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Cover: Migrant workers rallying against the EPS (Employment Permit System) in Seoul
(From <http://migrant.nodong.net>)

EDITORIAL

Unity in Diversity

AALA or Asia Africa Latin America Newsletter is a monthly publication that focuses on issues of migrant workers, human rights, refugees, and alternative education in Korea and around Asia, Africa and Latin America. It is prepared and published by the Friends of Asia, a non-governmental organization based in Ilsan, Korea.

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Any contributing article, artwork or letter is welcome and can be sent via e-mail or fax.

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The FOA Leadership Training Program Fall 2003 for migrant workers is still going on every Sunday. What is vividly reflected from each session is that our participants, let alone their different cultural or linguistic backgrounds, are situated in diverse political, social and economic positions, living in Korea. Specific examples were found during the 3rd session on the EPS (Employment Permit System). As the official bill of the EPS sets different status of undocumented migrants according to their length of stay in Korea, reactions and positions from the participants varied a lot; the four years above workers being mostly despondent and skeptical on the new governmental move, and the new comers feeling confused as well as assured of the “chances” to work legally. Overall, the diversity among migrants seems to remain in the urgent reality, in which everyone of them has to figure out how to deal with the new system of EPS.

On the other hand, there is still one thing to be remembered and thought upon with a lot of significance; unlike the dominant representation in local media, the new system all migrants in Korea have to deal with is still very much in the hands of employers and the state and does not seriously consider the well-being of migrant workers. The “rights” of workers, whether they are newcomers or old-comers, as recognized in the EPS bill, does not seem to come *real* in the presence of the provisions that still serve for the idea of “bonded labor.” As revealed in Chang Dae-oup’s article in this issue on the deteriorated situation of Burmese migrants at the Thai-Burmese border, the rhetoric of transnational labor only remains on behalf of the capitalist expansion in search of cheaper labor *and* in expense of worker’s rights. At this point, what is needed is a collective action towards the common plight of migrants to achieve basic labor and human rights in a *practical* sense. What the Thai-Burmese and Korean realities uniformly imply us is that there are a lot to be done to achieve and secure the most basic rights of transnational workers.

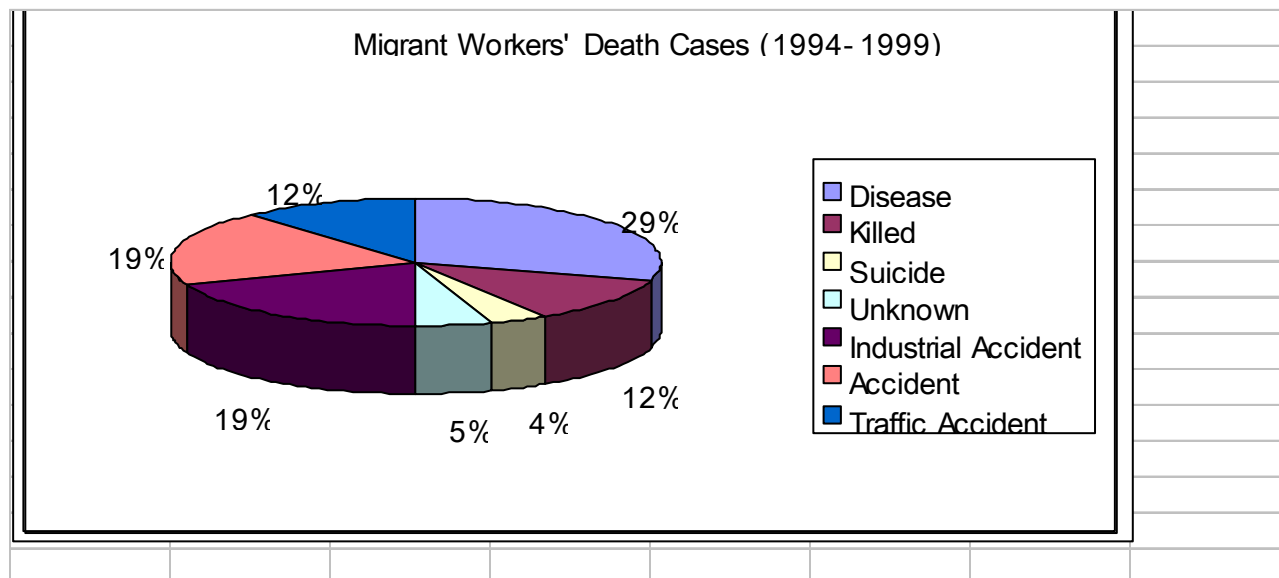
What poses a major challenge, henceforth, to migrants in Korea and around Asia is the question of how to fight against the exploitative labor systems prevalent in the region. Many urgent concerns may push migrant workers to stay in silence or in forced conformity with the states and capitalists. What all migrants need to realize, nonetheless, is that, without any fundamental change in the social and political system that concerns their life so directly, there will be no humanly life desired so much by migrant workers. Like we will see from the interview (“Living and Working towards the Burmese Democracy”) with Maung Zaw, the *agents* to bring a change in migrants’ lives should be migrants themselves. Migrant workers in Korea may be torn apart for different interests and needs. But, when there is a common suppressor on their and their co-worker’s lives, migrants as a whole need to come out as a collective power and become the very subjects of their struggle. There is always something beautiful about being *united in diversity*.

This issue of AALA included special feature on the Medical Mutual-Aid System for migrant workers, to help our migrant readers have proper information on the medical care they can get in Korea. The feature has translations in 5 different languages of Indonesian, Nepali, Spanish, Russian and Tagalog. We hope you share and spread the information about MUMK with your co-migrants living in Korea. Lastly, we wish all our readers a happy CHOO-SUK! ###

FEATURE

Collective Efforts for Migrants' Health: Medical Mutual-Aid System

By Kim, Mi-sun,
Secretary General, Medical Mutual-Aid Union for Migrant Workers in Korea (MUMK)



Many migrant workers in Korea work in poor conditions, as they are employed in so called 3D jobs - dirty, dangerous, and difficult. According to previous survey, migrant workers suffer from various diseases ranging from disc to cancer and HIV/AIDS, which are not very different from local people. Medical insurances are covering the documented migrant workers but not the undocumented migrant workers. This makes it difficult for undocumented migrant workers to have proper medical care. They have to bear the medical costs, which are three to four times higher than with other workers with medical insurance. This is the major problem for migrant workers - accessibility to medical care service. So, some migrants just suffer with illnesses until it turns out to be fatal, sometimes leading to death.

Having such cases, some migrant counseling centers started to set up medical mutual aid system in mid 90s. But, as the number of undocumented migrants increased, medical related counseling cases have also increased.

Migrant counseling centers reached a consensus to establish a collective medical mutual-aid system. In early 1999, members of Joint Committee for Migrant Workers in Korea (JCMK) in Seoul and Kyunggi region started to organize it. The Medical Mutual-Aid Union for Migrant Workers in Korea (MUMK) was officially launched on the September 21 1999.

From individual experience to a collective system

At the beginning, the most important thing was to market the system with the three major parties. The first major party is the migrant worker. They have to apply for membership and pay monthly fee of 6,000 Korean Won. These collective fees are used for the members' medical costs. The second major party is the hospitals. They provide discounts to the union members at an agreed rate. The last but not the least is the migrant counseling centers. They manage memberships and provide information about associated hospitals.

At the end of June 2003, the Medical Mutual-Aid Union has 14,500 members, 701 clinics, 80 general hospitals and 124 pharmacies associated, and 34 counseling centers involved in its program. From 2000 to end of June 2003, total some 400 million Korean Won (about 335,000 US\$) was spent for 922 medical cases. 1/3 of the cases are pregnancy and delivery cases. Providing medicines to the free clinics for migrants and examination fees are not included in direct medical cost support.

The features of the members' benefits are as follows:

* Benefits for members

A. For all members (upon payment of the fee)

- a. 60-70 percent discount at designated/associated private clinics.
- b. Same treatment as Koreans will be given in public health centers.
- c. 40 percent discount at designated/associated general hospitals.

B. Full rights and benefits (three months after being a regular member)

In addition to the benefits stated in A, 50% of medical

expenses are reimbursed to members who had an operation, hospitalization or was in emergency case. One member can get maximum of 4 million Korean Won (about 3,334 US\$) for medical cost support.

* Requirements for membership application

- Two photos
- Passport or copy of it
- Membership fee: membership processing fee - 5,000 Won (entrance fee)

Monthly fee - 6,000 Won

Need for more participation from other sectors

Given the first year in operating the system, problems being encountered are: the designated hospitals are too far from where the members are living, misunderstanding about the system, so does not pay for membership fee after reimbursement of expenses, some hospitals do not want to cooperate because they do not have the assurance about the system, as MUMK is just an NGO. On the other hand, other members think that MUMK should help them in everything even without following the principles in the system.

The major tasks of the MUMK include fund raising, negotiating with hospitals, and providing necessary education to its members. Its additional sources of funds are from Community Chest of Korea, Ministry of Administration and Home Affairs etc.

Having operated almost four years, the MUMK gained more credits from members and hospitals. However, we still need more active participation from migrant communities, as they are the major beneficiaries and contributors of our program. Continuing participation and commitment of doctors and other communities are also necessary to optimize the support to migrants.

What is most significant and of the first priority, however, is the establishment and implementation of an adequate migration policy to enable migrant workers to live and work safely in Korea. ###

[INDONESIAN]

USAHA BERSAMA UNTUK KESEHATAN ORANG ASING SISTEM MENOLONG DI BIDANG KESEHATAN

Banyak pekerja asing di Korea bekerja dalam kondisi yang sangat miskin, mereka bekerja dalam bidang yang

disebut 3D (dirty, dangerous, and difficult), kotor, berbahaya, dan sulit.

Dalam beberapa penelitian yang dilakukan, banyak pekerja asing yang mengidap berbagai macam penyakit yang beresiko tinggi seperti; kanker, HIV/AIDS, yang mana tidak banyak berbeda dari keadaan masyarakat

setempat. Asuransi kesehatan bisa menutupi bagi mereka yang bekerja resmi, tetapi tidak berlaku bagi mereka yang bekerja secara tidak resmi/ tidak mempunyai dokument.

Keadaan seperti ini bisa menjadi lebih sulit bagi mereka yang bekerja secara tidak resmi karena biaya pengobatan bisa belipat 3 (tiga) atau 4 (empat) kali lipat lebih tinggi dari mereka yang mempunyai Asuransi kesehatan. Inilah yang menjadi permasalahan yang utama bagi para pekerja asing, -suatu yang bisa diterima untuk pelayanan kesehatan. Jadi, beberapa orang asing menderita dengan rasa sakitnya sampai keadaan yang paling fatal dan pada suatu waktu akan meninggal.

Dalam beberapa perkara, banyak Migrant conseling centers memulai Sistem menolong kesehatan pada tahun 90-an. Tetapi jumlah orang asing yang tidak mempunyai dokumen semakin mengalami pertambahan, begitu juga dengan keadaan Lembaga konseling juga mengalami pertambahan.

Migrant counseling centers telah melakukan penelitian pada suatu sensus dan memutuskan Sistem kerja sama di bidang kesehatan. Pada awal tahun 1999, anggota-anggota Joint Committee for Migrant Workers in Korea (JCMK), di Seoul dan daerah Kyonggi telah memulai organisasi ini.

The Medical Mutual-Aid Union for Migrant Workers in Korea (MUMK) telah ditandatangani pada 21 september 1999.

