

# Asia's Sorry Human Rights Record

Sunday 21 June 2009, by [Correspondent\(s\)](#) (Date first published: 19 June 2009).

## **Asian values apparently don't protecting individuals from exploitation**

Asian governments variously proclaim commitment to Asian values, Confucian, Islamic or Marxist principles or the rule of statute law. Or all of them. But when it comes to human rights, to enforcing laws intended to protect individuals and families alike from exploitation, greed, slavery and discrimination somehow the values are forgotten in favor of money or convenience.

The latest report by the US State Department on Human Trafficking makes dismal reading, particularly for those countries which have the financial and governmental resources to do something about it which must include Singapore, Malaysia, Hong Kong and Macau.

Of course the governments can argue that a nation which brought the world the Iraq war and Guantanamo has no business lecturing others on human rights. But whatever they think of the US, citizens of Asian countries have every right to know about the abuses committed in their name by governments turning a blind eye to gross ill-treatment of fellow humans, many of which are already illegal and others should be.

The report is particularly harsh on Malaysia which has been relegated to Tier 3, the lowest category in a system which ranks countries according to the scale of the trafficking problems and the efforts of the government to address it. In Malaysia it seems that even fellow Malaysians are the victims, not just unfortunates from poorer countries. Thus it notes reports of "women and girls of indigenous groups" being trafficked for sex. "Indigenous" clearly refers to non-Malay Bumiputeras and Orang Asli. So it is okay traffic so long as the victims are foreigners or non-Muslim?

It further notes the "credible reports" of Malaysian immigration officials being involved in trafficking in Burmese refugees from immigration detention centers. Although such claims have been made by NGOs and documented in TV programs, and in a US Senate report, they have been persistently denied by the Malaysian government. No immigration officials have been arrested or prosecuted, let alone convicted by a politicized court system, for involvement in trafficking.

The report further notes the continued abuse of foreign workers who were subject to bondage and coercion as a result of failure to pay their wages, surrender of passports and other measures which reduced them to a condition of forced labor. Although ministers spoke out against trafficking and labor abuses, in reality little was done.

While government inertia may be part of the problem in Malaysia as elsewhere, local observers note that a political class which is itself so corrupt has limited ability to address the corruption of officials whether immigration officers actively exploiting detained migrants or being paid to turn a blind eye to illegal labor practices.

Macau, a territory of the Peoples Republic of China, is not much better suggests the report. It notes the scant effort by authorities to deal with the Chinese, Thai and Russian criminal gangs who run the prostitution rackets. It does not specifically make a link between Macao's reliance on gambling and the symbiotic relationship between the casinos and the sex trade. But it notes that trafficked girls

are “closely monitored, have their travel documents confiscated and are forced to work long hours and threatened with violence. The control of some victims by organized crime syndicates makes it particularly dangerous for them to seek help.”

Although the report notes that Macau has made a few efforts to combat trafficking and there were no reports of direct involvement of officials, efforts against rampant organized crime were inadequate.

In neighboring Hong Kong the bigger problem is failure to provide foreign domestic workers, particularly Indonesians, with the protection accorded by the law. It notes that debt bondage of workers from the mainland and Southeast Asia is enforced by seizure of passports, employment contracts and ATM cards. Although the government makes some effort to inform workers of their rights, its efforts at prosecuting offenders have been slight and it provides little support for victims to report crimes. Underpayment of the legal minimum wage is also rife and almost never prosecuted.

But at least there are wage, working hours and holiday laws in Hong Kong. Protection is much less in Singapore though the report notes some improvement in its Condition of Work Permits for foreign domestic workers and collected unpaid wages in 276 cases and prosecuted a number of employers for physical or sexual abuse. Nonetheless foreign workers routinely had their passports taken away by employer or employment agency and otherwise made subject to coercion.

Although the police investigated 54 cases of sex trafficking, only two convictions resulted. Embassies, especially that of the Philippines, reported many more cases of credible reports trafficking of their citizens. There was no indication whether many of the 5,047 foreign women deported in 2008 for prostitution had been trafficked. The sex industry in Singapore is rife, most conspicuously in the Orchard Road tourist hotel district and off Geylang road, where it is mostly patronized by locals. The girls are almost invariably foreign.

All in all, though there have been some improvements in Singapore, the tight social controls that its government applies in other areas is singularly lacking when it comes to protecting foreign workers from traffickers and bondage.

### **The Perils of a Day Off**

It is no wonder that governments make so little effort to protect migrant workers, and maids in particular, from abuse when not only ruling elites but newly-prosperous middle classes like to think of themselves as owners of their workers. Is Malaysia such a sick society, pretending modernity but living according to feudal rules?

Stung by international criticism, the Malaysian government is actually trying to do something positive: a plan to give the estimated 370,000 foreign maids the right to one day off a week. This is generated a furious reaction from employers, recruitment agencies and even from a member of the National Human Rights Commission.

It is variously claimed that giving them a day off will lead to them running away, catching diseases, getting pregnant and making their “owners” – at least those unable to afford multiple maids — do their own housework for one day a week. Apparently for many like Norizan Sharif: “If they take leave the home comes to a standstill”. So Asian and Islamic family values rest on the assumption of slave labor?

It is hard to beat the arrogant and patronizing reported comment of Khoo Kay Kim, a member of the Human Rights Commission: “Maids would get naughty and there would be adverse consequences”. Or accountant Audrey Tan quoted as saying “They might run away with boyfriends...”

This is the same slave-owner mentality displayed by writers to press in Singapore when it was proposed that domestic helpers be allowed the same one day a week holiday to which all others, foreign workers included, are entitled.

The outrage of the maid-owning classes may well have a racial element in Malaysia as well as Singapore given that almost all of the maids are brown-skinned people from Indonesia and the Philippines and the Indian subcontinent.

The fear that maids might run away demonstrates one of the ways in which they are oppressed. However badly treated they are, however ill-paid, however housed in accommodation designed for pets, they are unable to run away because their passports and other documents have been confiscated.

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