

PROTECTION OF MIGRANT DOMESTIC WORKERS IN SOUTH EAST ASIA. CHALLENGES AND BEYOND FOR A NON STATE ORGANIZATION

Proteção dos trabalhadores domésticos migrantes no Sudeste Asiático. Desafios para uma organização não governamental

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Introduction

Millions of Asian women work as migrant (foreign) domestic workers, primarily in the Middle East, Malaysia, Hong Kong, Singapore, Thailand and Taiwan. It is estimated that there are at least two (2) million migrant domestic workers (MDWs) in Asia; over 90% of these are women as at end 2006.

MDWs encounter a wide range of abuses during recruitment, employment, and return to their countries. The exclusion of domestic workers from labour laws facilitates blatant abuses and exploitation, and means domestic workers have little or no means of seeking redress. Women and girls employed in private households routinely encounter human rights violations in the workplace, ranging from excessively long working hours with little pay or rest, to sexual harassment and physical violence. Recruitment-related fees, deceptive recruitment practices, and discriminatory immigration policies further jeopardize migrant domestic workers' right to just and favourable working conditions.

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Decades of sustained intervention and campaigns by migrant groups and advocates have contributed much on improving policies, practices, mechanisms – and hence the living and working conditions – of MDWs. The number and sophistication of migrants' groups have grown, including the emergence of strong MDW trade unions. There is also improved partnership between the migrant groups with the broader trade union and social movements.

Violations of Human Rights in Singapore

In a report released by Human Rights Watch in 2007, women migrant domestic workers in Singapore suffer abuses including physical and sexual violence, food deprivation, and confinement in the workplace.

At least 147 migrant domestic workers in Singapore have died from workplace accidents or suicide since 1999, most by jumping or falling from residential buildings. Some domestic workers labour without pay for months to settle debts to employment agencies, work long hours seven days a week, without a day off or are confined to their workplace.

Families in Singapore employ approximately 170,000 women, primarily from Indonesia, the Philippines, and Sri Lanka, as domestic workers. The Singaporean government has instituted some encouraging reforms in the past two years. These include creating mandatory orientation programs for employers and domestic workers, prosecuting cases of unpaid wages and physical abuse, and introducing an accreditation program for employment agencies.

But key labour conditions, such as wages, hours of work, and salary deductions are left to employers and agencies, while domestic workers have little or no bargaining power. The authorities have excluded domestic workers from the country's main labour laws.

Singapore imposes a monthly levy of S\$200 – S\$295 (US\$118 -174) on employers of migrant domestic workers to regulate demand. None of these funds, roughly S\$360-531 million (U.S. \$212-313 million), are earmarked for services geared toward migrant domestic workers.

Intense competition among more than six hundred employment agencies has led them to shift the cost of recruitment, transportation, training, and placement from employers to domestic workers. To pay for these charges, many domestic workers labour for 6-10 months with little or no pay. Some employment agencies fail to provide assistance in cases of employer abuse, sink domestic workers deeper into debt by overcharging

those who transfer employers, and confiscate religious items, mobile phones and other personal effects.

To control illegal immigration, the Singapore government imposes a security bond on each employer, who forfeits S\$5,000 [U.S. \$2,950] if their domestic worker runs away. Immigration regulations prohibit domestic workers from becoming pregnant. A pregnant domestic worker is immediately terminated and repatriated home with a ban on future entry into Singapore. As a result, some domestic workers may resort to abortion to get rid of unwanted pregnancies or abandon new born babies in garbage bins or public toilets.

These policies also become reasons for employers to tightly restrict domestic workers' movements to prevent them from running away or having boyfriends. For example, some employers prevent domestic workers from having weekly rest days, forbid them from talking to neighbours, and sometimes lock them in the workplace. Heavy debts and confinement at home mean that some domestic workers cannot escape serious workplace abuses. And some under such circumstances may attempt suicide as an option to escape the servitude conditions.

Given their isolation in private homes, it is difficult to ascertain the exact proportion of migrant domestic workers who face abuse. The Indonesian embassy estimates that it receives fifty complaints per day, mostly from domestic workers. The Philippines embassy and the Sri Lanka High Commission estimate receiving forty to eighty complaints from domestic workers per month. It is probable that many abuses are likely never reported, especially if an employer repatriates a domestic worker before she has a chance to seek help.

Singapore's laws and regulations offer stronger protection than those of neighbouring countries such as Malaysia. Singapore is still far behind Hong Kong, which includes domestic workers in its main labour laws, protecting their rights to a weekly rest day, a minimum wage, maternity leave, public holidays, and paid annual leave.