DARI PENGALAMAN PRIBADI SAMPAI PADA KERJA SAMA

Pada mulanya, hal yang sangat penting telah di pasarkan dengan tiga bagian yang utama. Pada bagian pertama adalah pekerja asing. Mereka bisa menjadi anggota dan membayar iuran bulanan sebesar \ 6.000. Iuran ini digunakan untuk biaya kesehatan para anggotanya. Pada bagian kedua adalah Rumah sakit. Mereka bisa memberi diskon bagi para anggota. Yang terakhir tetapi tidak menyewa Lembaga konseling. Mereka memimpin anggotanya dan memberikan informasi tentang Rumah sakit yang ditunjuk.

Bulan Juni 2003, Medical Mutual-Aid union mempunyai anggota 14,500 orang, 701 Klinik kesehatan, 80 Rumah sakit umum, 124 Apotek, sebagai anggotanya, dan 34 Lembaga konseling . Dari tahun

2000 sampai dengan Juni 2003, dana yang terkumpul sekitar 400 juta Won, (335,000 US dolar) sudah

menanggung 922 pengobatan. 1/3 dari kasus tersebut adalah kehamilan dan kasus pengiriman.

Asalkan obat-obatan yang dari klinik untuk orang asing dan pemeriksaan gratis tidak termasuk biaya kesehatan langsung.

Masa depan anggota dan manfaat menjadi anggota:

*Manfaat bagi para anggota

A. Untuk semua anggota (diatas pembayaran iuran)

a. Discount 60-70 % pada anggota klinik pribadi
b. Perlakuan yang sama dengan orang Korea di Pusat Kesehatan umum

c. Discount 40 % pada anggota Rumah Sakit Umum

B. Keadilan yang penuh dan manfaat-manfaatnya (setelah 3 bulan menjadi anggota berturut-turut)

Penjumlahan manfaat A, 50% dari biaya yang di keluarkan anggota untuk operasi dan biaya Rumah Sakit atau keadaan darurat. Satu orang anggota bisa mendaptkan 4 juta Won untuk biaya kesehatan .

*Syarat-syarat untuk menjadi anggota

-2 lembar foto

-passport/ foto copy-nya

-Biaya anggota; Biaya masuk \ 5.000

Iuran bulanan \ 6.000

YANG DIBUTUHKAN UNTUK LEBIH BERPARTISIPASI DARI BERBAGAI SEKTOR

Pada tahun pertama oreasinya Sistem ini, masalah-masalah terjadi pada : Rumah Sakit anggota terlalu jauh dari para anggota dimana mereka tinggal, salah pengertian tentang cara, tidak membayar iuran anggota setelah mereka mendapat pengobatan, beberapa Rumah Sakit tidak mau bekerja sama karena mereka tidak mempunyai Asuransi dalam Sistem, sebagai anggota MUMK dan hanya NGO.

Dalam sisi yang lain, anggota-anggota yang lain hanya berfikir MUMK harus membantu mereka tanpa mengikuti prinsip pada Sistem.

Dalam catatan teks yang tercantum dalam MUMK, negoisasi dengan rumah Sakit, dan hal-hal yang dibutuhkan bagi para anggota. Sumber-sumber dana berasal dari; Community Chest of Korea, Ministry of Administration and Home Affairs dll.

Setelah berjalan selama 4 tahun MUMK, semakin mendapat kepercayaan dari para anggotanya dan

Rumah sakit. Tetapi, masih membutuhkan partisipasi

yang aktif dari perkumpulan orang asing, atau mereka yang memanfaatkan lembaga ini.

Partisipasi yang terus menerus dan komitmen para Dokter dan dari Komuniti yang lain sangat di butuhkan untuk mendukung para tenaga kerja asing. Bagaimanapun, pembuatan dan peralatan pada kebijakan etika migrasi adalah yang paling di utamakan untuk hidup para pekerja asing dan keamanan kerja di Korea. ### (Translated by Margiyatno Daan)

[NEPALI]

Collective Efforts for Migrants' Health: Medical Mutual-Aid System

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(Translated by Samar Thapa)

[RUSSIAN]

Коллективные усилия ради здоровья

рабочих-иммигрантов –

Система медицинской взаимопомощи.

Ким Мисон, генеральный секретарь Корейской
Федерации Медицинской Взаимопомощи для

Рабочих-Иммигрантов (MUMK).

Многие иностранцы работают в Корею в тяжелых
условиях, на работах, которые местные жители
обычно характеризуют как «грязные, опасные и
трудные» (“3D”). Согласно имеющимся
исследованиям, рабочие-иммигранты – так же, как
и их корейские коллеги, – страдают от целого ряда
болезней, начиная от ревматизма или рака и
кончая СПИДом. «Легальные» иностранные
рабочие обычно имеют медицинскую страховку,
но «нелегалам» она не достается, что делает для
них крайне трудным обращение за медицинской
помощью: им приходится платить в 3-4 раза
больше, чем обладателям страховки. Главная

проблема для рабочих-иммигрантов – ограниченный доступ к медобслуживанию. В результате многие из них предпочитают переносить болезни «на ногах», что зачастую приводит к фатальным последствиям.

ПРИЧИНЫ СМЕРТИ РАБОЧИХ-ИММИГРАНТОВ

В КОРЕЕ (Выборка по 80 случаям за 1994-1999):

Болезни – 29%
 Убийства – 12%
 Самоубийства – 4%
 Производственные травмы – 19%
 Несчастные случаи – 19%
 ДТП – 12%
 Невыяснено – 5%

(«Отчет о здоровье рабочих-иммигрантов в Корее», 2001).

С учетом данной ситуации, ряд центров помощи рабочим-иммигрантам начал создавать системы медицинской взаимопомощи с середины 1990-х гг. С увеличением количества «нелегалов», обращающихся за помощью, ряд таких центров договорился о создании объединенной системы медицинской взаимопомощи, которую и начал организовывать Объединенный Комитет по Вопросам Рабочих-Иммигрантов в Корее (JCMK) с начала 1999 г. в Сеуле и его окрестностях. Корейская Федерация Медицинской Взаимопомощи для Рабочих-Иммигрантов

(MUMK) была официально создана 21 сентября 1999.

От индивидуального опыта – к коллективной системе.

В начале, самым важным было убедить три главные стороны – иностранных рабочих, больницы и центры помощи иностранцам – в полезности новой системы. Рабочие должны были вступать в члены страховых обществ и ежемесячно выплачивать взносы в размере 6 тыс. вон. Фонды страховых обществ используются потом для оплаты помощи нуждающимся. С больницами надо было договориться о предоставлении страховым обществам

иммигрантов скидок в определенном размере. Центры помощи иммигрантам поддерживают связь между рабочими и страховыми обществами и предоставляют информацию о тех больницах, с которыми у обществ заключены контракты.

На конец июня 2003 г., Корейская Федерация Медицинской Взаимопомощи для Рабочих-Иммигрантов имела 14500 членов, заключила контракты с 701 клиникой, 80 больницами общего профиля и 124 аптеками, и поддерживала связи с 34 центрами помощи иммигрантам. С 2000 г. до конца июня 2003 г., около 400 млн. вон (примерно 335 тыс. долларов) было потрачено на 922 пациента. Одна треть всех случаев обращения за медицинской помощью – беременность и роды.

Стоимость больничных лекарств и медосмотров наша страховка не покрывает.

Преимущества для членов взаимных страховых обществ нашей Федерации:

- А. Для всех членов (с уплатой первого взноса):
- 60-70% скидка в тех частных клиниках, с которыми у нас есть договор.
 - Такое же лечение, которое предоставляется корейцам в государственных здравоохранительных учреждениях.
 - 40% скидка в тех больницах общего профиля, с которыми у нас есть договор.
- Б. Полные права и преимущества (для членов с более чем 3-месячным стажем):

В дополнение к вышеназванным преимуществам, страховая касса оплачивает 50% стоимости операции, госпитализации или неотложной помощи. Оплата каждому члену не может превышать 4 млн. вон (около 3334 долларов США).

Для вступления в члены медицинского страхового общества нашей Федерации требуются:

- два фото
- паспорт или копия паспорта
- взносы: вступительный взнос (5 тыс. вон) и месячный взнос (6 тыс. вон)

Нам нужна самая разнообразная помощь:

Судя по нашему почти трехлетнему опыту, главные проблемы, с которыми сталкивается наша страховая система – это отдаленность тех больниц, с которыми у нас есть договора, от мест проживания пациентов, непонимание по отношению к принципам работы страховой кассы (некоторые члены касс перестают платить взносы после того, как их лечение оплачено), недоверие некоторых больниц по отношению к нам (так как мы – не более чем неправительственная добровольная организация) и нежелание сотрудничать с нами. С другой стороны, некоторые наши члены хотят, чтобы мы помогли им во всем, не следуя при этом принципам работы нашей системы.

Наши основные задачи – обеспечение дополнительного финансирования, достижение договоренностей с больницами и образовательная работа с членами страховых касс. Нам также требуется более активное участие со стороны иммигрантских общин – ради которых и существует наша система. Для того, чтобы оптимизировать нашу поддержку иммигрантам, нам нужно также больше содействия со стороны медиков.

Впрочем, в любом случае, выработка и осуществление адекватной иммиграционной политики – ключ к предоставлению иммигрантам возможности жить и трудиться в безопасности. ###

(Translated by Vladimir Park Noja)

[SPANISH]

Esfuerzos colectivos para los Emigrantes Salud, Sistema Médico De Ayuda Mutua

Por Kim, Mi-sun,
Secretario General
Unión Médica de la Ayuda Mutua para los Trabajadores Emigrantes en Corea (MUMK)

Muchos trabajadores emigrantes en Corea trabajan en malas condiciones, como los emplean en los trabajos llamados de 3 D, Trabajos sucios, peligrosos, y difíciles.

Según estudio anterior, las trabajadores emigrantes

sufren de varias enfermedades que se extienden de hernia de disco al cáncer y a HIV/AIDS, que no son muy diferentes de la gente local. Los seguros médicos están cubriendo a los trabajadores emigrantes documentados pero no a trabajadores emigrantes indocumentados. Esto se hace difícil para que los trabajadores emigrantes indocumentados tengan asistencia médica apropiada y cubrir los costes médicos, que son tres a cuatro veces más alto que con otros trabajadores con seguro médico. Éste es el problema principal para los trabajadores emigrantes - accesibilidad al servicio de la asistencia médica. Así pues, algunos Emigrantes sufren con enfermedades hasta que les resulta ser fatal y conducir alguna vez a la muerte.

Teniendo tales casos, algunos centros de asesoramiento a los emigrantes han comenzado a instalar el Sistema Médico De Ayuda Mutua a mediados de los 90s. Pero, como el número de emigrantes indocumentados aumentó, los casos de asesoramiento médico también han aumentado. Los centros de asesoramiento al emigrante llegaron a un consenso para establecer un sistema médico colectivo de Ayuda Mutua. A principios

de 1999, los miembros de la comisión mixta para los trabajadores emigrantes en Corea (JCMK) en la región de Seul y de Kyunggi comenzaron a organizarla. La unión médica de la Ayuda Mutua para los trabajadores emigrantes en Corea (MUMK) fue lanzada oficialmente el 21 de septiembre de 1999.

De la experiencia individual a un sistema colectivo

Al principio, lo más importante era poner el sistema con

los tres partidos principales. El primer partido principal es el trabajador emigrante. Tienen que solicitar su calidad de miembro y pagar las cuotas mensuales de 6.000 Won. Estos honorarios colectivos se utilizan para los costes médicos de los miembros. El segundo partido principal es de los hospitales. Proporcionan descuentos a los miembros de unión en una tarifa convenida. El último pero no el lo menor es los centros de asesoramiento a emigrantes. Manejan a los miembros y proporcionan la información sobre hospitales asociados.

En el final de junio de 2003, la Unión Médica de la Ayuda Mutua tiene 14.500 miembros, 701 clínicas, 80 hospitales generales y 124 farmacias que son centros asociados, y 34 Centros de asesoramientos. Desde el

2000 a finales de junio de de 2003, suma 400 millones de Won (cerca de 335.000 US\$) fue gastado en 922 casos médicos. 1/3 de los casos son de embarazo y parto.

