



FOI Practice Report of the Center for Migrant Advocacy (CMA)

(as of February 20, 2017)

I. ORGANIZATIONAL PROFILE

Set up in 2002, the Center for Migrant Advocacy is a policy advocacy group that promotes and protects the rights of migrant workers and their families. To directly assist OFWs in distress and their families and to give face and substance to its policy advocacy work, CMA also has a direct-assistance program and a case-referral system.

II. CONTEXT FOR THE DOCUMENTS REQUESTED

Fishers and seafarers are among the sectors vulnerable to human trafficking. A study in December 2012 found Filipino fishers were “variously subjected to excessive working hours, no days off, extremely substandard living conditions, including inadequate food, lack of treatment for injuries and sickness, lack of protective gear whilst working, and enforced isolation – sometimes for years – on the vessels...experiences of physical and psychological abuse by the captain or senior officers on the vessels...universally deceived during the recruitment process...including agreements concerning remuneration, working conditions and, in some cases, deception about the actual job that was to be performed in/through Singapore. Deceptive recruitment and the witting deployment of a person into a situation of exploitation are key defining elements of human trafficking.”¹

The Center for Migrant Advocacy (CMA) has encountered Filipino fishermen forced or duped onto “sweatshop”-like fishing trawlers by human traffickers, where they work practically as

¹ http://twc2.org.sg/wp-content/uploads/2013/01/Troubled_waters_sallie_yea.pdf

slaves. On board, they have no way to escape; neither do they have anyone to seek help from. They are overworked, underpaid, and may be subjected to violence, “torture and execution-style killings at sea.”²

CMA has also extended assistance to Filipino seafarers trapped in foreign seas, e.g. 12 Filipino seafarers in Duress, Albania, abandoned by the principal; 8 Filipino seafarers abandoned on board their ship in Pyreus, Greece 50 nautical miles from shore; a group of Filipino seafarers threatening to go on strike in Copenhagen, Denmark, seafarers who, even before they get on board ships, are already trafficked as domestic workers (houseboys) or as workers in private business enterprises of unscrupulous persons in the manning industry (including those were provided sleeping space in their employer’s store, but were paid only P50 a day for nobody knows how long so that instead of remitting to their families, their families remit allowances to them in the hope that one day, they would finally get on board as seafarers).³

In the main, CMA was inquiring into the incidence of illegal recruitment and human trafficking of seafarers and fishers and the situation that makes them vulnerable. These information would be used both in its ongoing anti-trafficking project funded by the Dutch Embassy and in its ongoing legislative lobby for the Magna Carta for Seafarers.

III. SPECIFIC INFORMATION REQUESTED

1. Number of fishers and seafarers processed and deployed by POEA annually;
2. Their places of origin (town and province) in the Philippines;
3. Countries/ territories of deployment/ employment;
4. Cases of distressed fishers and seafarers filed with POEA and status (from both POEA, BFAR and IACAT); and
5. Manning/crewing agencies for fishers and seafarers.

Statistics on fishers and seafarers processed and deployed by POEA annually would give insight on the size of the population who have potential to be trafficked. Data on the places of origin would help focus CMA's anti-trafficking efforts. Information on manning/crewing agencies would give insight on the size of the industry. Cases of distressed fishers and seafarers filed at POEA, BFAR, and IACAT and their status would give insight as well on the incidence of illegal recruitment and human trafficking among fishers and seafarers. These information are important not only for our information campaign, but also for evidence-based lobby for a Magna Carta for Seafarers at the two Houses of Congress. We realized, after the requests had been sent, that the countries/territories of deployment/employment is not applicable to fishers and seafarers.

