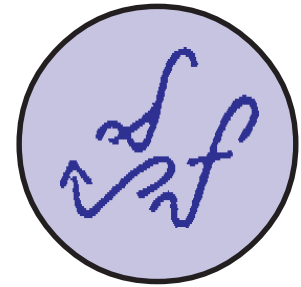


News Digest

June 2009



APMM

Monthly Newsletter of the Asia Pacific Mission for Migrants (APMM)

Migrant workers in Sabah: unsecure, abused and exploited *AsPac groups hold 5-day FFM in Malaysia*



Members of the fact-finding mission spent five days interviewing migrant workers and various other sectors to gain a better and deeper understanding on the situation of foreign workers in Sabah, Malaysia. Results of the FFM shall be used by participating organizations in lobbying and advocacy efforts for the rights of migrants.

MALAYSIA IS A HOTBED of abuses against migrant workers. After the Fact Finding Mission in Sabah organized by the Asia Pacific Mission for Migrants (APMM) and participated in by various NGO's and migrant organizations, this fact is even better established.

The FFM, conducted last June 11 to 16, was initiated by APMM to ascertain the concrete situation of migrant workers in Sabah, particular that of undocumented migrants and their families. It aimed to establish facts that can be used to advance the advocacy for the migrant workers and against the arrest, detention and deportation of undocumented migrants. Additionally, it also sought to serve as a springboard for cooperation among groups in Sabah and elsewhere where the rights and wellbeing of migrants are at stake.

Members of the FFM included Rey Asis of Asia Pacific Students and Youth Association (ASA), Roy Anunciacion of Migrante International, Aurelio Estrada and Ade Ahmed Faidullo

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What's inside?



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of the Asia Pacific Mission for Migrants (APMM), Cong. Luzviminda Ilagan of Gabriela Women's Party (GWP), Fajar Kurniawan of Lumbaga Banduan Hukum (LBH), Baseer Naveed of the Asian Human Rights Commission (AHRC) Steven Ng and Florida Sandanasamy of Tenaganita in Malaysia, Antonio Salcedo of Osan Migrant Center in South Korea, and Amy Sim of Engender.

In the five days of the FFM, the participants conducted interviews and meetings with migrant workers, NGOs government officials and even church people who provide assistance to migrants to get a clear picture of the practices and policies in Sabah on foreign workers.

In Kota Kinabalu, they held separate meetings with Jasmih Bin Salamat, Assistant Secretary of the Sabah branch of SUHAKAM, Umbara Setiwan, Vice Consul for the Indonesian Consulate in Sabah, and Bapak Imran Hanafi, principal of Sekolah Indonesia Kota Kinabalu.

For two consecutive evenings, the group went to two different migrant colonies where they interviewed migrant workers and their families. Yohanes, a known personality and migrant leader within the Indonesian migrant community, was interviewed as well.

On the 14th of June, the group was divided into two: one went to Tawau while the other to Sandakan.

The Sandakan team got to interview migrant Filipinos and Indonesians of Papuan descent. The meetings were held in the auspices of mainly Catholic parishes who were providing support to them. Meetings were likewise held with Bishop Julius Dusin Gitom of Sandakan, priests and other lay people who were supportive of the migrants' cause.

A meeting with Dicasaran Acraman, administrative officer of the Philippine Embassy in Malaysia and head of the four-man team in Sandakan, also ensued.

The Tawau team looked into the situation of migrant workers in palm oil plantations. There, they interviewed migrant workers, mostly undocumented, in Tawau proper and Semporna. They also



Members of the FFM interviewed migrant workers - undocumented and documented ones - advocates, churchpeople and representatives of government bodies to get a clear picture of the situation of migrant workers in Sabah.

headed to Lahad Datu where they met with Filipino and Indonesian migrant workers encountering problems of exploitation in a palm oil plantation. They likewise met with church leaders at the Tawau office of Tenaganita.

On the evening of their last day, both groups recouped in Kota Kinabalu to share their findings, conclusions and recommendations.

Major findings of the FFM were:

1. Migrant workers remain to be targets of oppression and exploitation. Even migrant workers with legal working permit have been arrested and detained.
2. From the time they leave their home countries, they are already caught in the vicious debt cycle as recruitment agencies and employers overcharge them on processing, visa and levy.
3. Migrant workers are forced into debt bondage as employers, both in urban and rural areas, hold their passports, deduct from their salaries without any justification and provide no benefits.
4. Corruption in the Malaysian government agencies has been alleged as immigration authorities have been reportedly collecting fees from migrant workers especially at the entry points and Malaysian police receiving or

demanding bribes in exchange for the freedom of arrested migrant workers.

