

Singapore

A joint submission by members of Solidarity for Migrant Workers for the 11th Session of the Universal Periodic Review, May 2011

I. INTRODUCTION

1. Solidarity for Migrant Workers is a coalition of NGOs (HOME¹, TWC2² and Migrant Voices³) promoting the rights of the migrant community in Singapore through research, welfare services, advocacy and the arts.
2. This report draws attention to the discrimination and human rights violations faced by non-citizens, in particular low-paid workers, undocumented migrants, asylum seekers and foreign spouses.
3. Over 30% of the workforce consists of migrants, mostly in low-paid occupations. In December 2009, it was reported that there were 856,000 migrants in low- or semi-skilled manual jobs. This includes 196,000 women employed as live-in domestic workers.⁴ This large migrant workforce is demand-driven and bridges the gap between a limited pool of local labour and a high rate of employment.⁵
4. Low-paid migrant workers are typically employed in the construction, manufacturing, maritime and service industries, which include domestic work, healthcare, retail, entertainment and hospitality.⁶
5. Live-in domestic workers come mainly from Indonesia, the Philippines, and Sri Lanka. Smaller numbers come from India, Myanmar, Bangladesh, Thailand, Nepal and Pakistan. Other low wage migrant workers employed in the construction, marine and service sectors are mainly from Malaysia, People's Republic of China, Bangladesh, India, Thailand and Myanmar.

II. BACKGROUND AND FRAMEWORK

6. Singapore is not a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights, the International Convention on the Protection and the Rights of All Migrant Workers and Members of Their Families or the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children Supplementary to the United Nations Convention against Transnational Organized Crime.
7. Singapore is a party to the following relevant conventions: the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), however it has made a number of reservations to both. The country is a member of the International Labour Organization and has ratified twenty of the conventions.⁷

III. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

Cooperation with Human Rights Mechanisms

8. In Concluding Comments about Singapore, the CEDAW Committee has raised concerns about

trafficked women, foreign domestic workers and spouses of Singaporean or permanent residents.⁸In April 2010, the UN Special Rapporteur on racism/xenophobia concluded his visit to Singapore and raised concerns about migrants and the living and working conditions of migrant workers, including domestic workers.⁹

Implementation of International Human Rights Obligations

Equality and non-discrimination

9. Work permit holders (**See Annex A**) face the greatest discrimination with regards to rights to family and are subject to the following restrictions:

- a. They may not bring family members with them;¹⁰
- b. They need approval from the Ministry of Manpower before marriage to a Singapore citizen or permanent resident;¹¹
- c. They are not allowed to become pregnant or give birth in Singapore.¹²

Right to life, liberty and security of the person

10. The mandatory death penalty for drug trafficking is still allowed in Singapore. In November 2008, Yong Vui Kong, a then 19 year old Malaysian drug mule was sentenced to hang for drug trafficking (**See Annex C**).For several migration offences migrants may be jailed and/or caned.¹³ In 2009 the government was reported to have arrested 3760 undocumented migrants.¹⁴ NGOs are aware of several cases where migrants including trafficked victims have been caned for immigration and other offences (**See Annex B**). According to accounts of those who have been caned, caning is a degrading corporal punishment: it breaks the skin and leaves a permanent scar.

Administration of justice

11. Even though there are legal mechanisms for migrant workers to seek redress for claims, significant challenges exist when they do so.

12. Migrant workers abused by their employer or labour recruiter may face difficulties in having their complaints examined.¹⁵Employers may deliberately not give or maintain important employment records such as contracts, salary slips and time cards to workers. As a result, workers find it difficult to substantiate claims for employment related abuses with the authorities. Employers can unilaterally cancel a work permit and repatriate the worker as soon as they learn that a complaint has been filed, or to prevent a complaint from being filed (**See Annex D**). Employers can also prevent an employee from getting a new employer by refusing to cancel the existing work permit.

13. Workers who have successfully lodged a claim may experience difficulty surviving day-to-day since it can take up to several months for a complaint or case to be resolved. In some extreme cases, it may take years before a claim is resolved (**See Annex E**). Employment for such workers is limited to those who are assisting the authorities as prosecution witnesses. Workers with salary related claims who take their complaints to the Labour Court often face a significant barrier in enforcing court orders when the errant employer does not comply with the order. Enforcement of these orders is a costly and protracted process. In civil cases migrant workers have limited access to *pro bono* legal services.¹⁶

14. When migrant workers are arrested, they may be uninformed of their right to make a phone call or to the services of a language translator; hence, they may be disadvantaged in communication and may not get help from a lawyer, a NGO or an embassy representative. (See **Annex F**).

Right to privacy, marriage and family life

Privacy

15. The *Constitution* does not address privacy rights. Domestic workers must be accommodated at their employer's residence and legally binding minimum standards of accommodation are not clearly spelt out.¹⁷ HOME has seen many cases where workers are not provided with a private room and sleep in a common living area, along a corridor, outside on a balcony or sharing a bedroom¹⁸ (See **Annex G**). Some employers also install surveillance cameras within the household, including in the toilet and sleeping areas, to monitor the movements and behaviour of the domestic worker.

16. Some male migrant workers are accommodated on site, while others are accommodated in dormitories or shop houses, and sometimes in metal shipping containers. Dormitory operators may install closed-circuit television cameras at the entrances and in other common areas, including the toilet¹⁹ (See **Annex H**).

17. A work permit will only be issued if the migrant worker passes a mandatory medical examination (including for TB, HIV, syphilis, malaria) by a registered doctor within 14 days of arrival.²⁰ Employers can obtain a copy of the report direct from the doctor without a worker's consent.²¹

18. During employment, migrant workers are required to go for periodic medical examinations for pregnancy and HIV tests, among other screenings for infectious diseases. Workers who fail the tests are deported.²² These tests often disregard established best practices of consent, confidentiality, counselling and referral to treatment and support services.²³

Marriage

19. All current and former Work Permit holders need approval from the Controller of Work Permits before they can marry a Singaporean citizen or permanent resident.²⁴ This applies also if the marriage takes place outside Singapore.²⁵ Economic status is often a deciding factor²⁶, which means in practice, many low-waged workers see their applications rejected (See **Annex I**).

Family life

20. Pregnancy is legitimate reason for termination of work and immediate deportation.²⁷ As a consequence, many workers terminate their pregnancies as they feel they have no alternative if they wish to remain employed. Although legal in Singapore, the cost of abortion and fear of authorities being notified because some workers to access self-administered, dangerous abortion drugs²⁸ (See **Annex J**). A recent report found at least 100 domestic workers are sent home every year due to pregnancy and an unknown number terminate their pregnancies.²⁹

21. Marriage between a non-Singaporean and a citizen or permanent resident does not automatically confer right of permanent residence or citizenship.³⁰ Foreign spouses are allocated a Long Term Visit Pass, which does not allow them to work or access state medical insurance and subsidized health care. Under such circumstances the right of the child to a family is violated as the foreign spouse has to leave should the Long Term Visit Pass not be renewed

Freedom of movement

22. Freedom of movement is not upheld for migrant workers mainly because of implications related to the security bond. Employers of all work permit holders (except Malaysians) have to pay S\$5,000 security deposit which is forfeited if a work permit is cancelled and the worker is not repatriated. The security bond may also be forfeited when other work permit conditions have been violated (e.g. when the work permit holder is pregnant and gives birth in Singapore). The fear of losing the security bond has led to employers restricting their movements and confiscating their passports.

23. Domestic workers may suffer enforced confinement and restricted communication. The majority of the workers who come to HOME and TWC2 do not have a weekly day off and many only have one day off per month, or none at all. Some employers forbid workers to go out alone and limit opportunities for them to use the phone, speak to their families and friends, or write letters.

24. Although the *Employment of Foreign Manpower Act* and the *Passports Act* forbid an employer from holding onto a worker's identity documents, the majority of employers hold their employees' passports and work permit cards, and the Government rarely penalises such practices. Nine out of ten domestic workers who seek assistance from HOME are without identification documents because of this. TWC2 and HOME have also met many migrant workers from other occupations who are not in possession of these documents. It is common for employment agencies to instruct employers to hold these documents³¹. Employment agencies have also been known to strip search domestic workers for money, hand phones and other personal effects (See Annex K).

25. There are numerous reports from migrant workers of intimidation and forced repatriation of workers by repatriation companies hired by employers. Some use extrajudicial violence and wrongful confinement to compel a worker to leave the country even though the worker has a legitimate claim against the employer.³² Wrongful confinement is an offence under the *Penal Code*,³³ but local reports indicate a lack of enforcement.³⁴ (See Annex L and Annex M).

Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

26. Domestic workers who are not provided a day off are unable to attend religious worship. They have also reported being forbidden by their employers from praying or fasting. Employment agencies may insist that Muslim workers cook with pork products, or stop praying, and have confiscated their religious items to make them more "employable".³⁵ Some Muslim construction and shipyard workers who live in dormitories provided by their employers have also reported not being allowed to pray in these premises.

27. The *Constitution* provides the right to freedom of speech, association and peaceful assembly³⁶ but permits Parliament to impose restrictions it considers “necessary or expedient” in the interest of security, public order, or morality. The restrictions imposed on this freedom impact considerably on the capacity of NGOs to support migrant workers, publicly advocate for their rights and promote their wellbeing.

