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News, Views and Analysis from Migrante Melbourne

BATINGAW; BELL; HERALD; The New Voice of Filipino Migrants in Australia



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On 14 September, The Department of Immigration and Citizenship (DIAC) introduced a major integrity focused reforms to the subclass 457 visa program that includes, amongst others, a new sponsorship obligations regime, a new system for the payment of salary for visa holders, tougher sanctions regime, and new arrangements for the payment of health costs for visa holders.

These reforms, according to DIAC, “are designed to enhance the integrity of the program and ensure the program continues to provide industry with the necessary skills while not undermining local training and employment opportunities.”

But it remains to be seen how this new regime operates in practice as abuse of Filipino guest workers continues despite these major overhaul in the system. There is a general public view that the 457 visa program fails to protect temporary foreign workers, in particular Overseas Filipino Workers (OFWs), from violations of their basic rights as workers.

Recently, Migrante Melbourne met an OFW (Mr. B) who has been subjected to abuse and maltreatment from his employer, who happens to be his niece and is an owner of Winery business in Melbourne’s outer southeast region.

These abuses range from underpayment, non-payment of award entitlements (overtime and superannuation), excessive working hours, withholding of passport, and misrepresentation of terms of the contract.

Mr. B was hired as a Refrigeration and Air-conditioning Mechanic, but when he arrived in the employer’s establishment in September 2008, he was forced to perform menial, general hand duties such as cleaning, watering, weeding and monitoring pumps in the vineyard.

These situations are a grim reality for some OFWs because they feel trap, wary of their employers who they feel have complete control over them, are unable to go back to their home country because of the need to support their family back home, or the need to be able to repay the debts they incurred to obtain the job in Australia.

In the Philippines, the Arroyo government has even intensified its cheap labour export as one of its way for making the economy cope with the global crisis, especially with the issuing of Administrative Order (AO) No. 247 in 2008 calling for “full blast market development efforts” and to “aggressively deploy” Filipinos around the world (IBON Midyear Economics and Political Briefing, July 2009).

This is indeed a misguided policy given how appallingly unable is the Philippine government in providing OFWs with the necessary protection and assistance from abuse and violations of their basic rights. It is alarming to see that the government is desperately forcing Filipinos to overseas employment looking for the cheapest and most exploitative means they can get.

In Australia, the rationale behind the expansion of the 457 visa program is to facilitate relatively rapid deployment of overseas workers into Australian business where labour shortages exist. With this, temporary migration flows under this visa are uncapped and rapidly increased.

Since 2002-03, there has been a dramatic growth in the number of 457 visa temporary workers coming to Australia. Recent data shows that the Philippines is ranked third after UK and India amongst countries where primary 457 visa applications are granted in 2008-2009.

This shows that although major changes and tougher 457 visa requirements were implemented in the past few months, it is expected that the influx of 457 visa temporary workers will continue to grow in the medium to long term.

Ironically, the increase in 457 visa workers coming from developing countries like the Philippines would also mean a continuous pattern of abuse and exploitation is to be expected, particularly from unscrupulous employers and agents.

Without adequate recognition on the part of the Australian government and the wider community, these vulnerable workers will continue to suffer, whereby the current 457 visa system may now be creating a tier of second-class workers, without protection of their basic rights under Australian domestic law.

The situation faced by many OFWs on 457 visas is unbearable. Mr. B claimed that DIAC did not even indicate to him whether or not they will sanction the employer for breaching its obligation under law.

Under the new 457 changes, sanctions for failing to satisfy sponsorship obligations may range from a bar from sponsorship, civil penalty for up to \$33,000.00 for corporations and \$6,600 for an individual for each failure, or require a security or enforce a security already taken. The Minister himself, in some circumstances, may take administrative actions if the employer provides false and misleading information to DIAC, has been found by a court or competent authority to have contravened a Commonwealth, State or Territory law, or is found to have contravened a law relating to the licensing, registration or membership required in order to work in the nominated occupation.

The need to have major changes to the 457 visa regime is one thing. However, a systematic implementation of these changes in good faith is another.

Migrante Melbourne would like to see that these changes are implemented thoroughly and in full force. On the part of the government, the protection of workers on 457 visas should be the highest priority, and any employer found abusing the system must be excluded from further participation in the 457 visa program and subject to strict civil and criminal penalties.

On the part of the community, it is desirable that a continuing education and campaign to inform existing and future OFWs on 457 visa of their rights under Australian law is equally important.

