

# News Digest

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

## ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers Declaration that lacks needed actions

INDEED IT IS high time for Southeast Asian countries to deal seriously with the condition of migrant workers and the phenomenon of migration.

Except for Malaysia and Brunei which are mainly importer of foreign labor, countries in Southeast Asia account for a big chunk of the whole migration stock in the world. In the nine largest immigrant exporting countries, four of these are from the region namely Philippines, Indonesia, Thailand and Burma.

Philippines rank third in the world among labor exporters with almost 10 million Filipinos all over the world (seven million are documented). Indonesia, since 2004, has deployed 400,000 of its workers every year.

Though there have been changes in the patter of migration including the shift of destination which is now mainly in other countries in Asia (Middle East and East Asia), the trend for labor export is still on the rise.

Together with this rise is also the increase of undocumented or irregular workers. It is estimated that Malaysia and Thailand

have now the highest number of undocumented workers with combined numbers reaching somewhere from 500,000 to one million.

In the face of such a situation, it is very unfortunate that what ASEAN countries can only come up with is a declaration that does not shed light on concrete issues facing migrant workers in the region.

By not doing so, governments of ASEAN countries' can only claim reiteration of what have been essentially contained in other international conventions and agreements such as the International Convention on the Rights of Migrant Workers and Their Families without necessarily committing themselves to steps towards the resolution of outstanding issues of migrant workers.



Asian migrant workers continue to wait for concrete protection of their rights by governments of sending countries as well as receiving ones.

This may not come as a surprise considering that of the ASEAN countries, only three, mainly labor-exporting counties (Philippines, Indonesia, Cambodia), have ratified the convention as of January 2006.

Deportation of undocumented migrant workers, lack of policies on just minimum wage, government exaction, extortion by recruiters and brokers, absence of anti-discrimination laws – these and more issues

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that have been raised time and again in national and international levels have been left out in favor of motherhood statements on protection of rights.

Why, for example, the deportation of thousands of Filipinos and Indonesians from Malaysia was not tackled? Were the deaths of two children, Timah Basir (13) and Nurhani Nurmi (3) in September last year, due to the lack of health services before and after the deportation not important concerns that should be addressed? Death or the violence experienced by the deportees did not even elicit a single reaction from the

governments of the Philippines and Indonesia.

In 1999, ASEAN members, together with other Asian countries and regions, ratified the Bangkok Declaration on Irregular Migration. Yet, the violation of rights of undocumented migrant workers have happened and in increasing frequency since after the said declaration.

Aside from the superficial commitments on the protection of rights, the commitments listed are for mainly for the "improvement" of the facilitation of migration.

On the Obligation of Sending States, it stipulates that such countries should "Set

up policies and procedures to facilitate aspects of migration of workers, including recruitment, preparation for deployment overseas and protection of the migrant workers when abroad as well as repatriation and reintegration to the countries of origin (No. 13)" and "Establish and promote legal practices to regulate recruitment of migrant workers and adopt mechanisms to eliminate recruitment malpractices through legal and valid contracts, regulation and accreditation of recruitment agencies and employers, and blacklisting of negligent/unlawful agencies" (No. 14).

These provisions only show the priority of ASEAN countries which is to further improve the program for labor export of sending countries that shall also, in turn, continue to benefit labor receiving countries who will be assured of the steady influx of foreign workers who are their main source of cheap laborers.

Remittances and income generated from government fees are the lifeblood of many ASEAN economies. The continued implementation of neoliberalism in these countries has not, in any way, helped them develop and instead has plunged them into even more unprecedented crisis.

In 2005, remittance flows are estimated to have exceeded USD 233 billion worldwide, USD 167 billion of which went to developing countries. Remittances of Filipino migrant workers have reached almost USD 12 billion in 2006 not including the P17,000 (USD 340) per person the government has collected from departing migrant workers.

