

# News Digest

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

## Asian countries crackdown on undocumented migrant workers

**At least five Asian countries are either conducting or planning massive crackdowns on undocumented migrant workers. The most severe at the moment is the ongoing crackdown in Japan. Malaysia on the other hand is planning one this year.**

Japan's recent move is unprecedented. Hundreds have been arrested and detained since September of last year. The Japanese government's goal is to cut the 250,000 "illegal migrants" by half in five years time. Stiffer penalties have been imposed on those caught since May of last year. Fines have been raised from Y300,000 to Y3,000,000 (US\$27,731) and the ban on re-entry has been extended from 5 to 10 years.

Once caught, the undocumented are put in jail pending investigation and court hearings. After which they are transferred

to immigration to await deportation. The process takes an average of three months or longer, depending on the capacity of the migrants to raise money for their airfare and travel documents. For the 30,000 undocumented Filipino migrants, they need Y11,550 (US\$106.767) to secure travel documents or Y10,500 (US\$97) - Y15,750 (US\$145.59) to renew their passports.

Malaysia, on the other hand, is planning to conduct a bigger crackdown this year when a recently introduced identity card system would be fully implemented. To arrest and deport the estimated 1.2 million "illegal workers" in the country, the government will mobilize 400,000 members of the People's Volunteer Corps, a uniformed organization of part-timers who have some police powers.

After harsh immigration laws were introduced in Malaysia in August 2002, half a million people were nabbed and deported in a four-month period. They endured inhuman conditions in detention camps that resulted in several deaths especially among children. Others suffered cruelty from police authorities by being caned. Including sexual abuse

and mysterious deaths, these cases were widely exposed and condemned by various groups inside and outside the country.

South Korea launched another crackdown on July 19 this year after an amnesty period that ended on June 30. This came before the implementation of the employment permit system which allows migrant workers to stay legally in Korea for up to three years. The number of migrants who became undocumented increased from 138,000 in December last year to 166,000 this June.

To deter the rising number of undocumented migrants, the Korean government threatened to punish employers and recruitment agencies of such workers. A fine of up to 20 million won (US\$17,400) will be imposed plus a jail term of up to three years.

Similarly, the Taiwan government has cautioned employers against encouraging their workers to overstay and has increased penalties for employers hiring these kinds of workers. Unlike South Korea,



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though, it has not implemented any amnesty on undocumented workers lately and it has banned other nationalities from entering Taiwan in retaliation to the high number of absconders. The Taiwan government has recently lifted the hiring of Indonesian workers to the country and is considering banning the deployment of Vietnamese in the island as it has the highest percentage of runaways at the moment.

Macau, on the other hand, has been witness to a number of arrests of undocumented migrants. It seems that the liberal attitude of the Macanese government in allowing anyone to enter the enclave without a visa card is changing.

The heightening issue on the crackdown of undocumented migrants in the region is alarming. This needs to be addressed by international agencies like the United Nations and the International Labor Organization in its Convention on the Rights of Migrants and their Families. The sending governments should also exert full diplomatic action to protect their constituents.

## Resurrecting the Unified Contract in Saudi Arabia

Recently, Waleed Al-Suwaidan, Chairman of the Saudi National Recruitment Committee of the Saudi Council of Chambers of Commerce and Industries announced that the Unified Contract will be implemented in August this year. The new contract provides that private recruitment agencies will be more responsible for the plight of migrant workers in Saudi Arabia.

The unified contract will only legitimize the neglect of sending government in ensuring the protection of their countrymen abroad and in effect will prolong the agony of migrants in seeking grievances and repatriation. Moreover, it does not ensure the implementation of the provisions of the employment contract; instead, it allows the practice of contract substitution. Thus, the implementation of the unified contract will only force the complaining migrants to run away and this will only breed more stranded migrants. Besides, in practice,

private recruitment agencies can disappear anytime without trace and the problems of resolving migrant grievances will remain.

To prove this point, the Philippine-run shelter in Riyadh accommodates hundreds of stranded women migrants on a daily basis while the male stranded migrants are forced to roam around the city begging for food and a place to stay. Many of them are stranded for months up to years.

The unified contract was first proposed in early 2003 under the administration of President Gloria Macapagal-Arroyo through Department of Labor Secretary Patricia Sto Tomas. However, the labor secretary denied that there was such an endorsement of the unified contract after it was publicly exposed and protested. The series of protest actions and opposition to the UC resulted to its temporary suspension. APMM had released a statement and called for the immediate scrap of the unified contract.