Migrante Melbourne will continue to play an important role in providing advocacy, education and information dissemination to uphold the rights of these vulnerable OFWs in Australia.###

OPERATION SAGIP MIGRANTE (OSM)

Gabriela Australia, Migrante Melbourne, Migrante Sydney Neighbourhood, Lingap Migrante and Migrante Perth, member Organisations of Migrante Australia launched its fund raising campaign for the victims of Typhoon Ondoy which hit the Central Part of the Philippines on Saturday, 26th of September.

The Philippines is a typhoon path and experiences a minimum of 28 typhoons annually. Each typhoon generally inflicts terrible damage to lives, property, infrastructure, and the social and economic life of Filipinos.

One would expect that any reasonable government would have instituted a disaster preparedness plan by now and allow for a big budget for calamities like this. But as it has been widely reported President Gloria Arroyo's regime is considered one of the most corrupt governments in the world. An example of oft-reported misuse of people's money and which illustrates gross insensitivity to the country's hapless condition is a recent lavish overseas trip where Arroyo's entourage spent at least US\$250,000 (US dollars) in one day alone on food and other attendant costs. This amount is equivalent to over a quarter of the A\$1 million that the Australian Government promised in aid to the victims of typhoon Ondoy. Meanwhile, budgets on public services are drastically reduced every year and the people's welfare goes further down President Arroyo's action priorities.

This fund raising campaign is a part of the relief operation initiated by Migrante International called "Operation Sagip Migrante" (Operation Rescue Migrants) to help victims of this recent typhoon which created massive flooding and mudslides in the Philippines mostly in Quezon City and Rizal provinces. To date 246 dead have been reported as a result of this calamity while the non-government women's alliance Gabriela through party-list Representative Liza Maza reported that aside from the rising number of deaths, the number of affected families across Luzon has swelled to 69, 513 or more than 337,000. Women, children and elderly people are the most affected. Many people still

need to be rescued from the flooded villages. The number of casualties may still rise due to hunger, cold, and diseases if they are not given immediate attention.

Operation Sagip Migrante includes rescue, distribution and delivery of essential goods such as rice, canned goods and bottled water, set-up community kitchen serving soup and other food to various communities, assisting families locate and be united with other family members and other services. Migrante International is also setting up hotlines so that relatives and families of Filipinos who are overseas can call.

Operation Sagip Migrante anticipates that typhoon Ondoy's devastation will require not only immediate relief for those affected but long-term rehabilitation work.

Our part as overseas Filipinos, is to ensure financial support for "Operation Sagip Migrante" to be able to continue its services. Support in kind is also welcome however goods from overseas may not arrive in times when they are needed.

Migrante Australia immediately started soliciting help as soon as the appeal from the Philippines arrived last Sunday. By Tuesday, 29th September Migrante Melbourne was able to raise \$1,000.00 donations from members and friends and sent the money straight away to Migrante International.

We ask Filipinos, friends and supporters both Australians and non-Australians to support this operation by donating money.

As soon as \$1,000 is raised, it will be sent to the Philippines via Migrante International's Bank of Philippine Islands account.

All donations will be accounted for and report will be updated regularly at www.migrante.org.au.###



OPERATION SAGIP MIGRANTE

INITIAL REPORT FROM MIGRANTE INTERNATIONAL

Typhoon Ondoy has clearly shown that, the Philippines is not just figuratively, but also literally, a sinking ship. Communities which have never experienced floods before experienced chest-deep waters. This typhoon truly devastated not only the urban poor communities but also middle class communities and some upper class communities.

We need not go into the details as we are sure that you have been closely monitoring the news and the internet. However, may we say that the images brought to you by TV or the internet can not capture the immensity of the devastation in MetroManila.

We are no stranger to such devastation as it happens in the provinces: Typhoon Frank, the mudslide in Tacloban, the many typhoons that hit nearby provinces etc... but when it happens at the center of the country where the National Government Offices are within reach, one realizes also the immensity of the ineptness of this government and the depth of its corruption. As the statements of IBON and Bayan-USA crystallized: Where did the ODA go?

Until now, there are communities in Quezon City -IN QUEZON CITY, severely affected by the floods that have not been reached by any government agency. Even the local barangay unit is completely helpless!

