



December 2005

Volume 17, No. 10 (C)

## **Maid to Order**

### **Ending Abuses Against Migrant Domestic Workers in Singapore**

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## Summary

*I was not allowed to go outside. I never went outside, not even to dump the garbage. I was always inside, I didn't even go to the market. I felt like I was in jail. It was truly imprisonment. I was not allowed to turn the radio on either.... I could only see the outside world when I hung clothes to dry.*

— Sri Mulyani (not her real name), Indonesian domestic worker, age thirty, Singapore, February 19, 2005

*I was afraid if I ran away, I would be caught by the police. Madam often got angry with me, complained to the agency, and the agency also got angry with me. The agent asked, "What do you want?" I said, "I want to die, ma'am, because the people here are cruel, everything I do is wrong, I'm always called idiot and stupid."*

*[It got so bad,] I really didn't know what to do, so I drank poison for rats and cockroaches. I lost consciousness, and Madam brought me to the hospital....*

*The police told me it was wrong to try suicide. When the incident happened, I had been working exactly seven months. I had earned S\$90 [U.S.\$53].*

—Muriyani Suharti (not her real name), domestic worker, age twenty-two, Singapore, March 8, 2005

Between 1999 and 2005, at least 147 migrant domestic workers died from workplace accidents or suicide, most by jumping or falling from residential buildings. There is no single reason why domestic workers resort to suicide, but research by Human Rights Watch suggests that many women are made despondent by poor working conditions, anxiety about debts owed to employment agencies, social isolation, and prolonged confinement indoors, sometimes for weeks at a time.

As authorities have acknowledged, many of the deaths are also due to workplace accidents. Several of the workers fell to their deaths after their employers forced them to balance precariously, despite being many stories up, to clean windows from the outside or to hang clothes to dry on bamboo poles suspended from window sills.

While the deaths of migrant workers described above have received increasing attention in the media and from policymakers, the context in which they occur too often is overlooked. This report, which draws on extensive research and more than one hundred interviews, surveys the abusive conditions facing many domestic workers in Singapore today.

Many migrant domestic workers in Singapore face abysmally long working hours, no weekly rest days, and low wages, areas neglected by Singapore's laws and addressed primarily through non-binding information guides. In many cases, migrant domestic workers in Singapore work thirteen to nineteen hours a day, seven days a week, and are restricted from leaving the workplace. They typically earn less than half the pay that workers earn in similar occupations in Singapore—such as gardening and cleaning—and are forced to relinquish the first four to ten months of their salaries to repay employment agency fees. In the worst cases, manipulated by agents or employers or both, migrant domestic workers suffer under conditions amounting to forced labor.

Singaporean officials are now beginning to give these problems serious attention. Authorities have imposed tough punishments on employers who physically abuse or fail to pay their domestic workers. Although increasing numbers of officials are turning their attention toward domestic workers, the problems persist. And while Singapore's applicable laws and regulations offer stronger protections than do those of neighboring countries such as Malaysia, Singapore is still far behind Hong Kong, which includes domestic workers in its main labor laws, protecting their rights to a weekly rest day, a minimum wage, maternity leave, and public holidays. Employers in Hong Kong must also bear most recruitment and placement fees, including the cost of visas, insurance, required medical exams, and round-trip transportation from the worker's hometown.

The Singapore government to date has preferred to rely on market forces rather than laws to regulate key labor issues for domestic workers such as charges imposed by employment agencies, wages, and weekly rest days. As a result, a migrant domestic worker's fate in Singapore is highly variable. She may secure a good employer and labor agent, enjoy favorable working conditions, and earn wages that she saves or regularly sends home. Or she may work for months without pay to settle debts incurred from exorbitant recruitment fees, labor for long hours seven days a week, and confront prohibitions from leaving the workplace. Singaporean authorities need to do more—through legal reform, enhanced public awareness campaigns, and more consistent law enforcement—to ensure all workers are protected against abuses and can readily seek redress when necessary.

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Singapore, a prosperous city-state in Southeast Asia, attracts women migrant domestic workers from around the region. Approximately 150,000 women, primarily from Indonesia, the Philippines, and Sri Lanka, hold work permits for two-year employment stints in Singapore. Approximately one in every seven Singaporean households employs

a “live-in” migrant domestic worker. The child care, domestic duties, and elder care these women perform help free up Singaporean men and women to work outside of their homes. The Singapore government also views employment of foreign domestic workers as a strategy to boost a below-replacement birthrate—domestic services ease the burden on working women and Singaporean families who decide to rear children.

No data exists to calculate accurately the number of women migrant domestic workers who confront labor rights and other human rights violations. Many migrant domestic workers have positive experiences. Human Rights Watch interviewed domestic workers who received wages and rest days regularly, enjoyed proper living accommodation, and developed close personal ties with their employers. The Ministry of Manpower estimates that one in three domestic workers renew their two-year contracts and continue to work under the same employer.

A significant number of migrant domestic workers are not so fortunate. Given their isolation in private homes, it is difficult to ascertain the exact proportion of migrant domestic workers who face abuse. However, domestic workers make thousands of complaints to their embassies, employment agents, private service organizations, the Singapore Police, and the Ministry of Manpower each year. The Indonesian embassy alone estimates that it receives fifty complaints per day, mostly from domestic workers. The Philippines embassy and the Sri Lanka High Commission estimate receiving between forty to eighty complaints from domestic workers per month. Many abuses likely never are reported, especially if an employer repatriates a domestic worker before she has a chance to seek help.

The abuse often begins in domestic workers’ home countries. Recruitment practices and legislation vary greatly by country. The Philippines has clearly defined policies on standard employment contracts and recruitment fees. The employment contract provides for a day off each week and a monthly minimum wage of S\$350 [U.S.\$206]. But many Filipinas come through unlicensed agents or on tourist visas, making them subject to overcharging, poor working conditions, and less access to redress. In Indonesia, domestic workers face high fees from local labor agents, and are often confined in overcrowded, locked training facilities for up to six months while waiting for placement abroad. Many domestic workers report inadequate food and some confront physical violence.

The different routes workers take in getting to Singapore correlate with the conditions they are likely to face upon arrival. According to embassy officials and Human Rights Watch’s own research, workers placed through unlicensed agents are more likely to have

lower wages, no days off, and illegal deployments to multiple homes. Several domestic workers from Indonesia, for example, told us they were threatened with retaliation by employment agents who told them they would be trafficked into forced prostitution or would have to pay substantial fines if they did not complete their debt payments. Other domestic workers reported that employment agents confiscated their passports and any contact information in their possession, making it difficult to seek help.

In Singapore, the government does not adequately regulate the fees, “private loans,” and salary deduction arrangements imposed by employment agencies on migrant domestic workers. Intense competition among the more than six hundred employment agencies has led them to reduce fees charged to employers, and to shift the cost of recruitment, transportation, training, and placement to domestic workers. Domestic workers who change employers pay extra fees for transfer costs, sometimes extending their debts by months. Seeking employment in Singapore precisely because they are escaping poverty in their own countries, many women must take on large debts which they settle by working for four to ten months with little or no pay.

The Employment Agencies Act stipulates that employment agencies cannot charge job seekers more than 10 percent of their first month’s earnings. Singapore’s Ministry of Manpower has argued that the charges to domestic workers are not agency fees, but instead private loans that fall outside of the law’s parameters. This distinction for costs associated with recruitment, processing, and placement with employers is arbitrary and unfairly strips migrant domestic workers of important protections. Human Rights Watch interviewed domestic workers who said they stayed in situations of abuse because of their debt obligations.

The Singapore government has instituted several policies that exacerbate domestic workers’ isolation in homes and their risk of abuse. One is a S\$5,000 [U.S.\$2,950] security bond imposed on employers who hire domestic workers. Employers forfeit the bond if their domestic worker runs away or if they fail to pay for the domestic worker’s repatriation costs. The Singapore government enacted this policy in an attempt to control illegal immigration and to ensure employers have adequate funds to repatriate the workers on completion of their contracts. Instead, the bond has become an incentive to employers to tightly restrict their domestic workers’ movements, prevent them from giving workers weekly rest days, and sometimes to lock them in the workplace. Another policy ties migrant domestic workers’ work permits to particular families, giving employers inordinate power. Under the existing system, employers may repatriate domestic workers at will, even if they have not paid off their debts or earned any income.