The way HOME

Set up in 2004, the Humanitarian Organization for Migration Economics (HOME) is a non-profit and non state charitable organization striving for the enhanced protection of migrant domestic workers in Singapore and in the ASIAN region. As a non-profit charitable organization,

HOME is managed in accordance with a constitution approved by the Registrar of Societies.

Vision

HOME is uniquely a non religious affiliated organization with a faith based vision and mission. Hence the vision of Home: “Building a Culture of welcome where no man, woman or child is a stranger. We are family”.

H.O.M.E. promotes a ‘culture of welcome’ in the remaking of a nation. HOME believes that its programs and services for migrant workers will have a positive impact on Singapore both locally and globally. H.O.M.E. communicates to the world that, as a people, Singapore is law abiding and welcomes guest workers to contribute to nation building.

Mission objectives

H.O.M.E. is committed to the principle that migration of people benefits the global society with a focus on the effects of migration within the context of Singapore.

- To promote education on the socio-economics of migration in Singapore.
- To provide social integration services for emigrants and immigrants.
- To provide humanitarian assistance for the effects of ‘crisis’ migration.
- To increase community awareness of the plight of migrant workers in Singapore.

Programmes and services Advocacy:

- Provide legal assistance to workers who have experienced abuse and injustice and highlighting these cases to the authorities (Ministry of Manpower/Police).
- Engage in dialogue sessions with governmental agencies such as the Ministry of Manpower and other authorities.
- Provide Helpdesk and 24 hr Hotline services for migrant workers.
- Engage local and regional print media and broadcasting stations

on issues.

- Conduct community based public education on issues affecting migrant workers.

In the last four years of its existence, HOME has developed working relationship with the State enforcement agencies to uphold the legal rights of migrant domestic workers under the statutory regulations governing their work in the country. Pro bono legal services are also procured to assist domestic workers in their court trials. A landmark case where an Indonesian domestic worker was acquitted on her conviction of theft was won by HOME's lawyer for her appeal at High Court.

Welfare:

- Provide shelter and food to destitute and abused female and male migrant workers.
- Provide free medical treatment services.
- Provide rehabilitation programs and activities for the holistic well being of victims.
- Working with other voluntary welfare organizations and partners on sharing of resources.

HOME currently houses more than a hundred migrant domestic workers who are the victims of labor exploitation. 50% of these women are Filipinos, 40% Indonesians and the rest are Sri Lankans, Indians, Burmese and Chinese. Many of them are victims of illegal deployment, non-payment of salaries and maltreatment. A minority are victims of sexual harassment and physical abuses.

During their stay in the shelter, rehabilitation services are provided for victims who had suffered trauma. Victims are therefore taken care physically, emotionally and spiritually till their return home. When they wish to seek re-employment, HOME provides employment services for them.

Empowerment:

- Provide vocational skills training, such as, IT, language courses and care giver's training.
- Conduct human rights and legal rights education workshops for migrant workers.

- Involve business and educational partners on learning projects with resources and expertise.
- Engage regional groups on migrant savings and other livelihood reintegration projects.

HOME is also concerned about the high social costs of migration. However, as the root of forced migration is in the lack of opportunities for employment and livelihood in their home countries, HOME has embarked on empowerment programs to prepare migrant domestic workers for reintegration. In partnership with global corporate partners, such as, Microsoft and Western Union, a learning community centre has been set up for skills training in computer technology and language learning. Besides the present skills programs, HOME will soon be launching infant and elderly care givers' courses for those who wish to enhance their employability.

Key action strategies

Blast the media

- Working with local and international media to increase awareness of the 'issues and challenges' e.g. MTV, GMA (Philippines), Batam Radio.
- Influence the media with stories that grab the human imagination and generate responses for change – Local and regional news print, magazines.

The lack of resources compels HOME to utilise the mass media to communicate the plight of migrant domestic workers. Hence, engaging the media to gain support of its work in the combat against human trafficking and exploitation has become an effective tool in gaining recognition of both its work and the violation of rights faced by its beneficiaries. Since establishment of HOME, its work has been featured in both local and international print, internet, radio and television channels – reaching out to thousands across nations.

Inspire the youth and other change agents

- Inspire the youth in educational institutions to be change agents for a culture of welcome e.g. Universities, colleges.
- Work with groups of men and women volunteers who wish to do more for a better world- Salt & Light, Habitat for Humanity.

Engaging the youth in the country especially those in tertiary institutions is a strategy to effect change through for change agents. 20% of those studying in tertiary institution would be the political and economic leaders of the future. HOME focuses on this target group for the education and moulding of new order of thinking in the combat against human trafficking and exploitation.