28. The *Public Order Act of 2009* requires permits for any "cause-related activity" such as an assembly or procession, no matter how many people are involved. A "cause related activity" is defined as a show of support for or against a position, person, group, or Government, or to publicise a cause or campaign. In May 2010 HOME applied for a licence to hold a peaceful public assembly and rally involving domestic workers, which was denied. They were instead asked by the police to hold it at a designated area known as ‘Speakers’ Corner’. However, permit rules impose restrictions on foreigners’ participation at Speaker’s Corner, thus defeating the purpose of the rally.³⁷

29. The formation of associations or societies for migrant workers to promote their rights is highly restricted due to regulations that stipulate that the governing bodies of such associations should have Singapore citizens as the majority.³⁸ The *Trades Union Act* also forbids foreigners from forming their own unions.³⁹ Due to these barriers and the lack of financial support, there are no known ‘cause-related’ registered associations or unions led by migrant workers in Singapore.

Right to work and to just and favourable conditions of work

30. In recent years the Government has introduced measures to offer better protection for migrant workers. Some progress has been made in successfully prosecuting abusive employers and recovering wages for migrant domestic workers. However issues clearly remain: In 2009 HOME provided shelter housing for 1388 migrant domestic workers. The most common violations suffered by these workers were: well-being violations such as inadequate food or accommodation (43%); psychological abuse (30%) and non-payment of salary (14%).⁴⁰ In the first ten months of 2010, TWC2 has seen 685 injury cases and 676 cases involving contraventions of Employment Act provisions, such as non-payment of wages and unauthorised deductions. In 2008, the global financial crisis led to thousands of migrant workers becoming jobless, homeless and without proper meals. These workers received limited social support from the State and had to return to their countries of origin despite having paid thousands of dollars in recruitment fees to their agents (**See Annex N**).

31. Migrant domestic workers continue to be vulnerable to mistreatment, abuse, long hours of work, isolation and gross exploitation (**See Annex O and Annex P**). Domestic workers, the vast majority of whom are foreigners, are excluded from the Employment Act⁴¹, which specifies the minimum terms and conditions of employment for rest days, hours of work, overtime entitlements, annual leave and medical leave. They are also excluded from the *Work Injury Compensation Act*⁴², which provides for compensation for workplace injuries and occupational illnesses. Even though domestic workers are covered by compulsory medical insurance in the event of an accident, the extent of the coverage and the benefits are less favourable than that of other low-wage manual workers covered by the *Work Injury Compensation Act*.

32. The Government maintains that because domestic workers operate in private households, the *Employment Act* would be too difficult to enforce and as such is not applicable.⁴³ The lack of

legislation combined with the isolated workplace make migrant domestic workers extremely vulnerable to poor labour conditions and abuse. For example, it is not illegal for a domestic worker to work for 365 days a year without a single day off.

33. Though non domestic migrant workers are covered by the Employment Act, it is also not uncommon for construction, marine and service sector workers to labour 12-16 hours a day, seven days a week, breaching the law on maximum hours of work. .

34. Employment agencies could play a crucial role in informing workers about their rights. However many agencies ignore or exacerbate workers' problems. Agencies are typically more concerned with the repayment of loans or placement fees by the workers than the difficulties faced by them in the course of employment. Cases handled by HOME and TWC2 have found that agencies advise employers to deny workers a day off and to confiscate their passports.

35. Migrant workers take large loans in order to pay unreasonably high agency fees; they may then feel unable to leave situations of abuse or maltreatment as they need to work off the loan. Even though the workers pay these fees in their countries of origin, we have encountered several cases where the fees were paid to licensed employment agencies in Singapore. The *Employment Agencies Act* stipulates that the one-off payment of agency fees shall not account for more than 10% of the migrant worker's first month's wage⁴⁴, in reality they range from S\$3000 to S\$8000, which constitutes at least ten months of the worker's potential earnings⁴⁵ (See Annex Q). Similarly, migrant domestic workers pay between S\$2000-S\$2400, which is six to -eight months' worth of their salaries as placement fees to agents. These fees may be increased by at least two months, should the domestic worker request a change of employer.

36. Existing regulations and practices limit job mobility and may lead to conditions of forced labour and exploitation:

- a. Migrant workers in the domestic and construction sectors require permission from their current employer to change employers. Employers have the power to repatriate, or hold on to a worker at any time during the contract. In many situations, employers deny a worker the right to leave and change jobs.⁴⁶ Workers from the marine, manufacturing and service sectors are not allowed by law to switch employers at all. The government only makes exceptions for extreme situations, assessed on a case by case basis.
- b. If the employer terminates the worker's employment and the work permit is cancelled, s/he has little choice but to be repatriated. Workers may not be informed of the termination of their work permits until just before they are sent home.

37. Singapore's work permit regulations, which forbid workers from engaging in what it deems 'immoral and undesirable' activities, provide greater opportunities for unethical employers to threaten and exploit workers. Current regulations also warn migrant workers against 'breaking up Singaporean families'. These discriminatory regulations allow employers to submit negative feedback about a worker's behaviour to the authorities with the aim of having future employment bans placed on them. The process by which this happens is neither transparent nor fair, and the threat of being blacklisted frequently deters workers who may have legitimate complaints from leaving abusive employment situations and/or seeking assistance from the authorities.

38. Migrant workers' work safety is another area of concern. The number of deaths and accidents at workplaces remains high, according to research and news reports.⁴⁷ The two main areas of safety risk for migrant workers in construction sites are working at heights and crane safety.⁴⁸

39. The Government has taken some steps to regulate the transportation of migrant workers, but most are conveyed to their work sites in the open deck of lorries, meaning they are without proper seats or seat belts.⁴⁹ Fatal accidents have been widely reported. It was also reported that four workers a week in 2008 were being harmed in transport on their way to work.⁵⁰

40. Fishermen who work on vessels that have docked in Singapore face significant difficulties seeking redress when they are exploited. HOME has seen up to 26 such workers who were not paid their salaries, disallowed from terminating their contracts and from disembarking from their vessels, and working without proper safety equipment and gear. They have very little protection since they are excluded from Singapore's labour laws (**See Annex R**).

Right to social security and to an adequate standard of living

Health & Social Security

41. Migrant domestic workers' psychosocial health suffers due to adjustment problems, work pressure, financial debt and poor working conditions. Without minimum standards for wages, working hours, or holidays the well-being and health of migrant domestic workers is easily jeopardized.

42. Migrant workers are not provided any social security plans. In the event that they are unable to fulfil their contracts for health or other labour issues, they may go home penniless.

43. For domestic workers, the two main causes of death are poor safety and suicide.⁵¹ They suffer abuse from their employers such as physical abuse, food deprivation, sexual abuse and harassment, verbal abuse and threats.⁵²

44. The Government no longer subsidizes medical care for migrants. Even though the employer is required by law to pay for all medical expenses and to purchase hospitalisation insurance, workers may find it difficult to access basic health services because of inconsistent enforcement of existing laws. As a result some migrant workers have to go without medical treatment for long periods of time or are deported without access to medical treatment.

45. Migrant construction and shipyard workers suffer poor health due to unsafe work sites, abject living conditions and poor quality meals provided by employers.

Adequate Standards of Living

46. It is not uncommon for foreign workers to live in sub-standard accommodation. Many of them have been found to sleep in cramped, unhygienic, and poorly ventilated living quarters (**See Annex S**). In 2008, the government said that 80,000 to 100,000 migrant workers did not have proper accommodation, or were living in illegal quarters.⁵³

47. Employers should provide migrant domestic workers with adequate food. However, HOME and TWC2 have seen cases where they are denied food or given left-overs because of employers' neglect or as punishment for mistakes made at work.

Right to education and to participate in the cultural life of the community

48. The lack of a day off for domestic workers and the long hours of work of other migrant workers restrict participation in cultural life and ability to access education.

Migrants, refugees and asylum seekers

Trafficked persons

49. The United States Department of State report *Trafficking in Persons Report 2010: Singapore* places Singapore on the Tier Two watch list for risk of human trafficking, which means the government is not doing enough to address the issue.⁵⁴ Singapore's laws do not address human trafficking adequately and under existing regulations trafficked people may be treated as offenders for violation of immigration laws rather than victims.⁵⁵ HOME has been in contact with women working in the sex industry and men working in the fishing and boating industry who are victims of forced labour and trafficking. They receive limited protection from the Singaporean authorities. HOME has also seen victims of trafficking who do not wish to file official complaints to the authorities, because of the lack of any form of support from the authorities (**See Annex T**).

Asylum seekers and refugees

50. Singapore has not ratified the Convention relating to the Status of Refugees and its Protocol. There are no domestic laws providing for the granting of refugee status. HOME has come into contact with a number of persons of concern who would meet the refugee criteria but these individuals are considered irregular migrants by the Government if they overstay their visas. They also have limited access to any specific procedure for redress.

IV. RECOMMENDATIONS

GENERAL RECOMMENDATIONS

1. Establish an independent National Human Rights Commission, as in other ASEAN states, to investigate, monitor and report human rights violation in the country, and with the mandate to educate and inform in the field of human rights.
2. Ratify the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children Supplementing the United Nations Convention against Transnational Organized Crime and the Convention relating to the Status of Refugees and its Protocol.
3. Enact an anti-human trafficking law, as in other ASEAN States that identifies victims of trafficking according to terms consistent with the Palermo Protocols, provides protection to

them, further enables prosecution of human traffickers, and provides police with training and education related to trafficking.