Singapore's work permit regulations forbid migrant domestic workers from becoming pregnant, restrict their marriage and reproductive rights, and provide further incentives for employers to confine domestic workers to the workplace to prevent them from "running away" or "having boyfriends." The prohibition on becoming pregnant has also led to unequal access to health care services, including voluntary abortions, as some employers, agents, and domestic workers believe that seeking an abortion will result in automatic deportation.

Singapore, in a stated attempt to regulate unskilled labor migration, also imposes a monthly levy on employers of work permit holders—employers of domestic workers must pay S\$200-295 [U.S.\$118-174] to a central government fund each month. This amount is more than many employers pay to the domestic workers themselves. Given 150,000 workers, this translates to roughly S\$360-531 million (U.S.\$212-313 million) annually. None of these funds are earmarked for services geared toward migrant workers.

In response to growing publicity and alarm over abuses against migrant domestic workers, Singapore's Ministry of Manpower has instituted some encouraging reforms in the past two years. These include mandatory orientation programs for new employees and new employers, increased commitment to prosecuting cases of unpaid wages and physical abuse, and the introduction of an accreditation program for employment agencies. The ministry also has published an information guide advising employers on proper treatment of domestic workers and informing them of the penalties for physical assault and forced confinement.

These initiatives, though important, do not go far enough. Singapore needs to do more to address the underlying inequities and lack of protection that result in widespread abuse. Singapore's Employment Act and Workmen's Compensation Act should be amended to include domestic workers. These laws guarantee weekly rest days, limitations on work hours, and regular payment of wages and overtime. They also regulate salary deductions for debt payments and address compensation for workplace injuries. Singapore also should institute stronger mechanisms for inspecting workplaces and employment agencies. The accreditation program, though a positive step, needs improved protections for domestic workers' rights, including greater transparency about recruitment and placement charges, and detailed provisions on working conditions such as weekly rest days.

In a country well-known for strictly enforcing laws to promote order and efficiency, the failure to provide adequate and equal protection to an entire class of workers is an anomaly and undermines the rule of law.

In cooperation with labor-sending countries and international bodies such as the International Labor Organization, Singapore should undertake immediate and effective reforms to end these abuses. Singapore has a choice. It can become a standard-setter in the region for labor-receiving countries. Or it can settle for second-best solutions that fail to address the roots of abuses against migrant domestic workers.

This report is based on several months of research including field research in Singapore in February, March, and November 2005. Human Rights Watch conducted sixty-five in-depth interviews with migrant domestic workers, reviewed the case files of twenty-five migrant domestic workers, and held focus groups and informal interviews with dozens more. These interviews took place at shelters and skills-training programs; in parks, shopping centers, and places of worship on domestic workers' days off; and at employment agencies. We also interviewed more than fifty representatives from Singapore's Ministry of Manpower, employment agents, employers, and private nongovernmental and faith-based organizations. All names of domestic workers cited in this report have been changed to protect their identity. Many employment agents and service providers also spoke with us on condition of anonymity, and their names have also been withheld.

This is Human Rights Watch's ninth report on abuses against domestic workers, including both children and adults. We have also documented abuses in El Salvador, Guatemala, Indonesia, Kuwait, Malaysia, Saudi Arabia, Togo, and the United States.

## ***Key Recommendations***

### ***Human Rights Watch urges the Singapore government to:***

**Provide equal and comprehensive legal protection to migrant domestic workers by:**

- Amending the Employment Act and Workmen's Compensation Act to provide equal protection to domestic workers.
- Establishing and periodically reviewing a national minimum wage to address domestic workers' vulnerability to wage exploitation. The National Wages



Council should also investigate and recommend policies that promote equal pay for equal work in the domestic work sector.

- Creating a standard contract that protects migrant domestic workers' rights in accordance with national provisions in the Employment Act and international labor standards.

**Enforce policies that help prevent abusive practices such as exorbitant debt payments to employment agencies, forced labor, and forced confinement by:**

- Increasing enforcement of the Employment Agencies Act to ensure compliance with caps on agency fees.
- Implementing policies so that migrant domestic workers do not spend several months working off their debts with little or no pay, a situation that fosters a range of human rights abuses. The government should look to the Philippines and Hong Kong, who require employers to pay for round-trip airfare and most expenses associated with recruitment and placement, including those now covered by private loans in Singapore. The government should consider adjusting the monthly levy to offset the cost to employers.
- Abolishing the S\$5,000 [U.S.\$2,950] security bond.
- Prosecuting employers who confine domestic workers to the workplace.
- Permitting migrant domestic workers to reside in independent living quarters.

**Create and improve mechanisms to prevent, monitor, and respond to abuse of migrant domestic workers by:**

- Inspecting workplace conditions and employment agencies regularly.
- Withdrawing accreditation powers from the Association of Employment Agencies in Singapore (AEAS) and CaseTrust and creating a new accreditation body for employment agencies with more comprehensive standards. The body should include representatives from employment agencies, consumer rights organizations, domestic workers' rights organizations, the Ministry of Manpower, and labor-sending countries.
- Creating helpdesks at the airport and main police stations with staff fluent in the primary languages spoken by migrant workers. Improving training for the police and immigration authorities to respond to abuse of migrant domestic workers.
- Conducting exit interviews with domestic workers when they are returning home to ensure they have been paid and to provide an opportunity to report any abuse.

**Sign and ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Migrant Workers Convention).**

***The governments of Indonesia, the Philippines, Sri Lanka, India, and other sending countries should:***

**Improve protections for citizens working in Singapore by:**

- Improving victim services at embassies and diplomatic missions in Singapore and providing resources including adequate staffing, access to legal aid, health care, trauma counseling, and shelter.
- Keeping a section of embassies and diplomatic missions open on Sunday, the day many migrant workers have off, and supporting skills training programs, and recreation and cultural centers for domestic workers.

**Regulate and monitor labor recruitment agencies and migrant worker training centers in their countries by:**

- Regulating labor agencies and migrant worker training centers, and more clearly defining standards for fees, minimum health and safety conditions, and workers' freedom of movement. Labor agencies and agents who violate these regulations should face substantial penalties.
- Establishing mechanisms for regular and independent monitoring of labor agencies, including unannounced inspections.

***Accreditation bodies and employment agencies should:***

**Contribute to the creation of safe and just working conditions for migrant domestic workers by:**

- Implementing a standard employment contract that establishes detailed protections on wages, hours of work, weekly rest days, salary deductions, and other terms of employment according to national provisions in the Employment Act and international labor standards.
- Creating recommended pay scales according to work experience and other qualifications, such as education. Abolish discriminatory policies that determine entry-level wages according to nationality rather than work experience, education, or other relevant criteria.
- Reporting cases of employer abuse to the Ministry of Manpower, the police, embassies, and accreditation bodies. Before placing a replacement domestic worker with an employer accused of abuse, agencies should exercise due diligence.

## Background

### ***Asian Women's Labor Migration***

*My parents had no more work, they have no land. I went to Manila to find a job in electronics. In the year 2000, the electronics industry was affected. I couldn't afford to give money to my family when I was working in the Philippines. I came to Singapore only to sacrifice for them.*

—Cristina Lopez (not her real name), Filipina domestic worker, age thirty-two, Singapore, February 20, 2005

Increasingly mobile in the era of globalization and unable to find adequate employment at home, millions of Asian women migrate for work. Currently, the International Labor Organization estimates that twenty-two million Asians work outside of their home country.<sup>1</sup> Women comprised approximately half of all migrants worldwide for several decades in the mid-1900s, but were generally a small proportion of migrant workers. This pattern began shifting in the late 1970s, most dramatically in Asia.<sup>2</sup> While thousands of Asian women migrated annually in 1970, by 1995, this estimate had risen to 800,000.<sup>3</sup> The feminization of labor migration is particularly pronounced in the Philippines, Indonesia, and Sri Lanka. In these countries, national-level estimates indicate that women comprise 60-75 percent of legal migrants, a significant proportion of whom are employed as domestic workers in the Middle East, Singapore, Malaysia, and Hong Kong.<sup>4</sup>

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<sup>1</sup> International Labor Organization, *Towards a Fair Deal for Migrant Workers in the Global Economy* (Geneva: International Labor Organization, 2004), p. 7. These numbers refer to the total number of migrant workers in receiving countries at a given point in time, including all who had migrated prior to the date and are still inside the country. The flow of migrant workers refers to the numbers going out of a sending country or entering a receiving country during a particular period of time, usually a year. Several limitations constrain migration estimates, including high levels of undocumented migration, lack of record keeping, restricted access to existing data, competing definitions of migration, and difficulties aggregating across diverse sources of information.