Proporcionando medicinas a las clínicas gratis para los emigrantes y las matrículas no se incluyen en ayuda médica directa del coste.

Las características de los miembros

las ventajas son las siguientes:

Ventajas para los miembros

A. para todos los miembros(cuotas al día)

- a. 60-70 por ciento de descuento en las clínicas privadas asociadas.
- b. El mismo tratamiento que coreanos será dado en centros de la salud pública.
- c. 40 por ciento de descuento en los hospitales generales asociados.

B. Derechos completos y ventajas(tres meses después de ser un miembro regular)

Además de las ventajas indicadas en A, el 50% de costos médicos se reembolsan a los miembros que tengan una operación, hospitalización o un caso de la emergencia. Un miembro puede conseguir un máximo de 4 millones de Won (cerca de 3.334 US\$) para la ayuda médica del coste.

Requisitos para ser miembro

- Dos fotos
- Pasaporte o fotocopia
- honorario de la calidad de miembro:
Matrícula: 5.000 Won
Cuota mensual: 6.000 Won

La necesidad de más participación de otros sectores

Dado el primer año en el funcionamiento del sistema, los problemas que son encontrados son: los hospitales indicados están lejos de donde viven los miembros, mal entendiendo sobre el sistema, así que no pagan su cuota después del reembolso de costos, algunos hospitales no desean cooperar porque no tienen confianza en el sistema, pues el MUMK es sólo una ONG. Por otra parte, otros miembros piensan que MUMK debe ayudarles en todo incluso sin seguir los principios del sistema.

Las tareas principales del MUMK son administrar los fondos, negociar con los hospitales y proporcionar la información necesaria a los miembros. Sus fuentes de fondos adicionales son de Community Chest of Korea, Ministerio de la administración y asuntos de Vivienda

etc.

Funcionando casi cuatro años el MUMK, ganó más credibilidad de miembros y de hospitales. Pero, todavía necesita más participación activa de comunidades emigrantes, pues son los beneficiarios y el contribuidor principal del sistema. La continua participación y la comisión de doctores y de otras comunidades son también necesarias optimizar la ayuda a los emigrantes.

Sin embargo, establecer y poner una política de migración adecuada es la primera prioridad para que trabajadores emigrantes vivan y trabajen con seguridad aquí en Corea. ### (Translated by Luis Carpio)

[TAGALOG]

Collective Efforts for Migrants' Health: Medical Mutual-Aid System

Karamihan sa mga Migranteng manggagawa sa Korea ay duranas ng napakahirap na sitwasyon dahil sa pagtatrabaho sa tinatawag na 3D jobs - dirty, dangerous, and difficult.

Sang ayon sa isinagawang survey, marami sa mga migrante manggagawa ay nakararanas ng ibat ibang sakit mula sa sakit sa likod balakang o disc hanggang cancer at HIV/AIDS. Subalit ang mga medical insurance ay sumasaklaw lamang sa mga ligal na mga migrante kung kaya mas lalo pa itong nagpapahirap sa kundisyon ng mga migranteng manggagawa na makakuha ng maayos na medical care dahil ang halaga ng pagpaaospital ay napakamahal at mas mataas ng tatlong beses ang kumpara sa mga may mga medical insurance. Dahil dito marami ang mga dumaranas ng matinding sakit na hindi agad nalulunasan na kadalasan ay humahantong sa paglala ng sakit hanggang pagkamatay.

Dahil sa napakaraming kaso ng nagkaksakit na mga migranteng manggagawa, may ilang mga migrant centers ay nagbuo ng medical mutual aid system noong 90s. Subalit dahil sa dumarami din ang kaso ng mga undocumented na mga migrante, dumami din ang kaso ng nagkakasakit. Dahil dito napagkasunduan ng mga migrant centers na magtayo ng Sama-samang medical mutual-aid system. Noong maagang hati ng 1999, ang mga members ng Joint Committee for Migrant Workers in Korea (JCMK) sa Seoul at Kyunggi region ay nagkaisang buuin ang The Medical Mutual-Aid Union for Migrant Workers in Korea (MUMK) na pormal na itinatag noong 21 September 1999.

Mula sa indibidwal na karanasan tungo sa Samasamang sistema.

Noong una, ang layunin ay ipakilala ang sistemang ito sa tatlong mahahalagang bahagi. Ang unang bahagi ay ang mga Migranteng manggagawa. Kailangan na sumali sila at maging member at magbayad ang membership fee na 6,000 Korean Won. Ang mga nakkukulektang membership fee ay siya namang ginagamit bilang pondo sa pagpapagamot ng mga nagkakasakit na members. Ang pangalawang bahagi ay ang mga Ospital. Maaring makakuha ng discount ang mga members sa mapag-kakasunduang halaga. Ang pangatlo at huling bahagi naman ay ang mga counselling centers. Sila ang nagmamamane ng mga

gustong mag-member at nagbibigay ng mga impormasyon sa mga affiliated na mga ospital.

Mula sa June 2003, the ang Medical Mutual-Aid Union ay may 14,500 members, 701 clinics, 80 general hospitals at 124 pharmacies na associated, at 34 counseling centers na kasapi. Mula 2000 hanggang June 2003, umaabot na sa 400 million Korean Won (about 335,000 US\$) na ang nagasta sa 922 medical cases. 1/3 ng mga kaso ay may kaugnayan sa panganganak at pagbubuntis. Hindi kasama sa mga libreng check-up ang mga gamot...

➔➔ **CONTINUED ON PAGE 19**

CAMPAIGN FOR BORDER SOLIDARITY

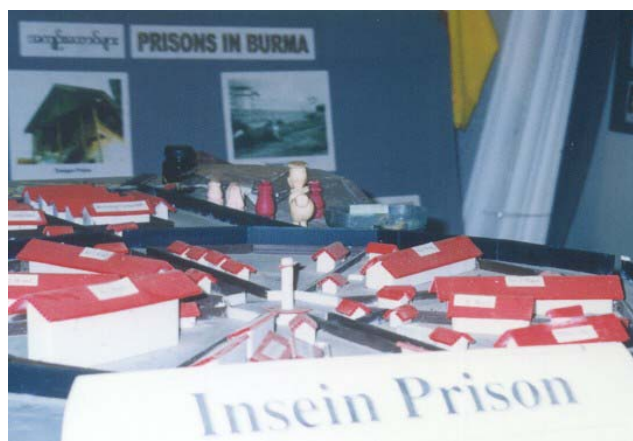
Workers at the Border : Slavery in Globalization

By Dae-oup Chang, Research Coordinator, Asia Monitor Resource Centre, Hong Kong

‘Something really serious is going on over there’. That was what I heard from a Thai labour activist about Burmese migrant workers in an industrial town Mae Sot, a northern Thailand city where Burmese migrant workers gathered for jobs. The stories about the extreme exploitation of highly vulnerable migrant workers were striking enough to make us to head Mae Sot. Mae Sot, located at the Thailand side of the northern border between Thailand and Burma, was about seven hours away from Bangkok on express bus.

We arrived at the city at about five in the morning. Still in the dark, Mae Sot was so quiet that there would not be a single factory, not to mention any industrial site. Late morning, it still seemed difficult to identify where those notorious factories were. The first factory

appeared in the middle of nowhere after about 15 minute off-road driving from the town centre. Those factories are almost invisible to visitors who are looking around old temples and other eye-catching tourist sites. But it was in those factories spread in remote areas around the town that the harsh reality of this town exists. Tens of thousands of Burmese



migrants are employed in those garment and textile factories. As a reflection of globalising Thailand, employers in Mae Sot came from other Asian countries, mostly Taiwan and Hong Kong. This is a story about two starkly contrasting however co-existing realities, globalising capital and slaved labour, a story what we learn from our journey.

Exodus

All over Thailand, there are estimated more than a million Burmese migrant workers from different ethnic groups in Burma, such as Shan, Karen, Burman, Mon and so on. Given the fact that the Thai-Burma border is 2,532 km long, it is not difficult to imagine that there are many routes for crossing the border, very often out of migrant control of both sides. Through those unofficial gates, thousands of Burmese cross the border. One would wonder why that many Burmese workers try to get into Thailand. The answer is rather very simple. It is because there are few opportunities for them to make a living in Burma. Burmese 'exodus' began seriously after the uprising of 1988, during which the military government killed thousands of people.

Many Burmese chose going abroad rather than living under the draconian dictatorship suffocating them to death. Subsequent civil wars between the military and armed ethnic groups also accelerated the migrant flow from Burma to Thailand in search for peace. Burma's worsening economic condition from the late 1990s also forces the Burmese to turn their back on their home, in search for jobs.

On the other side of the border, Thailand's fast economic development was the primary reason of the exodus of Burmese particularly to Thailand. During the boom in the early and mid-1990s, demands for labour, particularly cheap labour for labour intensive industries such as garment, textile, construction, fishery and food processing reached to the peak as the wage level for Thai workers began to increase in accordance with economic growth. Foreign capital as well as Thai capital started rushing into Mae Sot and other towns close to Thai-Burma border where cheap labour power was provided by migrant workers. At the time, Thai government did not have a clear immigration control. A loose control in fact benefited them because the free movement of migrant workers was in favour of their policies on the labour market. The inflow of migrant workers from Burma to Thailand actually contributed to imposing downward pressure on wage of Thai workers, which had been growing on the basis of extremely low unemployment, with a mere 1.2% of annual average unemployment rate between 1992 and 1997. Consequently, the existence of a large number of 'illegal' migrant workers was overlooked by Thai authority as it was helping stabilize otherwise steeper

increase in wage in Thailand. The government introduced a rather generous resolution in 1996, allowing migrant workers to be legally employed as unskilled workers in the 11 industrial sectors avoided by local Thai workers. Total 263,782 Burmese migrant workers registered for two-year labour contract, occupying more than 87% of the total registered migrant workers in Thailand. However, it was after the onset of the economic crisis in 1997 that the nature of the migrant policy of Thai government was finally revealed. As the crisis created a large scale surplus labour, the Thai government no longer needed to keep those migrant workers in their territory. Instead, the government began to accuse illegal migrant workers of worsening living conditions of Thai workers. Subsequently, loose control over the migration inflow was quickly replaced by hunt for Burmese undocumented workers, which ended with the massive deportation of more than 290,000 Burmese workers in 1999. It was not until 2001 that the Thai government announced a new policy that again allowed migrant workers to be employed in 10 types of industry. Total 447,093 Burmese workers registered by October 2001.