Our relief operations in Munoz last Thursday drove home this point. Over 360 families were affected when the creek overflowed. This particular community had put up some kind of dike to protect them from flood waters and the dike had weathered a lot of typhoons. However, it was no match for Typhoon Ondoy. The force of the current and the volume of the rainfall was too much and the dike crumbled. More than 30 houses were completely washed away, while most homes had no roofs, or a whole wall gone

etc... Because the floodwaters rose so fast to over 12 feet, very few people were able to save any belonging as a mad scramble to save their lives and that of their families' was the prime concern. Sewage water and creek water mixed. One resident died from leptosclerosis; she had an open wound in her foot and the dirty waters gave her a severe infection she could not recover from.

The barangay is so near big malls like SM, WaltherMart and maybe an hour or less ride to the Department of Interior and Local Government and yet 4 days after Ondoy, no one from government, nor from the big malls brought them any relief. Migrante Sectoral Party's (MSP) relief activity was the first time the residents there received some support. Until now, they have not finished cleaning up and residents believe clean up operations will take about two weeks or more. Others have already built makeshift tents. The residents are still somewhat in shock—where will they live, how will their children go to school? Many of them belong to the informal economy and all their livelihood were also washed away. How to rebuild anew?

The immensity of the devastation can be more felt when 14 volunteers MSP responded to the call of the MAKABAYAN Party for a clean-up drive in Tumana, Marikina. There were almost a hundred volunteers from various partylist members of Makabayan, including some of its representatives like Teddy Casino and Joel Maglungod. They had 2 large dump trucks for the trash that they will collect along Tumana. After filling out 2 large dump trucks, the volunteers realized that the trucks hardly moved at all. One pile of trash is, as they called it, "lampas-tao" and completely drenched in mud. The piles were two meters apart and 2 dump trucks only cleared 3 piles. There were also dead animals scattered and many volunteers feared that there were human bodies still buried in those piles of trash. When one sees the trash, one realizes these are remnants



OSM Initial Report (continued...)

of hundreds, if not thousands of lives—now just piles of trash waiting to be thrown away. Each pile of trash is also a pile of a hundred stories of lives, homes and even dreams washed away—a school-bag here, a bed there, milk bottles strewn everywhere... And the stench, according to the volunteers, was almost unbearable.

We are glad to tell you that Migrante was one of the first organizations to be able to conduct relief efforts. 3 days after Typhoon Ondoy, we were able to solicit enough goods and cash to provide cooked food to Brgy. Holy Spirit and deliver relief goods and clothes in both Holy Spirit and our community in Calocan.

The swift support of Migrante Taiwan and Migrante Melbourne enabled us to conduct succeeding operations in Munoz and in Tumana. We were also able to repack over 300 bags of goods for our next relief operations on Monday, October 5.

All indications lead us to conclude that relief and rehabilitation efforts will take some time. Already, news reports say that Taguig and surrounding areas can be submerged in chest high waters till December!!! Washed

away homes need to be rebuilt. Schools turned evacuation centers need to be repaired. Life will have to move on.

But once again, the disaster that has wrought havoc in hundreds of thousands of lives has also brought out the best in us. With the swift response of the overseas Filipinos and the organized way our chapters have harnessed that response, we indeed, have risen to the occasion.

Back here, we are organizing volunteers into repacking brigades, relief operations brigades and operation “hanap kamaganak” (look for relatives) teams. We enjoin you to provide us with contacts of your relatives so they can also be mobilized to help here.

If only we could convey to you the heartfelt thanks of the victims which your generous donations have helped. So many of our new members have never been more proud that they are part of Migrante.

We shall be regularly appraising you of our activities and report of the donations we have received and how they have been used.###

URGENT HUMANITARIAN AID NEEDED FOR PHILIPPINE VICTIMS OF TYPHOON “ONDOY” (KETSANA)

Donations can be deposited to the following bank accounts:

Migrante Melbourne

Bendigo Bank BSB No. 633000
Account No. 1207 24224

Gabriela Australia

ANZ Bank BSB No. 013202
Account No. 5959 10934

Migrante International (Philippine Peso Acct)

Bank of Philippine Islands
Kalayaan Ave. Diliman branch
Account No. 1993-0728-14

Cheques can also be sent to Migrante Melbourne or Gabriela Australia
P O Box 606, Laverton 3028 or to the address below.

Or you may donate through pay-pal accessed linked via www.philippines.com.au/ondoy/index.html.