<sup>2</sup> United Nations Department of Economic and Social Affairs, Population Division, *International Migration Report 2002* (New York: United Nations Publications, 2002), ST/ESA/SER.A/220, p. 2. See also Hania Zlotnik, "The Global Dimensions of Female Migration," *Migration Information Source*, March 1, 2003 [online], <http://www.migrationinformation.org/Feature/display.cfm?ID=109> (retrieved May 18, 2004).

<sup>3</sup> Lin Lean Lim and Nana Oishi, "International Labor Migration of Asian Women: Distinctive Characteristics and Policy Concerns," in *Asian Women in Migration*, eds. Graziano Battistella and Anthony Paganoni (Quezon City: Scalabrini Migration Center, 1996), pp. 24-25. This figure was based on estimates provided by governments of labor-sending countries.

<sup>4</sup> Asian Migrant Centre and Migrant Forum in Asia, *Asian Migrant Yearbook 2001 Migration Facts, Analysis and Issues in 2000* (Hong Kong, Asian Migrant Centre, 2000). Komnas Perempuan and Solidaritas Perempuan/CARAM Indonesia, *Indonesian Migrant Domestic Workers: Their Vulnerabilities and New Initiatives*

For labor-sending countries such as Indonesia, the Philippines, Sri Lanka, India, Bangladesh, Pakistan, and Thailand, the “export” of labor has become an increasingly important strategy for addressing unemployment, generating foreign exchange, and fostering economic growth. Remittances to developing countries have grown steadily over the past three decades, and migrant workers currently send about U.S.\$100 billion a year to their home countries. Economically developing countries in Asia and the Western hemisphere receive the majority of these inflows.<sup>5</sup> According to the International Monetary Fund, “For many developing economies, remittances constitute the single largest source of foreign exchange, exceeding export revenues, foreign direct investment (FDI), and other private capital inflows.”<sup>6</sup>

Remittances are now a top source of foreign exchange and a key strategy for poverty reduction: Filipino migrants sent U.S.\$8 billion dollars home in 2004 and Indonesian migrants U.S.\$2 billion. Indonesia, along with many other countries, includes targets for the numbers of workers it hopes to send abroad in its five-year economic development plans. Indonesia’s targets have risen rapidly over time: in the economic development plan for 1979-84, the target was 100,000 workers; in the plan for 1999-2003, the target was 2.8 million workers.<sup>7</sup>

The most popular destination for Asian migrants has shifted from the Middle East to other Asian countries whose economies have boomed in recent decades. In 1990, for every migrant worker from Indonesia, the Philippines, or Thailand employed in other parts of Asia, there were three working in the Middle East. By 1997, destinations such as Malaysia, Singapore, Japan, Hong Kong, and South Korea had surpassed the countries of the Middle East.<sup>8</sup> These Asian destinations rely upon migrant workers to fill labor shortages that arise when the domestic labor force cannot meet the labor demands

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*for the Protection of Their Rights* (Jakarta: Komnas Perempuan and Solidaritas Perempuan/CARAM Indonesia, 2003), p. 9. This figure was 69 percent for Sri Lankan overseas workers in 2000 and almost 70 percent for Filipina overseas workers in 1998. Malsiri Dias and Ramani Jayasundere, *Sri Lanka: Good practices to prevent women migrant workers from going into exploitative forms of labour* (Sri Lanka: International Labor Organization, 2001), p. 7; Piyasiri Wickramasekera, *Asian Labour Migration: Issues and Challenges in an Era of Globalization*, International Migration Papers 57 (Geneva: International Labour Office, 2002), p. 18.

<sup>5</sup> International Monetary Fund, “Workers’ Remittances and Economic Development,” *World Economic Outlook: Globalization and External Imbalances* (Washington D.C.: IMF, 2005), p. 69.

<sup>6</sup> *Ibid.*, pp. 69-84.

<sup>7</sup> Graeme Hugo, *Indonesian Overseas Contract Workers’ HIV Knowledge: A gap in information* (Bangkok: United Nations Development Programme, 2000), p. 3.

<sup>8</sup> Piyasiri Wickramasekera, *Asian Labour Migration: Issues and Challenges in an Era of Globalization*, International Migration Papers 57 (Geneva: International Labour Office, 2002), pp. 14-16, 42.

created by their fast-growing economies, or when their citizens are unwilling to take low-paying, labor-intensive jobs with poor working conditions.

Although Asian migrants include highly skilled professionals in management and technology sectors, the vast majority are employed in poorly regulated and hazardous sectors. Unable to find adequate employment in their home countries and lured by promises of higher wages abroad, migrants typically obtain jobs as laborers on plantations and construction sites, workers in factories, and maids in private homes. Many of these jobs are temporary and insecure—approximately two million Asian migrant workers each year have short-term employment contracts.<sup>9</sup>

Although both sending and receiving countries have prospered due to the labor and remittances supplied by migrant workers, they extend few protections to migrants, who routinely confront a wide range of abuses.

Many Asian women migrants are domestic workers and are particularly at risk of workplace abuse and exploitation because of the isolated nature of their work and the lack of sufficient legal protection. Labor laws around the world usually exclude domestic work from regulation or provide lesser protection, reflecting social biases that allow discrimination and violence in the “private” sphere to escape public regulation.<sup>10</sup> Human rights violations against migrant domestic workers remain largely invisible.

Abuses include long working hours, no days off, restrictions on freedom of movement and association, lack of pay, and physical and sexual abuse. Migrants have little access to the justice system due to restrictions on their movement, lack of information about their rights, and language barriers. Undocumented workers who have been abused fear approaching governments as they face possible detention and deportation, and the likelihood of little or no action on their complaints. Lack of protection for women migrants’ human rights also cultivates environments that can foster trafficking of women and girls into forced labor and forced prostitution.<sup>11</sup>

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<sup>9</sup> Manolo Abella, “Driving forces of labour migration in Asia”, in *World Migration 2003* (Geneva: International Organization for Migration, 2003).

<sup>10</sup> J.M. Ramirez-Machado, *Domestic work, conditions of work and employment: A legal perspective*, Conditions of Work and Employment Series No. 7 (Geneva, ILO, 2003).

<sup>11</sup> Human Rights Watch, *Help Wanted: Abuses against Domestic Workers in Indonesia and Malaysia*, July 2004 [online], <http://hrw.org/reports/2004/indonesia0704/>.

## ***Status of Women in Sending Countries***

The status of women in Indonesia, the Philippines, Sri Lanka, and India varies widely both within and across countries. Despite the progress made for women's rights in recent decades by legal reforms, improvements in girls' education, and greater awareness of the imperative of state action to fight violence against women, many forms of gender-based discrimination and violence continue to be serious problems in each country.<sup>12</sup> Governments have a mixed record in implementing women's rights protections, and women seeking redress have often encountered chauvinistic attitudes and little political will. Vibrant women's rights movements raise consciousness, provide services, and lobby for reforms in all four nations.

Girls' education rates have dramatically increased, but gender inequality still manifests itself in higher education, labor force participation, and earning power. In Indonesia, the Philippines, and Sri Lanka, girls' rate of primary and secondary school enrollment is approximately equal to boys. In India, significant gender gaps remain with only sixty-five literate women for every one hundred literate men.<sup>13</sup> In all four countries, approximately 40-55 percent of women are economically active, and they fall far behind men in average earnings. The table on the next page lists the estimated average annual earned income of men and women in each country, as well as the ratio of women's to men's earnings.

