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HUMAN RIGHTS

AMNESTY
INTERNATIONAL



國際特赦組織(香港)

**MIGRANT
DOMESTIC
WORKERS &
HONG KONG**

- 01 - **WORDS FROM THE EDITOR-IN-CHIEF**
- 02 - **SUPPORT US ON SOCIAL MEDIA**
AIHK SHOP: DEFENDING WOMEN'S RIGHTS
- IN FOCUS:**
MIGRANT DOMESTIC WORKERS & HONG KONG
- 03 - **LEAVING EVERYTHING BEHIND – MIGRANT DOMESTIC WORKERS IN HONG KONG**
- 05 - **MIGRANT DOMESTIC WORKERS IN HONG KONG – ISSUES ON GENDER EQUALITY**
- 07 - **KNOW MORE: MIGRANT DOMESTIC WORKERS & HONG KONG**
- 09 - **AMNESTY INTERNATIONAL & MIGRANT WORKERS' RIGHTS**
- 11 - **GOOD NEWS**
- 12 - **THIS IS YOUR PAGE: INTERVIEW WITH BOB LAM**
- 13 - **CAMPAIGN UPDATES**
- 15 - **MY BODY, MY RIGHTS**

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WORDS FROM EDITOR-IN-CHIEF

This issue of the Human Rights Magazine, published after the International Women's Day on 8 March, focuses on a pressing issue of gender inequality – the Indonesian migrant workers in Hong Kong. In early 1990s, I volunteered to teach migrant domestic workers Cantonese. I understood that a lot of them were deprived by employers and employment agencies simply because they could not read the contracts and did not know how they can be protected by the Hong Kong law. Some could only get half of the statutory minimum wage, or even not getting any wages after working for 7-8 months. Moreover, I have handled cases in which their rights were deprived: Working non-stop without adequate time to rest, not having a designated space to rest, even suffering from sexual harassment and physical abuse.

In 2011, Amnesty International launched a research on Indonesian migrant workers. We found that their situation has not improved over the past 2 decades. This issue of Human Rights Magazine is an introduction to our 2013 campaign on Demand Dignity for migrant workers. We hope that you will learn more about the migrant domestic workers after reading this issue.

Au Mei Po

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AmnestyHK

AIHK SHOP: DEFENDING WOMEN'S RIGHTS

An environmentally friendly tote bag produced for Amnesty International's global call to defend the rights of women and girls. The graphic printed on the bag is designed by Shepard Fairey.

If interested, please visit AIHK Shop www.amnesty.org.hk/shop
Or scan the QR code directly:



IN FOCUS

Leaving Everything Behind – Migrant Domestic Workers in Hong Kong

Hundreds of thousands of women leave their homes and families to make a living as domestic workers abroad – cleaning, cooking and looking after children and the elderly. Many end up underpaid, isolated and vulnerable to abuse.

Sringatin was 22 when she left her home in Indonesia. Here she gives an insight into her life as a migrant domestic worker in Hong Kong.

My family didn't want me to go - they wanted me to study at university and get a job as an accountant. But studying isn't cheap, and I didn't earn enough doing room service in a hotel.

I worked from 7am-10pm with one day off a month in my first job, and I was underpaid. I tried to find out how to complain, but people told me it would be very hard and to be careful. If I complained I might not get another job in Hong Kong. So I kept silent.

I couldn't leave the house because I worried that my employer would report me to the employment agency and that I would lose my job. I wouldn't have known what to do or where to go.

My second job was much better. I still worked 7am-10pm but I got offs on Sundays and public holidays. Many Indonesian domestic workers gather in Victoria Park

on Sundays, and that's where I first came across the Indonesian Migrant Workers Union (IMWU). I started out playing guitar with them and then became confident enough to join and learn about labour rights. I soon realised that long hours, lack of statutory days off and wage-related problems are common.

Another issue we face is lack of choices - We can only work as domestic workers, not in other professions. What's more, under Hong Kong immigration law, migrant domestic workers have to live with their employers. If I did have the choice, I'd prefer to live out.

We help women challenge their employers and agencies by giving them information about their rights and related labour laws. We also give moral support and act as interpreters for women who have disputes at the Labour Department.



Doris Lee employs a migrant domestic worker in Hong Kong.

My husband and I first employed a migrant domestic worker when I was pregnant with my daughter. We interviewed two or three women before finally being introduced to Fely by my mother-in-law. Eleven years on, she is still with us.

Hiring someone to work and live in your home affects you deeply. It is almost like choosing a life partner because she will be with you every day, she cooks your family's food and she takes care of your children. I had a lot of questions but could find little guidance or advice, not even for the little things such as: Do I provide toothpaste and shampoo? Do we watch television together after dinner?

Generally workers and employers have to go to private, for-profit recruitment agencies. It is from the agencies

that employers get information. But just as agencies promise domestic workers benefits, they often never receive such as a room of their own, employers are also misinformed and deceived. For example, told "don't give her a rest day for the first 3 months, just tell her she is on probation and see if you think she deserves one day off a week".

Contracts do set out some employer obligations but these are minimal and open to interpretation such as you must provide 'responsible rest time'.

This lack of regulation leads some employers to believe they can treat domestic workers as they want and that no one is watching. The government needs to monitor the agencies, so that employers are prevented from exploiting their workers either intentionally or through a lack of understanding.

Over the years I learnt how vulnerable domestic workers are. Fely would tell me about the problems her friends faced. I started to search online for the legal situation and try to help. Once people realised we were supportive, we were asked more and more questions.

I began to think that there must be many others like me, who would do more to help and bring changes, if only they had more information about what was happening. This led me to found Open Door in 2009. We run cultural tours and workshops for employers and others in Hong Kong to meet with migrant domestic workers. We are also developing benchmarks for employers so they are clear about their responsibilities.