Migrante assists domestic violence victim *Charo Pompa*

Migrante Melbourne is currently providing legal support and temporary accommodation to a domestic violence victim, a 28 year old Filipino who ran away from his wife after he was harassed, abused (physically and verbally) and threatened to be deported back home to the Philippines.

Jeff, not his real name, was referred to Migration Lawyer and Migrante Melbourne Deputy Chairman Reyvi Marinas by a volunteer of Filipino Community Council of Victoria (FCCV).

According to Jeff, many organisations he contacted were not able to give him assistance because he was not a permanent resident. He also found out that there are no support groups or agencies that assist and accommodate men who are victims of domestic violence.

Jeff recalled how totally helpless he was. He only gained hope when he contacted and met Reyvi.

His case involved complex legal and psychological issues.

Migrante is known for its advocacy in helping and handling cases of abused workers and compatriots.

"The first time I saw Jeff, he was very distressed and in unstable mind set because he believed he was an illegal immigrant and very fearful of going back to his wife," Reyvi explained.

Upon telling his story to Reyvi, he was assured he was not an illegal immigrant.

Reyvi clearly explained that his experience of verbal abuse, threats, harassment, controlling behavior including limited access to build friendship with others and finances are serious issues of domestic violence.

"It is true that women are the usual victims of domestic violence but it is a fact and it exists that men too are victimized", Reyvi said.

Having been here for a year under a provisional spouse visa, Jeff did not know much about Australia's migration policy and his rights. He did not manage to build his social friends due to his wife's abusive behavior.

Jeff recalled when he ran away on a cold winter night somewhere in Footscray on the 29th of July he had nowhere to go. He feared for his security and deportation.

He felt humiliated when he was forced by his wife and his sister-in-law to get into the car because they wanted to make sure he will be deported by Friday of that week.

He said that he will not forget how his wife and his sister-in-law chasing him in their car like a police chasing a criminal.

According to Jeff, his sister-in-law also shouted and said that if he did not come with them, they will get their uncle to harass his mother in the Philippines.

"I did not stop running until I escaped. I did not know what time it was and I was freezing to death", he said.

"Now, I feel very lucky that Migrante Melbourne is assisting me with my legal case and my day to day needs," he added.

OPERATION SAGIP MIGRANTE **Fundraising for the victims of Typhoon Ondoy**

The devastation caused by Typhoon Ondoy requires immediate relief and long-term rehabilitation.

Come and Support this fundraising activity as part of Operation Sagip Migrante a relief and humanitarian drive by Migrante International and Migrante Sectoral Party



For details, Contact: May Kotsakis 0411406700, Reyvi Marinas 0421119776, Stephanie Rabusa 0422171969, Malou Logan 0433216548

Saturday, 31 October '09, 4pm
The Church Hall, 10 Hyde Street,
Footscray Melway map 42C5

Entry \$10.00

All funds raised will be donated to Migrante International relief operation for the victims of Typhoon Ondoy.

**Migrante Melbourne
Gabriela Australia
Philippine-Australia Solidarity
Association**

Please alert your families and friends in the Middle East & other OFW host countries

Malicious individuals using & misrepresenting Migrante Fellow OFWs alerted to contact legit members and officers only

An alliance of overseas Filipino workers' organizations in the Middle East received several reports from its different chapters in the Middle East specifically from Migrante chapter in Al Khobar of individuals maliciously using Migrante's name and rendering "counseling" only to put distress OFWs into a more troubled situation.

"We would like to alert our fellow OFWs especially those in distress to be careful dealing with individuals misrepresenting Migrante claiming that they are members and officers, giving wrong advises and asking for money in exchange of the counseling services they have rendered to distress OFWs seeking assistance," said John Leonard Monterona, Migrante-Middle East regional coordinator.

Monterona said these malicious and unscrupulous individuals pretending to be Migrante members or officials are desperate enough to destroy the name and credibility of Migrante as the most active OFWs group providing assistance to distress, run away, and stranded OFWs in the Middle East.

"We will not allow Migrante's name, proven and untarnished records of serving fellow OFWS to be used

and tainted by wicked individuals just to advance their own narrow selfish interests by duping distress OFWs who are victims of abuses and maltreatment," Monterona added.

These malicious individuals using Migrante's name advised an OFW Peter (not his real name), to run away from his employer offering him a temporary shelter only if he pay 1,500 Saudi riyals.

