

# News Digest

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APMM

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

## 3,431 Jailed Overseas Filipino Workers Victims of Government Neglect

LAST MONTH, THE Philippines' Department of Foreign Affairs reported that 2,856 Filipinos are imprisoned in 56 states with 1,115 languishing in prisons throughout the Kingdom of Saudi Arabia. A few days after, this figure increased further with the addition of at least 575 more Filipino workers imprisoned in Israel, Kuwait and Bahrain.

Organized and militant groups immediately raised their concerns that there may be more Filipino migrants in prison, facing deportation or threatened with other legal actions.

More than the number games however are the serious questions of how come many of the Filipinos find themselves in jails and what is the government doing to curb these cases.

While one cannot discount the possibility that there are Filipinos who go to jail due to legitimate criminal offenses, these are more of exceptions rather than the rule. Many Filipinos who are in jail have been arrested because they are undocumented. Still also a lot are in jail because of trumped up charges by their employers.

Much has been said of the plight of undocumented migrants. Their issues, however, remain largely unaddressed.



As a general rule, no foreign worker will opt to live the life of an undocumented migrant. The social, emotional, and psychological strain of living and working like a 'fugitive' in a foreign land is not a prospect that most

migrants look forward to when they migrated. However many of the migrant workers, upon arrival to their destination, do not find themselves in a greener pasture. Instead, they find themselves in hell.

Migrant workers, who receive low wages, are in subhuman working and living conditions, and whose job security is threatened ran away from their employers like the thousands of cases in Saudi Arabia. Coming home to the Philippines is usually not a prospect. In the face of mountain of debts used to finance the process of working abroad, coupled with the needs of the family, migrant workers dodge authorities and instead look for odd jobs in order to have a semblance of economic stability.

In some countries like Korea, many foreign workers go there with the 'intent' of becoming undocumented. This is not surprising considering that they come to Korea through the notorious Trainee System that is inherently exploitative of foreign workers.

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In Hong Kong, meanwhile, workers 'overstay' because of the Two-Week Rule instituted in 1987. Prior to this policy, domestic helpers can stay in Hong Kong for the duration of their visa even if they have terminated their contract. The Two-Week Rule under the New Conditions of Stay (NCS) only allow them to stay in Hong Kong for 14 days after contract termination. Though there are exceptional rules, their conditions of stay remain mainly in the hands of immigration officers.

Imprisonment due to trumped up charges is also common. A story revealed by Migrante International clearly shows this:

*"OFW Shiela Macatiag, 27 years old, was among those imprisoned last year in Saudi Arabia.*

*Shiela left for Saudi Arabia as a domestic worker September 2002 and by March 16 2003, she was detained in the Al Nisa jail in Riyadh.*

*'My employer accused me of stealing a vault containing their money and jewellery. But I was framed up. My employer was already maltreating me*

*when she accused me of stealing. While in prison, the police tried to make me confess to the crime by interrogating me in the middle of the night. They even lashed my hands 10 times with a slim wooden stick to get me to confess. Throughout my ordeal, I received no legal assistance or support from the Philippine embassy. After two hearings and over a year later, I was released May 5 2004,' she said.*

*According to Shiela, she was released after her employer withdrew the case against her. From the prison, she was taken directly to the airport and she arrived in the Philippines May 6."*

*Migrante International  
News Release, 17 August 004*

This practice of employers is worsened by the penchance of host countries to put the burden of proving their innocence to the migrants themselves.

Filipino migrant groups have valid reasons to blame the Philippine government for the sorry state that many overseas Filipinos find their selves in. With all the cases that exist, the question of what the Philippine

government and their representatives abroad are doing is still unanswered. Government assistance and services for distressed overseas Filipinos are scarce if not outright missing.

It is usual for government officials to only start acting responsibly once a particular case has been brought to the public. But how about those 'obscure' cases that the media has not yet picked up? Will they continue to suffer imprisonment while government officials rake in popularity points from some selected cases?

Negligence is serious enough. But negligence leading to deprivation of someone else's liberty, livelihood and even life is a crime. Everyday, not less than three dead bodies of overseas Filipinos arrive at the national airport. Not a few of these died 'mysteriously'. Many did not even receive assistance from the government. When will this end?

It is a harrowing experience to be jailed in a foreign land. It is even more tragic to be 'imprisoned' under a government that needs an overhaul of attitude and policies towards their overseas workers.

## OFW groups draft legislative agenda for Congress



Migrante Hong Kong launched one of its 'beyond-the-ballot-box' programs for migrants and their families in the first-ever Hong Kong-wide consultation on the migrants' legislative agenda at the St. John's Cathedral Li Hall on 29 August this year.