The striking differences between men and women's income is attributable to several factors, including the concentration of women in low-paying, less regulated industries, and the fact that women confront social and cultural barriers to entering male-dominated industries. Government and private sector commitment to affordable child care, maternity benefits, sexual harassment policies, and protections against gender discrimination in hiring also affect women's labor force participation and earning power.

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<sup>12</sup> For a country-by-country analysis of human rights violations against women and government reforms targeting gender-based discrimination, see <http://www.un.org/womenwatch/daw/cedaw/reports.htm>. This site contains government submissions to the Committee on the Elimination of Discrimination against Women (CEDAW Committee) and the Committee's concluding observations. The implementation of the main human rights treaties under the United Nations human rights system is supervised by committees made up of independent experts. The CEDAW Committee monitors the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), G.A. Res. 34/180, U.N. Doc. A/34/46, 1979, entered into force September 3, 1981. State parties submit periodic reports to the CEDAW committee about their compliance with the convention. After review and dialogue with the government, the CEDAW committee issues concluding observations and recommendations to state parties that acknowledge reforms and highlight areas of continuing concern.

<sup>13</sup> United Nations Development Program (UNDP), "Human Development Reports, Statistics," updated regularly [online], <http://hdr.undp.org/statistics/> (retrieved October 11, 2005).

**Table 1: Estimated Earned Income for Men and Women in 2003<sup>14</sup>**

Country	Earned income, Female (U.S.\$)	Earned income, Male (U.S.\$)	Ratio of women's earnings to men's earnings (%)
<b>Philippines</b>	3,213	5,409	59
<b>Sri Lanka</b>	2,579	5,009	51
<b>Indonesia</b>	2,289	4,434	52
<b>India</b>	1,569	4,130	38
<b>Singapore</b>	16,489	32,089	51

Women in Indonesia, the Philippines, Sri Lanka, and other sending countries seek employment overseas due to lack of employment opportunities at home, the greater earning potential they may have abroad, and the financial stress their households may be facing. Many Indonesian women sought work abroad after the onset of the Asian financial crisis in 1997.<sup>15</sup> Human Rights Watch interviewed a Sri Lankan woman who came to Singapore to earn money after her son lost his house in the December 2004 tsunami.<sup>16</sup>

Many domestic workers interviewed by Human Rights Watch explicitly stated they had migrated to finance the education of their siblings or children. For example, Ani Khadijah, a thirty-four year-old Indonesian woman said, “My children wanted to continue their studies. We didn’t have money. I didn’t know I would have problems working in Singapore.”<sup>17</sup> Others needed to repay loans for health care or business losses. Neerangini, an Indian domestic worker said, “My son was in an accident. I needed money and borrowed Rp. 50,000 [U.S.\$1,106].... To pay them back, I came here.”<sup>18</sup>

<sup>14</sup> Ibid. According to the UNDP, Estimated earned income is roughly derived on the basis of the ratio of the female nonagricultural wage to the male non-agricultural wage, the female and male shares of the economically active population, total female and male population and GDP per capita (PPP US\$). UNDP, “Definition of Statistical Terms,” n.d. [online], <http://hdr.undp.org/docs/statistics/understanding/definitions.pdf> (retrieved October 11, 2005).

<sup>15</sup> Graeme Hugo, *Indonesian Overseas Contract Workers’ HIV Knowledge: A gap in information* (Bangkok: United Nations Development Programme, 2000).

<sup>16</sup> Human Rights Watch interview with Kiyoma Amaratunga (not her real name), Sri Lankan domestic worker, age forty-four, Singapore, March 1, 2005.

<sup>17</sup> Human Rights Watch interview with Ani Khadijah (not her real name), Indonesian domestic worker, age thirty-four, Singapore, February 19, 2005.

<sup>18</sup> Human Rights Watch interview with Neerangini (not her real name), Indian domestic worker, age thirty-one, Singapore, March 10, 2005.



Some of the women that Human Rights Watch interviewed had also experienced abuses including domestic violence. One domestic worker said, “My experiences have been bitter.... Everyday my husband beat me. Once he tried to kill me and my mother.... A lot of people in my village insulted me, because I’m poor they called me a prostitute, that I go out and sell my body. So I became bold to come here to Singapore.”<sup>19</sup>

### ***Status of Women in Singapore***

Singapore’s dramatic economic growth in the past few decades has led to improved standards for women in many areas. Women’s literacy increased by 46 percent from 1965 to 2000.<sup>20</sup> In 2000, school enrollment rates were equal for male and female students ages seven to sixteen<sup>21</sup> and women constituted half of all university graduates.<sup>22</sup> In 2002, the government took further steps to increase women’s access to higher education by eliminating a quota on the number of female medical students who can be admitted to the National University.

Women in Singapore enjoy good access to healthcare. Singapore’s maternal mortality rate is among the lowest in the world with an average of 6 deaths per 100,000 births in the years spanning from 1985 to 2003.<sup>23</sup> Women have had the right to abortion since 1970. By law, women are able to terminate a pregnancy up to twenty-four weeks of gestation.<sup>24</sup> However, in 1987, the government introduced compulsory pre-abortion counseling for women with at least a secondary school education and fewer than three children.<sup>25</sup>

Women’s representation in the workforce is relatively high, with women making up 45 percent of professional and technical workers and 26 percent of administrators and

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<sup>19</sup> Human Rights Watch interview with Muriyani Suharti (not her real name), Indonesian domestic worker, age twenty-two, Singapore, March 8, 2005.

<sup>20</sup> Report of the U.N. Committee on the Elimination of Discrimination against Women (Twenty-fifth session), Supplement No. 38 (A/56/38) para. 60.

<sup>21</sup> Government of Singapore, Key Indicators of Resident Populations [online], <http://www.singstat.gov.sg/keystats/c2000/indicatorsbysex.pdf> (retrieved October 4, 2005).

<sup>22</sup> Report of the Committee on the Elimination of Discrimination against Women (Twenty-fifth session), Supplement No. 38 (A/56/38) para. 60.

<sup>23</sup> UNDP, “Human Development Indicators 2005” [online], [http://hdr.undp.org/statistics/data/country\\_fact\\_sheets/cty\\_fs\\_SGP.html](http://hdr.undp.org/statistics/data/country_fact_sheets/cty_fs_SGP.html) (retrieved October 4, 2005).

<sup>24</sup> Center for Reproductive Rights, “The World’s Abortion Laws” [online], [http://www.reproductiverights.org/pub\\_fac\\_abortion\\_laws.html](http://www.reproductiverights.org/pub_fac_abortion_laws.html) (retrieved October 4, 2005).

<sup>25</sup> “Singapore should discourage abortion to lift birth rate: MP,” *Agence France Presse*, March 15, 2004 [online], <http://www.singapore-window.org/sw04/040315af.htm> (retrieved October 4, 2005).



managers.<sup>26</sup> However, women hold few leadership positions in the private sector. While wages for women range between 62 and 100 percent of men's depending on the occupation, the gap has narrowed in recent years, with women earning more than their male counterparts in some fields.<sup>27</sup>

Singapore has made significant progress in improving women's status in society, but women still confront inequality. Women's political participation remains low with women holding 16 percent of the seats in parliament.<sup>28</sup>

Stark differences exist in the status of foreign women living in Singapore compared to women nationals. Many foreign women are domestic workers, whose status before the law and whose working conditions is discussed below. Singapore is also a destination for some women sex workers from China, Indonesia, and other Southeast Asian countries. An unknown number may have been trafficked into forced prostitution and other forms of forced labor.<sup>29</sup>

### ***Migrants in Singapore***

Approximately 25 percent of Singapore's 2.3 million strong workforce is comprised of migrant workers.<sup>30</sup> One hundred and fifty thousand of these migrants are women domestic workers originating primarily from Indonesia, the Philippines, and Sri Lanka. Smaller numbers of women also migrate from India, Burma, Bangladesh, Thailand, and Malaysia to Singapore to become domestic workers.<sup>31</sup> Approximately one in every seven households employs a migrant domestic worker, including middle-class families. The Singapore government does not release figures about the national breakdown of these domestic workers, but verifies that the bulk migrate from the Philippines and

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<sup>26</sup> UNDP, "Human Development Indicators 2005," [online], [http://hdr.undp.org/statistics/data/country\\_fact\\_sheets/cty\\_fs\\_SGP.html](http://hdr.undp.org/statistics/data/country_fact_sheets/cty_fs_SGP.html) (retrieved October 4, 2005).