Doubting the intentions of these malicious individual who introduced himself as Migrante official, Peter called the Philippine Overseas Labor Office (POLO) in Al Khobar and found out that the person is not the one Migrante has officially tasked to attend welfare cases.

Monterona advise distress OFWs to get in touch only to Migrante officers who have their official Identification Card issued by the Chairpersons of different Migrante chapters in Saudi Arabia and in the Middle East. He added that **distress and run away OFWs could directly call him on his hotline mobile number 056 497 8012, which is open 24/7 to access Migrante welfare case officers who could guide them and endorse their cases to RP posts concerned.**

Reference:
John Leonard Monterona
Migrante Middle East regional coordinator
Mobile No.: 00966 564 97

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About Batingaw

Batingaw is a bi-monthly newsletter expressing views, news and analysis from Migrante Melbourne. An important aspect of developing this newsletter is an intimate knowledge of and close involvement in all aspects of the Philippine and Australian struggles for justice, democracy and fair-go.

Contributing to Batingaw:

Articles, photographs, cartoons, clippings, comments or a few lines are all very welcome. All material should be sent electronically to: melbourne@migrante.org.au. Readers are encouraged to contribute whatever they can by sending donations to the above address.

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Migrante Tipanan raises fund for centre By Charo Pompa

Migrante Melbourne held its second Tipanan this year, on August 22 at Laverton Community Centre. This was attended by more than 100 members, supporters and guests.

Migrante Chairperson George Kotsakis extended his thanks and appreciation to the members and supporters of the organization. He mentioned that Tipanan as a family fund raising event aims to provide venue for the whole family and friends to relax and socialize.

He also added that the event aims to raise fund for the maintenance of a Migrant Centre run by Migrante International in the Philippines.

This centre helps and assists abused and distressed Overseas Filipino Workers (OFW's) and their families by providing temporary accommodation, legal advice, crisis intervention and advocacy.

The night was full of activities apart from dancing. Migrante Youth member Katrina Kotsakis sang a song, 'One of the Boys' by Katy Perry, while playing guitar; and another youth member, Douglas Westmore impressed attendees by his beat boxing.

Among the most enjoyed part of the program was the trivia and karaoke contest. Many talented guests participated in the karaoke contest inspired by the loud applause by the audience.



Table 1 won the first prize in the trivia contest. The karaoke contest winner was selected through people's choice and the first prize went to Antoinette who sang Celine Dion's song 'My heart will go on.'

The next Tipanan will be held in February next year.

Migrante Melbourne will continue its support to Migrant Centre who continues to serve the overseas Filipinos especially the overseas Filipino workers, the unsung modern day heroes of the Philippines who keep the Philippine economy afloat.

Get Involved!



Name: _____

Address: _____

Tel: _____

Email: _____

I would like to:

- become a member of Migrante Melbourne
- be updated with information from Migrante Melbourne
- donate to Migrante Melbourne

Migrante Melbourne is a voluntary community organisation of Filipino and Filipino-Australian migrants and workers promoting and upholding their welfare, human rights and workers' rights. It also deepens members' awareness of the root reasons of the Filipino hegira to over 180 countries and settlement issues in their adopted homelands.

Visit us on the web at www.migrante.org.au

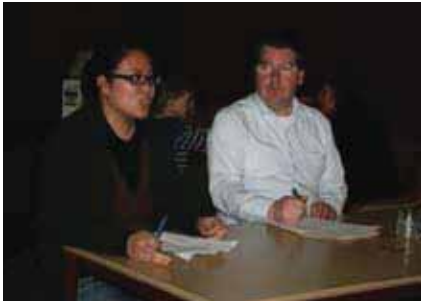
SEND TO PO BOX 606, LAVERTON VIC 3028 or

CALL US on 1300 3666 74

Migrante Melbourne: Butch Kotsakis - 0413 041514, Reyvi Mariñas - 0421 119776, Stephanie Rabusa - 0422 171969
Migrante Perth: Gino Lopez - 0413 464953; Melbaltazar - 0414 247154, Anibeth Desierto - 0402 941935
Migrante Sydney: Edwin Subijano - 0409 461600, Bong Andres - 0410 632707
Migrante Sydney Neighborhood: Mahlen Ang - 0421 937391

PASA holds forum on Con-Ass and IOM By Charo Pompa

Last 7 August at the Victorian Trades Hall in Melbourne, Philippine Australia Solidarity Association (PASA) held a forum about the planned Constituent Assembly (Con-Ass) in the Philippines and its implications to the Filipino people.