Find out the latest news about migrant workers in Asia

Amnesty International Asia Pacific Migrants' Rights Campaign



<http://www.facebook.com/asiapacificmigrantsrights>

Open Door



<http://www.facebook.com/opendoor.hk>



Twitter: @APmigrantworker

MIGRANT DOMESTIC WORKERS – ISSUES ON GENDER EQUALITY

Elizabeth Tang, International Coordinator, International Domestic Workers Network

In July 2012, Sringatn joined the Amnesty International Asia-Pacific Migrant Rights Team to go to New York, to give testimony to the Committee on the Elimination of Discrimination against Women (CEDAW) of the United Nations. Afterwards CEDAW expressed its "deep concern about the persistence of violence, abuse and exploitation" that the workers face in Hong Kong.

Sringatin is an Indonesia migrant domestic worker in Hong Kong. She is also a leader of the Indonesian Migrant Workers Union (IMWU) which represents over 500 Indonesia domestic workers in Hong Kong.

Hong Kong is home to some 300,000 migrant domestic workers, most of them coming from Indonesia, Philippines, Thailand and Nepal. Apart from IMWU, other nationalities have formed unions of their own and many of them are affiliated to the Federation of Asian Domestic Workers Union (FADWU), which unites them with local Chinese domestic workers. In the Asian region, Hong Kong is unique in treatment of migrant domestic workers in bringing them under protection of the same labour laws

and trade unions laws as local workers. As a result, they do enjoy rights such as weekly rest, annual leave, minimum wage (under the Minimum Allowable Wage), right to form trade unions and access to the local legal system apart from written contracts that are protected by the laws of Hong Kong.

Despite the legal protection, being migrants and domestic workers, many of them share the same fate as their counterparts elsewhere due to their vulnerability and isolation. Cases of violation of labour laws like underpayment, inhumane treatments such as sleeping inside toilet and working over 16 hour per day, verbal and physical assault, sexual harassment, etc., occur from time to time.

According to IMWU's survey, up to 70% of those in their first contracts, were in debts as they all paid between 6 months' and 7 months' wages as recruitment fees. Many of them, as a consequence, are subjected to accepting illegal and unacceptable conditions in their employers' households so as to keep their job. This is happening



in the face of a law stipulating that only up to 10% of a monthly salary can be charged as recruitment fee to domestic workers.

Alongside the protective labour legislations, some of the immigration laws and rules tend to be discriminatory, targeting at migrant domestic workers. Examples like the so-called two-week rule and mandatory live-in arrangement aggravate migrant domestic workers' vulnerability and undercut the protection.

Migrant domestic workers have been advocating for changes and fixes over this situation for years with no real response and the situation is worsening.

First, the government have to put in place a mechanism or programme for compliance or enforcing applicable labour laws in the domestic work sector. These would include: checking on employers and recruitment agencies, sanctioning non-compliant employers and recruitment agencies, handling administrative complaints and information dissemination. Legal proceedings should

not be the only option.

Hong Kong people value greatly the rule of law and embrace fairness. However private business, such as recruitment agencies are free to profiteer through illegal means and exploiting the weak in our society. This has to be exposed and stopped.

Finally, our community needs to be educated on the value of domestic work. For generations, it has been taken as women's work – of mothers, wives and daughters unquestioningly and undervalued economically. Today they are shared by another group of women – paid domestic workers. Their rights and protection must be rectified as women fight for achievement of women's rights and gender equality. Domestic work makes all other work possible and the contribution of migrant domestic workers to our society – on social and economic terms is huge and indispensable. Recognition of this fact is perhaps the beginning to end some of the undesirable realities around us.



KNOW MORE: MIGRANT DOMESTIC WORKER & HONG KONG

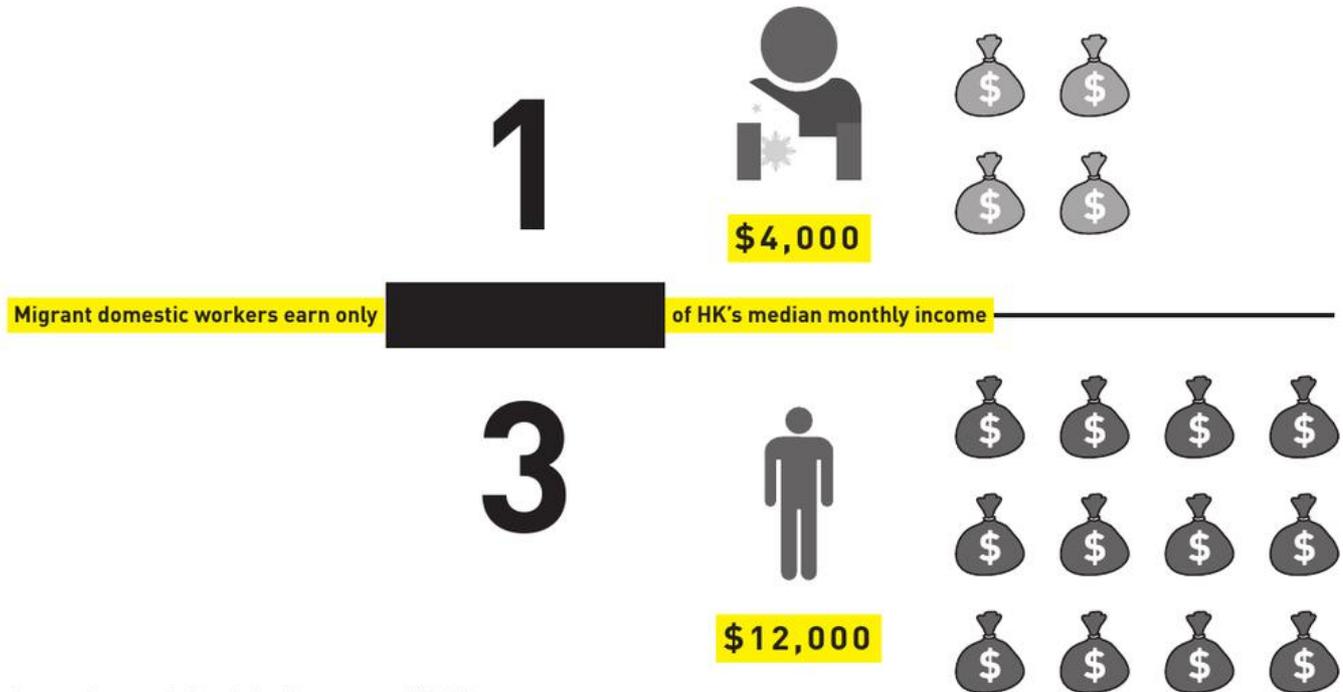
Picture: Bonnie Chiu



Where Are They From?