<sup>27</sup> Ibid.

<sup>28</sup> Inter-Parliamentary Union, "Women in Parliaments," September 30, 2005 [online], <http://www.ipu.org/wmn-e/classif.htm> (retrieved October 14, 2005).

<sup>29</sup> United States Department of State, "Trafficking in Persons Report 2005 [online], <http://www.state.gov/g/tip/rls/tiprpt/2005/46616.htm> (retrieved October 12, 2005).

<sup>30</sup> Human Rights Watch interview with Yeo Guat Kwang, member of Parliament and Chair, Migrant Workers Forum, National Trades Union Congress (NTUC); and Jeffrey Tan, senior executive officer, International Affairs, NTUC, Singapore, March 11, 2005. Ministry of Manpower, "Labour Force," *Labour Market Statistics* [online], <http://www.mom.gov.sg/Statistics/ManpowerResearch/Statistics/LabourMarketStatistics/Labourforce-print.htm> (retrieved October 14, 2005).

<sup>31</sup> Ministry of Manpower, "A General Guide on Employment of Foreign Domestic Workers," revised September 9, 2005 [online], [http://www.mom.gov.sg/NR/rdonlyres/3E5F2641-1831-48E8-A6B3-BF4F715EDC1E/5458/General\\_Guide\\_Employmt\\_FDWs\\_9Sep05.pdf](http://www.mom.gov.sg/NR/rdonlyres/3E5F2641-1831-48E8-A6B3-BF4F715EDC1E/5458/General_Guide_Employmt_FDWs_9Sep05.pdf) (retrieved September 15, 2005).

Indonesia.<sup>32</sup> The Philippines embassy estimates that approximately 63,000 of its nationals are domestic workers in Singapore and the Indonesian embassy, 60,000.<sup>33</sup> An official from the Sri Lankan High Commission said, “Unofficially there are 13,000 Sri Lankan domestic workers. Officially, MOM [Singapore’s Ministry of Manpower] doesn’t reveal the number.”<sup>34</sup>

Ever since Singapore began rapidly industrializing in the late 1960s, migrant workers have been a critical part of its economic development strategy. Attracting both highly skilled and “unskilled” workers from the region, Singapore has relied on foreign workers to meet labor demand. Singapore has successfully re-engineered its economy to become a regional powerhouse for high-end financial services and technology; its phenomenal economic growth in the late 1970s and early 1980s was initially fueled by labor-intensive manufacturing and electronics processing.

The combination of Singaporean women’s increasing labor force participation, a private sector that has failed to innovate “family-friendly” working conditions, and few feasible child care options have led to a strong demand for foreign domestic workers’ labor. Domestic duties and child care remain predominantly women’s work. Domestic service has taken several forms since colonial days.<sup>35</sup> With industrialization, greater female labor force participation, and increasing numbers of middle-class households seeking to contract out domestic work, Singapore introduced the Foreign Maid Scheme in 1978. This program opened the door for women from the Philippines, Indonesia, Thailand, Burma, Sri Lanka, India, and Bangladesh to enter Singapore as “live-in” domestic workers.<sup>36</sup> The migrant domestic worker population grew from five thousand in 1978 to the current level of 150,000.<sup>37</sup>

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<sup>32</sup> Human Rights Watch interview with Ng Cher Pong, director, Foreign Manpower Policy, and Kenneth Yap, head, International Relations, Foreign Manpower Management Division, Ministry of Manpower, Singapore, February 22, 2005.

<sup>33</sup> E-mail correspondence from the Philippines Embassy to Human Rights Watch, November 29, 2005 and information provided by fax by the Embassy of the Republic of Indonesia, Singapore, May 31, 2005.

<sup>34</sup> Human Rights Watch interview with diplomat, Sri Lankan High Commission, Singapore, February 18, 2005. The official added, “There are three thousand other types of workers, both men and women, so 15-16,000 [Sri Lankan] workers overall.”

<sup>35</sup> During the nineteenth century, elite Chinese households kept *mui tsai*, girls sold into a lifetime of servitude. From the 1930s-70s, Cantonese women from the Pearl River Delta region seeking work in domestic service became known as *amahs* and were well-known for their loyalty. Noorashikin Abdul Rahman, Brenda S.A. Yeoh, and Shirlena Huang, “Dignity Over Due: Transnational Domestic Workers in Singapore. Contemporary Perspectives on Asian Women,” Paper presented at Transnational Domestic Workers Conference, National University of Singapore, February, 23-5, 2004.

<sup>36</sup> “Live-in” domestic workers live with their employer, versus “live-out” domestic workers who have separate living arrangements.

<sup>37</sup> Noorashikin Abdul Rahman, Brenda S.A. Yeoh, and Shirlena Huang, “Dignity Over Due,” 2004.

The treatment of women domestic workers has occasionally sparked political and economic strife between Singapore and its neighbors. A major political dispute erupted between the Philippines and Singapore when a Filipina domestic worker, Flor Contemplación, was sentenced to death and executed for murdering another Filipina domestic worker and a child in 1995. The uproar led to the Philippines temporarily suspending its workers from employment in Singapore and ignited debates about migrant domestic workers' rights and working conditions. Economic ties suffered as well—"Singaporean investments in the Philippines dropped from a record U.S.\$65 million in 1994 to U.S.\$3.7 million by late 1995. Many Singaporean executives based in the Philippines left home after experiencing harassment from locals."<sup>38</sup>

In recent years, Indonesian migrant workers' groups have protested vehemently against the deaths of Indonesian domestic workers in Singapore and against application of the death penalty to Indonesian domestic workers convicted of crimes. They have called for greater investigation into abuses and working conditions that have contributed to or been responsible for these deaths and crimes.<sup>39</sup> In September 2005, two Indonesian domestic workers, Juminem and Siti Aminah, facing possible death sentences for killing a Singapore employer, received a life sentence and ten-year prison term, respectively. They were convicted of "culpable homicide" (a lesser crime than murder) in recognition of employment abuses and depression they suffered prior to the killing.<sup>40</sup>

Singapore's strict enforcement of its immigration laws, in combination with its small size, result in lower levels of irregular migration compared to other countries in the region, for example, Malaysia. In early 2005, Singapore decreed that new migrant domestic workers must be twenty-three or older, an attempt to make it more difficult for teenage girls (and in some cases even younger children) to enter the country as workers with altered travel documents. Though the number of domestic workers under age eighteen is difficult to document, organizations that provide services to abused migrant workers report relatively few cases involving child domestic workers. One of the principal nongovernmental organizations working with migrants said, "We have only had three cases of underage domestic workers."<sup>41</sup>

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<sup>38</sup> Brenda S.A. Yeoh, Shirlena Huang, and Joaquin Gonzalez III, "Migrant Female Domestic Workers: Debating the Economic, Social, and Political Impacts in Singapore," *International Migration Review*, 33(1), 1999, p. 130.

<sup>39</sup> Migrant Care, "Crucial Problems Facing Indonesian Migrant Workers," Powerpoint presentation shared with Human Rights Watch, 2005; "Migrant Workers Demand Abolishment of Death Penalty in Singapore," *Antara* (Indonesia), July 9, 2005.

<sup>40</sup> Public Prosecutor v Juminem and Another [2005] SGHC 165, Singapore High Court Decision, September 5, 2005 [online], <http://lwb.lawnet.com.sg/legal/lgl/rss/supremecourt/48844.html> (retrieved October 14, 2005).

<sup>41</sup> Human Rights Watch interview with a private organization aiding migrant workers, Singapore, February 17, 2005.

