



มูลนิธิเพื่อสิทธิมนุษยชนและการพัฒนา (นสพ.)
Human Rights and Development Foundation

เลขที่ 109 ซอยสิทธิชน ถนนสุทธิสารวินิจฉัย แขวงสามเสนนอก เขตห้วยขวาง กรุงเทพฯ 10310

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Press Release

**WHO Thailand Senior Staffer in Thailand Agrees to Pay Money
to His Domestic Workers Networks Ready to Push on for Better Domestic Law**

Following the legal assistance jointly provided by Human Rights and Development Foundation and Foundation for Women, Ms. Emebet, domestic worker of WHO Thailand senior staff have filed legal actions in both criminal and civil against her employer and his wife. On November 16, 2015, 13:30 hrs, the Nonthaburi Provincial Court (criminal case), initiated preliminary examination on the case of Ms. Emebet (Plaintiff) versus her former employers, Dr. Yonas Tegegn – the senior staffer of WHO Thailand and his wife (Defendants), on the grounds of assault, confinement, slavery and human trafficking. During the hearing, the lawyers acting on behalf of the plaintiff informed the Court that Ms. Emebet had been able to reach an agreement with the defendants during the reconciliation process in the labour court on October 30, 2015 and that she had agreed to receive money from the defendants in a fair amount. The lawyer informed that accordingly, the plaintiff had decided to drop the criminal case at Nonthaburi Provincial Court and labour case at Central Labour Court (Nonthaburi Branch). (For more details of the cases, please see <http://hrdfoundation.org/?p=1358> and <http://hrdfoundation.org/?p=1404>.)

Under the criminal procedure law of Thailand, even if the person suffering damages drop a case, the office of the public prosecutor can proceed with a law suit as offences relating to slavery and human trafficking are in the nature of public offences. Mr. Surapong Kongchantuk from Lawyers Council of Thailand made a comment in this regard, “this case has attracted international attention and responsible agencies should investigate the matter seriously. Particularly, Thailand should earnestly review and make progress on victim identification process, investigation, and prosecution on human trafficking cases, which are necessary for unlocking of the country’s rank in Tier 3 in the US Trafficking Report and lifting of economic sanctions of USA and other countries in EU. Also, Thailand should improve the quality of work of the government authority and legal measure for prosecution against human trafficking case, to make them more specialized, transparent, and efficient, and to increase their ability to suppress the crime and send the warning messages to the perpetrators, as well as to minimize vulnerability of the potential victims from exploitation by their employers”.

On the other hand, Ms. Usa Lerdsrisantad, the director of Foundation for Women (FFW) expressed her view that Ms. Emebet’s case is a case study for domestic workers working in Thailand whose population is around 300,000 comprising of both Thais and migrant workers. Domestic workers are protected under the Ministry of Labour’s Ministerial Regulation No. 14 of B.E. 2554. However, the Ministerial Regulation neither provides minimum wage, nor provides protection and welfare to domestic workers in the same way as other workers. In several cases, domestic workers are found to be unable to access to rights and protections, as most employees are still living in the employers’ houses, particularly migrant workers who do not possess travel documents and are often unable to enter and exit employers’ houses freely. Moreover, there is no clear policy on labour inspection in workplaces of domestic workers. As a result, the Foundation together with Network of Domestic Workers in Thailand has continuously been receiving complaints and requests for assistance from workers. The government of Thailand, therefore, shall consider canceling such Ministerial Regulation and shall provide protection to domestic workers on the same footing as the Labour Protection Act B.E. 2541. Also, the government should accelerate the ratification of the ILO Convention No. 189 concerning

Decent Work for Domestic Workers, so as to extend rights protection to domestic workers and to diminish discrimination against them.

The Human Rights and Development Foundation (HRDF) is of opinion that Ms. Emebet's case portrays problems of domestic workers being abused-exploited by employers. The case also highlights gaps and deficiency in law because of which domestic workers are unable to enjoy protection of their rights and access justice. HRDF agrees with FFW that, ratification of the ILO Convention No. 189 concerning Decent Work for Domestic Workers, by Thailand will enable to strengthen rights protection and address the problems experienced by domestic workers. HRDF also stressed that there need to be dialogues with representatives of employees and employers and the existing law needs to be amended so as to be in accordance with ILO norms and standards such as Convention No. 29 concerning Forced Labour, Convention No. 105 concerning Abolition of Forced Labour, and Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. In this way, Thailand will have efficient tools for protection and prevention for domestic workers against the labour exploitation of the employers.

At the time this case came to be known to the public, in April 2015, Network of Domestic Workers in Thailand had issued a letter to the Government of Thailand, asking them to consider revising domestic law to provide better legal protection to domestic workers, e.g. requiring employers who hire a domestic worker with 15 years of age but not more than 18 years to submit the workers list to labor inspectors, in order to prevent child labour; providing for appropriate working hours and working conditions to domestic workers; providing domestic workers the right to choose whether to stay or reside in the employers' residences; enhancing labour inspection mechanism in order to ensure that labour inspectors are able to access to facilities of employers who are hiring domestic workers; improving quality of life and welfare of domestic workers by revising social security law, workmen's compensation law, and labour relations law as a way to engage domestic workers in social dialogues together with employers. Moreover, Network of Domestic Workers in Thailand also demanded that United Nations put in place Code of Conduct to control ethical standards and to investigate matters against its staff, as well as to provide measures for transparent and accountable inquiry and investigation, and to specify clear sanctions against non-compliant staff.

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