Migrant workers at the border town Mae Sot

In Mae Sot, there are estimated 80,000 Burmese migrant workers. They usually start their journey from Myawaddy in Burma to the border. Then they either took unknown routes in the forest, or cross the Moei River that provides each access to Maesot during dry season. Some of them pass through the official check points, where they are given a day visa and then never

go back. In spite of the re-launched registration policy of the Thai government from 2001, many of those migrant workers still remain unregistered. "There are many difficulties for them to register", said Moe Swe, a Burmese labour activist working for Yaung Chi Oo Workers Association. "Thai authority allows Burmese workers to register only in October and December so that workers arrive in other months have to wait to register for a long time. In the mean time, they are illegal workers. The registration fee is also a problem because 4500 Baht a year is too expensive for the workers". The most problematic, and I presume, core element of this registration is that workers cannot register without employers. "Workers who cannot find an employer quickly have to remain unregistered and have problems" said Moe Swe. According to Moe Swe and his colleagues in Yaung Chi Oo Workers' Association, there are so many employers taking advantage of this



Migrant routes to Mae Sot

Picture-AMC 2002

no employer-no registration policy against migrant workers. Since the registration is legally recognised only as long as one is employed, employers enjoy untouchable authority in the relations with their employees. "Workers cannot refuse overtime because, if they do, employers will fire them. They cannot get sick leave either", said Moe Swe. Worse still, they are reluctant to cover the registration fees for the workers. Instead, they pay registration fees first and later deduct it from workers wage. Then how much do those Burmese migrant workers earn in a month? Thai law sets up the minimum wage of 133 Baht (US\$ 3.2) in Mae Sot area. Also the law states that registered migrant workers are eligible for the minimum wage and other basic labour rights, just like Thai workers. However, in reality, it is a quite different story. Burmese migrant workers make only 40 to 80 Baht a day. The worst case was found in a garment factory, which a Hong Kong owner leased to Thai businessman to operate. The management in this factory was virtually deducting all the cost for accommodation, foods, and registration fee, consequently leaving only two hundred Baht (US\$ 5) for each worker at the end of the month. This is what they were making after working 11 hours a day, 6 days a week. Nonetheless, it is hard for the workers to protest against the management. Once they are dismissed, the registration will be ineffective within a week. For unregistered workers, it is even harder to complain. With a mere phone call to police, employer can get all of them deported to Burma and get ready to welcome new migrants workers with full of hope of a new life in Thailand. Arrest and deportation have become routine work for the police as well as the workers. As we passed by police vans patrolling to hunt illegal migrant workers, we could see many handcuffed men and women seating in the cage-like back seats of the van. To my surprise, they were so calm as if they knew what was going to happen to them from the beginning.

Fighting Back

We found that it was not at all unusual for the employers in Mae Sot to hire a group of gangster or so-called hit man in order to stabilize labour disputes. We met a dozen of workers mostly from Mon state, in a shelter provided by Yaung Chi Oo Workers Association. They were former workers in Nut Knitting Partnership Co. These 'registered' migrant workers organized a strike in solidarity with 19 Burmese illegal workers who were arrested by police in September 2002. "Employer did not keep the promise. He repeatedly said he would pay the fines for the arrested workers to be released. But he did not. It made us angry", explained one of the women workers in Nut Knitting Partnership Co. In the face of this unexpected workers' struggle, NKP employer decided to resolve this by giving them the traditional remedy. Gangsters, armed with iron pipes, attacked the workers when they left the factories

after meeting with employer on 4th October. Two workers got seriously injured and had to be hospitalized. However, far from pacifying the dispute, it led the workers to organize more concerted action against the employer; the first legal action against the crude discrimination and exploitation. They succeeded in pushing the labour court in Tak province to order the employer to pay 4.6 million Baht to the migrant workers to compensate the serious violation of minimum wage in Thai labour law. Trail is still going on as the employer refused to accept the court order. However, I found no fear in the eyes of those workers.

Certainly, not every labour dispute is as successful as Nut Knitting Workers' case. Labour dispute in the King Body Concept, Rian Thong garment factory ended up with massive deportation and dismissal (Bangkok Post 8th July). However, the current labour disputes clearly show that the migrant workers are not as submissive as they used to be. As far as the nature of migrant policy which deals migrant workers as one of the 'disposable' industrial inputs and as long as migrant policy is regarded as a mere tool of labour market regulation aiming to facilitate favourable business condition at the expense of both Thai and Burmese workers, there will be more actions taken by those workers.

Obviously, there is a lot to be done. Even if labour problems in Mae Sot has been publicized since the mid-1990s, the companies in Mae Sot has successfully avoided international criticism. Mae Sot's remoteness, Thai's economic crisis in 1997 and deteriorating living conditions in Burma throughout the 1990s contributed to justifying the inhumane treatment of Burmese workers by the employers and government. Worse still, suffering of migrant workers has not been a major concern of international labour groups largely because the brand names they produce have low recognition particularly in the West and therefore do not attract any consumer-based movement. Now it is the workers and local labour groups who initiate actions against the employers in Mae Sot, who have until now enjoyed their untouchable authority. Given the track record of Asian employers in Mae Sot, it is unlikely that the attempts of the workers to organize themselves will go without more repression. If they want to do so, this is the time for labour organizations to join their movement, before it is too late.

Epilogue

Having seen all of them, Mae Sot seems to me the place where globalization in the 21st century co-exists with pre-modern slavery. To put it another way, a modern form of slave labour is feeding globalising capital. The most alarming fact is that this peculiar contradiction will be inherited to the

next generation.

During our visit in Mae Sot, we had a



chance to visit a school for the children from migrant household. The school, which was in fact some sort of structure rather a building, stands in the middle of swamp. I asked a stupid question to one of the teachers. 'Isn't it in the middle of summer vacation?' when the next term begin?'. It took me just a few seconds to realize how stupid the question was. For this school there was no clear-cut distinction between vacation and term. Term begins when kids come following their mom and dad, i.e., migrant workers. Terms end when the family goes, either looking for other jobs or heading for detention centre for arrested migrant workers. Nothing can be guaranteed for the kids in the future. On the

VOICES OF MIGRANT WORKERS

way back, I saw another school. It was completely different from the one I had seen a few minutes before. With shining decoration on top of thirty-feet tall door, it was a Chinese school for the daughters and sons of those who run all these factories and other businesses. I did not have even a clue about what these people intended by building up this humongous school only a few minutes away from the cramped migrants school. What would those kids grown from two contrasting realities think of each other? If things went like this, globalization seemed to me too fragile to go any further. ###

Living and Working Towards the Burmese Democracy : Interview with Maung Zaw



The crowded afternoon at Shinchon on the Independence Day (Aug 15). FOA met Maung Zaw, a democracy activist and migrant worker from Burma, who has been working and living in Korea for about 9 years. Mr. Maung talks on his story with the democracy movement of Burma and the migrant worker issues in Korea.

EuyRyung (FOA Intern): When did you come to Korea?

Maung Zaw: I came here in October 1994 for the first time.

ER: What made you come here?

MZ: Since 1988, I had been involved in the democracy movement in Burma. Around 1993, many of the people involved were being arrested. This made me decide to leave my country. Many people left the country for Europe or other Asian countries. I was thinking of Japan and Korea for my refuge. But for Japan, I needed more money than I could afford. Thus, I decided to come to Korea.

ER: So, your motivation to come here was more in finding a political refuge outside Burma than in making money by becoming a migrant worker. Then, how was your first experience in Korea?

MZ: Before coming to Korea in 1994, I used to have this impression of Korea as a democratic and free country. So, I was expecting to do or learn what I want in Korea, and thought I could go back to my country, when it becomes democratized. But, as soon as arriving here, I had to face another problem. I came to Korea, thinking I will be away from the situation in my

country where people get arrested and cannot enjoy any freedom. But, soon after settling in Korea, I had to

realize that, although I was away from the “prison called Burma,” I was now incarcerated in a “prison called Korea.” I had to work all day for 13 hours, and had to stay with 7 people in a small room. I couldn’t speak Korean. Nor the people who used to stay with me in those days. How things work out in Korea was very new to me. This brought me trouble over trouble. Above all, I couldn’t help but feel that “the Korea” I used to dream about in Burma didn’t exist at all. I even had to think the Koreans are so evil. Unlike what I had expected before, I thought for myself that there was nothing to learn about this country, and there was no freedom here. Also, it was very hard to make friends with the Koreans. I could not find any room to do things beside my job at the factory. Besides, at my first job, I wasn’t paid for the first two months. Consequently, I had to think I was having even harder times than in Burma, even though I came here thinking to have a better life. I wished very hard to go back to Burma. This kind of situation lasted until the second and third year of my stay in Korea. But, still I would be arrested if I went back to Burma. So, I had to find a way to settle in Korea.

ER: When you came to Korea for the first time, were you an Industrial Trainee?

MZ: No. I had a business visa with me. It enabled me to stay here for 3 months legally. But, still as I was working in the factory with the business visa, you couldn’t say I was staying in Korea legally.

ER: Could you tell me about what was your life in Burma like, before coming to Korea?

MZ: In 1988, there was a nation-wide democracy rally across Burma. I was then a high school student. I was becoming involved in the democracy movements led by college students. I graduated from high school in 1988. But, I had to choose whether to go to college while giving up doing any activity for democracy movement, or to continue working for the democracy of my country. I chose to go on with the democracy movement, giving up the opportunity to study in the higher education. For the 6 years since then, I was involved in the democracy movement led by college students. But, I had to see more people getting arrested. In the meantime, there were problems of communication between the expatriate Burmese people and Burma based activists. I had to face some personal problems, too. My family didn’t want me to get arrested and sent to jail. They rather wanted me to leave the country.

ER: I hear you have been involved with an organization called the NLD (National League for Democracy) in Korea. Could you tell me about what the NLD is working for?

MZ: There was a huge demonstration in 1988 in Burma. During 1988 and 1989, there appeared many kinds of organizations and political parties. Among them, there was the NLD led by Aung San Su Kyi. Then, I wasn’t

still involved in any of those organizations or political parties. I was working with college students’ organization. However, after coming to Korea, I joined the NLD in Korea in 1998. In the 1990 national election, they won by receiving 82 votes. However, the military government refused to accept the result of the election. Also, they arrested many of the NLD members. This situation made many NLD members escape from Burma for other countries in the 1990s. The people who left Burma in the 1980s were mostly students. But, in the 1990s, many NLD members started leaving the country. Many of these people established branches of the NLD in the countries where they found asylum. You can find NLD in Korea, Japan, USA, Australia and Europe.

ER: So, you started working for the NLD Korea since 1998. Please tell me about your activity at this organization.

MZ: I worked as the Student Coordinator at the NLD Korea from 1998 to 2002. I quit working for the organization early this year. While working there, I was involved in educating the local civil organizations and the students’ organizations about the situations in Burma and arousing supports from those organizations. Also, by doing so, I sought a way to make solidarity between the Korean civil organizations and the



A Burmese activist protesting for the release of Aung San Su Kyi in front of the Parliament in Seoul

Burmese people for democracy. As foreigners are restricted of doing any political activities in Korea, organizing activities jointly with local people turned out to be more effective.

ER: Why did you decide not to work for the NLD anymore?

MZ: What I thought was that you can also work toward the democracy of Burma through NGO activities. It is not that you have to be in a political organization or party to make your society democratized. Thinking that I will be able to do something for the democracy of Burma in the future, I realized that I needed to learn more about how civil activities work in Korea. What I

basically think is that you could make the dream of democratic society, through many directions and methodologies. One may work in the political parties, or may work in the civil organizations. But, still the goal behind their commitment should be in achieving democracy. Burma was enjoying a democratic system between 1948 and 1962. But, soon the country underwent the military dictatorship. I have been wondering about this for a long time. What I thought was that maybe it was due to the absence of civil groups and organizations. Even though India and Pakistan achieved independence in the same year, India didn't see any kind of military coup, whereas Pakistan had to. I can find the reason of such situation in that India has had a lot of civil and people's groups, whereas Pakistan had fewer such groups. What I think is that civil or people's groups and organizations play a very important role in making a society democratic and safe from any kind of military dictatorship. A country needs not only politicians, but also civil groups and activists. So, while staying in Korea, I wanted to learn more about NGO activities and practice civil activities. This is why I decided to commit more time in the NGO activities than at the NLD.

ER: You have been working for the democracy of Burma, while working and living in Korea. Now, I would like to ask how your life as a migrant worker in Korea was like...