## Pre-Departure Abuses

*In the training center, it was very bad.... We received rice once a day and in the morning bread.... I was there for three months. There were over a hundred girls there. The gate was always locked. The security guard had the key. If my friends ran away, the rest of the girls received punishments. They wouldn't give us food for a day, or we would have to do three or four hundred sit-ups.*

*I was so depressed. I wanted to give up, but I could not because I have family problems. I was so tired once [during training], I fell asleep. The staff woke me up and made me do two hundred sit-ups until I almost fainted. Sometimes they used very harsh words, like, "If you're not successful, you'll become a prostitute!" They used all bad words. My passport was held by my agent.... They didn't explain the employment contract, I just had to sign it. I did not receive a copy. I did not know what was inside.*

—Dewi Hariyanti, newly-arrived Indonesian domestic worker, age twenty, Singapore, February 27, 2005

Prior to arrival in Singapore, many domestic workers encounter violations of their rights during recruitment and placement with an employer. Human Rights Watch interviewed women from the Philippines, Indonesia, and Sri Lanka who had suffered such abuses. Problems are especially rife in Indonesia, where thousands of licensed and unlicensed labor agents operate with little monitoring from the government. Abuses include deception about work conditions; forced confinement in training centers; poor living conditions in training centers such as overcrowding or inadequate food and water; and at times, beatings and sexual harassment. A 2004 Human Rights Watch report, *Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia*, describes pre-departure abuses in Indonesia in more detail.<sup>42</sup>

Labor agents often fail to provide prospective domestic workers with complete information about their working conditions, immigration requirements and fees, and their rights. The lack of information puts domestic workers at risk of exploitation and abuse by unscrupulous agents and employers. One domestic worker said, "I was offered a job in Singapore as a waitress. I am not sure what happened, they didn't send me. It was only after I came to the training center that they told me my only choice was to go to Singapore [as a domestic worker]."<sup>43</sup> Another domestic worker, Dwiyani, told us, "I

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<sup>42</sup> Human Rights Watch, *Help Wanted: Abuses against Domestic Workers in Indonesia and Malaysia*, July 2004 [online], <http://hrw.org/reports/2004/indonesia0704/>.

<sup>43</sup> Human Rights Watch interview with Kartika Hatmoko (not her real name), Indonesian domestic worker, age thirty, Singapore, February 27, 2005.

had to sign a contract in English. It was translated by my agent in Bahasa Indonesia.... I got no copy. No one explained [where I could turn for help if I had problems].”<sup>44</sup> Some labor agents take money and contact information away from domestic workers, stripping away the few resources they have to find help. Amina Hidayat said, “If someone brought money, the agent would keep the money in the office, and wouldn’t give it back. Some agents took phone numbers.”<sup>45</sup>

Many Indonesian domestic workers endured overcrowded, locked training centers, where they stayed for periods between one and eight months. Eko Mardiyanto told Human Rights Watch that, “there were about one hundred others. It was very crowded, we slept on the floor.... We were not allowed outside of the training center, not even with permission. I was sad, I wanted to fly quickly.”<sup>46</sup> Another domestic worker said:

I was in the training center for three months. I didn’t know [I would be there for that long.] I thought it would be fast but it took a long time. I wanted to go out, but I was not allowed, we could not get permission. There were security guards. There were a hundred of us, we slept on the floor.<sup>47</sup>

Triwulandari said, “Conditions were not so good. There was not enough food and not enough sleep. We slept on the floor, with no mattress and no pillow.... We were not allowed out, we had no permission. I was sad, I wanted a good life.”<sup>48</sup> One agency kept a young woman in a training center for eight months after she was diagnosed with worms and deemed unfit for deployment. She said, “There was a very high wall, it seemed like a jail. It seemed like a mental hospital, sometimes I saw women crying, laughing, or running here and there. Or sitting like this, rocking back and forth. I felt stressed.... I didn’t want to run away because I have a lot of loans to repay for my parents.”<sup>49</sup>

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<sup>44</sup> Human Rights Watch interview with Dwiyani (not her real name), Indonesian domestic worker, age twenty, Singapore, February 22, 2005.

<sup>45</sup> Human Rights Watch interview with Amina Hidayat (not her real name), Indonesian domestic worker, age thirty-seven, Singapore, February 25, 2005.

<sup>46</sup> Human Rights Watch interview with Eko Mardiyanto (not her real name), Indonesian domestic worker, age twenty-one, Singapore, February 20, 2005.

<sup>47</sup> Human Rights Watch interview with Budi Puspita (not her real name), Indonesian domestic worker, age twenty-four, Singapore, February 20, 2005.

<sup>48</sup> Human Rights Watch interview with Triwulandari (not her real name), Indonesian domestic worker, age twenty-four, Singapore, February 20, 2005.

<sup>49</sup> Human Rights Watch interview with Suwarti Haniwijaya (not her real name), Indonesian domestic worker, age twenty-five, Singapore, February 25, 2005.

Human Rights Watch interviewed many domestic workers who likened the training centers to prisons and described other restrictions on their freedom, including agents forcibly cutting their hair and taking away prayer materials. One domestic worker, Anis Rukiyah, said, “The gate was locked all the time. They would pass food through the gate. There were guards day and night.”<sup>50</sup> Another told Human Rights Watch:

There were 250 girls.... We were not allowed outside. The gates were locked and we could not go out, even with permission. There were security guards. Some women tried to run away.... I felt like I was in prison.... I used my same age, but a lot of my friends changed their age on their passports. Some were under eighteen, they were going to Malaysia and Singapore.... We had a medical check, they checked our body, urine, blood. I don’t know what they were checking.... They cut my hair. I had no choice. I was quite sad, who likes to be forced? They said I could not pray, that I could not fast during Ramadan.<sup>51</sup>

Domestic workers from Sri Lanka and the Philippines tend to encounter problems if they are recruited and placed by agencies operating illegally, without licenses or accreditation. As a leader in the expatriate Sri Lankan community said, “If you come through the right channels, there is not much problem at all.... If you bypass this, and come through an [unlicensed] agent, the agent could be a crook. The agent promises this, promises that. [The agent may] bring them here, desert them, and run away.”<sup>52</sup> An official with the Sri Lanka High Commission said that abusive recruitment procedures could result in trafficking: “Others are brought on tourist visas with return tickets. They are brought on the pretext of working and lured into prostitution. We have to stop this. The emphasis should be on recruiting only through accredited agents and inclusion in the Employment Act.”<sup>53</sup> Filipino diplomats said that “99 percent of complaints are from maids who didn’t pass through the POEA [Philippines Overseas Employment Administration].”<sup>54</sup>

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<sup>50</sup> Human Rights Watch interview with Anis Rukiyah (not her real name), Indonesian domestic worker, age thirty-eight, Singapore, February 27, 2005.

<sup>51</sup> Human Rights Watch interview with Muriyani Suharti (not her real name), Indonesian domestic worker, age twenty-two, Singapore, March 8, 2005.

<sup>52</sup> Human Rights Watch interview with Reverend Gunaratne, Buddhist temple, Singapore, February 21, 2005.

<sup>53</sup> Human Rights Watch interview with diplomat, Sri Lanka High Commission, Singapore, February 18, 2005.

<sup>54</sup> Human Rights Watch interview with Miriam Cuasay, labor attaché, and Crescente Relación, first secretary and consul, Philippines Embassy, Singapore, March 3, 2005.

Labor agents sometimes overcharge prospective domestic workers. Domestic workers often have no other choice given they may already be locked in a training center, have taken out large loans for the initial payments, or have commitments to help ease the desperate poverty of their families at home. Tuti Prihatin was cheated out of all her money by an agency that had no real operations. She said, “The first agency I went to was a bluff one. I was angry. I already had no money.... The first agency I paid two million rupiah [U.S.\$198]. The second agency I also paid two million. My mother had to borrow a lot of money to pay these fees. We paid one million [U.S.\$99] for transport.”<sup>55</sup>

As is discussed in greater detail later in the report, many domestic workers feel trapped in abusive employment situations as a result of the large debts they must repay to labor agents, often six to eight months of their salary. Some labor agents also threaten domestic workers if they fail to repay these fees. Dewi Hariyanti, a domestic worker told us:

I paid 500,000 rupiah [U.S.\$46] and then they sent me to the shelter [agency]. The [agent] told me it would be a seven-month deduction, but when I arrived, I found out it was ten months. So I had no other choice but to carry on. If we return [to Indonesia early] we have to pay ten months salary. The agent in Malang told me this. If we didn’t pay, they would abuse us and send us to Batam [an area notorious for sex trafficking]. A lot of friends [other domestic workers] who are unsuccessful with their employers, they go to Batam and face abuse from the agent. Some girls got hit, they could not go out.<sup>56</sup>

She added that the agents would both intimidate women individually and control them by threatening to punish their peers. She said, “If we wanted to go back home, we had to pay the agents. Before we paid, we had to be punished and sit out in the sun....The agents threatened us that, ‘if you go to the police, we will make it worse for your friends [still in the training center].’ We had to take care of our friends, so we had to keep quiet.”<sup>57</sup>

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<sup>55</sup> Human Rights Watch interview with Tuti Prihatin (not her real name), Indonesian domestic worker, age twenty-six, Singapore, March 6, 2005.