Jennifer Binegas, a member of PASA, discussed the circumstances and intentions behind the approval of House Resolution 1109 by the Philippine Congress on the night of June 2.

“The approval of the resolution empowers the lower house to convene a constituent assembly without the participation of the senate,” she said.

She added that HR 1109 is unconstitutional, untimely and done in haste. It is because Gloria Macapagal Arroyo is desperate to remain in power. She could extend her tenure not by running as a President, but as Member of Parliament and get herself elected as Prime Minister. In this plan, GMA may evade prosecution to all piled of charges against her.

Constituent Assembly is one of the three ways in which the 1987 Philippine Constitution could be revised. The other two ways is through people’s initiative and through constitutional assembly.

The plan to amend the 1987 constitution is not new to Filipino people.

The Charter Change, also known as CHA-CHA, was introduced way back during the term of former President Fidel Ramos but all the attempts failed.

PASA Secretary, Reyvi Marinas, talked about the proposed changes in the Philippine Constitution.

He discussed the two broad spheres on the proposed changes: (1) on social and economic sphere; and (2) on

civil liberties and political sphere.

He pointed out that on the proposed changes on social and economic sphere; there will be a removal of constitutional restrictions on foreign exploitation of natural resources, land ownership, investment in public utilities, investment in mass media and advertising.

“The proposed changes on civil liberties and political will lead to re-opening of military bases, expansion of state’s martial and people rights will be diminished,” he explained.

According to him, the implications of the proposed changes to the Filipino people will be drastic, unjust and unreasonable. These would include the worsening of the economic, social and political conditions of the Filipino people, the intensification of imperialist globalisation and US domination in the country and heightened human rights abuses and possibility of the implementation of martial law.

The International Observers Mission (IOM) was also discussed in the forum. This was convened to help prevent massive electoral fraud and violence in the Philippines.

Margot Hoyte, a founding member of PASA, and May Kotsakis, PASA Co-Chairperson, were among the five delegates from Australia who participated in the IOM during the 2004 Presidential elections in the Philippines. It was the first participation of PASA on IOM. Delegates were assigned to different regions in the country and reported back on the situation of their designated areas.

May Kotsakis said that participation of Filipinos and non-Filipinos from overseas in the IOM is very important because they can come to the Philippines and report their observations without fear and retribution.

“Holding national elections is a manifestation of the democratic character of a nation. However, elections in the Philippines reek of cheating and human rights violence. The IOM serves to discourage these ills.” she added.

PASA will be sending delegates again to participate in IOM for the 2010 May election in the Philippines.



MORE NEWS AND INFORMATION FROM MIGRANTE

Visit the newly redesigned website www.migrante.org.au

Sweet victory for Joma

Carol Pagaduan-Araullo - BAYAN Chair

The International Committee to DEFEND Filipino progressives in Europe announced yesterday the second landmark decision of the European Court of First Instance (ECFI) on the terrorist listing of Prof. Jose Ma. Sison, a publicly acknowledged leader of the revolutionary movement in the Philippines. The European Court annulled yesterday all decisions and a regulation of the Council of the European Union (EU) that had maintained Prof. Sison in its so-called terrorist blacklist.

It is nothing short of sweet, unadulterated victory for Joma and his family, the world-wide network that championed his rights against the persecutory terrorist listing by the Council of the EU, the governments of the US, the Netherlands and other countries, and all who fight for national freedom and social liberation who have been unjustly and maliciously labeled as “terrorist”.

The ECFI decision’s immediate effect is to unfreeze Mr. Sison’s small personal account that had been misrepresented by the Philippine and Dutch governments as a conduit for international support to the Communist Party of the Philippines-New People’s Army that he founded. It also restores his freedom to engage in financial transactions, something of vital importance living in a society where such dealings are an everyday fact of life. For starters, it will allow him to finally seek employment and earn a gainful living, a basic right denied him by the Dutch government since it refused to grant him asylum.

The Court decision also provides solid backing for Joma’s legal moves to claim back the social payments for living allowance, housing, health insurance and old age pension which have been withdrawn from him by the Dutch government, citing the EU Council’s blacklisting, since 2002.