## Political pressure and public sentiment save Angelo's life

Angelo de la Cruz, a 46 year-old truck driver and father of eight children, has become a national hero. For many Filipinos, he symbolizes the struggle of over seven million Filipinos working overseas, 1.4 million of them in the Middle East.

This was part of the statement issued by the Asia Pacific Mission for Migrants following the safe release of Angelo who was taken hostage by Iraqi rebels on July 4 this year.

Aljazeera first reported the ransom demand on July 8, saying that a fundamentalist group had kidnapped de la Cruz and threatened to kill him unless the Philippines withdrew its troops from Iraq immediately.

MIGRANTE blamed the government for the OFW's plight. "The more than 4,000 Filipino workers in Iraq shouldn't be there in the first place," said Connie Regalado, head of Migrante, a pressure group for

overseas workers. "Most of them are in US military installations, where they're the first target of Iraqi rebels," Regalado said.

Initially, the Arroyo government refused to give in to the terrorists' demands, maintaining to pull out on August 20. But since the abduction of de la Cruz, daily protest actions mainly initiated by MIGRANTE, the Bagong Alyansang Makabayan, the family of de la Cruz himself, plus full media coverage and text messages all over the nation pushed President Arroyo against the wall.

While the United States and other foreign allies rebuked and criticized the Philippine government's decision to pull out the Filipino troops that sealed the safe release of Angelo on July 20, Filipinos inside and outside the country welcomed the decision.

"We feel very happy for the family, relatives and friends of Angelo de la Cruz that he

made it out alive. This was what we were hoping to achieve from the very start," said Eman Villanueva of the United Filipinos in Hong Kong. "There was no other way for the President. It was either she ordered the pullout or let Angelo die and she faces nationwide condemnation that could easily bring her new administration to the ground."

From his base in Utrecht in the Netherlands, Jose Ma. Sison, founding chair of the Communist Party of the Philippines, lauded Ms Arroyo for heeding the public demand for the pullout of troops to save De la Cruz. But he also congratulated the Bagong Alyansang Makabayan and Migrante International for pressing Ms Arroyo to order the pullout.

The victory of the Angelo Dela Cruz campaign proved that united and organized actions produce positive results. This should also result in the improvement of services for the protection of Filipinos working overseas.

## Overseas Employment Summit:

# A mockery on the rights of Overseas Filipino Workers



*Originally organized with the objective of ensuring the safety and welfare of Filipinos working abroad, the Overseas Employment Summit held in July 9 and an earlier pre-summit, turned out to be a strategic meeting to strengthen employment promotion overseas. Its main theme "Working Towards Quality Jobs for World-Class Filipino Workers" speaks for itself. Another outcome of the Summit was the designation of police Captain Reynaldo Jaylo as the new head of the Presidential Task Force on Illegal Recruitment.*

The government hastily called for an OFW Summit in response to the uproar caused by the deaths of 3 OFWs in Lebanon last May, the indifference shown by Embassy officials on abused maids in Kuwait, simultaneous to the death of OFWs in Saudi Arabia and Iraq as a result of the US unjust war.

The Department of Foreign Affairs also sent a team to the Middle East to ensure the speedy repatriation of undocumented workers in Kuwait, Saudi Arabia, Lebanon, the United Arab Emirates, and Bahrain.

Philippine Labor Secretary Patricia Sto. Tomas best described the change in tune of the Summit's objectives. She stated that the main goal of the summit was to ensure the government's efforts in collusion with private recruitment agencies to generate six to 10 million overseas jobs in the next six years. This is in line with the first of the ten-point agenda that President Arroyo announced during her inauguration on her second term as President last June 30.

Creating more jobs for the Filipino people apparently resolves the unemployment and underemployment crisis that has worsened from April 2003 to April 2004.

Nearly 5 million or 13.7 percent of the Labor force from a previous 4.2 million or 12.2 percent last year are unemployed. Underemployment also increased from 4.7 million or 15.6 percent last year to 5.8 million or 18.5 percent this year. This totals to 32.2 percent of the total labor force. These exclude overseas Filipinos working abroad which has reached 10% of the Philippine population.

Already, the government is bragging that the deployment of OFW's as of June 15 this year has reached 472,000 or an increase of 12% compared to the same period last year. Furthermore, it has stated that this softened the impact on the high employment level prevailing at present. The government is also boasting that the newly formed anti-illegal recruitment task force for apprehending an alleged big-time illegal recruiter. It remains to be seen, though, whether the government can prove its declaration to charge illegal recruiters with economic sabotage and prosecute their criminal acts.

