



Together for Life,

Dignity and Human Rights



41st Session of the Human Rights Council
Item 3: Clustered ID dialogue with Special Rapporteur on trafficking in persons

27 June 2019

Joint oral statement delivered by Andrzej Owca

Mr. President

VIVAT International and Franciscans International with the support of VIVAT Indonesia and the Evangelical Church of Timor (GMIT), draw your attention to the cases of human trafficking and exploitation of migrant workers in Malaysia coming from the East Nusa Tenggara (NTT) Province of Indonesia.¹

We are deeply concerned on the symbolic case of Ms. Adelina Sau, who died in February 2018, after being inhumanly treated by her employer, Ms. Ambika Ma Shan. The employer was sued by Malaysian authorities in court with alleged murder. However, on April 19, 2019, the Penang High Court fully acquitted Ms. Ambika. Adelina's case is an example-victim of trafficking in person, being tortured, exploited, underpaid and without social and health protection.

We express a serious concern on the situation of migrant workers from Indonesia in Malaysia, many of them are allegedly victims of human trafficking. In 2018, 105 migrant workers from Indonesia's province NTT lost their lives in Malaysia. Between January and June 2019, there are already 54 cases of death. It means, there are 2 or 3 deaths per week from NTT province.²

Therefore we urge:

1. The Indonesian and Malaysian governments, without delay, to ratify the ILO Agreement No. 189 concerning decent work for domestic workers.
2. The Indonesian government to make diplomatic efforts to urge the Attorney General's Office to appeal the case of Adelina Sau and ratify the bill on the protection of domestic workers, which has not been successfully passed for 14 years.
3. The Malaysian government to carry out a fair and transparent trial process on the case of the death of Adelina Sau and bring justice to her family.
4. The Indonesian and Malaysian government to implement the ASEAN Consensus on the Protection of Migrant Workers through the National Law And Migration and encourage ASEAN countries to make the Regional Action Plan as a derivative regulation of the ASEAN Consensus.

Thank you

¹ During the 37th session of the HRC in March 2018, VIVAT International and Franciscans International raised the issue of human rights situation of migrant workers coming from Indonesia to Malaysia.

² Based on regular report of joint cargo services from Evangelical and Catholic Churches in Kupang, NTT Province.