<sup>56</sup> Human Rights Watch interview with Dewi Hariyanti (not her real name), Indonesian domestic worker, age twenty, Singapore, February 27, 2005.

<sup>57</sup> Ibid.



Some domestic workers interviewed by Human Rights Watch said agents told them or implied that if they did not repay debts or complete two-year employment contracts, they could face large fines or be trafficked into forced prostitution. One Indonesian domestic worker said that her labor agent imparted the following message:

We must finish the contract. If we want to go home before two years, then we would have to pay five million rupiah [U.S.\$495]. If the employer returns me to the agency and they can't find another employer, then they will send me to Batam. We would be given work in Batam, I don't know what type. I heard rumors, if sent to Batam, they would make prostitutes out of girls like me, but I don't know if it's true. That's what happens if we do not finish the contract. There is lots of pressure.

These threats prevent many domestic workers who confront workplace abuse in Singapore from seeking help because they fear the consequences if they do not finish their two-year contracts. Aisyah Fatah said that in Singapore, her employer "threatened often to send me back. I was not allowed to talk to other people.... If I was caught, I could be sent back."<sup>58</sup>

Lack of information about pre-departure procedures, domestic workers' rights, and options on where to seek help compounds these problems. The level of government monitoring of recruiting agencies also affects the likelihood of pre-departure abuses. The Philippines has the most developed system for overseeing labor migration through the Philippines Overseas Employment Administration (POEA). The diplomatic missions of the Philippines, Indonesia, and Sri Lanka have guidelines for accrediting employment agencies and issue standard employment contracts, but these may have little binding power in Singapore and are difficult to monitor and enforce. For example, employment agencies in Singapore that are not accredited by the Philippines embassy still recruit and place Filipina domestic workers.

Many sending countries have begun instituting pre-departure orientation programs that, among others things, provide domestic workers with information about their rights. These programs do not yet reach all migrant domestic workers, and often reach them only after they have already endured poor conditions and forced confinement in training centers. A Singaporean woman who works with abused domestic workers said, "The pre-departure orientation is important. Lots of problems could be reduced if sending

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<sup>58</sup> Human Rights Watch interview with Aisyah Fatah (not her real name), Indonesian domestic worker, age twenty-one, Singapore, March 4, 2005.



countries did their job. Slavery in the modern era, it starts with girls themselves.... Educating them here [in Singapore] is too late!”<sup>59</sup> One domestic worker said she was much better able to negotiate her working conditions the second time she migrated. She said:

I asked the agent to show me the contract and explain it. Last time I was too stupid to say no. Because we need money, our first priority is to go to the country; we never think about [what is written in the contract] here in Indonesia, because of money.<sup>60</sup>

Immigration officials in sending countries may turn a blind eye to irregularities in travel documents in exchange for bribes. Michelle Udarbe, a Filipina domestic worker said:

I came on a tourist visa. Other girls tried, but they couldn’t go because immigration caught them. I was so scared because I’d never gone out of the country. The agent told me to just try my luck.... There was one lady working as a nursing aide on the same flight. When I got to Immigration the nursing aide told me to put money in my passport. I had 200 pesos only, but I made it through.<sup>61</sup>

An employment agent in Singapore told Human Rights Watch, “I don’t know how much. But I’m very very sure that a certain amount [of the fee paid to labor agents in sending countries] goes to immigration officials. In the Philippines, the agents instruct the [women] to go to which [immigration] lane and that official will have the names of the girls. It is very obvious.” She added, “There was a time that Indonesia threatened not to send domestic workers. I wasn’t the least bit worried, because I knew with the right amount of money, we could get around it.”<sup>62</sup>

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<sup>59</sup> Human Rights Watch interview with private organization aiding migrant workers, Singapore, February 24, 2005.

<sup>60</sup> Human Rights Watch interview with Tuti Prihatin (not her real name), Indonesian domestic worker, age twenty-six, Singapore, March 6, 2005.

<sup>61</sup> Human Rights Watch interview with Michelle Udarbe (not her real name), Filipina domestic worker, age forty-two, Singapore, February 23, 2005.

<sup>62</sup> Human Rights Watch interview with employment agent, Singapore, March 3, 2005.

## Legal Framework for Migrant Domestic Workers in Singapore

The primary sources of law regulating migrant domestic work in Singapore are the Employment of Foreign Workers Act and the Employment Agencies Act. Foreign workers enter Singapore through three types of work passes: an “employment pass” for professionals and highly-skilled workers, an “S-pass” for middle-level workers such as technicians, and a “work permit” for unskilled or semi-skilled workers, including domestic workers. The Employment of Foreign Workers Act regulates work permit holders and their employers, requiring them to abide by a set of immigration and labor regulations. Singapore’s main labor laws, the Employment Act and the Workmen’s Compensation Act, exclude domestic workers from their protections, but apply to most other skilled and unskilled foreign workers.

Singapore’s regulations governing foreign domestic workers are stronger than those of neighboring Malaysia, where abuse is rampant, but far weaker than those of Hong Kong, the other major Asian destination for migrant domestic workers (see appendix A for a copy of Hong Kong’s standard employment contract).

Singapore has demonstrated concern about abuse of migrant domestic workers and responded with reforms. Singapore amended its Penal Code in 1998 to increase by 1.5 times the penalties applied to employers convicted of physical abuse, sexual abuse, or wrongful confinement of domestic workers. They have also introduced an accreditation program for employment agencies, orientation programs for new employers and new employees, and a new department in the Ministry of Manpower focusing on the wellbeing of migrant workers. The new Foreign Manpower Management Division (FMMD) has approximately one hundred staff addressing labor policy, complaints, and management. As will be discussed in a later section, the Singapore government has demonstrated an increased commitment to investigating and prosecuting cases of physical abuse and unpaid wages.

A distinct strength of Singapore’s system is that most policy authority related to migrant workers is concentrated in the Ministry of Manpower. In other labor-receiving countries, for example, Malaysia, conflicting policies and poor coordination between the Ministry of Human Resources and the Department of Immigration result in significant protection gaps for abused migrant workers. Singapore’s system does not always work smoothly—one official from a sending country complained that within the Ministry of Manpower, “the Labor Relations Department and Work Permit Department don’t

correlate information” causing problems when employers wish to repatriate their maids immediately and the embassy wants them to stay in the country to pursue complaints.<sup>63</sup>

### ***Exclusion from Labor Laws***

Despite the positive reforms detailed above, Singapore has failed to implement basic reforms critical for preventing and responding to problems such as inhumane working hours, unconscionably low wages, lack of weekly rest days, and unequal access to employment benefits.

As mentioned above, Singapore excludes domestic workers from the Employment Act, which protects labor rights such as a minimum of one rest day per week, a maximum of forty-four work hours per week, limits on salary deductions, and fourteen days of paid sick leave.<sup>64</sup> Although domestic workers enter contractual agreements in which they exchange services in return for compensation, the Employment Act states:

“employee” means a person who has entered into or works under a contract of service with an employer...*but does not include any seaman, domestic worker*, or any person employed in a managerial, executive or confidential position....