MZ: When I was having hard times for my first years in Korea, I wanted to protest against my boss who wasn't paying me. I realized that it wasn't only me who was suffering, but there were many migrant workers like me. But still, it was not that every Korean "sajangnim" was mistreating foreign workers. There should be good people as well as bad people. I thought there should be a good and productive way to solve this problem. There were many Christian organizations and NGOs working for the migrant workers. Besides, I met Burmese people and their groups who came before me and were already organizing their own community. I thought I could do something good for migrant workers, working with those organizations. I started getting involved in NGO activities for human rights of migrant workers. But, I found that, if you do not know the Korean language and culture, you couldn't possibly communicate with the local workers and activists. Then, I started learning about Korea and I could then understand how things work in Korea. I found that

there were a lot of things I could learn from Korea. You could work for both the democracy of Burma and also for the human rights of migrant workers here. Two can go together hand in hand. Also, I found that people should get together for a collective action to solve

Children of Ya Mon Na School at the Burmese-Thai Border

various problems, which might look distant, but still are very related. Since 1994, migrant workers living in Korea are having more or less better condition, with much support from the Korean NGOs and people.

ER: So, you think the Korean activists did a lot in changing the condition of migrant workers here. Then, I would wonder how much the migrant workers themselves contributed in bringing positive changes to their own lives and also to the Korean society in general.

MZ: Of course, many migrant workers have been fighting to achieve basic rights by themselves. However, without the local support, they will have to face harder situation. And, vice versa, without the supports from the workers' side, Korean activists cannot bring a real change nor continue their activity. Behind the changing condition, there has been a collective action between Korean activists and migrant workers. Migrant workers should keep on working towards the achievement of their basic human rights. With the supports and cooperation with Korean NGOs, we will be able to make a better society.

ER: Well, before you talked about why you decided not to work at the NLD Korea. I guess you already have a specific plan after going back to Burma. Would you tell me about it?

MZ: While living here, I would like to learn specifically about how civil organizations and movements work. Especially, I am interested learning more about the realities of social minorities like migrant workers, disabled people and so on. Already, I am preparing for my plan to build an organization for those underprivileged people in Burma. I think there are a lot of things you can do now, even though the country isn't seeing a change in the political arena. There are many refugees and migrant workers in the Burmese-Thai border. There are about 100,000 children living at the border. These children do not belong either to Thailand or to Burma. There is no state that is protecting them. They are barred of going to either of those countries. If you do not get any education, there is no use of having a democratic country. There are about 135 different ethnic groups in Burma. The children of many ethnic minorities are not given opportunities to have a formal education. If this kind of situation remains with no interference, it will bring more serious problems afterwards. I am supporting those children in cooperation with the Friends of Asia and the Buchon



Migrant Worker's Center.

ER: Well, I enjoyed a lot listening to your stories. I wish I could get to know more about your opinions and experiences. But, I guess I should wait for another chance and conclude today's interview here. Thank you very much for coming. And, good luck with your activities!

MZ: Thank you. ###

URGENT APPEAL

AUSTRALIA:

Stephen Khan was released after five years of immigration detention

Dear Friends

We are pleased to be able to give you good news that Mr. Stephen Khan, a Kashmiri asylum seeker, was released on 6 August 2003 after five years of immigration detention.

Federal court judge Malcolm Lee agreed to place an interim injunction against immigration Minister Philip Ruddock enabling 28 year-old Stephen Khan to be released until a Federal Court hearing into whether his indefinite detention is lawful. The hearing could be six to eight months away.

Mr. Khan was arrested and tortured by the Indian government before fleeing the disputed territory in 1998. He had been in detention in Australia since 9 September 1998 after failing an asylum claim. (To see the full story of the case of Mr. Stephen Khan, please visit the previous AHRC urgent appeals: UA-09-2002: AUSTRALIA: 'Last resort' for asylum seeker Stephen Khan, UP-19-2002: AUSTRALIA: No response from Minister on asylum case)

However, the Federal Court released Mr. Stephen Khan on certain conditions and there still exists the possibility of his deportation to India. The conditions include that he has to reside at certain place and shall not live elsewhere; he has to report in person two times and by telephone three times each week to the office of the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) and he has to leave if the Australian government orders him to leave.

Mr. Khan's lawyer, John Cameron, has foreshadowed a constitutional challenge, arguing that the government has been illegally using Mr. Khan's detention as a deterrent and a punishment.

The AHRC requests you to write letter to the Minister for Immigration and Multicultural Affairs to pressure DIMIA to desist in its actions against Stephen Khan. In addition, your action is needed to change the policy of the Australian government against asylum seekers.

Suggestion Action

Please send a letter to:

1. Philip Ruddock, MP
Minister for Immigration and Multicultural Affairs
Suite MF 40
Parliament House
Canberra ACT 2600
AUSTRALIA
TEL: +61 2 6277 7860
FAX: +61 2 6273 4144
EMAIL: minister@immi.gov.au
SALUTATION: Dear Minister

SEND COPIES TO:

1. John Howard MP
Prime Minister
House of Representatives
Parliament House,

Canberra ACT 2600

AUSTRALIA

TEL: +61 2 6277 7700

FAX: +61 2 6273 4100

SALUTATION: Dear Prime Minister

Also you can send an email via his home page:

<http://www.pm.gov.au/youreedback/feedback.htm>

2. Prof. Dr. Ruud Lubbers

United Nations High Commissioner for Refugees

C.P. 2500

Geneva 2,

SWITZERLAND

TEL: +41 22 739 8111

EMAIL: webmaster@unhcr.ch

SALUTATION: Dear High Commissioner

PLEASE MARK: ATT - HIGH COMMISSIONER

LUBBERS

Suggested letter:

Dear Minister

I'm very pleased to know that Mr. Stephen Khan, a Kashmiri asylum seeker, was released by the decision of the Federal Court on 6 August 2003 after five years of detention by your department. I urge you to desist in your legal action against Mr. Khan, and now permit him to reside peacefully in Australia, as was his original intention.

Sincerely yours,

--

The above letter was sent from the Asian Human Rights Commission (Unit D, 7 Floor, 16 Argyle Street, Mongkok Commercial Centre, Kowloon, Hong Kong SAR/ Tel: +(852)-2698-6339, Fax: +(852)-2698-6367,

E-mail: ahrchk@ahrchk.org, Web: www.ahrchk.net

FREE ELECTION TO COME IN BURMA?

"In an important policy speech, the newly-appointed Prime Minister, General Khin Nyunt, said the government would restart a national convention to draw up a new constitution which would lead to a free and fair election. However, he gave no timetable for releasing the opposition leader Aung San Suu Kyi, nor any suggestion that the military was ready to give up its hold on power. Until that happens, there's unlikely to be any easing of the isolation imposed on Burma by western and other governments who are still waiting for convincing signs that the military really is willing to share power. Five days after being appointed prime minister, General Khin Nyunt chose to deliver his first speech to the nation in full military uniform, a visible symbol of the armed forces reluctance to retreat from the political stage.

Despite the bold promise of a seven-point plan to restore democracy in Burma, there were no details about how or when this might happen. According to witnesses - the speech was not open to the media or foreign diplomats - the prime minister said a constitutional convention would be reconvened to prepare the way for new elections. That alone will not reassure the military regime's critics. The last free elections, in 1990, were won resoundingly by the opposition National League for Democracy (NLD).

But the generals simply locked up many NLD members and refused to recognise the result, and the NLD walked out of the last constitutional convention eight years ago because it was still weighted in favour of the military. Crucially, there was no mention by Khin Nyunt of when the NLD leader, Aung San Suu Kyi, will be released, or of any meaningful role for her in the roadmap."

<From <http://news.bbc.co.uk/1/hi/world/asia-pacific/3194033.stm>>

FOA WORKERS

The Counseling Team



Shim Jung-in, who works as publishing coordinator and translator, talks about her experience at the counseling team of FOA.

FOA: What made you get involved in the counseling work at FOA?

Shim: I usually like listening to others and their problems. While assisting people with their problems for a long time, counseling became like my first job now. I joined the counseling team at the Friends of Asia, thinking migrant workers are the very people who need to be listened to.

FOA: What have you felt so far through your activity at FOA?

Shim: I found there are serious verbal and physical violations going on against foreign workers by the employers. There are many people who do not even feel ashamed of delaying payment. Also, I think the degree of people's awareness of human rights is surprisingly low.

FOA: What is your future plan for your counseling job at FOA?

Shim: 1) Assisting migrant workers to have capacity to solve their own problems, 2) Making a manual for migrant workers, 3) Making a manual for counselors ###

CONTINUED FROM PAGE 10

...Mga benepisyo sa mga kasaping members ay ang sumusunod:

- * Benefits for members
 - A. sa llahat ng member matapos na magbayad ng membership fee)
 - a. 60-70 percent discount sa mga kasaping ospital at private clinics.
 - b. Pagpapagomot sa mga Public hospitals ay itatratang kapareho ng mga Koreans.
 - c. 40 percent discount sa mga kasaping general hospital
 - B. Mga karapatan at mga benepisyo (matapos ang tatalong buwan natuloy tuloy na member)

Karagdagang benepisyo labas sa nabanggit sa A, 50% of medical expenses ay ma-i-re-reimbursed sa mga kasaping nagkaroon ng operasyon, hospitalization at emergency case. Ang bawat kasapi ay maaring makakuha ng hangang sa maximum na 4 million Korean Won (about 3,334 US\$) sa pagpapagomot medical.

- * Requirements for membership application
 - Two photos
 - Passport or copy of it
 - Membership fee: membership processing fee - 5,000 Won (entrance fee)
 - monthly fee - 6,000 Won

Kailangan ng mas marami pang partisipasyon ng ibang sektor

Ang problemang kinaharap ng noon ay: Pagiging malayo ng mga ospital na kasapi sa mga tirahan ng mga migrante, kakakulangan ng pag-unawa sa sistema ng MUMK, hindi tuluy-tuloy na pagbabayad ng membership fee matapos na makapag-re-inbursed ng pagpapaospital; may ilang mga ospital na ayaw na magmember dahil sa kawalan daw ng kasiguruhan ang MUMK dahil sa pagiging NGO nito. ganun pa man naniniwala ng MUMK na kailangn na tumulong sa kabila ng mga suliraning kinakaharap nito.

Ang pangunahing tungkulin ng MUMK ay ang magpasulpot ng pinansaya, makipagnegosasyon sa mga ospital, magbigay ng pag-aaral na kailangan ng mga member. Ang ilan sa mga pinagkukunan ng pondo ng MUMK ay ang Community Chest of Korea, Ministry of Administration and Home Affairs atbp.

Mula ng itatag ang MUMK sa halos mahigit apat na taon, nagkaroon ito ng pagkilala sa mga members at mga ospital. Pero hindi pa rin nakasapat ang bilang ng mga asosasyon lalo na't sila ang mga mayor na benebisyaryo. Ang Tuluy-tuloy na pakiki-isa ng mga ospital din ay mahalaga ditto

Ganun man, ang usapin pa rin ng maayos at makatarungang patakaran at batas para sa migrante ng Korean government pa rin ang mas pangunahin sa iakbubuti ng sitwasyon ng mga migranteng manggagawa sa Korea. ###
(Translated by Mark Padlan)

NGO NETWORK

한살림

The Hansalim Goyang

The word “Hansalim” was coined by the famous Korea poet Kim Ji Ha. But, Hansalim itself is not just a poetic word. Hansalim is an NGO established 18 years ago, in order to promote ecologist ideas side by side with the democracy movement. It aims to establish a deeper understanding of the importance of the traditional agricultural production on an environment-friendly process.

The Goyang branch of the Hansalim was established 4 years ago and set a very special and precise way of concretizing its objective. As Korea is heavily dependent on agricultural imports -96% of agricultural products are imported- the Hansalim aims to encourage protection and development of the traditional and environment-friendly production of food.

While many environment NGOs are more or less concerned of issue making, the Hansalim is farmers-based or grassroots-based. It directly links the farmers and the consumers. This way, there will be no third party or business entity between the consumers and the farmers as producers. The farmers are protected from the fluctuating prices of products, because the consumers include the membership of the Hansalim. The members of the Hansalim are also encouraged to boycott the non-traditionally-produced products that are environmentally degrading.