With such lucrative prospects, it is not surprising that even the major issue of the implementation of neoliberal policies of globalization in countries of the region causing the forced migration of millions is not also discussed.

As a whole, there is nothing new with the declaration that heads of states of Southeast Asia have come up. At its best, it only expresses what already is happening within labor-sending countries in terms of where the direction of their economic policies is going which is the further dependence on the labor export industry for economic survival.

With all the hype of Southeast Asian governments on the declaration, in the end, there is nothing to it but hype.#

## Ten undocumented migrant workers die, scores hurt in violent crackdown in South Korea

THE ON-GOING CRACKDOWN by the Immigration police under the Ministry of Justice caused lost of jobs, broken arms and legs, jilted knee-cap joints, and hospitalization of undocumented migrant workers. Even pregnant women migrant workers were apprehended.

On 11 February 2007, 10 lives were lost and 18 other undocumented migrants were placed in critical conditions due to the tragic incident that took place at Yeuso Immigration Detention Center.

This was strongly condemned in a joint statement by the Osan Migrant Center, the Osan branch of the Migrant Trade Union (MTU) and the Katipunan ng mga Samahang Migranteng Manggagawa sa Korea (KASSAMMA-KO).

They said that the inhumane treatment of the Korean government and its negligence to the rights and welfare of undocumented migrant workers were evident in the arrest, detention, discrimination and verbal abuse of their captures.

They called on the Korean government to give just compensation to the victims and issue a public apology on the violence that happened.

The groups also reiterated their calls to stop the crackdown, legalize all migrant workers and implement a working permit

system that will ensure the protection of the rights and interests of these workers.

Many have been arrested since the Korean government renewed its crackdown in October 2006. South Korea is among the destination countries where undocumented migrant workers are found working in textiles, steel and plastic disposal injections companies among others. They are hunted on the streets and train stations, during raids in their worksites and in places they reside. Victimized by the crackdown are mostly the Chinese Koreans, Russians, Mongolians, Bangladeshis, Pakistanis and Filipinos.

Aggravating factor to the conditions of migrant workers, according to the statement issued by the groups, is the Employment Permit System (EPS) and the Industrial Technical Trainee (ITT) System restricting migrant workers from transferring to other companies even if they experience difficulties while the company can easily throw them out of job anytime for whatever reason.

In a phone interview, Pastor Galang of the KASSAMAKO lamented that in December 2006, the Philippine Embassy raised the passport fee to 80,000 Won and the travel document to 88,000 Won instead of doing something for the betterment of their nationals especially during crackdown.#

## *New guidelines: for extortion, not for service nor protection*

# Filipino domestic workers resist new rules on deployment

FILIPINO DOMESTIC WORKERS are up in arms against the new policies of the Philippine Overseas Employment Administration (POEA) that require them to undergo a skills assessment or a training and assessment before their deployment.

The new guidelines, contained in POEA Memorandum Circulars 10, 11, 12 and 14 and the Guidelines on the Deployment of Household Service Workers (HSWs) stipulate that as a pre-requirement for working abroad, applying OFWs must have the National Certificate for Household Service Workers issued by the Technical Education and Skills Development Administration (TESDA) and the Language and Culture Certificate of Competence issued by the Overseas Workers Welfare Administration (OWWA).

The guidelines also set the minimum age for domestic workers to 25 years old and direct recruitment agencies to cease from charging placement fee from OFWs.

Income generation is at the core of the said guidelines.

Filipino domestic workers are made to pay P10,000 (US\$200) to P15,000 (US\$250) for the training and P1,100 (US\$22) for each session of the mandatory skills assessment. If a migrant worker opts to take the assessment and fails three times, she is made to undergo the training.

The competency certificate issued only has validity for three years. After which, they are made to undergo the same process and pay the new round of fees.



*OFWs make clear their call to scrap new POEA guidelines*



*OFWs believe that extortion is the main aim of the new rules on deployment*

Additionally, OFWs believe that the new scheme poses more burden to them as it will also take away the limited time that they can spend with their families when they are on vacation.