According to Dutch lead lawyer Jan Fermon, the removal of the Mr. Sison’s name from the blacklist is the essence of the ECFI judgment. The Court found that the Council of the EU had unjustly maintained him in the so-called terrorist blacklist without any concrete evidence for any specific act of terrorism. The ECFI finding that there is no basis whatsoever for freezing Prof. Sison’s accounts on the grounds of terrorism means he can no longer, by any stretch of the imagination, be maintained in the EU’s blacklist either for punitive or preventive reasons.

Specifically, the ECFI rejected the claim of the prosecution that judicial proceedings in the Netherlands, where Mr. Sison had applied for political asylum and a residence permit, were sufficient ground for his terrorist listing. To wit: “The Court finds that the procedures before the Raad van State and the Rechtbank clearly do not involve any ‘conviction’ of Mr. Sison, nor do they amount to decisions to ‘instigat[e] ... investigations or prosecut[e] for a terrorist act’. In



Prof. Jose Maria Sison with lawyer Jan Fermon in a press conference in The Netherlands that is broadcast on live internet TV with interactive link at the Bayan conference hall

fact, they were solely concerned with the review of the lawfulness of the decision of the Secretary of State for Justice refusing to grant him refugee status and a residence permit in the Netherlands. “

The latest favourable ruling by the EU Court reinforces, on the basis of facts and substantive issues, its 11 July 2007 annulment of the freezing of Prof. Sison’s funds “on the grounds that that decision had been taken in breach of the rights of defence,

the obligation to state reasons and the right to effective judicial protection.” This first landmark ruling was however preempted and effectively circumvented by the Council of EU in June 2007 by giving him an official notification that he was being relisted merely to satisfy the Court’s findings that his right to due process had in fact been violated.

Moreover, the ECFI duly recognized during the oral arguments, the fact that the Dutch prosecution service, since March 2009, had already terminated its investigation into charges that Mr. Sison had ordered the killings of two former NPA commanders, due to lack of evidence. This decision was also in accord with earlier rulings by Dutch judicial authorities that found no probable cause against him and had ordered his release from detention while under investigation in September 2007.

According to DEFEND, “The aforesaid termination of prosecution is relevant to the case before the European court. It shows the lack of concrete evidence for the allegation that Prof. Sison ... is culpable for any violent act of the New People’s Army, despite the close collaboration of Dutch and Philippine political authorities for several years in trying to criminalize him.” It must be noted that the NPA is considered a “terrorist” organization by the Philippine government despite the lack of any law or court decision to this effect; consequently, in 2002, the EU adopted the same “terrorist” categorization upon the instigation of US and Philippine authorities.

For seven long years, Joma has been vilified and unjustly punished by his being listed as a “terrorist”. He was prohibited from having legal residence, earning an income, receiving a living allowance, holding a house, having sufficient insurance coverage, receiving old age pension and travelling freely. He survived by virtue of the legal, political and humanitarian support extended by fellow Filipinos and human rights advocates and progressives from over the world who believe that his fight against the “terrorist” listing was a fight across national and ideological boundaries.

By this victory, Prof. Sison and his battery of brilliant, progressive lawyers have shown how it is possible to turn the tables on the seemingly formidable political clout and legal machinery of the EU and The Netherlands, with the instigation and backing of the US, that was deliberately ranged against a revolutionary leader they had singled out for persecution and neutralization.

Joma and his defenders have prevailed by invoking and upholding basic human rights as enshrined even in the liberal bourgeois constitutions and other statutes of the EU and individual countries. It must be pointed out that, historically, these rights were not handed over to the people on a silver platter by the feudal ruling classes but were paid for in blood by the exploited and oppressed. Thus they have become universal rights that the world’s peoples must assert, uphold and defend over and over again.

Joma’s legal victory must be celebrated by all freedom-loving peoples and at the same time be the occasion for renewed efforts to demand that the Dutch government and Council of the EU stop being a party to false charges against him and being complicit with the Philippine and US governments in his political persecution. ###

Migrante Sectoral Party para sa Eleksyon 2010

Steph Rabusa

“Sa mahabang panahon, marami na ang nagsalita para sa amin, panahon na ngayon na aming iparinig ang aming nagkakaisang tinig!” (“For a long time, others have been speaking in our behalf...It is now time to speak for ourselves.”) Ito ang panawagan ng Migrante International Chairperson Garry Martinez.

Ito ang panawagang isinisigaw ng migranteng Pilipino sa buong mundo.