Concretely, as part of its program, the Hansalim is establishing links with local schools, so that the food children will eat at the school canteen will be of better quality.

Education is also a key to understand the importance of environment and traditional ways of production, which is much more environment friendly. The Hansalim Goyang organizes series of small group discussion among mothers, consumers and its members. They also encourage consumers to eat and consume these products instead of the “fast food” products, and to change their eating habits.

Part of the education program is the rural exposure program, which aims to enable consumers and urbanites to understand the process of agricultural production.



For more information about the Hansalim Goyang, please contact Park Yeon-ju at (411-838) Goyang-si Ilsan-gu Juyup 2-dong 18-1 Dongmun City Plaza 505, Tel: (031) 913-8647 Fax: (031) 919-4791 URL: <http://www.hansalim.or.kr>

Anti-War Rally in Goyang · Paju

On the June 11 2003, the "Goyang · Paju Civil Solidarity for Anti-War and Peace" (tentative name) was founded by NGOs based in Paju and Goyang.

The member organizations are the Goyang Citizen's Association, Goyang Women's Association, Democratic Labor Party, Korean Confederation of Trade Union, Korea Party for People's Reform, Hansalim Goyang, the 8·15 Practice Group of Hankuk Aviation University, and the Friends of Asia. The "Solidarity for Anti-War and Peace" aims to bring the Goyang and Paju residents together in championing the cause of anti-war and peace. ###



FOA UPDATE

FOA Leadership Training Program



The Leadership Training Program for migrant workers is so far very successful and is now on its 4th session. A total of 40 participants have registered since the Program started. The 2nd Session was attended by overwhelming 21 participants. It was highlighted by a comprehensive discussion focusing on the Korean society. Though we were just in the first session, the participants gave us sincere comments regarding matters of topic, translation, and time organization. Participants also had opportunity to reflect the Korean culture in the way they experienced so far and compare with their home cultures.

On the 3rd session, a total of 24 participants came. It was highlighted by a very timely discussion on the Employment Permit System. Most of the participants expressed their opinions on the new law. Since many participants were undocumented migrants, the topic brought about many questions on what they can do, given that the said bill covers not every undocumented migrant. Many of the participants posed challenging comments on how and what can be done in the future, challenging both lawmakers and NGOs working for migrant worker issues including the FOA.



Jobhee, a Bangladeshi migrant worker, making comments during the 4th session

The 4th Session focused on discussing and sharing on the Korean Labor Law. The discussion particularized some important provisions on the labor law that concerns migrant workers. The session encouraged the participants to learn and share their experiences, where they have fallen victims of employer's ignorance and violations of the current labor law. "If only they have known and understood the existing labor laws earlier", they could have dealt with their employers more effectively and properly. However, still, due to their undocumented status, some participants appeared dependent on the local NGOs to assist or "act" for them. On the other hand, the day's facilitator, Seok Won-jung, challenged this kind of attitudes, pointing out that any improvement of migrants' situation can be realized only with the continued and united assertions of migrants themselves. Same way as the Korean workers achieved certain victories in their working conditions.

The next three sessions are expected to be held on succeeding Sundays. More interesting topics are to be shared, including the issue of migrant women's experiences in Korea and migrant community activities and organization. ☺☺

FOA Summer MT on August 2-3



Before leaving for Jechun, Chungchungbuk-do

Last August 2-3 2003, activists, migrants and members of the Friends of Asia gathered for summer membership training (MT) at Chungchungbuk-do. The trip was a part of the leadership training, which is currently being held in series every Sunday. The trip gave all the participants a chance to get to know each other, and develop bond among themselves, regardless of nationalities.

A total of 60 participants enjoyed and experienced a colorful MT. The MT featured games such as soccer, sepak takraw, and jumping rope. Korean song accompanied by actions called “Pawi Chorom” added spice before the whole day’s activities get started.



FOA friends into the water!

In the afternoon, participants enjoyed a refreshing dip in the valley near the Worak Mountain. The whole activity was concluded by a simple evaluation reflection games among participants. ☺☺

Peace Rally Bike Ride!

Last July 27 2003, migrant workers and members of Friends of Asia, together with members of the Democratic Labor Party Ilsan Region, scoured the streets from Walmart to Imjingak on their bikes.



Odeal (Uzbekhistan), Lee Young-ja (Korean Language Teacher) and Lingu (India)



Activists, friends and volunteers of FOA got together for peace and friendship!

The peace rally on bike was organized to commemorate the 50th year of peace treaty and truce between North Korea and South Korea. The rally called for the permanent peace in the Korean peninsula.

“Sweat out the extra fat to stay fit and healthy” was also one of the objectives of the biking event. It also aims to encourage migrants and Korean citizens to develop a healthy camaraderie. ☺☺

UPDATE ON EPS [INDONESIAN]

Sistem Perizinan Ketenagakerjaan

Di bawah Sistem Perizinan Ketenagakerjaan, pekerja-pekerja asing di Korea adalah....

-Pekerja yang diakui di dalam daftar standar buruh

-Jaminan yang mencakup 3 hak pekerja(antara lain: hak untuk bersekutu, hak untuk menawar bersama, dan hak untuk beraksi bersama)

-Aplikasi sistem upah minimum yang resmi

-Ahli waris masa pensiun dan premi

-Ahli waris dalam asuransi sosoal

-Di bawah pembayaran obligasi pajak nasional dan pajak kehidupan

-Di bawah pembaruan kontrak kerja setiap 3 tahun

-Tidak diperbolehkan pindah tempat kerja, kecuali dalam keadaan darurat. contoh: Pabrik tutup dan tidak ada kegiatan bisnis, dan adanya penunggakan gaji.

-Larangan yang keras bagi pendatang yang tidak resmi.

Para pekerja pendatang yang tidak resmi/pekerja Illegal akan dipecah dan diganti dengan pekerja yang resmi.

> Sistem Perizinan Ketenagakerjaan diterbitkan selama 3 tahun masa kerja, bagi mereka yang tinggal di Korea tidak lebih dari 3 tahun di harap melaporkan diri dengan suka rela sampai dengan bulan maret 2003. Yang tinggal di Korea lebih dari 3 tahun dan kurang dari 4 tahun akan dibutuhkan pengecekan kembali dokumen kerjanya. Apabila seseorang telah tinggal di Korea lebih dari 4 tahun, mereka terlebih dulu pulang dan mendapatkan visa yang baru.

-Sistem Perizinan ketenagakerjaan tidak menghalangi kedua arus dan persinggahan yang potensial untuk waktu yang lama
-Sistem Perizinan Ketenagakerjaan akan menghalangi kekuatan-kekuatan tenaga ahli

> Saat Sistem Perizinan Ketenagakerjaan lebih dipusatkan bagi mereka yang ingin berganti tempat kerja, karena Sistem Perizinan Ketenagakerjaan ini untuk menanggulangi adanya sistem mobilitas pekerja.

-Sistem perijinan ketenagakerjaan mudah disalahgunakan oleh para pekerja dan ini bisa mengakibatkan adanya pelanggaran hak azasi manusia

-Pengaturan mobilitas pekerja akan cacat dengan adanya penetapan 3 azas kerja.

> Prosedur penetapan Sistem Perizinan Ketenagakerjaan. Keputusan oleh Komite Perundang-undangan Tenaga Kerja Internasional; mengenai jenis industri jumlah buruh, dan

negara-negara untuk kontrak.

-Kontrak antara pemerintah Korea dengan negara-negara pengirim

-Pendaftaran bagi pelamar- pelamar kerja(pemerintah)

-Penyaluran kekurangan tenaga kerja dikonfirmasi bagi para pekerja (menteri tenaga kerja)

-Seleksi bagi tenaga kerja asing (pekerja dan menteri tenaga kerja)

-Kontrak kerja antara pengusaha dan pekerja asing

-Penerbitan sertifikat persetujuan visa untuk para pekerja asing (menteri kehakiman)

-Undangn bagi para pekerja asing (pekerja asing)

-Menteri tenaga kerja akan membuat menejemen pekerja; dan Menteri kehakiman akan mengesahkannya.

*** Kebijakan-kebijakan pekerja asing di negara-negara lain**

-Jerman (Sistem Perizinan Kerja)

Pekerja asing nasional dari negara-negara non-EU diatur dengan izin sementara dan izin kerja; Setelah menerima izin sementara seseorang boleh mendapatkan izin kerja. Izin kerja tidak termasuk kerja sementara atau kerja bebas dari masa tinggal yang sudah ditetapkan, atau type-type pekerjaan dan tempat.

-Taiwan (Sistem Perizinan Ketenagakerjaan)

Pemerintah Taiwan membuat Sistem Perizinan Ketenagakerjaan pada tahun 1992, mengikuti perbaikan yang tadi, "Pelayanan hukum pekerja" dan "Pembuatan izin kerja bagi pekerja asing" . Persoalan-persoalan pemerintah di sini mengenai pengusaha , bagaimana mengeluarkan izin kerja bagi para pekerja . "Pelayanan hukum pekerja " termasuk sistem upah minimum bagi para pekerja asing. Ketika jaminan kerja dibutuhkan oleh para pekerja Taiwan yang mempunyai gaji tinggi, sistem upah minimum ini bisa mencegah pemerasan bagi tenaga kerja asing.

-Hongkong (Sistem Perizinan Ketenagakerjaan)

Ujian pemerintah Hongkong, apakah menerima dan membutuhkan pekerja asing untuk di undang sebagai pekerja. Persoalan-persoalan pemerintah mengenai izin kerja, sertifikat kerja bagi pekerja. Pada prinsipnya, perpanjangan dan pembaruan izin kerja adalah larangan. Sistem Perizinan Ketenagakerjaan di Hongkong tidak mengizinkan adanya mobilitas pekerja, atau mengganti jenis kerja dan tempat kerja, maupun jam kerja wajib. ###

(Translated by Margiyatno Daan, aka Yanno)

EPS BILL [Thai]

พระราชบัญญัติฉบับคัดลอก:**ฉบับร่าง พระราชบัญญัติระบบอนุญาตการทำงานของแรงงานต่างชาติ**

(เสนอโดย นายลี เจง และสมาชิกรัฐสภาแห่งเกาหลีใต้จำนวน 32 คน)

เลขที่เสนอ: 2008

วันที่เสนอ: 13 พฤศจิกายน 2546

วัตถุประสงค์ของร่างนี้

- เพื่อตอบสนองการจัดการหางานและการพัฒนาที่สมดุลของเศรษฐกิจของชาติโดยการอนุญาตให้มีการจ้างแรงงานต่างชาติในภาคอุตสาหกรรมซึ่งประสบภาวะขาดแคลนแรงงาน
- เพื่อคุ้มครองโอกาสในการมีงานทำสำหรับประชาชนเกาหลีและเพื่อบริหารจัดการแรงงานต่างชาติให้เป็นระบบ
- เพื่อป้องกันการละเมิดสิทธิมนุษยชนต่อแรงงานต่างชาติและเพื่อพัฒนากลไกระดับสถาบันเพื่อประกันสิทธิของแรงงานต่างชาติ

