



Interview

Nisha Varia*

For this number, the REMHU presents an interview with Nisha Varia, senior researcher for Human Rights Watch's - women's rights division. Ms. Varia investigates abuses against women migrant workers in Asia and the Middle East and is the author of a recent HRW report – "Slow Reform: Protection of Migrant Domestic Workers in Asia and the Middle East" (2009). In this interview, she talks about the main violations and the necessary protection policies for the defense and promotion of the domestic workers' rights.

1. Why do hundreds of Asian women migrate and work as Domestic Workers abroad?

Millions of women from Asia, primarily Indonesia, the Philippines, Sri Lanka, and India migrate to work as domestic workers abroad since they have few employment opportunities at home. Many say they would prefer to stay in their home countries if they could find decent jobs. Migrant domestic workers typically migrate to earn money to pay for school fees, health expenses, and house repairs.

2. What are the main violations the Migrant Domestic Workers suffer in Asia and in the Middle East?

Migrant domestic workers are at high risk of abuse since they have few legal protections and since they are isolated in private homes. In most countries, domestic workers are excluded from basic labor protections guaranteed to other workers, such as a minimum wage, rest days, limits to hours of work, and access to labor courts.

The most common violations are extremely long working hours with no rest, often 15-18 hours a day, 7 days a week. Domestic workers often earn only a fraction of the minimum wage, but another common complaint is non-payment of wages. Sometimes domestic workers are

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not paid for a few months or a few years. I have interviewed women who were not paid for more than 10 years, but who were unable to escape these situations.

There is an alarming number of cases of forced confinement in the workplace, psychological abuse, physical abuse, sexual abuse, and murder. The practice of confiscating a domestic worker's passport and prohibiting her from leaving the workplace (sometimes locking her in the home) is widespread. This isolation and inability to leave the workplace makes it difficult for domestic workers to report abuses and obtain help.

We have documented many cases of egregious violence, including severe beatings, burning domestic workers with hot irons all over their bodies, threats to kill them or their families, repeated rape, and forms of humiliation. There are many cases of domestic workers falling to their deaths by falling from the windows in tall apartment buildings, either from depression and suicide or when trying to escape their employment situations.

3. The restrictive immigration policies contribute to the violation of the Migrant Domestic Workers' rights?

Many host countries, including Saudi Arabia, Kuwait, the United Arab Emirates, and Lebanon employ so many migrant domestic workers that they create specific employment visas for them. They use a system called the kafala (sponsorship) system in which this visa is linked to the domestic worker's employer who also serves as their immigration sponsor. A domestic worker must obtain her employer's permission to change jobs and in some cases, to leave the country. If she runs away or escapes from her employer, even in cases of abuse, she typically loses her valid immigration status and is subject to arrest, detention, and deportation.

This gives employers significant power over domestic workers which can be easily abused. For example, some employers refuse to pay wages to their domestic worker, but also refuse to let them change jobs. Many of these domestic workers have to repay debts at home, have little information on where to go for help, and are afraid of arrest and deportation if they run away. These conditions contribute to cases of labor exploitation, forced labor, and slavery-like conditions.

4. Many Migrant Domestic Workers are mothers. They sometimes leave their children in their homeland and sometimes they take their children with them. What are the main difficulties a foreign worker face when being a mother?

The majority of migrant domestic workers are unable to bring their children with them. Those who migrate through documented immigration channels are prohibited from bringing their children because of the employment visa restrictions, and even those who migrate through irregular channels rarely find employers who will allow

them to bring their children since the most common arrangement in these countries is for the domestic worker to live with their employer. There are many difficulties a foreign worker faces when being a mother on top of the emotional pain of missing her family. Some employers restrict domestic workers from communicating with their families through letters or phone calls, and so the domestic worker may have no idea about the welfare of her family or whether they are receiving the money being sent back. Keeping in touch is very difficult, and many mothers, especially those who spend years away, express sadness that their children become closer to their immediate caretakers (often grandparents or aunts and uncles) and feel that their mothers are more like strangers.

5. When it comes to legislation, what are the minimum rights that should be guaranteed by national legislations regarding Migrant Domestic Workers? (e.g., remuneration, residence, rest, vacations, etc.)

Domestic workers should have equal labor protections as other workers under national labor laws, such as the prevailing minimum wage, regular rest days, limits to their hours of work, provisions for overtime pay, sick leave, maternity benefits, and social security. They should be provided additional protections that address the unique nature of their work, such as minimum guarantees for their food and accommodation if they are live-in domestic workers, and ways to calculate hours of work since it is often intermittent over the day and not like a 9am-5pm office job.

Migrant domestic workers should be able to change employers without having to get the permission of their first employer and should have the right to join trade unions and form workers' associations. Legislation should also prohibit recruitment agents or employers from passing the cost of recruitment onto the worker through salary deductions since this can lead to situations akin to debt bondage.

6. One of the main things to do in order to promote the rights and dignity of the migrant women is to create monitoring mechanisms to detect cases of deception, exploitation, and abuse of domestic workers. What are the main difficulties that impede this to be done?

Most employers and government officials strongly object to the idea of inspectors entering private homes as they feel it will be a violation of privacy. Another barrier is logistics – labor ministries would need to employ an extremely large number of inspectors to have the capacity to monitor domestic workers spread out in different homes.

The position of Human Rights Watch is that once a household decides to employ a domestic worker, they must also accept that their home is also a workplace. The government has a responsibility to prevent and respond to abuses whether they take place in a home or in an office. In other regions of the world, governments are able to enter a home for inspection if they obtain a judicial authorization—often the result

of a complaint of suspected abuse. Another proposal is that domestic workers must present regularly to labor offices, embassies, or other authorized entities to give private interviews so they can discuss their work conditions and report any problems.

7. What is the society's and NGO's roles in the promotion and protection of domestic workers' rights?

Every person can play an important role in the promotion and protection of domestic workers' rights. This includes through raising awareness about this invisible issue through conversations and discussion with family and friends, by reporting cases of suspected abuse of domestic workers by neighbors or family members, and recognizing the important contributions that domestic workers make by cooking, cleaning, and caring for children as work.

NGOs play an important role by including this issue in their work. For example, women's rights organization that fight domestic violence can make many valuable contributions in the awareness about domestic worker abuse, provision of crisis services, and offering lessons learned about fighting crimes that take place in homes.

8. What kind of work does the Human Rights Watch develop in the defense of migrants and refugees?

Human Rights Watch is primarily a research and advocacy organization. We document abuses against migrants and refugees through in-depth, on-the-ground investigations and publish reports based on our findings. We disseminate these reports widely, including through local and international media, to increase public attention to these issues and generate pressure for governments, donors, and UN agencies to take actions to prevent and respond to human rights abuses.

9. Is there anything else you wish to tell our readers?

An exciting development is the creation of new international labor standards on domestic work at the International Labour Organization. These will be finalized in June 2011, most likely in the form of an international treaty. Governments that sign on to this treaty would be legally required to change their national laws and practices to meet these international standards.

Entrevista

A REMHU traz neste número a entrevista a Nisha Varia, pesquisadora da divisão Direitos das Mulheres da ONG Human Rights Watch (HRW). Nisha investiga os abusos contra as mulheres migrantes na Ásia e no Oriente Médio e é autora de um recente relatório da HRW - "Slow Reform: Protection of Migrant Domestic Workers in Asia and the Middle" (2009). Nesta entrevista ela nos fala das principais violações e das políticas de proteção necessárias para a defesa e promoção dos direitos das trabalhadoras domésticas migrantes.