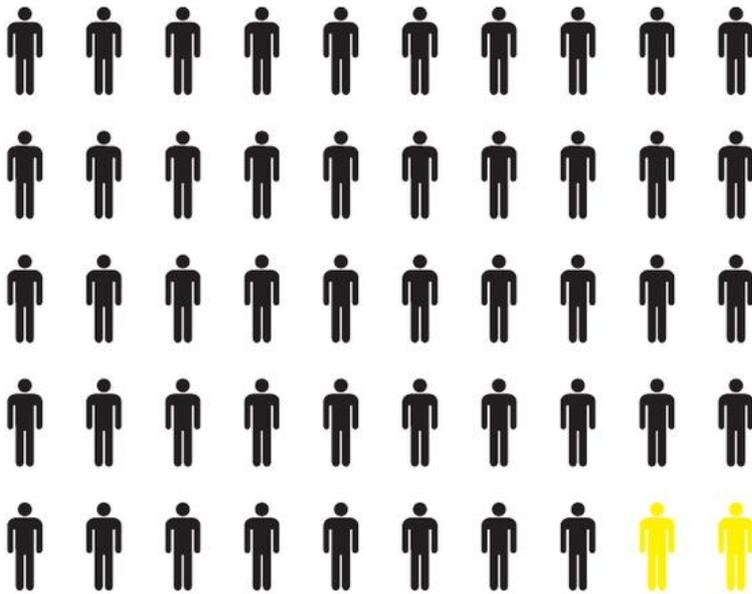
- 1 Philippines → HK**
 =48%
 of total Migrant Domestic Workers population
 =144,533
 in 2011
- 2 Indonesia → HK**
 =49%
 of total Migrant Domestic Workers population
 =148,153
 in 2011
- 3 Thailand & Others → HK**
 =2%
 of total Migrant Domestic Workers population
 =7,255
 in 2011

Source: Immigration Department (2012)

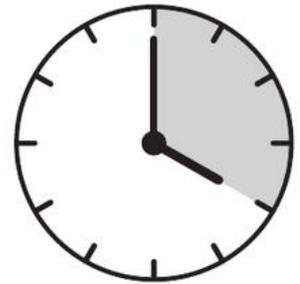
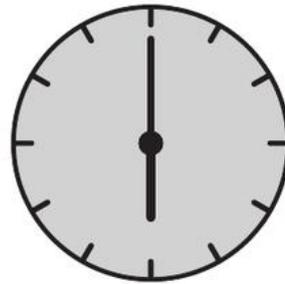
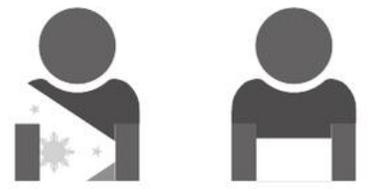


Source: Census & Statistics Department (2012)

Source: Immigration Department (2012)



Among every **50** people in HK, **2** there are migrant domestic workers from **Philippines** and **Indonesia**



Employees in Hong Kong on average work

8 hours a day



Migrant domestic workers on average work

16 hours a day

Source: Census & Statistics Department (2011)
Asia Pacific Mission for Migrants (2009)

AMNESTY INTERNATIONAL & MIGRANT WORKERS' RIGHTS

Protecting people on the move is one of the priority issues for Amnesty International. Our campaigns are for better human rights protection for migrant workers around the world at international, regional and local levels.

Respect Migrants' Rights: Ratify the Migrant Workers' Convention

Amnesty International calls upon all governments to ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (also known as the Migrant Workers' Convention), which was adopted by the United Nations on 18 December 1990 and came into force on 1 July 2003. The Convention imposes upon ratifying States international obligations to respect, protect and realise a range of fundamental rights for migrant workers during the entire migration process, including the right to freedom of movement, right to privacy, right to freedom of religion, freedom from torture and freedom from forced labour. As of March 2013, only 46 states have ratified the Convention. In addition, Convention concerning Decent Work for Domestic Workers (International Labour Organisation Convention No. 189) was adopted on 16 June 2011, and will enter into force on 5 September 2013. To date, three countries have ratified the Convention.



Amnesty International's Asia-Pacific Migrants' Rights Campaign

In 2010, Amnesty International began its Asia-Pacific Migrants' Rights Campaign. Jointly run by the International Secretariat and sections in Nepal, Korea and Hong Kong, it focuses on three areas: situations of trafficking of Nepalese migrant workers for forced labour; migrant workers' rights under the Employment Permit System (EPS) in South Korea; and trafficking of Indonesian domestic workers for forced labour, including in Hong Kong.

Nepal

At least 25,000 people leave Nepal every month to look for work abroad, mostly in the Gulf States and Malaysia, to escape poverty and unemployment back home. However, migrant workers are often deceived by brokers and recruitment agencies about the work, pay and conditions, and are vulnerable to exploitation and forced labour. In June 2011, Amnesty International, together with Kav La'Oved and Pourakhi, made a submission to the United Nations Committee on the Elimination of Discrimination against Women, exposing the problem of Nepalese female migrant workers being trafficked for labour exploitation as domestic workers and caregivers.

Between September 2010 and May 2011, Amnesty International interviewed nearly 150 returned or prospective migrant workers, and documented cases where migrants were deceived by recruitment agencies, beaten, threatened and had their freedom of movement restricted by employers, and reported on discriminatory restrictions on female migrant workers. In a recent report, Amnesty International calls upon the Nepalese government to strengthen protection of migrant workers, such as by reinforcing the law and regulation, ensuring the accessibility of compensation mechanisms and ending impunity for recruitment agencies in violation of the law.