หลักการสำคัญ

- ก. การตั้งคณะกรรมการศึกษานโยบายการจ้างงานแรงงานต่างชาติ (ต่อไปนี้จะเรียกว่าคณะกรรมการ) ซึ่งประกอบไปด้วยผู้แทนจากภาคแรงงาน, นายจ้าง, นักการเมือง และผู้เชี่ยวชาญจากองค์กรพัฒนาเอกชน เพื่อศึกษาและกำหนดนโยบายการจ้างงานและการคุ้มครองสิทธิของแรงงานต่างชาติ (มาตรา 7)
- ข. กระทรวงแรงงานจัดทำแผนการนำเข้าแรงงานต่างชาติและทำการประกาศให้ทราบทุกวันวันที่ 1 ตุลาคมของทุกปีแผนดังกล่าวจะวาดด้วยประเภทและขนาดของบริษัทซึ่งแรงงานต่างชาติสามารถเข้าทำงาน และจำนวนของแรงงานต่างชาติในแต่ละภาคอุตสาหกรรม (มาตรา 4)
- ค. นายจ้างซึ่งต้องการจ้างงานแรงงานต่างชาติต้องจดทะเบียนในครั้งแรกและต้องได้รับการเอกสารยืนยันการขาดแคลนแรงงานจาก ศูนย์ความมั่นคงการฝึกอาชีพ (Vocation Stabilization Center) กระทรวงแรงงาน (มาตรา 5)
- ง. สัญญาระหว่างนายจ้างและแรงงานต่างชาติต้องเป็นแบบฟอร์มสัญญาแรงงานมาตรฐานซึ่งต้องลงนามโดยแรงงานต่างชาติและ รัฐมนตรีว่าการกระทรวงแรงงาน โดยระยะเวลาสัญญาการจ้างงานไม่เกิน 1 ปี ทั้งนี้สัญญาดังกล่าวสามารถต่ออายุได้สูงสุดไม่เกิน 3 ปี (มาตรา 7)

ฉบับเต็ม**พระราชบัญญัติระบบอนุญาตการทำงานของแรงงานต่างชาติ****บทที่ 1 ระเบียบทั่วไป**

มาตรา 1 (วัตถุประสงค์) วัตถุประสงค์ของพ.ร.บ.ฉบับนี้คือเพื่อกำหนดขั้นตอน, สิทธิ, และความรับผิดชอบของการจ้างแรงงานต่างชาติในสาธารณรัฐเกาหลี

นอกจากนี้ยังรวมทั้งการห้ามมิให้มีการเลือกปฏิบัติและให้การคุ้มครองสิทธิขั้นพื้นฐานแก่แรงงานต่างชาติ

มาตรา 2 (ขอบเขตการบังคับใช้) พ.ร.บ.นี้นิยาม "แรงงานต่างชาติ" ว่า คือบุคคลต่างชาติซึ่งมิได้เป็นพลเมืองของประเทศเกาหลี ซึ่งทำงานหรือพยายามทำงานในเกาหลีเพื่อรับค่าตอบแทน พ.ร.บ.นี้ไม่หมายรวมถึงบุคคลต่างชาติซึ่งทำงานอยู่ในภาควิทยาศาสตร์, เทคโนโลยี แลบันเทิง

มาตรา 3 (คณะกรรมการ) ให้ก่อตั้งคณะกรรมการศึกษานโยบายเพื่อการจ้างงานแรงงานต่างชาติ (ต่อไปนี้จะเรียกว่าคณะกรรมการ) เพื่อศึกษาและกำหนดนโยบายการจ้างงานและการคุ้มครองสิทธิของแรงงานต่างชาติ คณะกรรมการนี้ประกอบด้วยสมาชิกจำนวน 20 หรือน้อยกว่า ซึ่งเป็นตัวแทนจากแรงงาน, นายจ้าง, นักการเมือง, และผู้เชี่ยวชาญจากองค์กรพัฒนาเอกชน ในกรณีนี้ให้มีจำนวนตัวแทนจากคนงานและนายจ้างฝ่ายละเท่า ๆ กัน

พ.ร.กโดยประกาศของประธานาธิบดีจะบัญญัติรายละเอียดกิจกรรมของคณะกรรมการ อาทิ การจัดโครงสร้างองค์กรและการจัดการ

- มาตรา 4 (หน้าที่ของคณะกรรมการ) คณะกรรมการจะทำการศึกษาและกำหนดในหัวข้อต่าง ๆ ดังต่อไปนี้
1. ประเภทและขนาดของธุรกิจที่สามารถจ้างแรงงานต่างชาติได้ และจำนวนของแรงงานต่างชาติในแต่ละประเภทกิจการ
2. ระยะเวลาการจ้างงานแรงงานต่างชาติ
3. กระบวนการส่งออกแรงงานต่างชาติสู่ประเทศเกาหลีของประเทศซึ่งเป็นผู้สัญญา
4. ประเด็นที่เกี่ยวข้องกับการส่งกลับแรงงานต่างชาติกลับประเทศต้นทาง
5. ประเด็นอื่น ๆ ที่เกี่ยวข้องกับการนำเข้าแรงงานต่างชาติและการคุ้มครองสิทธิและผลประโยชน์ของแรงงาน

กระทรวงแรงงานต้องมีการจัดทำแผนเพื่อการนำเข้าแรงงานต่างชาติและประกาศให้ทราบอย่างเป็นทางการภายในวันที่
ตุลาคมของทุกปีโดยพิจารณาจากรายงานการศึกษาและการปรึกษาหารือ

1

บทที่ 2 การจ้างงานแรงงานต่างชาติ

มาตรา 5 (เอกสารยืนยันการขาดแคลนแรงงาน) นายจ้างซึ่งต้องการจ้างแรงงานต่างชาติต้องลงทะเบียน ณ ศูนย์ความมั่นคงการ
ฝึกออาชีพ (Vocation Stabilization Center) (ต่อไปนี้จะเรียกว่า ศูนย์) เพื่อการคุ้มครองโอกาสการจ้างงานของแรงงานเกาหลี
หัวหน้าศูนย์ต้องออกเอกสารยืนยันการขาดแคลนแรงงานเมื่อคำร้องตรงตามข้อกำหนดของพ.ร.ก. โดยประกาศของประธานาธิบดี
เอกสารยืนยันการขาดแคลนแรงงานจะมีผลบังคับใช้ได้ 3 เดือน
และสามารถนำมาใช้ระยะเวลาได้หากมีลักษณะตรงตามพ.ร.ก. โดยประกาศของประธานาธิบดี

มาตรา 6 (การคัดเลือกแรงงานต่างชาติ) นายจ้างซึ่งได้รับเอกสารยืนยันการขาดแคลนแรงงานตามขั้นตอนในมาตรา 5 ข้างต้นนี้
ต้องคัดเลือกแรงงานต่างชาติจากบัญชีรายชื่อแรงงานต่างชาติของกระทรวงแรงงาน
พ.ร.ก. โดยประกาศของประธานาธิบดีจะกำหนดขั้นตอนและกระบวนการการสมัครงานในเกาหลีของแรงงานต่างชาติ
ระบบให้ศูนย์ ณ กระทรวงแรงงานมีหน้าที่ในการคัดเลือก, การไกลเกลี่ย และการว่าจ้างแรงงานต่างชาติ

มาตรา 7 (สัญญาแรงงาน) นายจ้าง ซึ่งได้คัดเลือกแรงงานต่างชาติตามมาตรา 6 ข้างต้นแล้ว ต้องทำสัญญา
โดยใช้เอกสารสัญญาแรงงานมาตรฐาน ซึ่งรับรองโดยรัฐมนตรีว่าการกระทรวงแรงงาน ข้อกำหนดที่จำเป็นอื่น ๆ อาทิ
กระบวนการทำสัญญา และระยะเวลาเริ่มต้นสัญญาจะกำหนดโดยพ.ร.ก. โดยประกาศของประธานาธิบดี
ระยะเวลาของสัญญาต้องไม่เกิน 1 ปี โดยสามารถต่ออายุการจ้างงานได้ภายในระยะเวลา 3
ปีนับจากวันที่แรงงานต่างชาติเดินทางเข้าประเทศ ในกรณีของการต่ออายุนั้น ระยะเวลาของการต่ออายุต้องไม่เกิน 1 ปี
หากเกิดสถานการณ์ที่จำเป็นซึ่งอยู่นอกเหนือข้อกำหนดข้างต้น
ซึ่งจะกำหนดโดยพ.ร.ก. โดยประกาศของประธานาธิบดีสัญญาแรงงานสามารถต่ออายุได้เพิ่มอีก 2 ปี

มาตรา 8 (เอกสารอนุญาตการออกวีซ่า) นายจ้างซึ่งได้ทำสัญญาตามมาตรา 7 ข้างต้นนี้แล้วต้องยื่นขออนุญาตการออกวีซ่า ณ
กระทรวงยุติธรรม เอกสารที่ต้องนำมายื่นประกอบด้วยเอกสารสัญญาแรงงานมาตรฐาน และเอกสารอื่น ๆ
ซึ่งกำหนดโดยคำประกาศของกระทรวงแรงงาน ยกเว้นกรณีที่ไปไปตามมาตรา 9 แห่งพ.ร.บ.คนเข้าเมือง
รัฐมนตรีว่าการกระทรวงยุติธรรมสามารถปฏิเสธการออกวีซ่าให้แก่แรงงานต่างชาติในสถานการณ์ดังต่อไปนี้

1. หากบุคคลต่างชาติป่วยเป็นโรคที่ติดต่อกันได้โดยการสัมผัส
2. หากบุคคลต่างชาติถูกระบุว่าเกี่ยวข้องกับอาชญากรรม
3. หากบุคคลต่างชาติละเมิดพ.ร.บ.คนเข้าเมืองของเกาหลี หรือกฎหมายการจ้างงานแรงงานต่างชาติ
และเมื่อระยะเวลาการห้ามเข้าประเทศเกาหลียังคงมีผลบังคับใช้
4. กรณีอื่น ๆ ที่กำหนดอยู่ในพ.ร.ก. โดยประกาศของประธานาธิบดี

บทที่ 3 การจัดการแรงงานต่างชาติ

มาตรา 9 (การประกันหรือการวางเงินเพื่อการส่งกลับหลังจากสัญญาสิ้นสุด)
นายจ้างต้องเป็นผู้ทำประกันโดยมีแรงงานต่างชาติเป็นผู้รับประโยชน์การประกันจากการวางประกันหรือการวางเงินเพื่อการส่งกลับ
หลังจากสิ้นสุดสัญญาตามพ.ร.ก. โดยคำประกาศของประธานาธิบดีในกรณีที่นายจ้างได้ทำการประกันไว้ตามข้างต้นนี้แล้ว
ให้ถือว่าเป็นการจ่ายในส่วนนอกเหนือจากที่กำหนดไว้ในมาตรา 34 ในกฎหมายมาตรฐานแรงงาน

มาตรา 10 (การประกันสุขภาพ) นายจ้างต้องเป็นผู้ทำประกันการประกันสุขภาพให้แก่แรงงานต่างชาติตามมาตรา 93
ในพ.ร.บ.ประกันสุขภาพแห่งชาติ

มาตรา 11 (การประกันหรือวางเงินเพื่อการเดินทางกลับประเทศต้นทาง)
แรงงานต่างชาติต้องเป็นผู้ทำประกันสำหรับการประกันหรือการวางเงินค่าใช้จ่ายสำหรับการเดินทางกลับประเทศต้นทาง
การจัดการและค่าใช้จ่ายจากการประกันและการวางเงินข้างต้นจะกำหนดไว้ในพ.ร.ก. โดยคำประกาศของประธานาธิบดี

มาตรา 12 (การจัดเตรียมเพื่อการเดินทางกลับประเทศต้นทาง) นายจ้างต้องจ่ายค่าจ้างที่ติดค้างไว้และภาระการเงินอื่น ๆ
ที่ค้างชำระในกรณีที่แรงงานต่างชาติต้องเดินทางกลับไปยังประเทศต้นทางหลังจากที่สัญญายุติลงหรือเมื่อครบตามระยะเวลาที่กำหนด

รัฐมนตรีว่าการกระทรวงแรงงานต้องดำเนินนโยบายที่เหมาะสมเพื่อกำหนดให้ชัดเจนถึงความรับผิดชอบด้านการเงินของนายจ้างตั้ง
ที่ระบุไว้ข้างต้น และเพื่อคุ้มครองสิทธิและผลประโยชน์ของแรงงานต่างชาติ

