

# protecting rights of pregnant migrants

By Jan Yumul

If there is a message that Luna Chan, chief operations officer of Pathfinders wants to give to a domestic worker who finds herself suddenly pregnant, it is this:

"Unplanned pregnancy is a common issue faced by everyone and every society, so we will provide you with necessary information to help you make an informed decision."

Pathfinders, a non-government organization founded in 2008, exists primarily to help women migrant workers go through unexpected pregnancies.

Over the past few years, it has found itself doing more and more work as word spreads about its benevolent mission.

In statistics it compiled for its annual report last year, the NGO said the demand for its services increased by nearly 50 percent from the previous year.

Of those who benefited from its services, 26% were from the Philippines. The previous year, they only made up 15% of the total figure.

According to the NGO, this came as a result of its outreach to church organizations, and advertisements in community newspapers.

However, the Indonesians remained by far the biggest beneficiaries. Last year, they made up 71% of the total number of women who received help from Pathfinders. This was a slight drop from the 79% recorded the previous year.

More startling is the revelation that a majority who sought their help were overstayers.

Of the 159 mothers they took under their wings last year, 112 had expired visas.

But Chan stressed that they only provided services to overstayers who had decided on surrendering themselves to the immigration.

Unless they do so, "we can't provide them with service because it will make us illegal as well," said Chan.

"Surrendering will regulate her situation. (Once) the paper is issued then we can help her with parenting options, counseling and other services, etc. It's a holistic package," said Chan.

Having Pathfinders to help has been a big relief to many pregnant mothers, as previously, those who found themselves in the same situation had to struggle with the uncertainty both of giving birth in a strange place, and worrying about getting arrested.

The increase in the demand for its services Pathfinder sees as a welcome sign.

"A lot of the increase in number is not because the problem is becoming bigger," said Chan. It is because we have the capacity to expand our service."

Chan has observed that word of mouth is still the most effective way to reach out to potential clients. She said more women approach them for help now, instead of them seeking the clients out.

She said the problem facing women with unplanned pregnancies has "always been there but then no one ever tried to provide, to fill this service gap." But now, she said people know more about them.

One of those who recently sought their help was Filipina domestic helper Dorla, 32 (not her real name), who gave birth to a healthy baby boy in August. She is on maternity leave until Oct.14.

Dorla has been working in Hong Kong for about eight years. Her husband Don (not his real name), who currently works for a broadcast media magnate, came to Hong Kong 12 years ago.

The couple also has a daughter, whom they left behind in the care of Dorla's mother in Isabela.

As of the interview with The Sun on Sept.6, Dorla and her

baby were staying at a shelter provided by Pathfinders. She sought help from the organization after her celebrity employer refused to let her newborn live with her.

When her employer found out that Dorla was two months pregnant, she reportedly scolded the helper on the phone.

"*Bakit daw ako nagbuntis. Sabi ko I'm sorry hindi planado. Sabi nila trouble daw. Sabi sa akin umuwi daw ako ng Pilipinas pero sabi ko mag stay ako dito hangang kaya kong magtrabaho* (She asked me why did I get pregnant. I told her I'm sorry I didn't plan it. She said it was trouble and told me to go to Philippines. But I said I will stay here and work for as long as I can)," said Dorla.

After giving birth, said Dorla, she was told to return to her employer's house. But she said she would not go back without her baby.

"*Kung ano yung desisyon, panindigan. Maging matatag,*" (Stand by your decision. Be firm)," said Dorla who teared up slightly, while kissing her baby's forehead.

Case officer Cathlyn McNabb said Pathfinders now runs two shelters: one for adoption and one for parenting. They also assist with paternity claims.

More importantly, they advise the would-be mothers to be aware of their rights,

"I (want to) tell them that there is maternity protection available in Hong Kong. Keep your job because it is unlawful for your employer to terminate you because you are pregnant," said Chan.

Chan said that domestic helpers are also entitled to a free prenatal check up in any government hospital, and could use their sick leave benefit when they have to go to the hospital for this. "So, the employer can't say use your day off to go to the hospital," said Chan.

She also encouraged helpers to speak up to the employer as early as possible so they could make plans accordingly and perhaps hire a full time local worker while they go on maternity leave.

Domestic helpers with a valid working visa can either choose to raise their child or put their child up for adoption. But for

overstayers, Chan said the Social Welfare Department does not allow adoption because of their tricky status.

She said a child is put up for adoption usually before it turns a year old. If the mother's stay is still valid, the child's visa status will follow hers. But working on adoption for overstaying mothers could be a problem.

"If the mother is an overstayer, the social welfare department needs to talk to immigration to get a permanent status for this child before the child can be adopted out," said Chan.

In this situation, the director of social welfare becomes the guardian of the child, and as such, is the one responsible for applying for its change in status.

"Some of them (mothers) thought that by giving birth in Hong Kong, the child will become permanent residents, which is not true," said Chan.

But since the babies were born in Hong Kong, they were entitled

to certain rights, such as medical health, meaning they should be able to get education and immunization, as well as documentation.

The child can only obtain right of abode if his father has this status, is a resident, or Chinese. But the mother needs to know the name of the child's father and his ID card number, including contact details and address.

Soon, Pathfinders plans to submit a paper to the United Nations Conference on the Rights of A Child.

"No one talked about domestic helper children in Hong Kong. So, we are going to talk about that because there are also other organizations talking about refugees' child in Hong Kong," said Chan.

Many of their donors are reportedly expatriates who mostly see foreign domestic workers as having the same status, and are concerned about how they are being treated in Hong Kong.

"They ask, how come they are not protected, or as protected as we are? So they are pretty keen in promoting their appreciation for domestic helpers," said Chan.

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