South Korea

In a 2009 report, Amnesty International sheds light on a range of human rights abuses against migrant workers in South Korea, who face greater risks of abuse than their South Korean counterparts, including discrimination, verbal and physical abuse, long working hours and nonpayment of wages. Under the Employment Permit System (EPS), workers have limited mobility in changing workplaces, which make them dependent on their employers and vulnerable to exploitation and abuse. Many female migrant workers are sexually assaulted or harassed by their managers or co-workers. Amnesty International has also raised its concerns over the crackdowns on migrants' trade unions, interferences with migrant workers' rights to freedom of association and to form and join trade unions, as well as human rights violations committed against undocumented migrant workers in arrests, detentions and deportations.



Research on migrant workers in South Korea in 2011

<http://bit.ly/asa25-001-2009>

Indonesia & Hong Kong

Among all migrant workers, migrant domestic workers are the most vulnerable to abuse and human rights violations, due to frequent exclusion from labour protection and the isolated nature of their work. In Hong Kong, Indonesians represent the largest nationality of migrant domestic workers, with a current population of nearly 150,000. Amnesty International has been conducting extensive research on the full migration process, covering their recruitment and training in Indonesia, unfair working conditions in Hong Kong and the challenges they face in seeking redress or compensation. Amnesty International seeks to highlight the vulnerability of these migrant domestic workers to human rights violations, the exploitation by private recruitment agencies through excessive agency fees and deception, and the failure on part of both governments to regulate the industry and protect their rights effectively through the law and better accountability mechanisms.



Research Reports on Nepalese migrant workers in 2011

Nepal: False promises: Exploitation and forced labour of Nepalese migrant workers

<http://bit.ly/asa31-007-2011>



Nepal: Out on a limb: Nepalese migrant workers failed by state and recruitment industry

<http://bit.ly/asa31-008-2011>

GOOD NEWS



VIOLENCE AGAINST WOMEN ACT SIGNED INTO LAW IN THE UNITED STATES

HIGH FIVE FOR VAWA!

CONGRATS TO THE US HOUSE AND SENATE FOR PASSING A VIOLENCE AGAINST WOMEN ACT THAT RESPECTS THE RIGHTS OF ALL WOMEN.

Right before the International Women's Day, President Barack Obama signed into law the reauthorized Violence Against Women Act (VAWA). Originally passed in 1994, VAWA provides federal funding for programs and research aimed at preventing and prosecuting domestic and sexual violence. The new version of the law includes several new measures, include granting Native American tribes jurisdiction to prosecute non-native perpetrators of domestic violence against Indigenous women.

For more details, please visit
<http://bit.ly/aihksaveliyan>
 or scan this QR code:



GAO ZHISHENG IN CHINA ALLOWED VISITORS

Gao Zhisheng was allowed a family visit in Shaya county prison in January for the first time in nine months. The respected human rights lawyer, featured in our Write for Rights letter writing marathon in December 2012, has long been persecuted for his human rights work.

The visit lasted only half an hour and was tightly controlled, but he appeared to be in reasonable health and clear-minded. Amnesty International is still calling for him to be protected from torture and released immediately.



THIS IS YOUR PAGE: INTERVIEW WITH BOB LAM

Why do you support Amnesty International?

It is important for us to aware that Hong Kong is a very fortunate place and that many parts of the world do not enjoy the freedoms and rights we have. Through Amnesty International we can be in touch with international affairs and understand human rights issues that other people have been facing.

What do you think our REN Candle stands for?

I believe that by igniting the REN Candle it conveys the idea that it is important to create an integrated and accepting society where all people can live as one.

How would you persuade your friends to become part of our human rights movements?

I would start from educating my family about human rights. I'd also include these messages on my Facebook, Weibo etc so that more people can learn about it.

If you were granted the power to wish away one human rights issue, what would that be?

I hope for equal rights among people with different sexual orientations. There are many countries have already passed the legislations to prevent discrimination on the basis of sexual orientations. I also have friends in Hong Kong with different orientations and I hope that they can be treated equally like anyone else.

To purchase REN Candle, please visit AIHK Shop at

<https://www.amnesty.org.hk/shop>



Name:
Bob Lam

Occupation:
DJ

**Proud to be our
monthly donor since**
2005



CAMPAIGN UPDATES

On 8 February 2013, we petitioned outside the Liaison Office of China with the Joint Committee for the Abolition of the Death Penalty, demanding the Chinese government not to execute Li Yan, a victim of domestic violence.



For details of Li Yan's case, please scan this QR code: <http://bit.ly/aihksaveliyan>



Do you know that, most of Amnesty International's Chinese documents are translated by volunteers?

Every year, Amnesty International issues hundreds of Urgent Actions. The help of our volunteers on translation work is crucial to rally support in the Chinese-speaking world, to defend human rights together.

Please visit <http://bit.ly/volunteer4aihk>, or scan this QR code, to be our volunteers.





New York

Amnesty International called for signing a petition initiated by Desmond Tutu in demanding the Chinese government to release Liu Xiaobo, the Nobel Peace laureate and his wife Liu Xia, who is under house arrest.

Until 27 February 2013, petition website Change.org and various Amnesty International sections worldwide have collected more than 450,000 signatures.

On the same day, petitions were submitted all around the world. In Hong Kong, we were joined by supporters and Legislative Council members, and took a photo in the Tamar Park to show our support to Liu Xiaobo and Liu Xia.