4. Support the proposed legally binding ILO Convention on Decent Work for Domestic Workers supplemented by Recommendations at the International Labour Conference in 2011 with a view to ratifying the Convention upon its enactment.

RIGHT TO LIFE, LIBERTY AND SECURITY

5. Review the mandatory death penalty for drug trafficking in Singapore and mandatory caning for immigration offenders. Such offenders could well be migrant ‘drug mules’ and trafficked victims.

ADMINISTRATION OF JUSTICE

6. Ensure that migrant workers who wish to pursue a claim against their employer or agency have access and adequate support to decent food and lodging, legal aid and translation services to pursue judicial procedures.

7. Repeal the work permit regulation that gives the employer the unilateral right to cancel the work permit of a worker or to refuse to cancel a work permit.

RIGHT TO PRIVACY, MARRIAGE AND FAMILY LIFE

8. Ensure that all migrants have their right of marriage to a Singaporean citizen or a permanent resident respected.

9. Repeal the law that requires a work permit holder to be deported on grounds of pregnancy, or when s/he has is diagnosed with infectious diseases such as HIV/AIDS.

10. Enact laws to safeguard the privacy of all individuals, including migrants and especially migrant domestic workers working in a private household.

FREEDOM OF MOVEMENT

11. Fully implement and enforce the regulations that prohibit employers from holding on to the passports and work permits of migrant workers.

12. Prosecute repatriation companies and employment agencies for wrongful confinement and forced repatriation of migrant workers.

13. Ensure that freedom of expression and association, and equality in participation in all aspects of civic and political life are respected for migrants and for the NGOs defending their rights.

14. Ensure migrant workers have the freedom to practise their religion without fear of termination of employment or reprisals.

RIGHT TO WORK AND JUST AND FAVOURABLE CONDITIONS OF WORK

15. Review the legal protection offered to migrant domestic workers and includes them under the Employment Act or separate legislation which provides full and equal protection with other low wage workers so that basic workers' rights such as a weekly day off, notice of termination of contract, annual leave, medical leave, maternity leave, and over-time pay are accorded to them. Domestic workers should also be protected under the Work Injury Compensation Act so that they are entitled to full and equal protection like other low paid workers.

16. Actively pursue negotiations for multilateral agreements with major labour sending states to Singapore. Agree upon limits to recruitment fees and standards covering employment to prevent contract substitution and exploitative practices.

17. Undertake a review on the mechanisms for redress for fishermen and take measures to ensure that fishermen have access to help when the fishing vessels dock in Singaporean waters.

18. Take further measures to enhance workplace safety so that worksite deaths and accidents are significantly reduced.

19. Ban the practice of transporting workers on the open decks of lorries and goods vehicles.

20. Abolish the practice of employment bans (blacklisting) on workers unless they are convicted in court for a criminal offence.

21. Enact a minimum wage law to ensure that workers, especially migrants, are fairly remunerated.

22. Repeal the discriminatory law that prohibits workers from engaging in 'illegal, immoral and undesirable activities' and 'breaking up Singaporean families'.

RIGHT TO SOCIAL SECURITY AND ADEQUATE STANDARD OF LIVING

23. Establish and implement minimum standards of accommodation for domestic workers and rigorously implement the existing regulations regarding the accommodation of all migrant workers to ensure adequate and decent living conditions.

24. Provide access to basic medical care and necessary social support and counselling to migrant workers diagnosed with a disease, especially those diagnosed with HIV/AIDS. Treatment should be provided on a right to health basis, and laws and regulations that call for immediate and automatic deportation of a migrant worker on health grounds should be reviewed.

25. Ensure migrant workers have easy access to comprehensive and affordable health services at costs not higher than local workers.

26. Ensure the spouses and children of migrants who are married to Singaporeans have access to affordable health care, financial assistance and education.

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ANNEX A

Type of Work Pass	Eligibility
Employment Pass	Fixed monthly salary of more than S\$2,500. Possess acceptable degrees, professional qualifications or specialist skills. The Ministry of Manpower (MOM) evaluates each application and qualification on its merits.
S Pass	For mid-level skilled foreigners who earn a fixed monthly salary of at least S\$1,800. S Pass applicants will be assessed on a points system, taking into account multiple criteria including salary, education qualifications, skills, job type and work experience.
R Pass (Work permit holders)	For low-skilled or semi-skilled foreigners who earn a monthly salary of less than S\$1,800. These foreigners are typically employed in construction, manufacturing, shipbuilding and ship-repair industries and the service sector, which includes domestic work as well as the healthcare, retail and hotel industries. Companies employing work permit holders are subjected to sector specific requirements based on nationality. For example, the service sector can only recruit workers from the following countries: Malaysia; Hong Kong; Macau; South Korea; Taiwan; and the People's Republic of China (PRC).

ANNEX B

Conned by job agents; caned for overstaying

China worker who goes home broke recounts ordeal of coming to Singapore hoping to land a higher paying job

Melissa Sim

Sunday, May 4, 2008

The Straits Times

CHINA worker Han Xin Hui, 41, arrived in Singapore in October 2006 in a new suit, new leather shoes, and a suitcase full of work clothes.

But on Tuesday, he left wearing a ragged T-shirt and bermudas, hiding scars from four strokes of the cane he got while in prison here - a permanent reminder of his time in Singapore.

His budget flight to Guangzhou, followed by a train ride to his home in Hebei, brought his 18-month stay here to an end.

He told The Straits Times in Mandarin that he had been conned by labour agents, both in China and Singapore, who had promised him a job, but never delivered.

He said: 'I'll never think of Singapore again, I have such a bad impression.'

Some foreign workers from China, India, Sri Lanka and Bangladesh are the targets of rogue agents who collect thousands of dollars from the workers in return for jobs in Singapore.

Ministry to share info

THE Manpower Ministry (MOM) said it will share information on foreign worker scams with embassies, so diplomatic officials can warn their nationals at home against unscrupulous employment agencies.

But when they arrive, not only is there no work for them, but local agents also take their cash and even their passports.

While no official data is available on the number of workers who get duped by agents, Humanitarian Organisation for Migration Economics (Home), a welfare organisation which helps foreign workers, said that for the past year, they have seen at least one case every three months.

Mr Han's is the most recent case that Home helped resolve.

His troubles started when an acquaintance introduced him to an employment agent in Beijing.

The agent said he could earn 7,000 yuan (S\$1,360) monthly as a lorry driver in Singapore - if he paid the 28,000-yuan agent's fee.

Tempted, he gave up his 2,500- yuan-a-month job as a lorry driver and emptied out his savings to move to Singapore, leaving behind his wife and two sons, now aged 20 and 21.

He was told to head to an address in Geylang when he arrived in Singapore and wait for a call from a local agent.

The call came a day after he landed. Mr Han met the man claiming to be his Singapore agent, who immediately demanded another 8,000 yuan. He also took Mr Han's return air-ticket and passport for safe-keeping.

Mr Han never heard from the man again. His mobile number was also no longer in use.

Calls to the agent back in China also reached a dead end.

Stranded in Singapore with no work, no money and no passport, Mr Han, who was on a tourist pass, took up random construction jobs. He approached Home for help, but continued to work illegally.

'I knew I wasn't supposed to work. But I had no choice.'

After he earned some money, he searched for another agent, hoping to get a proper work permit and a legal job.

Again, he says, he was cheated.

He paid the agent \$500, and was told to return two weeks later. But six weeks later, there was still no job.

With help, he managed to go after the agency and had his day in court. He won his case, but still ended up with nothing.

The agency in Lavender had closed down and he was told he would have to spend more money to enforce the judgment.

'I won the case but I had to pay money? Where's the logic? I was fighting in court, because I had no money,' Mr Han said.

Again he continued to work illegally.

In August last year, he was caught for overstaying when police raided the flat he was sharing in Changi with seven other foreign workers.

His sentence: one month in jail and four strokes of the cane.

When he was released in October last year, he applied for a new passport. Around this time, he also approached Home again for help. The volunteer group then raised the money for his flight back to China.

Mr Han was on a 6.25am flight on Monday, but to avoid paying for an early morning taxi, he was at the airport by 11pm the night before.

'Not everybody here is bad. I'll get my son to come back and thank people here who have helped me,' he said. 'But I'm never coming back here in my life. Never.'

ANNEX C

Counsel Hold Out Hope for Youth on Death Row in Singapore

By Baradan Kuppusamy

KUALA LUMPUR, June 15, 2010 (IPS) - A Malaysian youth is languishing in death row awaiting hanging after Singapore's judiciary found him guilty of possessing heroin weighing 47 grams, lawyers fighting to save him tell IPS.

Lawyers, human rights activists and chapters of leading human rights advocate Amnesty International in both countries are working to save Yong from execution.

"We will mobilise public opinion against the death penalty, against the bid to kill Yong for such a paltry offence," said human rights lawyer N. Surendran. "If need be, we will protest outside the Singapore mission here and organise boycott of anything that is clearly Singapore," he said, adding the aim is to pressure Singapore to be "humane."