Not one word was said in the Summit about what would happen to the government officials' alleged negligence that led to the deaths of three Filipinas in

Lebanon despite the recommendation made by the investigative team from the DFA to recall the entire officials of the Office of the Labor Attaché in Beirut for negligence. The team also warned that if the DFA did not get act, more deaths and injuries might occur in Lebanon.

What is happening also in Kuwait is not new to Philippine government officials. As early as December 2001, a survey on DH's in Kuwait made by the Philippine Labor Office already revealed that 1/4 of Filipino domestic helpers end up in their shelter to escape abuse from their employers. These include physical and sexual abuse, overwork and unpaid salaries. Because of these, the number of domestic workers stranded at the Center averages 271 every month.

The Philippine government should not take the rights and welfare of overseas Filipino workers lightly. Recently, President Arroyo experienced the impact of the people's ire causing her to give in to Iraqi militants for the Philippines to pull out its troops from the war-torn country. It became apparent that had she refused, the political storm that would follow the death of a lowly OFW would threaten her own hold to power.

# Migrant Workers in Taiwan Need Standard Employment Contract

There are two kinds of migrant workers in Taiwan — those who are covered by the Labor Standards Law (LSL) and those who are not. Both categories of workers do not have any standard contract, only model contracts. They are also subjected to impositions of side contracts that erode their rights and welfare. Therefore, the migrant workers want a Standard Employment Contract to avoid exploitation.

At present, Taiwan's Council of Labor Affairs (CLA) is conducting consultations with different sectors to determine which kind of laws or regulations should cover migrants working in homes since they are not covered by the LSL. But the CLA is inclined to put these migrants under the protection of the Employment Service Act (ESA) and maintain their having model contracts.

However, the ESA is only an Act that regulates the recruitment of marginalized sectors of local and foreign workers by public and private recruitment agencies. Since it is not a law, it can be subject to arbitrary changes and interpretations.

Recently, the CLA reversed its original interpretation of Article 35 of the Labor Union Law. The original interpretation made on June 1, 1989 stated that union executive board members can take paid leave for work for union activities. With the recent reversal, there is now a threat to curtail the activities of the whole trade union movement in Taiwan.

To make matters worse, both categories of migrants are still subjected to the impositions of side contracts whether or not they are protected by the Labor Standards Law. According to one Taiwanese lawyer, *domestic work is not covered by the Labor Standards Law, the general Civil Code or Law will govern.*

For those working in homes, side contracts include limited number of days off or no day off at all. According to former Manila and Economic Cultural Office Labor Representative Esther Guirao, other provisions *“usually involve payment of brokers' fees or placement fees in excess of the prescribed amount, advance collection of*

*brokers' fees which under the law are supposed to be paid by the workers on a monthly basis or every three months at the most.”*

Those working in factories and in other job categories that are under the protection of the LSL have more side agreements, some outright ridiculous. One is breach of contract; another is not giving the forced savings of migrants in one factory when they have to exit Taiwan before coming back as rehires. The first can be imposed at the whim of the employer. For the second, it is claimed that the migrants might be robbed when they arrive home.

Other than side agreements, migrants under the protection of the LSL are subject to company and dormitory rules. Again some of these are blatantly unjust even if these rules are supposedly approved by the CLA. Those who want to contest these unjust impositions can sue their employers and/or brokers. However, given their marginal situation and unfamiliarity with the legal system in Taiwan, it is unlikely that they will take this course of action.

A standard employment contract will hopefully ensure that the migrants' minimum rights are not compromised or

altered by side contracts. Further, this will prevent exploitation of foreign workers in all job categories and protect them against any illegal arrangements. Moreover, it would also lessen the imposing powers of placement agencies, brokers and employers now have over foreign workers.

Migrant workers in Taiwan want the following policies included in the standard employment contract:

- 1 Guaranteed day-offs every week and even during statutory holidays for those working in homes as caretakers and domestic workers;
- 2 No deductions in the minimum wage in the guise of perfect attendance, good performance and the like and no deductions for board and lodging of factory and construction workers;
- 3 No deductions in the guise of savings, making void all side agreements for all kinds of migrants;
- 4 Passports and ARC's of workers should not be confiscated by their employers or brokers;
- 5 Scrap all unfair and onerous company and dormitory rules; and
- 6 Migrants must be given due process in any conflict with their employers and brokers.

## MECO's handling of overcharging cases flawed

Two overcharging cases referred by APMM to the Manila Economic and Cultural Office (MECO) on March 19 and 25 have not been handled properly. The cases involved two caretakers in Hsinchu who are being charged illegally of NT\$9,000 a month by their broker to be paid in ten months time.