5. This web of deceit and corruption apparently leads to the seemingly easy inflow of migrant workers who are amassing by the minute despite massive crackdowns.

6. SUHAKAM, Malaysia's National Commission on Human Rights, has admitted its limitation in powers to effect change with regard to the situation of migrant workers. As its representative has stated, the Malaysian government itself does very little in resolving the problem and has, in turn, become part of the problem.

7. Indonesian migrant workers have little trust on the Indonesian Consulate's capacity to address their problems. From marriage issues to urgent labor concerns, the Indonesian Consulate in Sabah has remained inconsistent and hence unreliable in providing support to Indonesian migrants.

8. While a memorandum of agreement exists to ensure Indonesian migrant workers' rights, a problem ensues with one stipulation in the agreement allowing employers to hold their employees' passports.

9. The establishment of Sekolah Indonesia Kota Kinabalu is a recognized

development in the agreement between Malaysian and Indonesian governments to provide education to Indonesian children. While tuition is free, certain aspects of the program remain problematic, pertaining to the migration status of the children, the proximity of the school to migrant workers' communities, among others.

10. There are more school-age children and youth in plantation areas yet provision of education is much more difficult due to a number of reasons: distance of the plantations from urban areas, lack or absence thereof of electricity, accessibility to needed materials, lack or absence thereof of school facilities, among others.

11. There is no functioning Philippine Consulate in Sabah due to the contention between the Philippines and Malaysia on the Sabah islands.

12. While a temporary working office in Kota Kinabalu has been established, services to migrant workers will depend mainly on the availability of the consulate representatives themselves.

13. The Philippine government's four-person team in Sandakan only provides passport services to its constituents. It is found out, however, that certain private establishments provide the same services and with the knowledge of the head of the four-person team.

14. No update has been obtained with regards to the mechanisms created by the Philippines-Malaysia working group as the Philippine Consulate representative chooses not to comment on the matter while the representative from SUHAKAM has denied any knowledge of such working group.

15. Trafficking of women and children has been noted through interviews made with migrant workers.

16. Institutions of faith (e.g. Roman Catholic, Anglican) with its organizations are the only existing groups in Sabah that provide assistance and refuge to migrant workers. Aside from the team by Tenaganita based in Tawau, there are no non-secular organizations that cater to the demands and needs of migrant workers.

With such findings, there can be no doubt that advocacy, organizing and education work for migrant workers in Malaysia are very much imperative. Services also should be made available to those who encounter abuses or any type of problems as a worker.

Malaysia indeed is deserving of its reputation as one of the worst areas where migrants are treated as no less than slaves with very minimal rights and protection. It is hoped that with the FFM, advocacy for migrants will be strengthened and actions would be taken to alleviate their plight.#

(Complete report of the FFM will be published soon by the APMM)

APMM attends Kairos' and migrants' national gathering in Canada

APMM ATTENDED THE National Gathering organized by KAIROS Canada (Canadian Ecumenical Justice Initiatives) last June 17-20 at the University of Waterloo, Toronto, Canada. The gathering was attended by more than 400 participants representing different Church denominations and faiths from various provinces of Canada including the First Nations.

The national gathering was followed by the 2nd National Migrants Gathering which was held on July 20 and 21 at the same venue. Ramon Bultron, APMM Managing Director, was invited as the keynote speaker.

He spoke on the current global trends on forced labor migration and the establishment of the Global Forum on Migration and Developments or GFMD.

He also informed the participants of the counter event to the GFMD organized by the International Migrants Alliance together with its partners. The parallel

event was called the International Assembly of Migrants and Refugees or IAMR which was first held in Manila in October 2008. The 2nd IAMR will be held at Athens, Greece on November 1 to 4 this year.

The national migrant gathering was attended by more than 50 participants from different Church denominations, grassroots migrant's organizations and trade unions. Organizers of the Agricultural Workers Alliance and the United Food and Commercial Workers Union were among the participants.

The participants heard testimonies from Filipina migrants working as Live-In Caregivers and Thai agricultural workers under the Temporary Foreign Workers Program in Canada. Both groups raised the problem of the lack of control on

unscrupulous recruitment agencies who charge huge sums to bring workers to Canada that sometimes can reach C\$13,000 as in the case of one Thai worker.