Yong Vui Kong, 21, a Malaysian from the South-east Asian country's eastern state of Sabah, was only 19 years old when he was sentenced by the Singapore High Court to death in November 2008.

Yong and his family of nine were abandoned by his father when he was only three years old. As a young boy he left his village in Sandakan, Sabah for the bright lights of Kuala Lumpur and later Singapore.

Like hundreds of thousands of other people displaced by rural-urban migration, Yong was chasing the same dream – work hard, save and strike it rich. But his life took an unexpected spiral.

His clemency petition for the death sentence to be commuted to life was rejected and he was scheduled for hanging on Dec. 4, 2009. But he was saved by an unprecedented stay granted by the Singapore Court 24 hours before the hanging.

His lawyer, Ravi Ramasamy, a prominent human rights champion in Singapore, rushed to court and argued that mandatory death sentences were unconstitutional, citing numerous decisions of famous judges in Commonwealth countries, including India.

The mandatory element of the death penalty removes discretion from judges and grants it to the state, and this is unconstitutional, Madasamy told IPS in an interview in this capital. "The state is the judge and executioner."

"The power to hang has been given to the state by taking away the discretion from the judges. Mitigating circumstances are ignored," said Malaysian Bar Council (MBC) president Ragunath Kesavan.

A higher court has overturned the stay and re-imposed the death sentence, and Yong is again facing the hangman's noose.

Madasamy, who has battled the Singapore criminal justice system on numerous occasions, has only until about August this year to keep Yong alive.

"I have asked Yong, his mother and siblings to expect the worst because the system in Singapore is merciless," Madasamy said. "They want to make a point and they might want to do it not by mercy but by hanging," he added. "We are racing against time to save Yong."

It usually takes about three months between submission of a clemency petition and its rejection and immediate execution of the victim, said the lawyer.

Activists in Malaysia and Singapore have argued that even top lawyers in London are involved in challenging the constitutionality of the mandatory death penalty provision in Singapore.

"We are mobilising public opinion in Malaysia to show the inherent injustice in mandatory sentences. We want our parliament to repeal this provision from Malaysian laws," said MBC's Kesavan, urging Singaporeans to do likewise.

Both Singapore and Malaysia have mandatory death penalty for certain offences, particularly murder and possession of a certain amount of illegal drugs.

Both countries have hanged scores of people of different nationalities for drug possession, which is punishable by mandatory death by hanging, which human rights groups say is a primitive way of killing, because it causes agony and sufferings to its victims.

"Singapore has world-class facilities but not world-class humanism," lawyer Surendran said, adding it was time the city-state showed its human side by giving Yong a chance to live. He has urged the Malaysian government to speak up for Yong by pressuring Singapore to grant clemency and commute the death sentence to life.

As Yong awaits his execution, he hears others being dragged from their cells to the execution chamber, crying, wailing and begging to be freed and to be forgiven, his family said.

Yong was 12 years old when he ran away from a "life of pain," said his brother Yun Leong. At 15, he made his way to Kuala Lumpur, hoping to find a better job but faced discrimination because of his "rural" origins. He found work in a Chinese restaurant but was paid far less than his colleagues.

"He told us while work was hard and the pay was low, there was always ample food to eat," Yun Leong said. "He was always looking for better-paying jobs."

Later, a local gang recruited him to hawk pirated video compact discs or VCDs. From hawking he moved into "helping out" at collecting debts.

An unnamed 'Big Brother' came into his life for whom he felt compelled to do anything. According to friends and family, Yong soon started delivering small packets of heroin to people in the city. In May 2007 he was caught by Singapore police with 47.27 grams of heroin with

him. Lawyer Madasamy said his client has come to terms with his impending death. He has also embraced Buddhism, waking up early to meditate and seek advice from Buddhist monks, who visit him regularly, the counsel said.

Yong continues to hope for a miracle.

ANNEX D

Transient Workers Count Too (TWC2) was approached by a Bangladeshi worker named Monerul for assistance. Monerul was not provided with a contract when he obtained employment as a cleaner in Singapore. His salary was S\$700/month and he had to work from 5:00am until 10:00pm. There were some days when he had to work till 2:00am or 3:00 am.

Even though he worked on Sundays and Public Holidays, his official time cards recorded by the employer did not indicate this. He was also not adequately remunerated for overtime work. His employer also charged him S\$7000 for the renewal of his work permit when it expired. This was deducted from his salary every month. The deductions made to his salary meant that Monerul would only be paid between S\$200 and S\$450 every month. The deductions were not indicated in his salary vouchers. He was also not given any copies of his recorded work hours, nor was he issued with salary slips when he was paid.

He would use whatever salary he was given after the deductions were made to buy food. There were occasions when he ate food that was thrown away by others. As a result, he had very little money left to send home to his family. However, his employer provided him with a phone allowance of S\$50 every month

Monerul wanted to complain about his poor working conditions and his low salary; however his employer had warned him and his colleagues against lodging a complaint with the authorities and promised that he would be paid for his overtime work before he returned to Bangladesh. Monerul felt that he had little choice in the matter as he had seen his employer terminating the employment of his colleagues and repatriating them by force by hiring 'gangsters' to intimidate and threaten them into leaving.

ANNEX E

Sivakumar, a construction worker from India suffered a head injury which fractured his skull. A work injury compensation claim was lodged with the authorities but he had to wait for more than two years before he received his compensation. During this period, his employer failed to provide food and accommodation for him and as a result, he ended up sleeping on the streets, in car parks and open spaces on most nights. Transient Workers Count Too (TWC2) learned about his plight and extended welfare assistance to him.

It was also found that he was suffering from Post Traumatic Stress Disorder. His condition made every day a trial for him. He was unable to express himself well and could not cope with crowds, noise, smells, or sudden movements.

He had no psychological support or access to mental health services and did not have anyone to take care of him or to manage his condition.

ANNEX F

Fatimah, an Indonesian who had worked as a Foreign Domestic Worker in Singapore, was sentenced to 3 months in Singapore Changi Women's Prison for committing 2 offences under Section 22(1)(d) of the Employment of Foreign Manpower Act, (Chapter 91A) ("**Act**") (punishable under Section 22(1)(ii) of the same Act).

TWC2 met Fatimah in prison and was told during this visit that the authorities did not inform Fatimah of her right to make a phone call or to contact an embassy representative. She had also requested to make a phone call but was denied the right to do so by the authorities.

ANNEX G

Juliet started work in December 2009 as a migrant domestic worker. She had to sleep with her male employer in the living room with no divider and privacy. He often watched television until midnight, and as a result she often found it difficult to rest well.

Whenever her employer and family went out for dinner at a restaurant, Juliet was not allowed to join them at the table but was instructed to eat in the toilet. Her employer also deducted her entire allowance of \$10 per month for toiletries and food expenses. Juliet decided to lodge a complaint with the authorities, which was done with the assistance of HOME; however, her case was rejected because the authorities considered these complaints as minor.

Juliet also wanted to return to her country of origin but her employer refused to accede to her request and refused to cancel her work permit.

ANNEX H

Apr 15, 2010, The Straits Times

Cameras in dorm toilet spark outcry

Move to curb water wastage an invasion of privacy, say workers, welfare advocates

By Teh Joo Lin and Luke Vijay

IT IS common for foreign worker dormitory operators to install closed-circuit television cameras at the entrances to their buildings and in other common areas, to monitor any shenanigans involving the residents.

But one operator in Jurong West has gone a step further and installed two cameras on the ceiling of the common toilet, which houses shower and toilet stalls, urinals, and a row of wash basins.

Lockson Hydraulics, which runs the dormitory and is also a scaffolding company, said the cameras - part of a network of 24 electronic eyes on the premises - were put up to deter water wastage after its water bills soared and repeated calls to its residents to save water went unheeded.

But the presence of the cameras has raised the ire of some workers and welfare groups, who complain that the invasion of workers' privacy has gone too far. A 37-year-old Indian national, who recently moved out of the dormitory to stay elsewhere, said: 'We cannot accept this. It's the toilet, how can you put cameras? We're all men living together, but this is ridiculous.'

A spokesman for Lockson, a 35-year-old company, whose director is Mr Kang Yee Yin, 38, said the cameras were installed a few months ago, after which the monthly water bill dropped by about 20 per cent, although he did not give exact figures. He added that these two cameras view only the shower heads and the wash basins in the toilet. 'They are able to see only the top of the showers, where the water comes out from the sprinklers. At the most, you can see only part of the workers' backs. They are not there to capture the men bathing,' he said.

The Straits Times was shown the camera feed as proof. The spokesman claimed that the cameras, which cannot be rotated, have been effective in reducing the use of water: 'Before this, we put up notices not to waste water, but they were ignored.' Although the water is dispensed through pressure taps to reduce wastage, workers got around this by using wires to keep the water running.

He said: 'It's safe to say that for workers' dormitories, they (workers) don't save water for you.' About 100 workers, some of whom are Lockson employees, stay in the dormitory and all of them use that toilet.

Foreign worker welfare advocates blasted the rationale behind installing the toilet cameras. Ms Bridget Tan, president of the Humanitarian Organisation for Migration Economics (Home), said: 'This is very wrong morally. Would we put cameras in public toilets to stop people from wasting water? It's an affront to human dignity.' MP Halimah Yacob, who often speaks up on foreign worker issues, said: 'Cameras there are an invasion of privacy. It doesn't matter where they are pointing, they shouldn't be there in the first place.'