More than 150 leaders from 96 organizations representing civic,

church and other sectoral groups, expressed strong support on resolutions regarding issues on (1) the state of the Overseas Workers Welfare Administration; (2) government fees and exactions; (3)

the issue of illegal recruitment; and on (4) the general services of Filipino consulates and embassies.

Connie Bragas-Regalado, national chairperson of both Migrante Partylist and Migrante International, provided the keynote and framework for the consultation. While sharing the lobbying efforts of Migrante in Congress,

she inspired the participants with the continuous involvement of families back home regarding their struggle.

The recent formation of the Committee on Overseas Workers Affairs (COWA) in the House of Representatives, according to her, was made possible through lobbying efforts and drafting of the resolution by Migrante. This also brought about several unities and developed relationships with progressive and supportive congressmen and women, to push for the legislative agenda for overseas Filipinos.

Immediately after her speech, the leaders were divided into five groups to participate in specific issue workshops. One of the recommendations is the suspension of the controversial Omnibus Policies (OP) of the Overseas Workers Welfare Administration (OWWA) and the creation of a pro-migrant charter. The

OP, according to the workshop participants, only commercialized the services of the OWWA instead of providing genuine benefits to the OFWs and their families.

In addition, the participants asked for a congressional inquiry on the OWWA anomalies and urged the government to allocate a budget for the government agency to provide services to the OFWs.

On the issue on government fees, the participants strongly endorsed a resolution filed by the Anak Pawis, Bayan Muna and Gabriela Party Lists, directing the House of Representatives, through the Committee on Labor and Employment headed by Congressman Roseller Barinaga, to conduct an inquiry in aid

of legislation, into the proposal of the management of the Manila International Airport Authority (MIAA) to impose a new P550 airport terminal fee on OFWs and determine measures to protect OFWs.

The leaders urged the COWA to look into the anomalous collection of fees like the authentication fee for employment contracts in HK, the excessive cost of passport fee, and the excessive POEA processing fee worth US\$100 from every OFW departing from the country for the first time.

Finally, the leaders strongly supported the House Resolution urging President



Arroyo to appoint OFW sectoral representatives in Congress in line with the provisions of Republic Act 8042 and someone coming from the OFW partylist that garnered the highest number of votes overseas during the recently concluded Overseas Absentee Voting.

## Campaign against new CLA proposal continues

APMM, Migrante Partylist - Taiwan chapter (MPL) and other organizations are relentlessly continuing with their campaign against the new Council of Labor Affairs (CLA) proposal on financial management of foreign workers. This is despite an announcement by the CLA which local groups are still verifying that the said proposal has been postponed. Originally this new suggestion by Taiwan's labor body will be implemented this coming January 2005.

An immediate uproar among local NGO's occurred right from the start when the proposal was first discussed by the CLA with various sectors last July 27. Their views were aired out in newspapers after that for several days. The Taiwan Association for Human Rights (TAHR) came out with a strongly worded statement that such proposal violates Taiwan's Constitution and a number of laws and government regulations.

TAHR also suggested to the Alliance for Human Rights Legislation for Immigrants and Migrants (AHLIM) in which it is a member and where the APMM sits in to hold a protest action in front of the CLA on August 2. On July 31<sup>st</sup>, the CLA announced on its web site that it was deferring for the meantime

the implementation of one of its most controversial provisions of its proposal, which is forced savings.

On the 1<sup>st</sup> of August, the Taiwan International Workers Association (TIWA) initiated on its own a press conference to air out its position on the issue. It invited different migrant organizations from diverse nationalities including MPL in the activity.

The APMM on the other hand made its own position paper which was endorsed by several groups and individuals. This appeared in the Filipino page of a local Taiwanese English paper on the same day of the press conference. The APMM also joined and supported AHLIM's picket on August 2.

At the same time, APMM together with MPL got the support of different Filipino migrant organizations to oppose CLA's proposal. It was able to form a campaign alliance composed of MPL, KaSaPi, GITA and Rainmakers. Together with other organizations like the OFW Family Club and representatives from the Fujian University pastoral council and Holy Family Church, these migrant groups presented their position to the Manila

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## 281 OFWs repatriated from Kuwait

Pressure and protests from Migrante, together with other concerned partylist groups and organizations, compelled OWWA officials in Kuwait to expedite the repatriation of OFWs who have been staying at the Filipino Resource Center awaiting action from the government.

Liezl Gustilo, 23, of Tagda, Hinigaran was among the 281 returnees to the Philippines on 19 August this year.