The participants to the gathering agreed to work together as a network and a coordinating group was formed. The participants also agreed to work together for the 3rd National Migrants gathering to be held in 2011.#



Participants of the national gatherings organized by KAIROS Canada strengthened solidarity with each other. (Photo was taken from the blogspot of the International Migrants Alliance (IMA) - Canada)

BMI menuntut transparansi asuransi TKI

SAMPAI SAAT INI, kondisi buruh migrant Indonesia (BMI), masih amat jauh dari kondisi ideal, dimana pemenuhan hak-hak dasar mereka, sebagai buruh, sebagai warga Negara, dan sebagai manusia terpenuhi dengan baik.

Kondisi tersebut sangat lamban mengalami perbaikan, bahkan dibebberapa aspek, bahkan terlihat semakin parah.

Tidak responsifnya pemerintah Indonesia dalam menanggapi buruknya kondisi BMI, menjadi factor kunci mandegnya perbaikan kondisi BMI. Bahkan akibat besarnya potensi ekonomi dari fenomena migrasi ini, pemerintah Indonesia lebih tersibukan dengan mencari formula-formula baru untuk memaksimalkan pemasukan Negara dari BMI.

Disisi lain, sebagai buruh migrant yang harus bekerja jauh dari tanah air, sering kali masukan, harapan dan bahkan jeritan mereka, terdengar sangat sayup di tanah air. Yang pada akhirnya, rakyat Indonesia pada umumnya, hanya tercekoki dengan berita-berita keberhasilan pemerintah dalam penanganan BMI. Yang sudah barang tentu, membuat upaya perbaikan kondisi BMI, semakin lambat.

Beberapa tahun terakhir ini, akibat semakin memburuknya kondisi BMI, baik yang disebabkan oleh pemerintah Indonesia, maupaun pemerintah Negara penerima, BMI mulai melancarkan kampanye untuk perbaikan nasib mereka, BMI membongkar penindasan Negara melalui biaya penempatan, terminal khusus TKI dan PJTKI beserta penampungannya.

Kampanye yang diusung melalui pola gerakan BMI dengan sumbu ormas-ormas yang dibangun dan di pimpin sendiri oleh BMI ini, semakin bergulir dan meluas, hal ini mendorong LSM dan lembaga lainnya yang memiliki kepedulian terhadap BMI untuk terus meningkatkan pelayannyan agar dapat terus berkontribusi terhadap perkembangan gerakan BMI.

Hal inilah yang mendorong APMM untuk terus mengembangkan upaya-upaya dukungan terhadap gerakan BMI. Sebelumnya beberapa penelitian telah di lakukan APMM, yang membantu mempertajam kampanye BMI terhadap persoalannya.

Dan baru-baru ini, APMM menggelar Training tentang akses terhadap Asuransi TKI.

Training Akses terhadap Asuransi TKI ini digelar APMM, sebagai jawaban terhadap maraknya penyalahgunaan uang asuransi yang ditarik dari setiap BMI sebesar Rp. 400.000.

Walaupun seluruh BMI telah membayar asuransi yang diwajibkan oleh pemerintah ini, namun mayoritas BMI tidak mengetahui bahwa mereka memiliki hak atas asuransi.

Di Hong Kong, umumnya BMI mengalami potongan gaji illegal, PHK setelah masa potongan agen (7 bulan kerja) dan gaji tidak di bayar. Bila mengacu pada ketentuan Asuransi, BMI yang mengalami persoalan tersebut, harus mendapatkan kompensasi dari asuransi yang telah mereka bayarkan, namun kenyataannya, umumnya BMI di HK tidak menikmati haknya tersebut.

APMM juga mencatat, dari beberapa kasus yang muncul, akibat penahanan dokumen BMI oleh Agen dan lemahnya peran Negara dalam perlindungan BMI, klaim asuransi sering kali di urus oleh agen yang memberangkatkan BMI, namun uang kompensasi tersebut tidak jatuh ketangan BMI atau keluarganya, malah dinikmati oleh agen tersebut,

Selain di HK, APMM juga menggelar training yang sama di Macau, sekaligus membuat system bantuan penanganan klaim asuransi antara lembaga di HK dan Indonesia.