Taon-taon, libo-libong Pilipino ang lumalabas ng bansa upang humanap ng mas magandang buhay para sa kanilang pamilya. Sila ay nakikipagsapalaran ngunit marami sa kanila ang nagiging biktima ng pang-aabuso, nahaharap sa mga kaso at death row.

Sa kabila ng mga problemang kinakaharap ng mga Overseas Filipino Workers (OFW), kalimitan ay hindi sila natutulungan ng mga embahada at konsulado na dapat ay nagtatanggol sa kanila. Ayon sa Migrante International, oras na upang magkaroon ng isang partido na tumatalakay sa mga isyu at nagtutulak ng batas na magiging batayan ng proteksyon at kalinga sa mga OFWs.

Noong nakaraang Setyembre ay pormal na nagsumite ang Migrante Sectoral Party (MSP) ng kandidatura sa Commission on Elections upang humabol sa nalalapit na eleksyon sa 2010.

Ayon sa MSP, marami sa mga kasalukuyang patakaran para sa mga OFW ang dapat na baguhin. Kasama dito ang pagsusuri sa mga programa ng gobyerno tulad ng Pre-Departure Orientation Seminar upang makatiyak na

ito ay makatutulong sa mga OFWs kung magkaroon man sila ng problema. Nais din ng MSP gawing ‘non-bailable’ ang kaso ng illegal recruitment at baguhin ang ilang probisyon sa Magna Carta for

Overseas Filipino Workers or Republic Act 8042 upang maprotektahan ang mga OFWs sa mga panlililang. Isa pa sa mga plataporma ng MSP ay ang magsulong ng mga batas na maglalayong lumikha ng mga lokal na trabaho sa Pilipinas upang hindi na mapilitang mangibang-bansa ang mga Pilipino at iwanan ang kanilang mga pamilya.

Ang mga platapormang ito ay naglalayong tumulong hindi lamang sa mga OFWs kundi pati na rin sa kanilang mga pamilya. Sa 2010 eleksyon, hindi lamang sa Overseas Absentee Voting umaasa ang MSP kundi pati na rin sa mga pamilya at kaibigan ng mga OFWs na nasa Pilipinas.

Aming panawagan, suportahan ang Migrante Sectoral Party sa 2010 election! Íparating sa inyong mga kaibigan at pamilya! Sa 2010 iboto ang MSP!

References:

<http://www.bulatlat.com/main/2009/09/23/arroyo-regime%E2%80%99s-failure-to-protect-ofws-pushes-migrante-to-seek-party-list-seat/>



Events Calendar - Mark your Diary

08 October 2009 - A mass for the victims of Typhoon Ondoy in the Philippines

12.30 pm, RMIT Building 11 level 3 Room 1 - All collections will be included in Operation Sagip Migrante fund

31 October 2009 - Operation Sagip Migrante Fund Raising Activity

4.00 pm, The Church Hall, 10 Hyde Street, Footscray

Fund raising activity (Trivia, karaoke, sagip sayaw, etc) for victims of Typhoon Ondoy

All funds raised on this event will be included in Sagip Migrante Fund and be sent to the victims through Migrante International

02 - 06 November 2009 - IAMR (International Assembly of Migrants & Refugees) Athens, Greece

An international conference discussing issues affecting migrants and refugees such as:

- The impact of the global crisis on migrants and refugees and possible responses
- The situation and struggle of undocumented migrants
- The challenges faced by migrants from racism and xenophobia
- Discriminatory legislation in receiving countries
- The situation of women migrant workers
- The War on Terror and Migrants and Refugees

16 November 2009 - International Day of protest against workers repression

Public meeting, documentary film showing and forum

6.40 pm, Trades Hall, corner Victoria and Lygon Sts, Carlton

This is also the 5th year anniversary of the Hacienda Luisita Massacre, Tarlac Philippines during which seven striking farm workers and supporters were killed in violent dispersal by police, military and hired goons.

10 December - International Human Rights Day

12 December 2009 - International Human Rights Day Commemoration

A public activity to celebrate the declaration of International Human Rights Day and get together before Christmas and summer holidays.

Venue and other details will be advised later

18 December - International Migrants Day

27 February 2010 - Migrante Summer Tipanan 2010

6.00 p.m., Laverton Civic Hall, Cor Railway Ave & Crown St, Laverton

A celebration and a venue for the whole family to dance, eat, perform, watch and enjoy together.

A fundraising activity for Migrante Center, Philippines.

A good way to have a night out with the whole family in in summer.



To:

Affix Stamp