws affecting labor
 - International Labor Laws, including the ILO Convention
 - Thai Labor Law
 - Burmese Labor Law and Immigration Law
- (2) Crimes affecting the security of Burmese migrant workers (such as murder, rape and assault)
- (3) News and information relating to work permit cards issued by the Thai government



- (4) Cases involving the loss of workers' rights and ability to form unions.
- (5) Suggestions and guidelines to the workers on how to bring complaints to organizations working on labor rights issues when their rights are violated.

In response to the Wut Yee Ban Taik Bulletin, the Legal Aid Section receives many phone calls and letters from migrant workers. Migrant workers request that the bulletin be expanded to include more news and information. There is also a new question/answer feature that responds to questions submitted in the Legal Aid question/concern boxes that are located near factories and other places where migrant workers congregate. The responses give the migrant workers ideas about how to resolve their legal problems.

(5) Adoption

Abandonment of children by Burmese migrant workers in Thailand is increasing every year as a result of various social problems, such as low income and other survival difficulties. Some parents send their children to migrant schools, which provide accommodation and food, and then they never come back to take their children. Some women leave their children at hospitals after they give birth. Some parents die after they give birth. For these reasons, many children become parentless and are sent to charities that run orphanages.

There are people who with good intentions want to adopt the orphans, but there are also people who want to exploit the orphans. To increase the safeguards in the adoption process, the Legal Aid Section is collaborating with the Committee for Protection and Promotion of Child Rights (CPPCR) to produce guidelines and rules for legal child adoptions. In this process, the CPPCR is responsible for reviewing and approving the eligibility of the parents who want to adopt the children. The BLC is responsible for ensuring that the adoption procedures comply with applicable laws. Currently, the child adoption application forms are under discussion with legal organizations and human rights organizations from Thailand and other countries.

(6) Conclusion

Many Burmese continue to come to Thailand to seek jobs because of the economic collapse and the persistent increase of the price of goods in Burma. As long as there are Burmese migrant workers in Thailand, the Legal Aid Section will continue working on their issues pursuant to our established working plan. We welcome the further cooperation and accept the suggestions of other organizations that assist migrant workers; together we can improve the security situation of the workers and increase the services available to them.

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Legal Aid Section
Burma Lawyers' Council