² <http://www.scmp.com/magazines/post-magazine/article/1819562/slavery-sea-human-trafficking-fishing-industry-exposed>

³ Interview of two seafarers in Quezon City by Rhodora A. Abano of CMA. February, 2016

IV. REQUEST EXPERIENCE/RESULTS:

CMA requested the above information from the following government agencies/mechanisms:

From the Philippine Overseas Employment Administration (POEA):

From the Bureau of Fisheries and Aquatic Resources (BFAR):

From the Inter-Agency Council Against Trafficking (IACAT):

MONITORING AND RESULTS LOG SHEET:

Agency	Information Requested	No. of Phone Calls and No. of Referrals	No. of Letters Sent	No. of Days Waited	Information Retrieved
POEA	<p>Nov. 3 2016 e-mail sent Nov 4 (We did not fax.):</p> <ol style="list-style-type: none"> 1. number of fishers and seafarers processed and deployed by POEA annually 2. their places of origin (town and province) in the Philippines 3. countries/ territories of deployment/ employment 4. cases of distressed fishers and seafarers filed at POEA and status 5. manning agencies for fishers and seafarers 	<p>We did not call because we just e-mailed and from experience e-mail suffices.</p> <p>Week before, they called asking what cases we need; that they have the data ready.</p>	<p>Nov 23 e-mail acknowledgment/clarification re timeframe of #1</p> <p>Dec 12 e-mail follow up on remaining data</p> <p>Feb 2 e-mail follow up letter re</p>	<p>13 work days</p> <p>74 work</p>	<p>Nov. 23 e-mail</p> <ol style="list-style-type: none"> 1.number of fishers and seafarers deployed - 2014 September 2016 (preliminary) 2. their places of origin (town and province) in the Philippines 3 deploying manning agencies for fishers and seafarers <p>Feb 3 referral letter cc to CMA</p> <p>Feb 16 e-mail: cases of fishers/ seafarers filed at POEA; CMA</p>

			<p>cases of distressed fishers and seafarers filed at POEA and their status</p> <p>(2 follow up emails all in all; 2nd e-mail was just to clarify)</p>	<p>days from original request; 48 days from 1st follow up; 10 days from 2nd follow up; all including Xmas holidays</p>	<p>Executive Director acknowledged and said that we will visit to gather more information.</p>
BFAR	<p>Dec 8 letter emailed Dec 9 (We called to fax first but they responded to email instead.):</p> <ol style="list-style-type: none"> 1. number of fishers processed and deployed annually 2. their places of origin (town and province) in the Philippines 3. foreign waters/ countries/territories of fishing/ deployment/employment 4. cases of distressed fishers and seafarers filed at BFAR and the status of these cases 	<p>2-3 phone calls without success (recollection). We stopped calling after fisher leader said it is better to communicate with regional offices</p>	<p>Only 1 e-mail sent</p>	<p>12 x 5 workdays including Christmas holidays</p>	<p>ZERO as of Feb. 20 2017</p>

	5. manning agencies for fishers and seafarers and their standing in terms of good recruitment practices				
IACAT	Feb. 2 e-mail (tried to fax but no one answers the phone)	Feb 20 ff up– tried to call but no one answering	Feb 20 e-mail follow up letter; tried again to fax and call to confirm but no one picks the phone	14 work days from original request; 2 days after 1 st follow up 13th day, Dir. Pajarito e-mailed she does not open her yahoo regularly and will ask her staff to send the info	Referral letter to staff cc/d to CMA 14 th day, Received information

I. INSIGHTS ON THE FOI PRACTICE EXPERIENCE

As in its first FOI practice, CMA found the **POEA** accommodating and reliable. Except for the cases, it provided the requested information within 15 workdays. What facilitates sufficient response is CMA’s active and positive work relations with POEA and its officers. We believe

that their failure to respond during the holidays is understandable within the bounds of Filipino Christmas culture when some tasks are overwhelmed by the Christmas season and activities even in the NGO community. The FOI practice was in the frame of friendly work relations; thus we did not cite the Executive Order and did not copy-furnish the Ombudsman or the Civil Service Commission.

What may be notable is that when they first responded to the information request, they did not explain why the cases were missing. We first followed up 26 workdays after the original request. We followed up again the missing cases after the Christmas holidays, 38 workdays from the first follow-up letter, with attention to Director Robert Larga because the previous addressee had been replaced by a new Officer in Charge, a new DOLE Undersecretary, whom CMA had not worked with in the past. They called some five days after the second follow-up letter, saying that they had prepared the data but were not sure if these were what we needed, and so we elaborated on our request. POEA provided the cases five working days after the call by its personnel, or a total of 74 days from the original request.

BFAR did not even formally acknowledge much less respond to our request. One reason could be that it may not have the information we were asking for, although a leader of a national fishers' network said we could ask BFAR. The leader also said that their experience with communicating with BFAR is better at the regional level. Another reason is that we have not had any interaction with BFAR before.