Agreeing, a Transient Workers Count Too (TWC2) spokesman said: 'Even if the cameras do not show the workers showering or using the toilet, the men may believe they're being observed and feel embarrassed or harassed. There are other ways to ensure water isn't wasted. One expects to be assured of privacy in the toilet and shower stall.'

The move by Lockson also drew surprise from other dormitory managers, who said this was the first time they had heard of such a practice. One said it was 'common sense' that such a move was unacceptable. He said: 'It's just like in a department store... Can you put cameras inside the changing room? Of course not.' Cameras are installed inside dormitories for 'everyone's security', said Mr Simon Lee, executive director of the Singapore Contractors Association.

He said there was no regulation regarding cameras in dorms, though operators are usually asked to install them on perimeter fencing and in communal areas such as dining halls. Despite the moral outcry, no law appears to have been flouted.

Noting the lack of a general privacy law in Singapore, lawyer Bryan Tan of Keystone Law Corporation said building owners have the right to put up cameras on their premises - even in toilets. The move does not run afoul of laws against peeping Toms as the dormitory toilet is only for men, pointed out lawyer Amolat Singh. 'In our Penal Code, only the woman is said to have modesty,' he said, noting that common showers in military camps and swimming pools had no partitions in the past'

The move does not run afoul of laws against peeping Yoms as the dormitory toilet is only for men, pointed out pointed out lawyer Amolat Singh.

"In our Penal Code, only the woman is said to have modesty," he said, noting that common showers in military camps and swimming pools had no partitions in the past.

"That said, I think the rationale for putting in the cameras is questionable."

ANNEX I

Nani was working as a domestic worker in Singapore for 4 years. In year 2006 she returned to West Java, Indonesia with her Singaporean boyfriend, Sam. He met her family in the village and stayed there for one week. According to the traditional Moslem custom and with the family approval, they were both married on November 2006.

Sam then returned to Singapore and went back to Indonesia in 2007 to bring Nani back to Singapore to live with him. They applied to MOM for approval to be married legally in Singapore. A month later, MOM replied that their application for marriage was rejected. It was an unexpected decision for Nani who was already pregnant.

On September 2007 their son was born. Following the delivery of the baby, she realized that her stay was expiring. Her husband went to ICA and requested a three months stay permit extension. She managed to obtain her stay in Singapore but one month later, her husband was convicted for a drug offence. He was sent to prison for three years.

Before his imprisonment Sam registered the birth of his son as a Singaporean. Eight months later, Nani returned to Indonesia with her baby and stayed with her relative in Batam. When Nani and her baby attempted to return to Singapore, the Singaporean authorities prohibited the mother from returning. As a result, Nani had little choice but to get a Singaporean friend to bring the baby from Batam to Singapore. The baby now lives with his elderly 80 year old Singaporean grand-mother. HOME has assisted Nani, seeking to have lifted the ban on Nani to allow her to be with her son. However, the appeal was not successful.

ANNEX J

Illegal abortions a click away”*The Straits Times*, 5 August 2010.

By Liew Hanqing

THE advertisements keep appearing on the online forum, despite efforts by the webmaster to remove them. They tout abortion pills from China, mainly to Chinese nationals who are afraid of being repatriated if the authorities here find out they are pregnant. Sellers promise a 'quick and fuss-free' pregnancy termination with 'no side effects'.

The Straits Times found two Chinese women who had ordered the drugs and had them delivered here. The kit, sold for between \$130 and \$160, contains the known abortion drugs mifepristone and misoprostol, which induce miscarriage. Tonics of Chinese motherwort herb pills and 'Gongxuening' tablets are also thrown in. Both the drugs in the kit cannot be sold here without a licence, and mifepristone is not found in any medicinal product here, said a spokesman for the Health Sciences Authority (HSA).

Misoprostol must be prescribed by a licensed doctor. Under the Medicines Act, anyone caught importing or selling them can be fined up to \$5,000, jailed up to two years, or both. The Penal Code is even more severe, stipulating a maximum of a three-year jail term, or fine, or both, for a person who voluntarily causes a woman to miscarry.

But for the women The Straits Times spoke to, the drugs seemed an easy way out. Work permit holders will be sent home if they are found to be pregnant or have a child, as they are breaching the terms of their stay here, said the Manpower Ministry. Only workers who are already married to Singaporeans or permanent residents, with the Government's permission, are exempted. The fear of being found out keeps foreign workers from seeking medical help. Plus, going to a doctor for an abortion is more expensive, from \$500 up.

Ms Bridget Tan, president of the Humanitarian Organisation for Migration Economics (Home), said: 'They are afraid of going to a doctor because they are afraid the authorities will find out. For them, the work is so very important, so to lose the baby is more important than to lose the job.' A 20-year-old Chinese woman who took the drugs found that she still needed expert medical help anyway. She suffered an incomplete abortion and had to undergo a separate procedure at a hospital. She declined to say more. Another, a 16-year-old, said she suffered heavy bleeding after taking the pills: 'I thought I was going to die.'

Checks by The Straits Times showed that at least one Beijing-based supplier had developed a system for distributing the drugs here. It would take orders online, then ask one of the buyers here to deliver the drugs to fellow buyers in return for a discount. A meeting would be arranged and the drugs and money would change hands.

Last week, The Straits Times met a Chinese national in his 20s who had bought the pills for his girlfriend, and was making deliveries to other buyers who had ordered the drug online. He claimed the supplier had told him the drugs were safe, and that he did not know he was breaking

the law. '(The supplier) said he was a doctor, and that he had sold the drugs to many women with no issues,' the man said. After the meeting, he dumped the boxes of medicine in a dustbin.

Dr Jen Shek Wei, an obstetrician and gynaecologist, said it was 'highly likely' that the pills available for sale online were fake versions of mifepristone, which is approved for use in countries including Sweden, Germany and the United States. Asked if he had come across patients who experienced botched abortions from having taken similar drugs, Dr Jen said he had - but that patients were 'not always truthful' about what they had taken.

Possible complications from taking abortion-inducing drugs include heavy bleeding and womb infections, a result of incomplete abortions. He added: 'When you take such drugs, you are not covered by insurance if complications arise, and you can't sue the hospital or the doctors.' Abortion is legal here but must be performed by a medical practitioner, usually via vacuum aspiration for early pregnancies, where the womb is emptied with a vacuum.

For mid-trimester abortions, medicine is inserted into the vagina to induce expulsion of the foetus, followed by vacuum aspiration. Both medical abortions - which can include the use of the drug misoprostol - and surgical abortions are allowed here.

Professor Kuldip Singh, a senior consultant at the National University Hospital's obstetrics and gynaecology department, stressed that abortion drugs should not be self-administered. 'Instead, there should be a proper consultation with a qualified doctor who will assess the suitability of any individual woman for medical abortion,' he said. Medical abortion is suitable for women who are up to eight weeks pregnant, or 12 to 24 weeks pregnant.

Surgical abortion is best performed for those who are between seven and 12 weeks pregnant. Prof Singh and his colleagues have seen cases of 'failure and complications' - such as bleeding and fever - arising from the self-administration of drugs. Mr Li Zhihui, the webmaster of sgchinese.com, the site on which the abortion pills were sold, said the forum's administrators routinely delete forum threads that advertise abortion pills. 'We regularly warn members not to sell such drugs on the forum because it is illegal,' he said in Mandarin.

ANNEX K

A story out of the dark ages; 'Take off your clothes', ordered agency staff, one of whom laughed at her as she stood, naked and trembling

Clement Mesenas, 14 July 2007

TODAY (Singapore)

English

(c) 2007. MediaCorp Press Ltd.

In what must be the ultimate degradation of a human being in modern times and in a modern city, a Filipino woman has come out to talk about how she was forced to strip and gawked at by workers from an employment agency.

This happened just a day after she arrived at Changi airport, looking for a way out of her family's wretched existence back home.

Three days later, while still trying to internalise the scars of shame, Ms Maria Dolores (not her real name) was forced to undergo the same indignity all over again.

Reason for the searches: The agency wanted to make sure that she was "clean" before sending her to her employer.

As though to complete Ms Dolores' humiliation, a female employee of the agency even laughed at the sight of another woman standing naked and trembling before her.

This humiliating ordeal of Ms Dolores, 31, is no aberration. Consider what an employment agency boss has to say: Strip-searching is common and even "a necessary routine".

It is this kind of nonchalant attitude that makes one wonder why all the years of public revulsion against maid abuse have not brought about any change.

The agency boss Today spoke to thinks strip-searches are part of a day's work and will not bat an eyelid if she has to do one herself.

"There have been cases of maids who hid small but expensive items like jewellery in their private parts, especially when they were leaving Singapore at the end of their contracts. Only through a strip-search can we recover such stolen items," said the woman with a shrug of her shoulder.

Some woman employers, she said, prefer not to look at another woman's private parts - "they feel it's bad luck to do so" - and would rather pay somebody like her to do it.

When asked if she felt embarrassed, or even angry, she said matter of factly: "This is a tough business and we have to get the job done. In any case, if a maid is not guilty, she would not object to being searched, right?"