MECO's Philippine Labor Representative Esther Guirao and OWWA Welfare Officer Lydia Espinosa told Aurelio Estrada, APMM Taiwan coordinator, to give them more time to settle the case. They said that they would meet with the broker named Grace Wang of Asia Human Resource Management & Consult Co. Ltd., on April 1<sup>st</sup>. Despite these assurances, the wages of Delwena Pascual and Florame Januhan, the two Filipina caretakers concerned, were each deducted NT\$9,000 in April this year.

What is more alarming about this case is that the said recruiter, together with its Philippine agency, Speedy Overseas, has been involved in a similar complaint early last December in overcharging 19 Filipino workers in Tai Fong Circuit Industry in the Hsinchu Industrial Park. Fortunately, the workers, through the assistance of

*(cont'd to p. 5)*

# Government neglect evident as cases of violence on women migrants rise

In June this year, a Filipina domestic helper was raped by eight unidentified Kuwaiti men last Wednesday after escaping from her abusive employer.

The Arab Times reported that the victim and another Filipina were walking in Kuwait's Fahaheel district when four persons in a red Nissan car kidnapped them and took them to a chalet in Wafra, where the kidnappers released one of them for health reasons but raped the other Filipina maid several times and called in four of their friends who also raped her. After the assailants abandoned the two, a passerby picked them up and brought the rape victim to a hospital because she was bleeding profusely.

A similar incident happened in November 2003 involving a run-away 18-year-old domestic worker from Cotabato who suffered maltreatment from her employer and raped by 3 Kuwaiti police officers. (The three policemen have recently been sentenced to up to 15 years in prison.)

This happened after Labour Attache Angelo Jimenez and Welfare Officer Luz Talento, from whom the victim sought help,

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the APMM, their union and an officer of the Hsinchu Confederation of Trade Unions (HCTU) successfully won against their broker.

Apparently, both the broker and agency have not been suspended; thus, they continue to operate with impunity. At the same time, MECO's attitude seems to be just to wait for other Filipinos who were recruited by these two agencies to file complaints, instead of actively monitoring the conditions of all the Filipinos that pass through both agencies.

Delwena and Florame feel that MECO is not doing anything for them. A recent survey conducted by the APMM among migrants in Taipei revealed that one of their major problems is MECO's inability to help them when they are in trouble.

turned her over to the police even if the case is not a police matter. She was later admitted in critical condition at the Adan Hospital. News reports revealed that forensic examinations confirmed that the victim was raped although the police officers denied this.

Aside from the gang rape cases, about 500 women migrants suffering from maltreatment, physical assault, sexual abuse, are still awaiting their fates at the Filipino Workers Resource Center (FWRC). Their documents have been withheld as claims for unpaid wages remained unattended allegedly because of news blackout by Embassy officials.

Migrante International and Migrante Sectoral Party of OFWs and their Families (MSP) held several protest actions demanding Malacanang for an independent investigation on the alleged neglect of duty and incompetence of officials of the Department of Foreign Affairs (DFA), the Department of Labor and Employment (DoLE) and the Philippine Embassy in Kuwait. The militant groups also urged the government to file a diplomatic protest to the Kuwaiti government and to pursue the case against the rapists, attend to the cases of the 500 women migrants at the FWRC in Kuwait and prosecute the unscrupulous recruitment agencies.

Early this year, three Filipinas died in Lebanon after trying to escape their cruel employers. Their families have sought justice from the government for their mysterious deaths. However, MSP had questioned the preliminary report of the DFA investigating team headed by lawyer Noel Fernandez, claiming that it was all a cover up for the negligence of the embassy officials. The team said that the investigators only "checked on the cases" of Louella Susan Montenegro, who died on Feb. 24; Catherine Bautista, who died on May 3; and Luz Pacuran, who died on May 16. The investigation was conducted not to build a case against the abusive employers, but to find for a convenient excuse for the DFA to put the blame on the victims themselves.

## Anti-WEF Campaign held in South Korea



APMM, together with ETU-MB, HKCTU, GEFONT and Labor Net-Japan, presented the major issues and concerns as well as the struggle of migrants in the Asia Pacific region in a migrants' workshop organized by the Equality Trade Union – Migrant Branch of the Korean Confederation of Trade Union (KCTU).

The said workshop coincided with the World Economic Forum meeting which was held last June 13 to 14, 2004 with the theme "Building Asia's New Growth Partnership". Leaders of different countries gathered in Seoul, South Korea to attend the WEF.

The two-day conference held on June 13 and 14 this year, included panel presentations on various issues confronting the region followed by workshops on different sectoral and political issues, aside from series of demonstrations.