APMM berharap, upaya ini menjadi bagian dari upaya kita bersama untuk mempertahankan hak BMI dan disaat yang sama, memperjuangkan hak-hak yang seharusnya dimiliki oleh BMI.#

IMW organizations and NGOs gear up to address insurance issue

EVERY YEAR, AT least 700,000 Indonesians are forced to leave the country with a simple hope: to get a job as a migrant worker abroad.

Most of them are young women and like the hundreds of millions of Indonesians, they are ignored by the economic plan of the Indonesian government. As a result, they are left without jobs, poor and without land to till.

As a country that extremely depends on foreign investments and export of raw materials, the Indonesian government considers export of labor as one of the biggest national income-earners for the country after oil and gas. Every year, Indonesian migrant workers (IMWs) contribute around Rp100 trillion or US\$10 billion from their remittance.

Aside from remittance, the Indonesian government also extracts other fees from IMWs such as a "protection fee" of US\$15 per migrant and an insurance fee of Rp400,000 or US\$40.

While the Indonesian government extracts billions of US dollars from IMWs, the protection and services to migrant workers remain poor.

For example, each one of the 700,000 IMWs deployed each year pays an insurance fee that amounts to Rp280 billion.



IMWs listened to the representative from LBH as he discussed to them the insurance scheme and how can one claim it.

However, almost all migrants are not aware that they have the right to access this insurance that covers some of the risks during their employment. In many cases, agencies are the one who file claims on this insurance scheme on behalf of migrants. However, the workers do not get a single cent from successful claims.

According to the Indonesian Consulate in HK, they know that all of the 135,000 IMWs in Hong Kong are not aware of this insurance. All of the documents relating to insurance claims are held by the agencies, but until now, the consulate do not do anything to help the workers.

In response to this issue, APMM, together with Association of Indonesian Migrant Workers (ATKI) and Lembaga Bantuan Hukum DIY (LBH-DIY) conducted a training-seminar on the issue of this insurance scheme for IMWs in HK and Macau. This publicity campaign aims to raise the awareness among IMWs on their rights.

As a follow up for the training, APMM, ATKI, LBH-DIY, Bethune House and the Mission for Migrant Workers (MFMW) are in the process of developing a system for assisting IMWs



APMM and LBH also reached out to IMWs in Macau to educate the broadest number of migrants on the insurance issue.

in claiming their insurance both in Hong Kong and Indonesia.#

Sabah 13 rescued; plan to pursue case

THIRTEEN FILIPINO OIL palm plantation workers in Sabah finally went home on June 26 after their predicament was publicized in a major Philippine newspaper by a Fact Finding Mission (FFM) which visited them earlier. Gabriela Iloilo chapter is now assisting them to file labor and criminal cases against their employer and illegal recruiters respectively.

The FFM which was co-organized by APMM, Tenaganita and Migrante International made a daring one and a half hour visit to the plantation on June 14 without the employer's consent. The team met 12 of the original 17 complaining workers outside their dormitory spiced by three tense moments when a guard and two from the management staff passed by to look at the meeting but did not intervene.

However on June 17 the management of the See Hoy Chan Company prevented the workers from getting any more food and other supplies from the company owned store. Because of this, APMM and Migrante came out with press statements exposing their conditions and calling on the Philippine Embassy to rescue them.

It was only through this that the Philippine government promptly and immediately rescued the workers and sent them home free of charge and with nobody being jailed and/or penalized

for those undocumented workers among them. The Embassy though lambasted APMM and Gabriela Women's Party which was a participant in the FFM for their own inaction on the case.

APMM had already written them as early as April 29 on this but the workers were only called up by the Embassy almost a month after. And all they wanted to do was to send the workers home with the latter shouldering all the costs including penalty fees for those who had no work permits.

The Embassy then and until now insists that the workers who were in debt bondage cannot file any labor case against their employer because they did not pass through the Philippine Overseas Employment Administration (POEA). This is even if the Embassy admitted that the workers have employment contracts stipulating that their monthly wages were from RM800 – 1000 (US\$225 – 281).

But the bigger problem with the Philippine government is its policy of not providing any legal and labor assistance to its nationals in Sabah as it might complicate its claim to the place. Even if this is the case, Gabriela Iloilo chapter will still pursue the labor and civil rights of the workers in coordination with APMM, Migrante International and Tenaganita.#

OFWs in HK slam GMA for Con-Ass and junket trip

Despite the short notice, more than 300 overseas Filipino workers (OFWs) in Hong Kong trooped to the Island Shangri-la Hotel to air their grievances and anger to Gloria Macapagal-Arroyo for pushing through with the Charter Change.