มาตรา 13 (การจ้างงานแรงงานต่างชาติ) นายจ้างต้องรายงานต่อรัฐมนตรีว่าการกระทรวงแรงงานเมื่อแรงงานต่างชาติเดินทางเข้า

ประเทศและเริ่มทำงานรวมทั้งในกรณีอื่น ๆ ที่กำหนดไว้ในพ.ร.ก. โดยคำประกาศของประธานาธิบดี รายละเอียดของการจัดการแรงงานต่างชาติที่เหมาะสมจะถูกกำหนดไว้ในพ.ร.ก. โดยคำประกาศของประธานาธิบดี

บทที่ 4 การคุ้มครองสิทธิมนุษยชนของแรงงานต่างชาติ

มาตรา 14 (การไม่เลือกปฏิบัติ) ห้ามมิให้มีการเลือกปฏิบัติใด ๆ

ระหว่างแรงงานต่างชาติและแรงงานเกาหลีอันมีข้อเท็จจริงมาจากการที่แรงงานบุคคลนั้นมีสถานะเป็นคนต่างชาติ

มาตรา 15 (การรับประกันการเปลี่ยนสถานที่ทำงาน) แรงงานต่างชาติซึ่งได้ทำสัญญาแรงงานตามมาตรา 7 แล้ว

สามารถเปลี่ยนสถานที่ทำงานได้หากถูกนายจ้างละเมิดสัญญา อาทิ เรื่องค่าจ้าง หรือสภาพการทำงาน

ในกรณีของการเปลี่ยนสถานที่ทำงานแรงงานต่างชาติต้องปฏิบัติตามขั้นตอนซึ่งได้อธิบายไว้ในคำสั่งของรัฐมนตรีว่าการกระทรวงแรงงาน

มาตรา 16 (การจัดการในการบังคับเดินทางออกนอกประเทศ)

ถึงแม้ว่าในกรณีของแรงงานต่างชาตินั้นต้องถูกบังคับเดินทางออกนอกประเทศตามปกติ

แต่การบังคับนี้ต้องดำเนินการหลังจากเสร็จสิ้นภาระทางด้านการเงิน อาทิ ค่าจ้างที่ยังค้างชำระตามมาตรา 46

ในกฎหมายมาตรฐานแรงงานโดยนายจ้างต้องชำระเงินดังกล่าวให้เสร็จสิ้นก่อน

บทที่ 5 บทลงโทษ

มาตรา 17 (บทลงโทษ) บุคคลดังต่อไปนี้ต้องจำคุกหรือต้องกักไม่เกิน 2 ปี หรือต้องจ่ายเงินค่าปรับไม่เกิน 20 ล้านวอนเกาหลี

1. นายจ้างซึ่งทำการละเมิดตามมาตรา 13 ข้างต้น

(ไม่จัดเตรียมกระบวนการที่จำเป็นก่อนที่แรงงานต่างชาติจะเดินทางกลับประเทศต้นทาง)

2. นายจ้างซึ่งทำการละเมิดมาตรา 14 ข้างต้น (เลือกปฏิบัติระหว่างแรงงานเกาหลีและแรงงานต่างชาติ)

3. นายจ้างซึ่งทำการละเมิดมาตรา 15 ข้างต้น (ขัดขวางแรงงานต่างชาติในการเปลี่ยนสถานที่ทำงาน)

มาตรา 18 (บทลงโทษ) บุคคลดังต่อไปนี้ต้องจำคุกหรือต้องกักไม่เกิน 1 ปี หรือต้องจ่ายเงินค่าปรับไม่เกิน 1 ล้านวอน

1. นายจ้างซึ่งทำการละเมิดมาตรา 5 ข้างต้น (การจ้างแรงงานต่างชาติโดยไม่ได้รับเอกสารยืนยันการขาดแคลนแรงงาน)

2. นายจ้างซึ่งทำการละเมิดมาตรา 6 ข้างต้น (การจ้างแรงงานต่างชาติโดยไม่ผ่านศูนย์ความมั่นคงการฝึกอาชีพ Vocation Stabilization Center)

3. นายจ้างซึ่งทำการละเมิดมาตรา 6 ข้างต้น (ทำการเป็นนายหน้าหรือจัดหางานให้แรงงานต่างชาติ)

มาตรา 19 (บทลงโทษ) บุคคลดังต่อไปนี้ต้องจ่ายค่าปรับไม่เกิน 5 ล้านวอน

1. แรงงานต่างชาติซึ่งทำการละเมิดมาตรา 4 (การทำงานในธุรกิจอื่น ๆ ที่ไม่ได้รับการอนุญาตจากคณะกรรมการ)

2. บุคคลซึ่งละเมิดมาตรา 7 (ไม่ใช่เอกสารสัญญาแรงงานมาตรฐานเมื่อมีการทำสัญญาระหว่างนายจ้างกับแรงงานต่างชาติ)

3. นายจ้างซึ่งละเมิดมาตรา 9 (ไม่เป็นผู้นำประกันสำหรับการประกันหรือการวางเงินเพื่อการส่งกลับ)

4. แรงงานต่างชาติซึ่งละเมิดมาตรา 11

(ไม่เป็นผู้นำประกันสำหรับการประกันหรือการวางเงินสำหรับค่าใช้จ่ายเพื่อการเดินทางกลับประเทศต้นทาง)

5. นายจ้างซึ่งละเมิดมาตรา 13

(ไม่รายงานต่อรัฐมนตรีว่าการกระทรวงแรงงานเมื่อแรงงานเดินทางเข้าประเทศเกาหลีและเริ่มต้นทำงาน หรือในกรณีอื่น ๆ

ดังที่ระบุไว้ในพ.ร.ก. โดยคำประกาศของประธานาธิบดี

มาตรา 20 (การลงโทษสำหรับทั้งสองฝ่าย) หากผู้แทนบริษัท, บริษัท, หรือตัวแทนของบุคคล, นายจ้าง, และ/หรือลูกจ้างอื่น ๆ

ละเมิดมาตรา 17, 18, และ 19 เพื่อลงโทษผู้ทำการละเมิดบริษัทซึ่งว่าจ้างผู้ทำการละเมิดหรือบุคคล (ไม่เฉพาะตัวแทน)

ต้องจ่ายค่าปรับตามที่กำหนดไว้ในแต่ละมาตราด้วย

ระเบียบเพิ่มเติม

มาตรา 1 (วันบังคับใช้) กฎหมายนี้จะบังคับใช้หลังจากประกาศอย่างเป็นทางการแล้ว 6 เดือน

มาตรา 2 (มาตรการส่งต่อแรงงานต่างชาติที่ไม่มีเอกสาร)

แรงงานต่างชาติที่ไม่มีเอกสารซึ่งเขารายงานตัวตามระยะเวลาที่กำหนดโดยมีคุณสมบัติตรงตามที่ระบุไว้ในพ.ร.ก. โดยประกาศของประธานาธิบดี แรงงานเหล่านี้จะไม่ต้องรับโทษตามที่กำหนดไว้ในกฎหมายคนเข้าเมือง

แรงงานเหล่านี้มีสามารถสมัครเข้าทำงานกับสำนักงาน ณ กระทรวงแรงงาน

รัฐมนตรีว่าการกระทรวงแรงงานต้องดำเนินการอย่างเร่งด่วนเพื่อการจ้างงานแรงงานต่างชาติที่ไม่มีเอกสารซึ่งมีคุณสมบัติตรงตามที่กล่าวไว้ข้างต้น

พ.ร.ก. โดยประกาศของประธานาธิบดีจะกำหนดระเบียบสำหรับการบริหารจัดการแรงงานต่างชาติซึ่งสมัครเข้าทำงานตามที่ระบุไว้ข้างต้น

มาตรา 13 (การแก้ไขกฎหมายที่เกี่ยวข้อง) ต้องยกเลิก มาตรา 19 ในกฎหมายคนเข้าเมือง

มาตรา 14 (มาตรการส่งต่อสำหรับผู้ฝึกงานอุตสาหกรรมและแรงงานฝึกงานตามระบบหมุนเวียน โดยไม่ต้องแก้ไขมาตรา 19

ในกฎหมายคนเข้าเมือง

เมื่อระบบการอนุญาตทำงานสำหรับแรงงานต่างชาติบังคับใช้แล้วให้ชาวต่างชาติซึ่งเป็นผู้ฝึกงานอุตสาหกรรมและแรงงานฝึกงานสามารถพักอยู่ในเกาหลีได้จนกว่าจะครบกำหนดตราบเท่าที่เขา (หรือเธอ) ยังคงอยู่ในระยะเวลาการฝึกงาน ###

(Translated by Aranya)

On FOA Supported School in Mae Sot, Thailand...



FOA has been operating programs that provide education and training for civil participation for migrant workers. Our concern is that workers would be able to act for peace and human rights and for their own communities after they return to their home countries. Although various programs ongoing are mostly for adults, FOA has been always concerned with the children who have to suffer from their family's migration and separation, particularly at the border areas of Burma and North Korea.

One day, a Burmese friend, Maung Zaw, who is actively engaged in education projects for the Burmese children, visited our office. Maung Zaw talked about current problems of children in the border areas of Burma. According to him, the Myanmar government spends a disproportionate amount of national budget into military affairs, when only a small percentage is spent in the education and health sectors. The government assistance in public education is very limited and people only rely on their own expense for the children's education. This situation keeps forcing people to migrate to the border towns and look for jobs, most of which are illegal or dangerous.

Upon hearing Maung Zaw, we found that the children at the border are getting into a worse situation day by day. We couldn't help but decide an exposure trip to the border area. In 22-24 July 2003, FOA visited Mae Sot, the Thai-Burmese border town. Through an interview with schoolteachers, who are also migrants themselves, we could find an urgent need to maintain children's education. This exposure trip led us to decide to support

the schools in Mae Sot area, with the FOA member's donation. The amount of donation is not big yet, but FOA will continue its support on children at Mae Sot and further will seek to assist more schools.

The first FOA supported school is the Boarding Middle School for Orphans & Helpless Youths (BMSOH). It was founded in Thailand, in 1993, by schoolteachers, who participated in the democracy movement in Burma. Its objective is to provide formal education to children from Burma, who are not given any education. The principal of the school, who is of the Arakanese origin, used to work as a headmaster in Hlegu township, Rangoon Division, before leading his students in the 1988 democracy struggle. He joined the BMSOH in 1999, after spending four years as a "backpack" teacher, roving from place to place teaching the children of IDPs hiding in the forest. That is to say, he became a backpack teacher in 1995, the year of the SLORC's successful offensive against the forces of democracy; made possible by the suborning, under false pretences of course, of the KNU's 3rd Brigade, and a French intelligence-gathering operation disguised as a forestry enterprise. This rendered the region safe for massive investment by Total and Unocal, who celebrated the fall of Manerplaw by signing the Yadana gas-field contract a week later. However, while it rendered the country safe for these foreign investors, it had quite a contradictory effect to the people who owned the land. It signaled the beginning of a mass exodus of local inhabitants and of democracy activists who sought refuge in the hitherto liberated areas.

Many of the students at the BMSOH are from the families who were forced to leave their home only to do the sweat labor in Thailand for degrading wages (not always paid). In Burma, these people would be still threatened with starvation caused by the country's dire economic circumstances. The economy in certain areas is getting more aggravated by the junta's scorched earth policy of crop confiscation and destruction. Thirty-three of the seventy-five children in the school are dependent boarders, more than half of whom are orphans. Their parents died in war, or, in some cases, were murdered by junta troops and the Sa Thon Lon - the junta's "guerilla retaliation squads". For those children without a family, the school is their only home. It has to meet all their needs. ###