



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2005/NGO/320
15 March 2005

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Sixty-first session
Item 14 (a) of the provisional agenda

SPECIFIC GROUPS AND INDIVIDUALS: MIGRANT WORKERS

**Written statement* submitted by the International NGO Forum on Indonesian
Development (INFID), a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 February 2005]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

MIGRANT WORKERS

The situation of Indonesian migrant workers (BMI) has become precarious. Their position in various sectors is very vulnerable with many being subjected to a variety of violations of their human rights [without protection from] from the agents of the job placement organisations in either their home country or the receiving country. The most important recent example of this has been the large scale deportation of Indonesian migrant workers from Malaysia, beginning with their arrest and incarceration without compunction or regard for their humanity.

BMI are seen as “production units” by the agents of the job placement organisations, as a valuable source of foreign exchange by their home state and as a source of cheap labour by the receiving countries.

In 2003-2004 KOPBUMI dealt with 1,333,543 cases of mistreatment of migrant workers. These cases are made up of: deaths resulting from workplace accidents (117); mistreatment (42); rape and other sexual assaults (145); trafficking (230); neglect by the PJKTKI or state agent (730); exploitation/deception (51); incarceration (34,999); facing false identity charges (1,147,907); deportation (147,709); facing charges potentially punishable by death (13); lost contact (792); and “other cases” (688).

In the light of all these cases that have been experienced by migrant workers – especially those involving death, mistreatment, rape, executions, and mistreatment in jails, which is commonplace in Malaysia, Saudi Arabia, Kuwait and Singapore – BMI demand that each country, whether a transit country or a receiver, take steps to prevent any criminal or violent acts against migrant workers and their families. In addition, the government of Indonesia and any other country where BMI work, should revoke all laws which allow crimes against humanity.

Such cases demonstrate that both the source country and the recipient country are not treating the human rights of BMI as important despite of the fact that the majority of recipient countries which placed some 4-6 million BMI having political systems which put great value on democracy and fundamental human rights. This is especially the case for Indonesia, as a source country, which has passed legislation on Placement and Protection of BMI in October 2004 is very much in contrary to the ILO convention on Labour in relation to security for migrant workers and their family members.

With the increasing number of BMI cases, in both qualitative and quantitative terms every year, as well as declining respect for Human Rights protection of BMI by business entities, and by both source and recipient countries, herewith we state:

1. To urge Malaysia to stop deportation of BMI and return their documents, as well as to stop their practice of mass seizure and inhuman treatment of deported BMI in jail.
2. To urge Indonesian and Malaysian governments to cancel the MOU between both parties which requires BMI to hand over their passports to their employers; this being at the root of much of the violence and inhuman treatment toward migrant workers.

3. To urge the Indonesian government and all states hosting BMI to grant protection and respect for human rights of migrant worker as well as to urge the source and recipient countries to ratify an ILO convention regarding protection of migrant labourers and their family members.
4. To urge BMI recipient countries to at once stop all kinds of torture and degrading treatment of BMI while in custody, and to stop discrimination against BMI employed in that country. And to urge the BMI designating states to stop applying death sentences on migrant workers.
5. To urge Indonesian government to immediately introduce laws for the protection of migrant labour, and to behave firmly toward scalpers / illegal recruiters and Indonesian Manpower Service Companies which break the principles of human rights for migrant workers