London

我的身體 我的權利

MY BODY, MY RIGHTS

尊重女性身體自主權

女性的身體自主，是基本人權。可是，世界各地仍有不少婦女，被剝奪此基本權利；女孩於學校內，沒有機會學習安全性行為知識；在墮胎刑事化的國家，因姦成孕的少女只能無奈忍受非自願懷孕；婦女要在丈夫的同意下，才能避孕……

國際特赦組織認為，女性有權在不受威脅、歧視和脅迫的情況下，決定身體自主。

請捐款支持我們的工作，扭轉女性命運，維護婦女基本人權。

CONTRACEPTION IF I WANT
RIGHT TO A SEXUAL LIFE
MY BODY
MY RIGHT
TO INFORMATION
NO FORCED
PREGNANCY
LIFE
GENDER EQUALITY
NO COERCION
EQUALITY HEALTH CARE
DISCRIMINATION
AND LEGAL
ABORTION
LISTEN
TO MY VOICE

RESPECT
IDENTITY
RIGHT
TO DECIDE
CHOICE
HUMAN RIGHTS
END FORCED MARRIAGE
SEX REPRODUCTIVE RIGHTS
STOP VIOLENCE AGAINST WOMEN
SEXUAL RIGHTS JUSTICE

有關「我的身體 我的權利」項目詳情，可到
<http://bit.ly/amnestymybodymyrights> 或掃描
以下QR碼瀏覽。

To learn more about "My Body, My Rights" campaign,
please visit <http://bit.ly/amnestymybodymyrights> or
scan the QR code below



請到 <http://bit.ly/donate2aihk> 或掃描以下QR
碼，捐款支持我們。

To donate, please go to <http://bit.ly/donate2aihk> or
scan the QR code below



Defend the rights of women and girls

Enjoying the autonomy of your body is a basic human right. Nonetheless, many women around the world are deprived of such right. From banning the knowledge on conducting safe sex to forced pregnancy resulted from rape to have contraception only with the consent of men, there is still a long way for all women in the world to gain full control on their own body.

Amnesty International believes the right of women and girls to make their own decisions on their body and it should be free from any forms of threat, discrimination and coercion.

Your support could make a difference! Make a donation to Amnesty International to support our work to promote sexual and reproductive rights of women today.



國際特赦組織響應由屠圖大主教發起的聯署行動，要求中國政府釋放諾貝爾和平獎得主劉曉波及其妻子，現時仍被軟禁在家中的劉霞。

截至二〇一三年二月二十七日，聯署網站Change.Org和國際特赦組織各分會，合共收集超過四十五萬個簽名。

同日，世界各地均舉行象徵式遞交聯署行動。在香港，我們聯同支持者及立法會議員，於添馬公園進行大合照，以行動聲援劉曉波及劉霞。



巴黎



倫敦

最新動態

二〇一三年二月八日，我們與取消死刑聯合委員會的成員，一同到中聯辦門外請願，要求中國政府停止處決家暴受害者李彥。



有關李彥案的詳情，可到
<http://bit.ly/ainksavellian>
或掃描此QR碼瀏覽



你知道，國際特赦組織的中文文件，大部份都是由義工翻譯嗎？每年，國際特赦組織均會發出數以百計的緊急行動呼籲。全賴義工協助進行翻譯工作，才能令華語世界支持者更易響應我們，一同捍衛人權。

請到 <http://bit.ly/volunteer4aihk>，或掃描此QR碼，登記成為我們的義工。

你的一頁：林盛斌 BOB



為何你會支持國際特赦組織？

香港是一個很幸福的地方，但世界上還有很多國家的人民並不能像我們般享有各種自由和權利，透過國際特赦組織我們能夠關心國際的事件，了解不同人士正面對的人權挑戰。

你認為蠟燭「人」代表著甚麼？

我相信燃燒蠟燭「人」是代表著一個和諧共融的社會，讓所有人能無分彼此地共同生活。

你會如何游說朋友成為我們人權行動的一分子？

我會身體力行、以身作則首先向家人教導人權的重要性，同時會把這些訊息通過 Facebook、微博等方法廣泛地傳播開去，讓更多人能接觸有關人權的資訊。

如果你得到一個願望讓你可以完完全全地解決一個人權問題，你會選擇甚麼？

我希望所有不同性傾向人士能得到公平對待。其實有很多國家已經設立了條例，保障不同性傾向人士免受歧視，而自己也認識一些同志朋友，所以我希望生於香港的他們能跟所有人一樣得到相同的權利和待遇。

姓名

林盛斌

職業

DJ

何時開始成為我們的每月捐款者？

二〇〇五年

如欲選購蠟燭「人」，請到 A316 網上商店

<https://www.amnesty.org.hk/shop>



好消息

美國：遏止侵害婦女暴力行為法(VAWA)正式生效

於國際婦女節前夕，美國總統奧巴馬簽署遏止侵害婦女暴力行為法(VAWA)，令法案獲得重新授權。VAWA早於一九九四年通過，旨在資助預防家庭暴力和性暴力的課程和相關研究。
<http://bit.ly/aihk-hrm06-vaawa>



中國允許高智晟家人探訪高氏

二〇一三年一月，高智晟的家人，成功到沙雅縣監獄探望高氏；這是九個月以來，高智晟首次與家人見面。高智晟為中國人權律師，備受推崇；他因長期從事人權工作，受到迫害。他亦是我們於去年十二月「全球寫信馬拉松」所聲援的良心犯之一。

雖然這次訪問，只是持續了半小時，過程更被嚴格操控。但是，高智晟的家人得悉，他的健康狀況不錯，亦十分清醒。國際特赦組織會繼續呼籲中國政府，立即釋放高智晟，讓他免受酷刑威脅。



HIGH FIVE FOR VAWA!

CONGRATS TO THE US HOUSE AND SENATE FOR PASSING A VIOLENCE AGAINST WOMEN ACT THAT RESPECTS THE RIGHTS OF ALL WOMEN.