The protesters came from the United Filipinos in Hong Kong (UNIFIL-MIGRANTE-HK), Bangon Pilipinas Movement-HK Chapter, Bagong Alyansang Makabayan-HK (Bayan-HK), Jesus is Lord, Gabriela-HK, CIBAC Partylist-HK Chapter, Filipino Migrant Workers Union, United Pangasinan in Hong Kong (UPHK), Cordillera Alliance and Abra Tinguian Ilocano Society.

Before GMA's sidetrip to HK, pro-administration members of the House of Representatives railroaded the passing of House Resolution 1109 to convene the

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Overseas Filipino workers bounded GMA in a side trip to Hong Kong for pushing charter change

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Constituent Assembly (ConAss) to pave the way for Chacha.

Speakers in the protest action took turns in lambasting the ConAss and the planned changing of the Philippine Constitution. They said that if Chacha is pursued, it will further worsen the human rights situation and plunder of the nation's wealth. They also believed that it will be an easy way out for GMA from prosecution for her numerous crimes against the Filipino people.

For the groups that went to the action, Chacha is GMA's way to extend her term and will also disenfranchise OFWs from exercising their right to vote because it will cancel national elections. Aside from these, they believed that Chacha will also result to the further erosion of OFW rights and welfare, non-delivery of welfare services, justification of government's irresponsibility and its worldwide full scale export of the Filipino labor force, and prolonging the separation of OFWs from their family.

The protesters also hit the junket trip of GMA as a waste of public funds. According to reports, the trip was done to celebrate the birthday of her husband Mike Arroyo. GMA's party that also included about 70 members of the Congress and their spouses were all billeted at the expensive Island Shangri-la hotel.

"Such a squander of the people's money is abominable considering that the Filipinos are reeling from a worsening economic crunch. This has just again shown GMA's shameless disregard to the people's condition in the same way she disregards people's demands in order to push her own agenda," remarked UNIFIL-Migrante-HK's chairperson, Ms. Dolores Balladares.#

FDWs hit "live-in" domestic workers' exclusion from SMW as unjust, unfair and discriminatory

FOREIGN DOMESTIC WORKERS (FDWs) in Hong Kong in a protest action last June 24 condemned the decision of the HKSAR Executive Council (Exco) to exclude "live-in" domestic workers in its draft of the statutory minimum wage bill a day earlier.

The Asian Migrants' Coordinating Body (AMCB), the biggest grassroots alliance of Asian migrant workers in the former crown colony, trooped to the Central Government Office following the decision of the Exco which they deemed as "most unjust, unfair and discriminatory".

Eni Lestari, spokesperson for AMCB, branded the draft as anti-migrant and anti-workers and exposed the HKSAR government's treatment of FDWs as slaves and not as workers. Lestari said that the exclusion of FDWs in the minimum wage legislation "unleashed the virus of social exclusion and discrimination" that is more virulent and deadly than anything they have faced.

The group also hit what they called as the hypocrisy of the Exco when it claimed



Foreign domestic workers in Hong Kong vowed to pursue the campaign against the exclusion of FDWs to the minimum wage as proposed by the ExCo.

Hong Kong – the FDWs.

Lestari also pointed out that the decision of the ExCo will lead to the creation of FDWs as a discriminated subclass of workers who are not included in such an important labour legislation as the SMW. Worse, she added that FDWs are looked at as not even a part of the HK society deserving of protection and equal treatment.

Meanwhile, AMCB belied claims that many of the employers will be severely affected by the inclusion citing government official data that showed that more than 70% of them earn more than HK\$20,000 a month. This, she said, is the major paranoia that the ExCo wished to spread to make the local people afraid of FDW inclusion.

Now that the proposal is going to the Legislative Council (LegCo), the group appealed for the legislators to consider the proposal submitted by FDW organizations on inclusion and be critical of the ExCo's proposed bill.

Finally, AMCB called for the local workers and people to oppose the decision of the HK government that she said would also eventually impact on the condition of the locals. She added that July 1 would be the major action of migrant workers against the exclusion of FDWs to the proposed SMW bill.#

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that the draft bill was meant to "safeguard vulnerable sectors in Hong Kong as well as for the enhancement of social harmony" but at the same time excluded one of the most abused, underpaid and vulnerable working sector in