"14 months in hell" was how Liezl described her ordeal in Kuwait. Her recruitment agency practically collected her salary on her first six months of work since she received only 5,000 pesos during this period.

In the interview with *Bulatlat*, Liezl said she was repeatedly warned by the two officials not to tell Migrante anything that would damage their credibility and that of the Philippine offices in Kuwait.

Liezl Gustilo is ever thankful for Migrante, the party-list Bayan Muna and other organizations who, she said, really worked hard for her repatriation. "Without Migrante, I would have been dead or rotting in Kuwaiti jail by now," she told *Bulatlat*.

(cont'd from p. 3)

Economic and Cultural Office (MECO) on August 15.

A primer was also made by APMM and MPL to discuss the issue in a simpler manner among the migrant workers. MPL and three other migrant organizations are also requesting the Committee on Labor of the Philippine Congress to conduct a Congressional Inquiry on the issue and other problems besetting Filipino migrants in Taiwan.

APMM also is initiating an inter Faith-NGO forum on September 16 at the General Assembly Office of the Presbyterian Church in Taiwan to discuss and come out with a common stand against the issue. Catholic migrant NGO's, on the other hand will conduct a petition campaign against the proposal this coming September 26 which is also Migrants Sunday in Taiwan. They will also hold a press conference regarding the issue.

All these efforts are complementing each other in an effort to stop the implementation of said CLA proposal. There are reports that some factories like Ritek where there are 900 Filipino workers are already implementing a part of the proposal. This has already been made known to MECO and to the CLA. Their official positions are still being awaited.

There are two breakthroughs in this campaign against the CLA proposal. It is the first time that local groups like AHRLIM have made a quick and strong response against this new CLA scheme. At the same time, a campaign committee of migrant organizations has been set up and has been consistent and unwavering in their position. This augurs well for the successful organizing of migrant workers and broadening of solidarity for the migrants in Taiwan. We are confident of its continuing success.

## Dead OFW's repatriation from Riyadh delayed due to unpaid wages

More than a month after her death, the remains of Onesima Afos Pudol, who hails from a barrio in La Paz, Abra, in the northern Philippines, still await repatriation. Embassy officials claimed that the local police could not locate her employer who should shoulder the cost of repatriation including unpaid wages and other benefits.

She died while waiting for the implementation of a court decision that required her employer to pay all her unpaid wages on top of the end of service benefits required by law, according to a report from the Arab News.

Onesima, or Oning, who came to Saudi Arabia in 1992 to work as a dressmaker in a shop, was doing well until her employer sold the shop. The new owner, however, failed to pay Oning's wages so she filed a case of non-payment of wages against her employer at the Philippine Overseas Labor Office in Riyadh.

While her case was being heard, reports stated, Oning took on any job to be able to continue to support the studies of her children. She made dresses for friends, including some employees of the Philippine Embassy. All that Oning wanted to do was work and save every halala she earned. Her only motivation was her children.

## ATKI-Macau celebrates Indonesian independence day

More than 140 Indonesian migrants, in their patriotic mood, celebrated their homeland's independence day on August 22. The successful celebration was a first in Macau, organised by the Asosiasi Tenaga Kerja di Indonesia (ATKI-Macau). The activity started with a community singing of Indonesia's national song and ATKI-Macau jingle.

Members and friends of ATKI-Macau in their colourful traditional and improvised costumes, presented traditional and modern dances. A dance interpretation depicting community life in their villages was also presented.

The first part of the programme held at the Morrison Chapel's Pastoral Initiative Center featured cultural presentations and solidarity messages from the Asosiasi Tenaga Kerja di Indonesia - Hong Kong, Macau Cordillerans Association, and Migrante Partylist - Macau, Fellowship of the Morrison Pastoral Initiative and APMM.

In the second part of the whole-day celebration at the Camoes Park, games were held for members and supporters of ATKI-Macau

Apart from the celebration, the Indonesian migrants also listened keenly to the burning issues affecting them such as the Transmigration office's implementing guidelines on the deployment of Indonesian labour to other countries. Said migrant concerns were shared by Eni Lestari, chairperson of ATKI-HK. She explained to her compatriots the unjust and discriminatory SK 034 that was imposed by their government. A few of the Indonesian worker's employers also attended the event.

## Announcements

**Workshop on Migrants, Refugees and Homeless People**  
Second International Assembly, International League of People's Struggle, November 10 - 14, The Netherlands

**Workshop on Migration and Food Sovereignty**  
Asia-Pacific Convention on People's Food Sovereignty  
Asia-Pacific Research Network, Nov. 25 - 27, Dhaka, Bangladesh

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