南韓

國際特赦組織於二〇〇九年的報告中，揭發韓國一系列侵犯移民工權利的行為。相對韓國藉勞工，這些移民工較容易受到剝削，包括歧視、口頭和身體虐待、工時過長、拖欠工資等。在韓國僱傭許可制度(HPS)下，移民工難以更改工作地點；此舉增加了他們對僱主的依賴，使他們更易受剝削。許多女性移民工，受到經理或同事性侵犯或騷擾。於同一份報告中，國際特赦組織亦表達對當局鎮壓移民工會、干預結社自由、剝削移民工組織和參加工會的權利，以及在逮捕、拘留和驅逐無證移民工出境時所作出侵犯人權行為的關注。

國際特赦組織於二〇〇九進行於南韓工作的移民工研究

《南韓：用完即棄的勞工：在韓工作移民工的權利》

<http://bit.ly/asa25-001-2009>



《政府對移民工制度缺乏監管》

<http://bit.ly/asa31-008-2011>

印尼及香港

在眾多移民工種當中，移民家庭傭工經常被排除在勞工保障外；基於工作性質較為孤立，家庭傭工亦是最容易受到剝削和被侵犯人權的一群。在香港工作的移民家庭傭工中，來自印尼的人數最多，有近十五萬人。

國際特赦組織對她們移徙過程進行了廣泛研究，並深入探討她們在印尼的招聘及培訓過程，在香港所遭受的不公平工作條件，及她們在尋求補償時所面對的挑戰。國際特赦組織希望突顯移民家庭傭工如何容易被侵犯人權、被私營招聘機構透過高昂的代理費和欺騙進行剝削，以及兩國政府未能有效地通過法律和更好的問責機制，去規範業界行為和保護他們的權利。

國際特赦組織與移民工權利

保護移徙中的人士，是國際特赦組織其中一項優先議題。國際特赦組織致力在國際、區域和本地層面進行倡議工作，旨在提高世界各地移民工所享的人權保障。

尊重移民工的權利：確認《移民工公約》

國際特赦組織呼籲各國政府，於法律上確認一九九〇年十二月十八日於聯合國通過、並於二〇〇三年七月一日生效的《保障所有移民工與其家屬家庭權利國際公約》（《移民工公約》）。《公約》規定，締約國有國際義務去尊重、保障和實現一系列移民工於整個移徙過程中的基本權利，包括自由遷徙的權利、私隱權、宗教信仰自由、免受酷刑和拒絕從事強迫勞動的自由。截至二〇一三年三月，只有四十六個國家確認了《公約》。此外，國際勞工組織於二〇一一年六月十六日通過了《家務勞工公約》（國際勞工組織第一百八十九號公約），至目前為止，只有三個國家確認《公約》，而《公約》將於二〇一三年九月五日生效。

亞太區移民工權利運動

於二〇一〇年，國際特赦組織展開亞太區移民工權利項目，並由國際秘書處、尼泊爾分會、韓國分會和香港分會聯合管理。該項目將會進行三個重點計劃，包括阻止尼泊爾移民工被強行販賣及從事強迫勞動工作，保障移民工在韓國僱傭許可制度（EPS）下的權利，以及改善印尼家庭傭工在亞洲（包括香港）被販賣及強迫勞動的情況。



尼泊爾

在尼泊爾，每個月有至少有二萬五千人出國（主要在海灣國家和馬來西亞）謀生，以擺脫國內的貧窮和失業困局。然而，這些移民工經常被中介人和機構欺騙，內容由工種、薪酬到條件及細則都有；而他們亦容易備受剝削和被強迫勞動。二〇一一年六月，國際特赦組織連同Kav Labad和Poutakhi，向聯合國消除對婦女一切形式歧視委員會提交意見書，披露從事家務工作及護理人員的尼泊爾女性移民工，被販運及剝削的問題。

於二〇一〇年九月至二〇一一年五月期間，國際特赦組織採訪了近一百五十名返回原居地或準備出國的移民工，當中記錄了部份移民工被招聘機構欺騙、被僱主毆打、威脅與限制外出的個案及其他女性移民工所受的歧視及限制。於最新的一份報告中，國際特赦組織呼籲尼泊爾政府提高對農民工的保障，如加強執法和提供法律保障，並確立有效的補償機制，使違法的招聘機構必須付上法律責任。

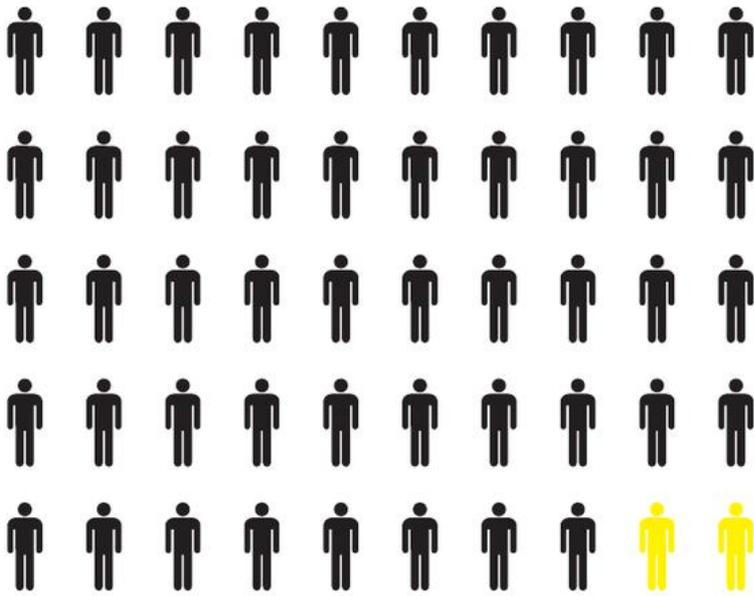
國際特赦組織於二〇一一年公佈有關尼泊爾移民工的研究

《剝削與強迫勞動》

<http://bit.ly/asa31-007-2011>



資料來源：入境處 (2012)



