

Congratulations Cambodia; Shame On Malaysia For 'Slavery' In Homes & Agencies
MalaysianMirror.com

October 17, 2011

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Bravo to Cambodia for answering the call of their conscience! We congratulate Prime Minister Hun Sen for making this positive decision as a way forward to ensuring safe migration for Cambodia's citizens. The decision to ban Cambodians from working as domestic workers in Malaysia came in the wake of numerous reports of physical and sexual violence, mental torture and labour exploitation which placed Cambodian women in a trafficked situation.

Tenaganita is elated that the Cambodian government listened to the pleas of its citizens who were enslaved in homes and agencies in Malaysia. We acknowledge this critical move that is being made to stop the exploitation of its citizens by Malaysia and we call on all countries in the region to take heed that migrants are not for sale and there can be no compromise on the protection of their rights.

We applaud especially MP Mu Sochua from Cambodia, who played a critical role in driving this ban on domestic workers. The honorable MP exercised her duties as a lawmaker and representative of her people by visiting them in the shelters in Malaysia, listening to their voices and the statements by advocates, and most importantly – taking action to stop more women from being placed into this form of bonded labour.

Approximately one month to date, Tenaganita's statement ("Malaysian Employers Continue to Act with Impunity In the Abuse, Torture & Ill-Treatment of Cambodian Domestic Workers") showed that out of the 41 cases of domestic workers we had received from February to August 2011, ALL cases fit the definition of human trafficking, where 56% were physically abused, 36% deprived of food and more than 20% had been sexually abused. We then called the Cambodian government to immediately freeze the recruitment until institutional changes were implemented in Malaysia to safeguard the rights of all domestic workers in the country. However the Malaysian government remains recalcitrant and arrogant in its behavior towards the protection of domestic workers. There is no legal institutional framework to protect the rights of domestic workers. There was an opportunity to recognize domestic workers as workers instead of domestic servants when amendments were made to the Employment Act. The government again failed to recognize domestic work as work, despite urgent calls by labour rights activists, the women's movement and the Malaysian Bar to correct this critical flaw in our legislation. Malaysia continues to institutionalize slavery in the form of domestic work.

This astounding sign of arrogance by the administration, however, is not shocking. On the 6th of September, Director General of Labor, Sheikh Yahya Sheikh Mohamed, smugly stated the following in The Star newspaper: "We recruit maids from 11 other countries besides Indonesia. We are not desperate for maids. We can always hire from other countries if they don't lift the ban".

We hope therefore the 10 other countries who send their domestic workers to Malaysia go the way of Cambodia and slap us awake. It is well beyond the time for all of us – citizens and Government- of Malaysia to acknowledge some basic truths: 1. We have no right to enslave anyone. 2. We have no right to exploit the desperation brought on by poverty. 3. We do not own the labour of another person. 4. The Malaysian government is duty-bound to ensure no person, regardless of Immigration status, nationality, socio-economic status and gender, is in any form of slavery in this country. 5. The

work done by domestic workers is not as a favour to us, but it is work and she must be respected and accorded all rights as any other worker.

We reiterate the calls that we've made numerous times that the rights of domestic workers must be brought through a legal framework and that framework is the Employment Act. The relationship and responsibilities are then clarified as employer and employee and not one of master and slave. All domestic workers no matter the country of origin must have the same standard contract signed between the employer and the domestic worker. The new ILO Convention on Domestic work 2011 has defined the rights and thus can be used as the basis for the development of the contract. Tenaganita together with the Bar Council handed over a memorandum to the government two years ago on the rights of domestic workers and included with it a model standard contract for domestic workers. We have not received a response from the government.

On the 14th of October, Home Minister Hishammuddin Hussein lamented the end of the asylum-seeker swap deal by Australia and Malaysia by saying, "People trafficking is one of the hidden horrors of modern life. The arrangement between our governments would have tackled it in a way that protected the interests of Australia, Malaysia and, above all, the migrants involved." Tenaganita calls on the Home Minister to remove his blinders and look at the horrors faced by domestic workers under his watch, and to put his mouth where his power is to once and for all, seriously address and protect the rights of domestic workers. It is the only way to remove the shame we face not only as a member of ASEAN but also as a global player.

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