The guidelines can also be a rich breeding ground for corruption. Considering the desperation of many to get employment abroad for the survival of their families, the guidelines shall make OFWs even more vulnerable to extortion by unscrupulous officials and recruiters.

The impacts of these guidelines have mobilized OFWs into action.

Organizations in Hong Kong have already launched protest actions against the guidelines. Protest marches have been conducted for two consecutive Sundays (January 28 and February 4) with 6,000 and 10,000 protesters, respectively, in attendance.

Bowing under pressure, the Department of Labor and Employment (DoLE) and the POEA have issued "reforms" in the guidelines that include lowering of the minimum age to 23 years old and "exemptions" of current OFWs.

The "reforms", however, have failed to appease the Filipino migrant workers. Especially the "exemptions" OFW groups have pointed out that such exemption will

cease to take effect once they process new contracts with new employers. Additionally, the fact that many of the new applicants, who are the ones being required to undergo the training are family members of current OFWs who depend on them for their financial needs, they are also forced to shell out the required amount.

Meanwhile, in Taiwan, MSP-Taiwan has conducted a public forum attended by about 50 OFWs. Among the actions planned include the rally on March 4.

In Macau, a similar forum has been conducted where eight organizations have expressed their opposition to the guidelines and have recommended actions to campaign the issue in Macau.

In the Philippines, Migrante International and the Gabriela Women's Partylist have taken the cudgels of taking up the fight. Protests have been conducted by the said groups where families of OFWs and applicants have been mobilized.

Gabriela Women's Partylist, through Rep. Liza Maza, has also initiated efforts inside the Philippine Congress to ask the legislative body to act on the guidelines.

Protests of Filipinos abroad are expected to intensify in the coming weeks. Migrante International and Gabriela have called on

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their members and networks, especially in countries with concentration of domestic workers and caregivers, to participate in the protest action set on March 1. OFW groups have also expressed their plans to mobilize more of their families in the scheduled actions in the country.

Evidently, the scheme faces stiff opposition from the people whom it professes serve. With the mountain of fees that OFWs are already playing, it is but right for migrant Filipinos to cry "enough!"

If the Philippine government is serious in serving their workers abroad, it is but right for them to scrap the guidelines.#

## Filipino Migrant Workers Protest Against New POEA Guidelines in Taiwan

AROUND 30 OVERSEAS FILIPINOS and a number of Taiwanese advocates from the Labor Rights Association (LRA) joined a protest action in Taipei against the new POEA guidelines on Household Service Workers. This was done in the Chung Shan North Road area where most Filipino workers congregate during Sundays.

Migrante International – Taiwan chapter organized the activity, which drew many positive responses from the public. After the short event, the group trooped to the St. Christopher's Church where the Manila Economic and Cultural Office (MECO) labor representative organized a leader's forum.

Philippine Labor Representative Reynaldo Gopez stated that Taiwan-bound overseas

## Rallies against guidelines draw thousands

OFWs in Hong Kong held protest actions on two consecutive occasions to call for the scrapping of the new POEA guidelines.

On January 28, 6,000 OFWs joined the action while on February 4, the protesters increased to 10,000. The second protest action was also participated in by Filipino church groups.

Protesters submitted petitions to the Philippine authorities that outline their position on the guidelines.

Essentially, the groups protested against the new fees that the guidelines entailed.



10,000-strong march and rally in HK

Migrant workers in HK are preparing for an even bigger protest on March 4. As well, they are encouraging their families to join the March 1 action in the Philippines #

Filipino workers and rehires are exempted from the training and assessment respectively which is stipulated in the new POEA guidelines. The reason given by Mr. Gopez is that there is already training of caretakers and domestic workers being required by the Taipei Economic and Cultural Office (TECO) in Manila. The Labor Representative added that this training is only for 10 days and costs not more than P5,000.