While her remark will raise eyebrows, some employers, especially those with horror stories to tell about their maids, will probably agree with her that strip-searches and "other measures" are needed to make sure that employers are not cheated by their maids.

Businesswoman Madam Ong (not her real name) is one of them. She recounted how on the last day of her maid's three-year contract, the woman baked a "big, round cake" purportedly for her mother back in the Philippines.

Somehow, the maid forgot to take the cake with her and remembered only in the car on their way to the airport. Mdm Ong recalled how the maid looked so crestfallen when she refused to turn back and get the cake.

The employer only found out why when she returned home. To MdmOng's horror, gold chains, bracelets and other gold jewellery spilled out when she sliced the cake.

"She looked so prim and proper, she was so good at cooking, and so soft-spoken. To think she would try to steal my things! Who knows how much money she stole during those years!" said Mdm Ong, getting agitated even as she spoke.

But even if one were to grant that errant maids, like errant employers, do exist, another agency owner, a man, told Today that he would never condone such searches.

"It's totally disrespectful. A woman employer, married to a top official, once told me her maid had stolen her earring and wanted me to arrange for a strip-search. I refused and told her it was illogical for a thief to steal just one earring," he said.

Sure enough, the missing earring turned up in the woman's car while it was being cleaned.

Ms Dolores, who did not want to give her real name as she was not sure whether her employer would be sympathetic to her ordeal, would have had to suffer the humiliation in silence if not for the fact that her "strip-searchers" missed her handphone.

The woman called her sister who advised her to seek counselling from the Humanitarian Organisation for Migration Economics (Home), a non-governmental organisation that provides help for foreign workers in distress.

Home's founder, social activist Bridget Lew, spoke of the day in May when she received Ms Dolores' SMS.

It read: "I was stripped naked à The agency supervisor even laughed as I stood there, ashamed, speechless à suffering indignity for the sake of my widowed mother"

Ms Lew went to the Ministry of Manpower (MOM). A spokesperson at the ministry said it has started investigations.

Unfortunately, painful as Ms Dolores' plight is, "such cries of anguish are not new".

Ms Lew said: "We have several records of maid abuse, including one other case of strip-search, in our files. These unethical practices belong to the dark ages, in the days of slavery. How do we stop these horrible indignities?"

The tough hand of the law, perhaps.

Lawyer Shashi Nathan, of Harry Elias Partnership, told Today such acts can lead to up to two years jail or caning.

Speaking of her ordeal, Ms Dolores said: "On both occasions, I was ordered to remove my T-shirt, my jeans and then my bra and panties. I was very embarrassed and upset. I was treated as if I was a thief, a criminal. I felt so bad. And when the woman laughed at me, it was so insulting, a final blow to my dignity."

She said she wanted to get this matter off her chest, "to bring this bad experience to a close".

At the MOM on Friday, Ms Dolores wept tears of relief when an official listened to her story and said that the matter should be referred to the police.

For Ms Dolores, matters may not be that simple. She is far from sure that her employer would want her making a police report and getting embroiled in a court case, if it came to that.

At this point, all she has is \$10 from her first month's salary.

For the next six months, she will not be getting most of her monthly salary of \$350 which will go towards meeting the agency fees of \$2,200, or "loans" as the transaction is described in the industry.

Trapped in a state of helplessness, all that she is hoping for is some kind of closure.

"I need to be strong," said Ms Dolores, looking aimlessly at the sky.

ANNEX L

Holding area is a room in the office: Close tabs kept on workers in case they try to run off

The Straits Times 31st January 2009, by Radha Basu

CARPENTER Xia You Ming, 44, says he was locked up for 36 days in a windowless room on the fourth floor of a Serangoon Road industrial building.

It was like being in jail, he says, yet he had committed no crime. He wanted to remain in Singapore till he received compensation for a work-related injury.

He slept on the vinyl floor and shared the room with up to 20 other foreign workers.

The company where he was held, UTR Services, specialises in repatriating foreign workers, keeping a close eye on them during their last days here to make sure that they do not run away and become illegal immigrants. Under the rules, an employer stand to lose a \$5,000 security deposit if a worker goes missing.

UTR director J. Ravi says he has about 1,000 client companies, all of whom employ foreign workers. They pay him about \$250 a worker for his repatriation services, plus \$50 a night for housing the workers in his Serangoon Road office.

UTR is one of two major repatriation companies here. The Straits Times understands that there may be up to half a dozen smaller companies doing the same thing.

While Mr Ravi says he is merely offering a service that is needed, critics call the practice 'forced repatriation'.

Migrant worker activists say repatriation companies exploit employers' fears over losing the security bond.

'These workers have not committed any crime so it is wrong to confine them against their wish,' says Transient Workers Count Too president John Gee. 'We believe that some of them are locked up in this way to prevent them from seeking redress for their salary and work accident claims.'

Such acts, he adds, are tantamount to 'wrongful confinement', which is against the law here. Offenders can be jailed for up to one year or fined.

National Trades Union Congress deputy secretary-general HalimahYacob calls the practice of forced confinement and repatriation 'dehumanising'.

'Not all employers resort to such tactics, especially if they have been treating their foreign workers well and have no reason to fear that they will bolt before they are sent back,' she says.

'The few who do should be stopped.'

Like hundreds of his peers, Mr Xia, 44, came to Singapore to work in construction, hoping to give his family of five in China's Fujian province a better life.

But last May, he lost his foothold on a scaffold and injured his fingers while hammering a nail into a wall.

He was given treatment and he filed a report at the Ministry of Manpower (MOM), hoping to get compensation. According to MOM rules, all injured workers may stay in

Singapore until their claims are settled.

But before the money could come through, Mr Xia says his employer tried to send him back to China on Aug 29. At the airport, he pleaded with the immigration authorities not to send him back as he had a pending work injury claim.

They relented, releasing him back to his employer. He was then taken to the office of UTR Services, where he claims he was held against his wishes till Oct 3.

He says he called the police three times, but the officers told him he was being held legally by the repatriation company because his employer was afraid he would run away.

The police confirmed receiving the calls. 'Investigations revealed that no criminal act took place,' a police spokesman told The Straits Times. 'The parties involved were advised to resolve the matter amicably.'

Mr Xia was finally released after he called the migrant workers group Home. A social worker signed a guarantee that if he refused to leave Singapore or went missing, Home would pay the \$5,000 security bond.

The soft-spoken father of two teenagers says he has no idea why his employers thought he would run away. 'Would anyone waiting for compensation want to run away?' he asks in Mandarin.

When The Straits Times dropped in unannounced at UTR's offices recently, it found about 10 workers from China, India and Bangladesh sitting on the floor of the windowless but clean room where MrXia says he stayed.

It was bare, except for a television set and two thread-bare mattresses. Most of the workers sleep on the vinyl floor, which is 'mopped daily', says Mr Francis Ho, a director of the company.

Mr Ravi, meanwhile, insists that his company did not forcibly repatriate workers with pending accident or salary claims. Mr Xia had no place to stay and was therefore put up at the Serangoon office, he says. 'For the first two weeks, he stayed here quite willingly and was allowed to go out with an escort.'

As for how workers are treated on the premises, Mr Ravi says: 'The entire area is under CCTV surveillance and anyone can view the tapes.'

About a third of the 200 or so cases he gets every month are of workers being sent back because they are either troublemakers, incompetent or medically unfit, he says. Some others are caught moonlighting illegally or are runaways.

Although both the access doors to the workers' holding area were locked, Mr Ravi denies that this was done to prevent workers from going out.

'We have valuables in our office and must be careful,' he says.

He adds that the workers' movements are 'occasionally restricted' because many get into accidents, come back drunk or commit crimes when they go out.

Workers The Straits Times spoke to, however, say that they were not allowed to go out without an escort, though they could receive visitors and keep their mobile phones.

Mr Xia went back to China earlier this month after receiving compensation of about \$1,370.

Would he return to work here after his experience? Smiling wanly, he says: 'I'm not sure.'

ANNEX M

Five Bangladeshi workers paid S\$5000 each to a recruitment agent before they arrived in Singapore to work at AM Construction in Singapore. They arrived on 25 September 2008 and began working almost one month later on 20 October. The \$5000 they paid is \$3000 short of the usual payment, so to make up the difference each had money deducted from his salary. These deductions continued for the first eight months, but stopped when they stopped receiving their monthly salary. That wasn't the only deduction: they were also charged \$130/month for food. Their monthly salary came to over \$500, but they were not given salary receipts or documentary evidence for the number of hours they had worked.

One year into their employment, their employer stopped paying them their salaries, They were not given any pay for two months. When the workers started demanding their arrears, the employer offered them S\$50 each; they refused to accept the amount and threatened to lodge a complaint with the authorities.

The company responded by calling the repatriation company to sort out the increasingly hostile situation. While waiting for the company lorry to transport them to their dormitory after work, they were approached and apprehended by 'gangsters' from a repatriation company. Their handphones were confiscated and they were taken to the premises of the repatriation company without their belongings, awaiting repatriation. They were not allowed to leave the premises and the door was guarded at all hours, and while people may be allowed in, the men detained are prevented from going out. One of the workers who managed to stow his handphone in his safety boots, was able to contact his friends while in the toilet. The men were sure they would be sent back still in debt and after less than a year of their two-year work permit.