Build power blocs with national partners

- Collaboration with local NGO partners in campaign events such as the Day off Campaign – UNIFEM, TWC2.
- Facilitate the sharing of research information and other resources e.g. CEDAW report, AWARE, SCWO.

The recent Day Off national campaign is the outcome of the coming together of three non state players – Transient Workers Count Too, UNIFEM and HOME. The campaign is an educational movement to encourage families to grant their domestic workers a day off a week. The show of coalition power has given cause to the State to be alerted and to counter the strength of such partnerships.

Support global and regional solidarity

- Collaboration with international and regional migrant advocates and grass root organizations to build coalition power – MFA (Migrant Forum in Asia, ADWA (Asian Domestic Workers' Alliance) & CARAM Asia, ILO.
- Work in specific projects with NGOs in sending countries – legal casework, reintegration projects e.g. SMS (Solidarities Migran Scalabrini).

HOME and other regional migrant advocates and grass root organizations are building a solidarity movement Asian Domestic Workers Alliance as a regional strategic response to the tremendous challenges ahead in Asia. The alliance or coalition with other alliances in the region is in campaign solidarity recognizing domestic work as work. Campaign strategies, where partners come together, give greater power impact on governments and stakeholders in the protection of migrant domestic workers.

Empowering victims – Solidaritas Migran Scalabrini

HOME believes that in many cases victims are willing victims to exploitation and trafficking because of their socio-economic poverty. Recognizing their vulnerability and repeated victimization, HOME is engaged in nurturing leaders from victims to lead in the protection of their fellow migrant workers.

As a strategic response to the prevention of the exploitation of migrant domestic workers two non state organizations have been instituted by past victims. Solidaritas Migran Scalabrini (SMS) is an organization of domestic workers by domestic worker for domestic workers.

Solidaritas Migran Scalabrini has initiated shelter services at cross border town locations in the Philippines and Indonesia and reintegration livelihood projects for migrant returnees. In the destination countries, members are being recruited to respond to crisis calls of migrant domestic workers and victims of human trafficking.

Utilising international Conventions

Many States are members of International Conventions. Singapore is a signatory member of CEDAW (CEDAW (Convention for the Elimination of Discrimination Against Women). Hence HOME works in collaboration of National Women Organizations to advocate enhanced protection for migrant domestic workers under the convention. Therefore, on International Women's Day, HOME makes the following recommendations to State Ministers:

- Review the legal protection afforded to migrant women domestic workers under the Employment for Foreign Workers Act. The Employment for Foreign Workers Act deals mainly with the issue of work permits rather than providing the necessary protection of the rights of migrant women domestic workers.
- Review the situation of migrant women domestic workers, in particular, regular pregnancy testing, mandatory HIV AIDS testing, the prohibition to marry Singaporeans and the security bond deposited by employers which often results in restriction on freedom of movement and the withholding of passport and travel documents.
- Ratify the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.

Conclusion – challenges now & beyond

The Migrant Domestic Worker suffers triple discrimination because she is a woman, she is a migrant, and she is a domestic worker. As a woman, she is culturally the weaker sex, as a migrant, she is an alien without citizenship rights, as a domestic servant, she is without the full protection of labor laws.

Limited resources

The non state organization, as in the case of HOME in its mission to protect migrant workers, has chosen the road less travelled and the tremendous challenges often makes it almost impossible to continue. Without funds and resources from the State and the Church, the costs of maintaining shelters on our own make the future uncertain for our work.

Rebel with a cause

In the experience of HOME in Singapore, the challenge is also in the political acceptance of a non state player in policy making for the welfare of migrant workers. The political sensitivity of issues that could give discomfort to status quo positions also makes it often difficult for a non-state player to relegate its activities and support for the protection of the marginalized at operational and fire-fighting levels. HOME is publicly perceived as a rebel with a cause – rebels are not so welcome in a conforming society.

Reforms to enhance protection

The legal reforms needed to protect migrant domestic workers' rights are no secret. Key measures include extending equal protection under labour laws, reforming restrictive and discriminatory immigration laws that leave many migrants with precarious legal status, monitoring the fees and practices of recruitment agencies, and creating local employment opportunities so that domestic workers migrate out of choice and not desperation.

Beggar your neighbor

It is the hope of HOME in Singapore that international conferences should focus on how non state players could be assisted with global

strategic resources for their work of peace and justice across the globe in the protection of human mobility. We need practical outcomes, not only goodwill, for what we do in the combat against human trafficking and exploitation that has to be funded by financial resources to “keep the tough going”.

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