每 **50** 名香港常住人口中

就有 **2** 名外傭分別來自



菲律賓

及



印尼

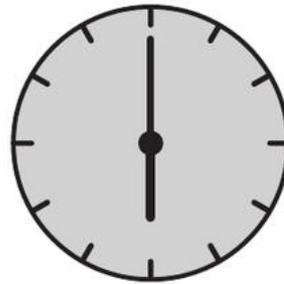


香港人平均每日工作



8

小時



外傭平均每日工作



16

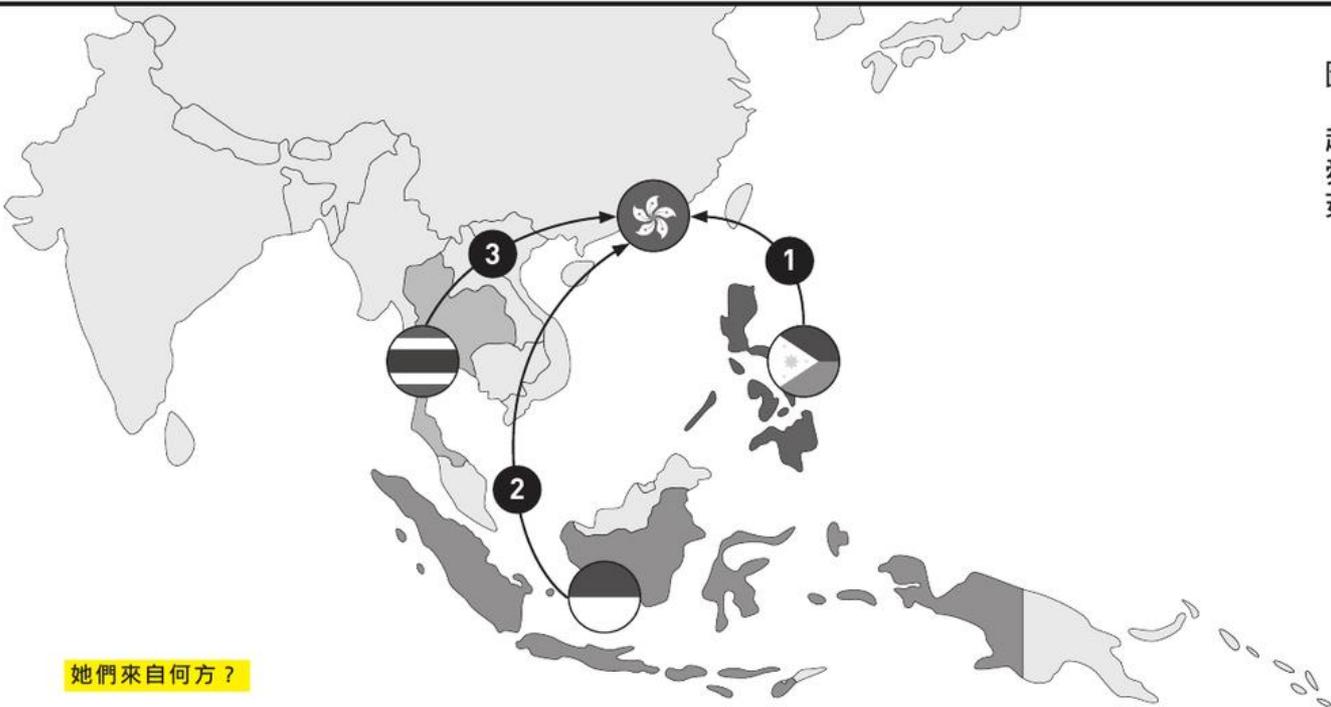
小時

資料來源：政府統計處 (2011)

Asia Pacific Mission for Migrants (2009)

圖：趙舜茹

知多點：外籍家庭傭工與香港



她們來自何方？

1 菲律賓 → 香港

外傭總人口 48%
= 144,533

2011年數字

2 印尼 → 香港

外傭總人口 49%
= 148,153

2011年數字

3 泰國及其他國家 → 香港

外傭總人口 2%
= 7,255

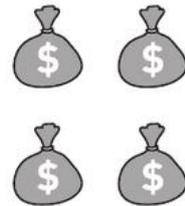
2011年數字

資料來源：入境處 (2012)

1



\$4,000



外傭的平均月薪只及香港人均月入中位數

3



\$12,000



資料來源：政府統計處 (2012)



即使大部分在港外傭受到法律保障，她們的處境依然十分脆弱；與身處其他地方的同胞一樣，逃不過被孤立的厄運。僱主違反勞工法例屢見不鮮，例如刻扣工資、不人道對待她們（例如以廁所作為外傭的房間）、要求工作超過十六小時、言語攻擊、性騷擾甚至性侵犯她們等。

根據IMWU的調查，高達七成的外傭在獲得第一份合約時，被要求繳付相等於她們六至七個月工資的費用，作為獲得僱傭合約的「佣金」；經濟狀況不理想的外傭，因而會欠下一大筆債項。故此，她們被顧主剝削時，都寧願選擇啞忍而不願終止合約。雖然法律規定，僱傭公司收取的佣金不可超出月薪的一成。但是，印尼的監管機構未能有效杜絕收取昂貴「佣金」的現象，故此外傭們只能無奈接受。

本港入境條例及相關法例，亦存在歧視外傭的成份。例如，她們合約結束後，僅有兩星期時間合法留港，期間更強制留宿於僱主安排的住處。上述條例，是再一次剝削她們，因在此逗留期間，她們不被當成「勞工」，勞工法例予以的保障亦隨之消失。

政府應該制定及改善與外傭相關的法律，以充分保障她們的權利。如監管僱主及僱傭公司，檢控違法僱主及僱傭公司，適當處理外傭投訴及加強宣傳外傭權益等措施，實在刻不容緩。同時，政府應鼓勵僱傭雙方，舉報以不法手段圖利的外傭公司。

過去，家務是女性專屬的工作。不論是母親、妻子或女兒，都分擔起部份責任。時至今日，有些家庭選擇由外傭從事家務。因此，我們有需要教育社會大眾，令市民認同家務有價。在提倡男女平等的前提下，我們的確要保障外傭的權利。她們的辛勞，使我們在工作時無後顧之憂，並成就了香港無數家庭；她們對香港經濟及社會的貢獻，更加無容置疑。當你明白過後，也許是時候一同行動，結束外傭所面對的悲劇。

鄧燕娥 國際家務工網絡國際秘書

性別平等的視野——談外籍家庭傭工在港待遇

二〇一二年七月，Stringatin 跟隨國際特赦組織亞太區外傭權利隊，到聯合國消除對婦女一切形式歧視委員會作證。會議過後，委員會表示對香港外傭「持續面對暴力、虐待和剝削深感關切」。