Contact with friends and TWC2 pressurised the repatriation company to allow the workers to lodge a complaint about their unpaid salary with the authorities. Their belongings were retrieved by their friends but they found that they had been tampered with and valuables were missing. The men went to the police station to file a complaint against the employer for having tampered with the locks on their lockers and bags, and for removing cash, clothing, and other personal objects. Even though the police took down their complaints regarding the alleged theft, they explained that their confinement at the premises of the repatriation company was not an act of illegal confinement. The police explained that such confinement was necessary in the event that workers ran away and the company would lose their \$5000 security bond because of it.

ANNEX N

Asian Migrant Workers Face Abuse, Debt from Recession

(Reuters) - Ship welder Mohammad Ali came to Singapore to earn money to support his family in Bangladesh. Little did he know that an economic storm brewing continents away would kill his humble dream and leave him incarcerated in a cage.

After taking out almost \$6,000 in loans to pay employment agency fees to work in Singapore, Ali was soon laid off when the economy soured and shipyard work dried up.

What happened to him next was unimaginable.

His employer locked him and 100 other workers in an outdoor cage to prevent them from complaining to the authorities about their unpaid salaries.

Come rain or shine, Ali was trapped like an animal for the next three months. His ordeal ended in September when a local advocacy group, Transient Workers Count Too, found out and told Singapore's labor ministry.

Ali, who is now living at a metro station and surviving on one free meal a day, is eager to go home.

"Come to Singapore is no good, I want to go back to Bangladesh. There got mother, father, sister, brother to help me. Here I have no one," Ali said in broken English.

Singapore's construction, shipyard and manufacturing industries were once red hot, hiring almost 800,000 migrants in 2007. But as the economy slid into recession, demand for labor dived and major projects were canceled or delayed.

And it's not just Singapore.

Human rights groups say many of the world's estimated 100 million migrant workers are in dire predicaments as economic woes in the Gulf, Singapore and Taiwan lead to mass layoffs of laborers from countries such as Bangladesh, China, India, Pakistan, the Philippines and Sri Lanka.

Layoffs of these migrant workers may raise unemployment and poverty in their home countries as they return without jobs and often with hefty debts. It could also slow economic growth in countries such as Bangladesh, the Philippines and Sri Lanka which are deeply reliant on remittances sent home by migrant workers.

"Typically, migrants are the last hired and first fired," said Patrick Taran, senior migration specialist at the International Labor Organization.

"The countries to be worried about are those that are marginalized poor countries, who have a significant number of their workforce population overseas and for whom even a modest decline

in remittance earnings and increased returns in people have a proportionally larger impact on their communities," he said, citing Bangladesh and Haiti as examples.

STAGGERING JOB LOSSES

Although there is no definite figure as to the number of migrant workers expected to lose their jobs from the economic crisis, anecdotal evidence and estimates from aid agencies show a significant number will be affected.

Gary Martinez, head of Migrante, an organization of Filipino migrant workers, said he expects about 100,000 Filipino workers to be laid off. Already many have lost jobs.

Some one in 10 of the Philippines' people work abroad in construction, shipping and domestic service. They sent home an estimated \$16 billion in 2008.

Sri Lanka's Minister for Foreign Employment Keheliya Rambukwella told Reuters recently that he expects at least 10,000 Sri Lankans to lose their jobs in the Middle East, a shadow on the horizon for a country where worker remittances are the second largest foreign exchange earner after garment exports.

As a result of the economic slowdown, the World Bank said it expects remittances, the lifeblood for millions in the developing world, to moderate significantly over the next two years and that remittances in 2009 will fall almost 1 percent. Global remittance flows stood at \$283 billion last year.

But as their economic health declines, the social well-being of migrant workers is also under threat.

"It's all gone now and I am drowning in neck-deep debt," said Filipino Vangie Paticeria, who lost her job in Taiwan in December and chose to return home to the Philippines.

Ali, who paid for his Singapore trip by borrowing money from his siblings, finds himself in a similar situation. Unable to pay back his brother and sister, and they in turn, not able to pay back the money lenders.

Others, who choose to remain in the host country, find themselves having to become illegal, accepting lower pay and taking on riskier jobs.

"The economic downturn and its impact on migrants exposes how vulnerable they are," said Nisha Varia, acting deputy director of Women's Rights division at New York-based Human Rights Watch.

"It increases everybody's desperation and desperation is the recipe for exploitation," Varia said.

Jolovan Wham, executive director of Humanitarian Organization for Migration Economics, a charity that helps migrant workers in Singapore, said he has seen the number of jobless migrant workers coming for aid more than triple last year.

Complaints range from lack of medical treatment, to unpaid salaries and poor work conditions.

Monerul Monto sold his shop in Bangladesh to work as a laborer in the city-state where his monthly salary would have been equivalent to about a year's salary back home.

Now that he has lost his job, Monto can't go home because the few dollars a day he might earn doing casual work in Singapore is far more than the wages he could earn in Bangladesh to repay his debts.

"I go back Bangladesh, I dead. Why? No money there. I have to stay Singapore and work, but here no work. How?" he said, leaning forward and whispering desperately: "Sister, if you know of any job, please tell. I will do anything."

(\$1=1.486 Singapore Dollar)

(Additional reporting by Manny Mogato in Manila; ShiharAneez in Colombo; Editing by Megan Goldin)

ANNEX O

Wurnyaningsih is an Indonesian Domestic Worker. She is 34 years old, and has two children. She worked in Brunei for two years from 2005 to 2007. She came to Singapore in April 2009 and worked for two months with her first employer but was dismissed and sent back to her agent because she was unable to cook Chinese food.

She worked for one month with her second employer before being sent back to her agent again because she was unable to cope with looking after four children. Following this, she worked for five months for her third employer but was returned to the agent again because she could not get along with the elderly person she was taking care of.

She worked for six months for her fourth and final employer and was subsequently dismissed because they were angry with her for selling their second hand newspapers to a rag and bone man.

Upon learning that her employer had dismissed her and was sending her back to the employment agency, Wurnyaningsih climbed out of the kitchen window on the 8th floor in an attempt to escape. When she reached the 6th floor, she slipped and fell. She was badly injured and had to be hospitalised. She could only move around on a wheel chair when she was discharged. When she was certified fit to return to Indonesia, the agent and the employer disputed where she should be repatriated to.

Finally a decision was made to purchase a ticket for her to Surabaya. According to Wurnyaningsih, she took such great risks to escape from her employer's home because she was afraid of going back to her agent. She had wanted to go to the Indonesian embassy for assistance.

The reasons for her fear to return to her agent was because she had been working in Singapore for 16 months without getting much salary. This is because whenever she switched an employer, her agency fees would increase by two months. She arrived in Singapore expecting that she would only be sacrificing 8.5 months worth of salary as her placement fees. However, whenever she was dismissed by one employer and a new one was found for her, her 'debt' to the agent would increase.

She was also afraid of her recruitment agent because she had seen him slap other domestic workers who were returned to the agency by their employers. She was afraid of being punished by him. The accommodation provided by the agent was also poor. They had to sleep on the floor because the mattresses provided were full of bed bugs. The other domestic workers who lived in the quarters provided by the agent were provided with only small portions of rice and vegetables for food. They were also subject to harsh scolding by the staff of the employment agency.

ANNEX P

When Rona found out that she had a lump on her breast, she suspected that it might be cancerous and made an appointment to see a doctor. She decided to inform her employer about it too. However, when her employer found out, she cancelled the appointment and asked her to move out of the house. Subsequently, her agent informed her that her employer had bought her a ticket home and she was asked to pack her things.

With a current salary of \$400 per month, Maria was also not paid for 12 days salary and she wanted to claim two weeks' notice of termination of contract in lieu of salary.

However, when she made a report to the authorities regarding her claims, she was told to return home since her work permit had already been cancelled.

ANNEX Q

China woman pays \$7,000 to work in Singapore

Some employment agencies have charged foreign workers thousands of dollars each to come to S'pore to work. -TNP

Mon, Mar 22, 2010

The New Paper

For years, some employment agencies (EAs) here have charged foreign workers thousands of dollars each to come to Singapore to work.

They could be breaking the law. There is a little known existing fee cap under the Employment Agencies Act that states they are only allowed to charge workers a commission of not more than 10 per cent of the first month's salary and employers a commission of not more than 80 per cent of the worker's first month's salary; a registration fee of not more than \$5 per worker or employer.

But foreign workers like Madam Huang (not her real name) end up paying much more to try to find employment in Singapore.

The 37-year-old Chinese national claimed she paid a Singapore employment agency \$7,000 upfront to find her a kitchen assistant job that paid \$1,000 a month.

Under the Act, she should only be charged a maximum of \$105.

This fee cap came as a surprise to some agencies, who claim they did not even know that one existed.

Under the Act, those who charge or receive more than the prescribed fee can be fined up to \$2,000 for the first offence. For subsequent offences, they can be fined up to \$5,000, jailed up to six months, or both.

Also, EAs that breach licensing regulations are liable to have their licences revoked and their security deposit of \$20,000 forfeited.

When asked, the Ministry of Manpower (MOM) did not say if it would take any action against such agencies. Its spokesman said the existing fee caps in the Act were set in 1984 and are "outdated".