A day before the start of the WEF, thousands of Koreans from various sectors and organizations, together with representatives of international and regional NGO's and mass movements, held a rally near the Kwanghwamoon subway station. Later, they staged a candlelight vigil in memory of Hwosoon/Miseon (schoolgirls who were killed by US military vehicle) which ended with a cultural festival in the evening.

In addition to the opposition of the presence of Korean troops in Iraq, the events also highlighted the call for peace in the Korean peninsula. On the first day of the WEF, series of rallies in different parts of Korea were held. Meanwhile, workshop participants joined the main rally at Daehakro near Hye-hwa subway station and marched towards Shill Hotel where the meeting of WEF was being held.

## NEWS BRIEFS

### APMM conducts leadership training for Indonesian migrants in Macau

The leadership training was held among members of the Asosiasi Tenaga Kerja Indonesia di Macau (ATKI-Macau) last 11 July 2004. The training was held at the Morrison Chapel Pastoral Centre and attended by 36 Indonesian migrants. Most of the participants are women working as foreign domestic helpers. ATKI-Macau was formally established in May 2004 with initial 34 members attended the general assembly.



### Philippine government strict screening needed

Many Filipino jobseekers posing as tourists in the United Arab Emirates have become not only victims of illegal recruiters or abusive employers but ended up in prostitution rings.

Lucille Ong, chairperson of the Philippine Business Council in Dubai, has urged the Philippine government that a Filipino with a visit visa should only be allowed to travel if he has a first-degree relative in UAE who can support him or if he is a legitimate business tourist or on a packaged tour.

### Three Filipinas freed from prostitution

Three of eleven Filipinas who went to Dubai on visit visas between June and July, have escaped from an alleged prostitution ring 'managed' by one male and two female Filipino nationals. According to the victims, the three are apparently working in cahoots with an Indian, also based in Dubai.

### Squeeze on for Filipinos in the US

89 Filipinos were recently deported from the United States following the withdrawal of Filipino troops in Iraq. An official from the US embassy in Manila said that this is only part of a routine immigration procedure. Ruth Urry, assistant information officer, said that these flights were arranged with the cooperation of the Philippine and American immigration departments and the Department of Foreign Affairs.

### Filipinos die in the Middle East

Three Filipinos were killed on May 30 in Al-Khobar along with other hostages taken by Saudi militants. Meanwhile, three Filipino soldiers were hurt in a military convoy in Iraq recently. The Philippine government had earlier halted the deployment of workers in Iraq after a truck driver was killed in April and another died in a mortar attack on a US military base in May.

The Kingdom is home to nearly a million overseas Filipinos. Last year alone 169,011 were deployed there. From January-February this year overseas Filipinos from Saudi remitted US\$115,171,000 or 9.38% of the total amount.

## APRN hosts Policy Workshop on Regional Economic Cooperation and Human Rights in Asia

APMM participated in the Policy Workshop on Regional Economic Cooperation and Human Rights in Asia hosted by the Asia Pacific Research Network and Rights and Democracy held at the Subic International Hotel, Subic Bay Freeport Zone, Olongapo City, Philippines last June 4 to 7, 2004.

The policy workshop was participated in by major human rights groups and human rights defenders in Asia who presented related human rights case studies of different sectors in their respective countries.

The need for a strong people's movement in order for a human rights policy to be more effective as well as the importance of exchanging information related to human rights issues in the region were pointed out during the workshops and plenary sessions. The participants agreed to create a database system monitoring hunger that will be circulated or sent as alert to different countries in the region before anything happens,

The participants were united on the process towards building an Asian People's Charter on Human Rights and concurred to start strengthening the human rights networks in the national level before working on the region.

Lastly, it was agreed to come up with two list serves that will be used to continue the discussions on many proposals that were presented during the workshops. One will be used for announcements and the other one will be for discussions.

## ANNOUNCEMENTS

1. The World Council of Churches and the Christian Conference of Asia is organizing a South East Asia Consultation on the Role of Churches in Caring for and Protecting Undocumented Children. This meeting will be held in Kuala Lumpur, Malaysia from September 1 to 4, 2004. For more information, please contact CCA at [fm@cca.org.hk](mailto:fm@cca.org.hk)

2. APMM together with the Asian Migrants Coordinating Body and Pesticide Action Network – Asia Pacific (PAN-AP) is organizing a forum on WTO and Migration. This forum is part of the Food Caravan being organized by PAN-AP on Food Sovereignty. The forum will be held in September 5, 2004 at the Girl Guides Association in Kowloon, Hong Kong. For more information on the food caravan, please visit: <http://www.panap.net/>

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