Ramon Bultron, Managing Director of Asia Pacific Mission for Migrants (APMM) countered that they will check this out with the POEA.

A few hours after the forum a mother of a Filipina working in Taiwan called APMM's coordinator in Taiwan to complain that her daughter was made to pay P1,500 as assessment fee. She refused to divulge the name of her daughter at the moment fearing that this might jeopardize her return to Taiwan. It is very clear though that there is a need to check this out with returning and newly-hired migrants.

Mr. Gopez was hard pressed in convincing the audience in the forum on the new POEA guidelines. At times, he seemed to represent Taiwan's Council of Labor Affairs

(CLA) or the placement agencies/brokers in the way he presented the basis on the need for the new POEA guidelines. He just re-echoed the Taiwanese brokers' sentiments when he stated that Indonesian household workers are preferred over Filipinas because they do not speak Mandarin, complain too much or ask the assistance of different groups including NGO's when they have problems with their employers. The latter was even presented by Mr. Gopez as interference.

To the delight of the crowd, Mr. Bultron reminded the Labor Attaché that NGO's would not exist in Taiwan if MECO was really doing its job to protect its workers deployed there. Mr. Gopez also admitted that the Balik Manggagawa Program of the POEA could not even be implemented for OFW's from Taiwan.

So how can the no placement policy proposal from the POEA, which is stipulated in the new guidelines, be implemented if this is so? OFW's in Taiwan who are rehired by their same employer and need to exit the island after three years of work are still required to pay the same amount of placement fee as new hires.

Most of the migrant workers just decided to leave before the forum was over because it was very clear to them that Mr. Gopez could not answer their questions convincingly. They vowed to organize a bigger protest action on March 4 and other dates to make sure that the new guidelines are scrapped.#



Opposition to the new POEA guidelines is now fast-becoming worldwide

## APMM conducts seminar on organizing among immigrant brides



*APMM continues program for advocacy and organizing of foreign brides in the region*

APMM CONDUCTED TRAINING on the process of organizing among immigrant brides last January 31 at a primary school in Meinung, Taiwan. The immigrant women are members and officers of TASAT or Trans-Asia Sisters Association in Taiwan.

The training was attended by 20 women from TASAT and some representatives of a day-care teachers' union, community association and an indigenous group. The training discussed the general principles of step by step process of organizing based on APMM experience and related them with the actual experiences of

immigrant and local women in establishing and recruiting new members to their respective organizations.

Group exercises like "Creating a long line" and "Entanglement" were held to help participants understand the principles and importance of organizational commitment and collective leadership in the process of organizing. The seminar also helped to identify some key issues and recommendations on how to address them.

A similar training is also being planned to be held in Taipei in early February.#

## APMM's research projects on foreign brides takes and attitudes of local people, take off

After identifying the concentration of foreign brides in four Asian countries – Hong Kong, Japan, Korea and Taiwan, the Asia Pacific Mission for Migrants (APMM) carried out the first phase of its research from June to December 2006.

The study involved a focus group discussion with women married to locals mainly on how they adapt to the culture of their respective country. In addition, they shared their experiences on how existing government mechanisms and other formations safeguard their wellbeing.

Another aspect of the research involved interviews with local citizens coming from non-government organizations and individuals on their insights on the contribution of foreign brides to the local society and how they are treated by the government and society.

Funded by the Evangelischer Entwicklungsdienst e.V. (EED), the research hopes to serve as basis for the formation of policies for the protection of the growing number of foreign brides especially those coming from the poor countries.#

## AHRLIM protests proposed amendments to Immigration Law

The Alliance of Human Rights Legislation for Immigrants and Migrants held protest action in front of the office of the Taiwan Immigration Bureau last January 23 against the new proposed immigration law. Around 30 representatives from different organizations affiliated with AHRLIM attended the protest action.