She said: "As part of the recently announced review of the EA regulatory framework, MOM will be updating the fee caps to better reflect market realities and will be working with EAs to ensure compliance with the revised framework."

The spokesman added that if the foreign workers had paid high agency fees in their own countries, this is beyond the jurisdiction of the Singapore government.

Employment agencies came under the spotlight last week in Parliament, when it was announced that changes would be made to better regulate the industry - especially EAs that deal with vulnerable workers.

ANNEX R

In peril on the high seas

Unskilled fishermen being exploited in Asia; local NGOs lend a hand

by Neo Chai Chin, TODAY, September 11th 2010

He barely speaks any English, but when Filipino Leopoldo de Guzman Jr flew here last October after paying 15,000 pesos (\$447) in agents' fees, he was hurriedly made to sign a contract written in English, then packed off on board a Taiwanese fishing vessel.

For the next nine months, Mr de Guzman, 32, hauled heavy fishing gear for 18 hours daily and had no contact with his wife and two children back home. When his vessel, Taiyuan 32, docked in Singapore recently, Mr de Guzman broke his contract and got off the boat with two countrymen, forgoing his hard-earned wages.

Even then, their freedom did not come easy. The men only got their passports back from the ship's captain after telling him they needed to buy medicine on land. But they never returned to the ship.

In July, they flew home with the help of a local migrant workers' group, the Humanitarian Organisation for Migration Economics (Home).

The predicament of foreign fishermen like Mr de Guzman is often outside the ambit of government agencies in Singapore. Seafarers do not come under the Employment Act, and to add to their vulnerability, these fishermen are often unqualified and without seamen's books. The book would entitle them to help from the Singapore Organisation of Seamen, which is affiliated to the National Trades Union Congress.

REFUGE IN NGOS

Some fishermen have found refuge in non-government organisations here. Home began seeing such cases in early April and has since encountered 26 fishermen facing problems.

Most were referred by foreign domestic workers here whose relatives are on the ships, said its executive director Jolovan Wham.

MediaCorp met up with four Filipino fishermen including Mr de Guzman at Home's office while they were awaiting their flight home. They produced receipts and documents showing recruitment fees of between 15,000 and 23,000 pesos paid to an agency in the Philippines.

All said they flew to Singapore and were brought to a manning agency in Kitchener Complex where they signed their contracts. They were told the first four months of their salaries of about US\$200 (\$270) would go towards paying for agents' fees.

According to Home, the men often do not realise that breaking their three-year contracts incurs a penalty of US\$2,000.

Last September, the Manpower Ministry investigated and found the manning agency at Kitchener Complex not to be an employment agency and hence not regulated by the Employment Agencies Act. MediaCorp understands that there is no update on the agency's status.

Another group providing a lifeline to these fishermen is the Stella Maris Catholic Seamen's Mission, which has helped crew from the Philippines, Indonesia, Vietnam, Thailand, China and Africa over the years. Port chaplain Reverend Father Romeo Yu Chang said he has encountered cases since starting work here in 2001.

NUMBERS UNCLEAR

The mission, part of the Catholic Church's Apostleship of the Sea, began documenting the fishermen's cases in 2008. It has helped 19 fishermen so far this year; the figure was 23 last year, said Father Yu. Funded by the Church of St Teresa, the mission helps the men financially and puts them up temporarily at its retreat centre.

There are no official estimates of troubled foreign fishermen passing through Singapore when their ships berth here. Father Yu believes the number of fishermen who break their contracts are "much more and we don't have an accurate record of them".

Helping the fishermen is often an uphill task. The fishermen are often hurriedly made to sign contracts - which they are not given copies of - and are often unaware of the detailed terms and conditions, said Father Yu.

The plight of the foreign fishermen has not been widely reported here. But the Singapore connection is not lost on Father Bruno Ciceri, former Taiwan director of the Apostleship of the Sea, an agency of the Catholic Church. He declined to be interviewed for this story but referred us to previous reports he wrote documenting the fishermen's circumstances.

One of the ways they are recruited, is to "fly as a tourist" to destinations like Singapore (for Filipino fishermen), Bangkok (for Vietnamese fishermen) and Davao (for Indonesian fishermen), where they board the vessels, he reported.

"An amount of US\$1,000/2,000 is paid before leaving their country and in the airport (they) are asked to sign a contract that will condemn them to three years of slavery with a monthly salary of US\$120/150, of which US\$100 is kept by the agent in Singapore and will be given only at the end of their contract only if they sign off in Singapore," Father Ciceri wrote for an International Christian Maritime Association regional conference held in 2005.

Father Ciceri, whose Taiwan stint lasted from 1996 to 2008, is now based at The Vatican. The same problems have persisted over the years, he said.

AN INTERNATIONAL PROBLEM

In its 2009 Global Report on Forced Labour, the International Labour Organisation reported that "more evidence is coming to light that seafarers and fishers can be at particular risk of forced labour and trafficking". More research is required on how they are recruited and placed on ships, as well as "restrictions in practice on their right to leave vessels".

In Asia, the ILO noted the existence of forced labour in Thailand's fishing industry. News reports in recent months have cited Cambodian men being trafficked to work on board Thai fishing vessels.

While the ILO report did not mention Filipinos working on Taiwanese vessels, the Philippine Embassy in Singapore regards these workers as "illegally deployed and their recruitment constitutes a form of human trafficking".

An embassy spokesperson told Media Corp that many of these fishermen are former farmers without seamanship training or experience. "The embassy has previously seen contracts that contain only the signature of the fishermen, without the corresponding signature from the employer or agent," he said. "In these cases, there is difficulty in establishing a definite employer-employee relationship."

But the Philippine Government has now amended its Migrant Workers Law to better protect its workers from being illegally recruited and trafficked, the spokesperson added.

Although Singapore's Employment Act does not apply to these fishermen, Member of Parliament HalimahYacob believes the same principles of protection for foreign workers in Singapore should apply to them. "This requires an agency to look into complaints of abuse or exploitation, otherwise such incidents by unscrupulous foreign and local agents will only give Singapore a bad reputation," she said.

Migrant worker issues also require greater collaboration among countries, said MdmHalimah, who is also chairman of the Government Parliamentary Committee for Manpower. Countries whose citizens go abroad to work should ensure control over activities of manpower agents there "as the seeds of exploitation usually start there", she said.

ANNEX S

'A terrible place to live'

Workers sleep on triple-decker wooden planks in rusty containers in an area where mainly heavy industries are located. -TNP

Wed, Aug 18, 2010
The New Paper

They were living just above a toilet.

Home for these foreign workers was through a tiny door that they had to access via a shaky ladder. There were no windows.

It was dark,damp and dangerous.

This was the scene which greeted The New Paper at a dormitory at 36, SungeiKadut Street 1, following an e-mail tip-off on July 19.

The Ministry of Manpower (MOM), Urban Redevelopment Authority (URA) and National Environment Agency (NEA) launched a joint raid on Aug 10.

In one of the biggest raids to date, the authorities found more than 300 foreign workers housed in the dormitory.

Some of the living quarters were nothing more than rusty containers in an area where mainly heavy industries are located.

The New Paper first checked out the dormitory on July 20.

This cauldron of filth was packed with Bangladeshi, Chinese and Indian workers employed by different companies and housed in quarters disguised as a dormitory.

An unidentified Bangladeshi was climbing an unstable ladder to get to his room.

He had to crawl through a door about half the height of an average door located above the toilet.

Inside the room which he shared with three others was a space filled with computers, lockers and video cameras.

Behind that was a cramped area with four single beds, three of which were occupied by the Bangladeshi, a Chinese national and an Indian national.

There were no toilet facilities in the "room" - they had to climb down the ladder to go to the toilet.

Most of the workers' quarters in the SungeiKadut site were cramped and damp.

The workers slept on triple-decker beds lined up close together. They had to walk sideways to get to the back of the room.

They had no mattresses and slept on wooden planks they claimed were filled with bugs.

Despite the lack of ventilation, the workers hung up their laundry to dry there.

The New Paper visited the dormitory twice.

Said Mr Md Aslam Uddin, 30, from Bangladesh: "There are so many men here, but so little space and no windows. It's very hot, dirty and a terrible place to live."

According to MOM, the workers came from 35 companies.

There were about 90 beds in each of the four rooms, which were each about one-third the size of a football field.

There were five rooms in total.

Residents tapped the power points for electrical appliances like fans, which they balanced gingerly on their beds.

Wires dangled over the beds. An electrical outage was a regular event, said the workers.

ANNEX T

22 year old Kumari arrived in Singapore on June 29th2010 on a Social Visit Pass. She as promised by a recruitment agent in India that she would be given a job as a hospital attendant. She had paid S\$1500 in recruitment fees to the agent.

However, upon arriving in Singapore she was asked to do sex work. She refused in the beginning but the agent beat her and forced her. She also had to share a room with 2 other men. She was put to work immediately upon arrival and had to have sex with men from 4pm to 6am every day.

For each man that she had sex with, she would be given \$45. However, the agent took all the money and only gave her \$3.50 for food allowance. She claimed that she had sex with approximately 45 men for the period June 29th to 3 August 2010. She feared reporting to the police about her plight for fear of being arrested and prosecuted.