Stringatin 是一名在港工作的印尼籍家庭傭工，亦是印尼移工工會 (IMWU) 的領袖之一；該會代表在港工作的印傭，會員超過五百人。

現時，約三十萬外地傭工於本港工作，大部分來自印尼及菲律賓。他們都有組織自己的工會，並隸屬於香港亞洲家務工工會聯合會 (EADWC)。在香港，外傭和本地勞工一樣，受勞工及工會條例保障。除了書面合同所訂立的權責及法律賦予的保障外，外傭享受的權利包括休息日、有薪年假、外傭最低工資、組織工會及利用本港法律制度的權利。上述待遇，在亞洲是獨一無二的。



懷孕的時候，我和我的丈夫聘請了一名外傭，Tony。十一年後，她仍然在我們的家。聘請一名外傭，就像選擇終身伴侶，每天朝夕相對，她為我們煮飯和照顧小孩，照顧我們每個生活細節。當時，我腦海中有很多問題未能找到答案，例如：我需要提供牙膏和洗髮水嗎？我們吃飯後需要一起看電視嗎？

普遍來說，工人和僱主需到牟利的私人僱傭公司登記。僱主能從這些公司取得外傭的資料。可是，這些公司通常誤導及欺騙僱主，正如它們欺騙外傭。例如，它們會告訴僱主，以試用期的名義在首三個月不給外傭任何假期，其後再考慮她值不值得一個星期內放假一天。合約當中雖有列明僱主的職責，但極其含糊。例如，僱主必須提供「足夠休息時間」。監管的不足使僱主相信他們可以隨心所欲地對待外傭，隻手遮天。故此，政府需要監管僱傭公司，以防僱主故意或在不知情的情況下剝削外傭。

這些年來，我認識到外傭是如何脆弱。Ely會告訴我她朋友所面對的問題，我便上網搜尋法律資料，嘗試幫助她們。當接觸的外傭愈多，便揭示出愈多的問題。我開始想，如果更多人知道外傭面對的問題，那麼更多人就會和我一樣作出改變，並去幫助她們。這個想法使我在二〇〇九年創立了Open Door。我們為僱主舉辦文化交流工作坊，並讓普羅大眾認識外傭。我們現在亦積極為僱主訂立指標，好讓他們明白自己的責任。



在社交媒體瀏覽亞洲外籍勞工的消息：

國際特赦組織 亞太區移民工權利項目



<http://www.facebook.com/asiapacificmigrantsrights>

Open Door | 家·傭同行



<http://www.facebook.com/opendoor.hk>



Twitter: @APmigrantworker

專題

離鄉別井的女人——香港的外籍家庭傭工

成千上萬的女人離鄉別井，為求生計來到香港，成為外籍家庭傭工，照顧陌生人的起居飲食。可是，很多時候她們的權益被剝削，在工資、身上都得不到合理的對待。

Srinidhi 離開印尼時僅僅二十二歲。她訴說身為一名外籍家庭傭工在香港的生活

我的家人並不希望我離開。他們希望我能就讀大學，成為一名會計師。然而，讀書太貴了，而我在酒店做客房整理賺的錢根本不夠支付學費。

在我成為外傭的首個服務家庭中，我早上七時到晚上十時都在工作，一個月只有一天假期。僱主更少付了工資。我嘗試投訴，但身邊的人都說，投訴可能會令我失去工作。所以，我保持沉默。我不敢離開房子，擔心我的僱主會和我終止合約。當時，我不知道有甚麼可以做，有甚麼地方可以去。

我去的第二個家庭好得多了，起碼我能夠享受公眾假期。在星期天，很多印傭都聚集在維多利亞公園。我第一次碰見印尼移工工會 (MAMI) 的成員亦是在那裡。我開始和他們彈結他，亦開始去了解勞工權益。我發現，過長工時、沒有法定假期以及克扣工資，都是很普遍的問題。

我們面對的另一問題，是缺乏選擇，我們只可以從事家庭傭工這一個職業。根據香港入境條例，外籍傭工只可居住在僱主的住址。若我能選擇，我寧願搬到外面去住。

我們為其他外傭提供有關權益和法律的資料，好讓她們能和僱主和傭傭公司抗爭。我們亦為她們提供精神上的支持，及擔任翻譯員的角色，為她們解決紛爭。



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目錄

- 02 - 捍衛人權 無遠弗屆
AIHK 網上商店：捍衛女性權利
專題
- 外籍家庭傭工・香港
- 03 - 離鄉別井的女人——香港的外籍家庭傭工
- 05 - 性別平等的視野——談外籍家庭傭工在港待遇
- 07 - 知多點：外籍家庭傭工與香港
- 09 - 國際特赦組織與移民工權利
- 11 - 好消息
- 12 - 你的一頁：林盛斌 BOB
- 13 - 最新動態
- 15 - 我的身體 我的權利

編者的話

這一期的人權雜誌定了在春季出版，又因三月八日是國際婦女節，雜誌專題便選了一個非常反映兩性不平等的議題：《外籍家庭傭工在香港》作為專題。九十年代初我跑去給外傭義務教授廣東話，因而知道不少印尼傭工因看不懂合約，又不清楚香港法例給予的保障，常常被僱主與中介公司剝削，有些外傭在香港工作了七、八個月也拿不到工資，或者只是拿到法定標準工資的一半。另外，我也曾處理過一些印尼傭工備受剝削的個案，她們有些沒有休息時間，需要不停工作，有些沒有特定休息空間，更甚的遭受性騷擾、毆打及虐待等等。

國際特赦組織於前年開展一項有關印傭的調查研究，發現她們的處境竟然與廿年前大同小異，並沒有改善。作為我們在二〇一三年爭取移民勞工生存尊嚴運動的引子，我們希望這一期的人權雜誌可以使你對外傭的情況有更深的了解。



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國際特赦組織(香港)

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