The proposed amendment requires immigrant women who are married to local Taiwanese to be at home within 15mins upon notification of inspection by the immigration officer or face the risk of being deported. The proposed law basically criminalizes immigrant women and assumes that they are on fake marriages. Likewise, the immigration officers are granted more powers than the local police which include their right to enter private homes without court warrant and carrying high powered guns.

AHRLIM believes that the proposed law violates the basic human rights of immigrants and migrants. Those who are arrested are not given due process and the proposal lacks the mechanism to protect foreigners in Taiwan.



*Protesters call for more protection of immigrants*

The alliance submitted a counterproposal on the amendment to the immigration law which ensures the protection of im/migrants rights. AHRLIM committed to conduct continued lobbying both in the parliament and concerned agencies as well as public awareness campaign on the issue.#



*Rally of advocates for rights of immigrants*

## OFWs pitch in support for women's party

MIGRANTE International, the global alliance of Filipino migrant workers, resolved to participate in the coming elections by supporting the women's group GABRIELA Women's Party.

The decision was prompted by the analysis of the group on the current situation with regards to the Overseas Absentee Voting (OAV).

According to the group, despite the fact that the law on OAV was approved and implemented in the last elections, its actual conduct left much to be desired in terms of empowerment of overseas Filipinos and their families in the electoral field.

The limitation of OAV implementation due to the limited budget that the government allotted resulted to the very minimal registration of Filipinos abroad.

According to the group, of the more than seven million documented migrant Filipinos, only a little more than 300,000



"W" for women and winning for migrants

registered to vote in 2004 and even less actually voted. The registration this year did not result to any significant increase in the number of registered voters.

GABRIELA Women's Party elected Flora Belinan, a former OFW herself, to be its second nominee for the partylist election.

MIGRANTE believed that with the OFW votes and the votes of their families in the Philippines, GABRIELA could win two seats in the Congress which will bring a real OFW representative in the body.#

## TASAT holds General Assembly

The Trans-Asia Sisters Association in Taiwan or TASAT held its general assembly last January 27 and 28 at Meinung, a town located at the southern part of Taiwan. The assembly was attended by around 50 immigrant women who are married to local Taiwanese including local Taiwanese volunteers and friends. The immigrant women are based in Taipei and Meinung and came from countries like Indonesia, Cambodia, Thailand, Vietnam, Mainland China and Philippines.

APMM Managing Director provided brief inspirational talk while Prof. Hsiao-Chuan Hsia, APMM regional board member spoke and presented photo activities on the



Foreign brides in Taiwan strengthen ranks

history of TASAT. A cultural night was also held in the evening of day one.

The general assembly approved and accepted the annual activity and financial reports submitted both by the TASAT board members and secretariat, the new organizational structure including establishment of new committees and election of committee members and leaders.

TASAT was formally established in 2003 with chapters in Taipei and Meinung.#

## PPT2: Indicting the Philippine Government for gross human rights violations

As human rights violations escalate with the number of victims of extrajudicial killings growing, as the national patrimony and sovereignty of the Philippines are violated by recently-implemented laws and agreements, the second session of the Permanent Peoples' Tribunal on the Philippines (PPT2) was called into order.

Various alliances, organizations and institutions have joined together to initiate this international initiative to expose and indict Gloria Macapagal-Arroyo and her administration for the crimes they have committed against the Filipino people.

The PPT 2 is an offshoot primarily of the people's growing outcry against the still-escalating number of extra-judicial killings in the Philippines. It will be held in Den Hague (The Hague) in The Netherlands on March 21-25, 2007.

The complainants were primarily organizations of families, friends and survivors of human rights violations, i.e. Hustisya! (or Justice!), an organization of friends and relatives of HRV victims under the Arroyo administration), Desaparacidos, SELDA (an association of former political detainees from during the Marcos dictatorship until present), and Bagong Alyansang Makabayan (BAYAN, or New Patriotic Alliance, alliance of progressive organizations in the Philippines).#

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