Unfortunately, we lost the original fax copy of the letter and so have no record of the telephone follow-ups. This is because the person who used to follow up the calls has less time to volunteer with us.

There was no response from **IACAT** after 11 workdays but it finally responded to our e-mail follow-up dated the 12th day. The Executive Director e-mailed on the 13th day, saying that she does not open her yahoo regularly and will instruct her staff to send the information. CMA received the cases 14 days from date of original e-mail request, two days from the follow up e-mail. CMA could not fax the said request, which is our practice, because no one was answering the phone. Similarly, this FOI practice was in the frame of friendly work relations, in particular with the Executive Director, who works with CMA Executive Director in the anti-trafficking campaign under the auspices of the Dutch Embassy. Thus we did not cite the Executive Order and did not copy furnish the Ombudsman or the Civil Service Commission anymore. We e-mailed the follow-up letter (not fax because no one would pick up the phone). We could not again confirm if IACAT got our follow-up because of the same reason.

In sum, both POEA and IACAT seem not to have problems giving information. POEA complied and responded less than the 15-workday norm; IACAT did the same, or at least as soon as it found the request in the yahoo address. In the IACAT case, a problem was the e-mail address that was not checked regularly. Both IACAT and BFAR also had a problem with un-staffed telephones, which meant CMA could not fax its request and had to rely on the e-mail. In both instances, they furnished us copies of their internal referral letter – to show they acted speedily on the follow-up.

In the case of POEA, not noting in its first response that it still owe CMA the cases left the initiative to CMA to follow it up. POEA took 3.5 months (74 days from original request; 48 days from the first follow up letter) to finally deliver. However, it took CMA 26 workdays before it made its first follow up e-mail and another 38 days before its second follow up e-mail. It is possible that POEA would have responded earlier if prompted earlier.

The quality of documents received depends on the information request, which should be clear and precise.

Documents provided by POEA and IACAT gave us updated information on their cases affecting seafarers and fishers. However, unlike IACAT, POEA data did not give enough information, e.g. it just says recruitment violation, but the information request also asked for cases and their status of resolution. Then again, CMA's request for cases also did not specify the information needed. We needed to dig deeper on the kinds of violation, how many of the cases are illegal recruitment, how many are human trafficking etc. Thus, the CMA Executive Director wrote POEA that we would go to their office to get more details.

The data on origin of the fishers/seafarers validated CMA's choice of Iloilo and Cebu as pilot areas for the project while also giving information on the distribution in the other Visayan provinces. This information also gave CMA ideas on potential organizations in adjacent areas that may be invited to the project activities.

The data on manning agencies gave CMA ideas as well on the extent of the manning industry. More information, however, has to be gathered in terms of which are notorious ones. This information will be used in coming out with a situational analysis on what makes fishers and seafarers vulnerable to illegal recruitment and human trafficking that is the take-off point of our anti-trafficking campaign for these sectors. These will likewise benefit our ongoing lobby for the Magna Carta of Seafarers in both Houses of Congress.

Unfortunately, there is still minimal information regarding fishers. We were hoping that BFAR could give additional information.

LEARNINGS:

The request for data has to be clear so that the government agency can immediately comply with the request. We have to make sure that we are requesting data from the appropriate agency, as was our experience with BFAR. It seems the BFAR does not collect information on fishers deployed on international fishing boats.

In addition, it is best to communicate using not only e-mail but also with fax and immediate and periodic phone calls or fax follow-ups before 15- workdays deadline is up. Logging is also a key requirement in FOI practice.

CMA believes that knowing and working with the people in charge of these information or who have authority over these people facilitate information requests.

RECOMMENDATIONS:

Continue FOI practice, including with other agencies that CMA deals with. This will not only provide us the information that we need in our policy advocacy work, but also help the government to realize that indeed, people, including NGOs, actually need information and do know that they are entitled to it under the Freedom of Information Executive Order and in the near future, hopefully, the law.

Center for Migrant Advocacy Philippines
72-C Matahimik St, Teachers' Village,
Quezon City, Philippines.
Telephone: +632 920 5003
Email: cma@tri-isys.com
URL: <http://www.pinoy-abroad.net>