“workman” means— (a) any person, skilled or unskilled, who has entered into a contract of service with an employer in pursuance of which he is engaged in manual labour, including any artisan or apprentice, *but excluding any seaman or domestic worker*....<sup>65</sup>

Singapore’s Workmen’s Compensation Act similarly excludes domestic workers from its provisions on compensation for workplace injuries and occupational illnesses. Though it has yet to do so, Singapore could extend equal employment protections to domestic workers easily under Part VII of the Employment Act, which states:

67. The Minister may, from time to time by notification in the *Gazette*, apply all or any of the provisions of this Act with such modification as may be set out in the notification to all domestic workers or to any group, class or number of domestic workers and may make regulations

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<sup>63</sup> Human Rights Watch interview with diplomat from labor-sending country’s embassy, Singapore, February 2005.

<sup>64</sup> Employment Act (Chapter 91) of Singapore.

<sup>65</sup> Employment Act, part I, section 2. Emphasis added.

to provide generally for the engagement and working conditions of domestic workers.<sup>66</sup>

Singapore does not have a minimum wage, and this lack of regulation has a particularly profound impact on migrant domestic workers, many of whom have little ability to negotiate the terms of their employment. As will be discussed in the section “Low and Unequal Wages,” migrant domestic workers earn a fraction of the wages of Singaporean workers in comparable occupations such as gardening and cleaning. Industry standards assign different wages to domestic workers according to their national origin, with an Indian domestic worker often earning less than half the monthly wage of a Filipina domestic worker.

Government officials expressed skepticism about regulating domestic work with the standards applied to other sectors. One official asked, “how to calculate [overtime] when workers never leave the employment place?”<sup>67</sup> Officials from the Ministry of Manpower told Human Rights Watch, “Wages for example, we leave to market forces.... The wages are low compared to U.S. wages, but high compared to home countries.”<sup>68</sup>

Singapore government officials also point to the existence of the Employment of Foreign Workers Act and the Employment Agencies Act, which do regulate the migrant domestic worker sector. The labor regulations outlined in those laws and related regulations (particularly work permit regulations), as discussed below, do not provide the same level of labor protections accorded by the Employment Act and Workmen’s Compensation Act. The Employment of Foreign Workers Act primarily addresses issues related to work permits, for example outlining a worker’s duties after the loss of a work permit and prohibiting employment without a valid work permit. This Act also limits migrant workers’ rights if the Controller of Work Permits changes the conditions, or suspends or cancels work permits. In such situations, migrant workers are prohibited from seeking any support from a trade union.<sup>69</sup>

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<sup>66</sup> Employment Act, part 67.

<sup>67</sup> Human Rights Watch interview with Kenneth Yap, Ng Cher Pong, Foreign Manpower Management Division, Ministry of Manpower, Singapore, February 22, 2005.

<sup>68</sup> Ibid.

<sup>69</sup> Employment of Foreign Workers Act (Chapter 91A), part 9, section 4. This provision states:

The termination of the services of a foreign worker under subsection (1) shall not be —

- (a) capable of negotiation with a trade union representing the foreign worker;
- (b) a matter in respect of which any form of industrial action may be taken by any such trade union;
- (c) the subject-matter of a trade dispute or of conciliation proceedings or any method of redress whether or not under any written law; and

The Singapore government regulates employment agencies through the Employment Agencies Act. The law regulates application, renewal, and revocation of licenses.<sup>70</sup> Certain provisions protect the interests of clients, for example, an employment agent's license may be revoked if he or she, "has carried on or is carrying on an employment agency in a manner likely to be detrimental to the interests of his clients."<sup>71</sup> Other provisions proscribe overcharging, deception, and trafficking.<sup>72</sup>

The Employment Agencies Act stipulates that employment agencies cannot charge job seekers more than 10 percent of their first month's earnings—an amount ranging between S\$20-40 [U.S.\$12.50-25] for most migrant domestic workers. This law also provides that agencies cannot charge employers more than a S\$5 [U.S.\$3] registration fee and 80 percent of the worker's first month's earnings. Singapore's Ministry of Manpower has enforced this law for foreign professionals and other skilled workers, but for foreign domestic workers has argued that the charges imposed by employment agencies are not agency fees, but instead private loans that fall outside of the law's parameters. This distinction for costs associated with recruitment, airfare, and placement with employers is arbitrary and unfairly strips migrant domestic workers of important protections.

### ***Work Permit Regulations***

Work permit regulations under the Employment of Foreign Workers Act provide labor protections, though these are not as comprehensive as those in the Employment Act. Work permits for migrant domestic workers require employers to commit to paying all wages due a worker before her repatriation, keeping a written record of wages, providing acceptable accommodation and a safe working environment, and providing prior notice of termination. The employer must also agree to pay for repatriation costs of the worker, purchase a minimum S\$10,000 [U.S.\$5,900]<sup>73</sup> personal injury insurance policy, allow her

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(d) any industrial matter within the meaning of the Industrial Relations Act (Cap. 136).

<sup>70</sup> Licensing requirements include furnishing a security bond of S\$20,000 [U.S.\$12,500], paying an annual license fee of S\$350 [U.S.\$219], and having no previous court convictions.

<sup>71</sup> Employment of Foreign Workers Act, part 11, section 1c.

<sup>72</sup> Ibid., part 23-4. The law states: "Any licensee who — (a) charges or receives himself or through another person, for his services, any sum greater than the prescribed fee; (b) knowingly and voluntarily deceives any person by giving false information; (c) instigates or induces any person not to admit in his service any worker who has not applied for employment, work or position through his employment agency; or (d) knowingly sends, directs or takes any girl or woman to any place for immoral purposes or to a place where she is likely to be morally corrupted, shall be guilty of an offence." Penalties include fines up to S\$5,000 [U.S.\$2,950] for repeat offenses and two years imprisonment for prostituting women.

<sup>73</sup> In this report, we used a currency conversion rate of S\$1=U.S.\$0.59, the rate on October 16, 2005.

to retain the original copy of her work permit, and to employ her only for domestic duties in the household registered for the permit.<sup>74</sup>

The Controller of Work Permits issued revisions to the work permit regulations in early 2005 that introduced new protections: employers are now required to pay domestic workers monthly, and the “employer shall ensure that the worker is not ill-treated, exploited, wilfully neglected or endangered.”<sup>75</sup> The regulations state that breach of work permit conditions may result in prosecution, imprisonment for up to six months, a maximum fine of S\$5,000 [U.S.\$2,950], revocation of the work permit, and a prohibition from employing foreign domestic workers in the future.<sup>76</sup>

Domestic workers, construction workers, restaurant workers, and other low-wage migrant workers who enter Singapore on work permits do not enjoy the same freedoms and protections as professional and technical workers immigrating on work passes. The latter class of workers may bring their immediate family, enjoy most of the same freedoms and protections as Singaporean citizens, and can marry Singaporean citizens. Work permit holders may not bring family members with them and are barred from marrying Singaporeans. As discussed in more detail in the section, “Restrictions on Reproductive and Marriage Rights,” work permit conditions also prohibit migrant domestic workers from becoming pregnant and from “breaking up families” in Singapore.<sup>77</sup>

Work permit conditions require employers to take out a S\$5,000 [U.S.\$2,950] security bond to guarantee they will repatriate their domestic workers. The government justifies the security bond as a mechanism for minimizing the numbers of migrant workers who enter the country on work permits, run away from their jobs, and stay on in Singapore illegally. Employers forfeit the bond if their domestic worker runs away or if they fail to pay for the worker’s repatriation according to their obligations under work permit regulations. As will be discussed in the sections, “Lack of Rest Days,” and “Forced

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<sup>74</sup> Ministry of Manpower, “Work Permit Application Form for a Domestic Worker, First Schedule, Conditions of Work Permit for Employer of Foreign Domestic Worker,” [online], <http://www.mom.gov.sg/Forms/> (retrieved November 16, 2005).

<sup>75</sup> Ibid.

<sup>76</sup> E-mail correspondence from Foreign Manpower Management Division, Ministry of Manpower, Singapore to Human Rights Watch, November 11, 2005 and Ministry of Manpower, “A General Guide on Employment of Foreign Domestic Workers,” revised September 9, 2005 [online], [http://www.mom.gov.sg/NR/rdonlyres/3E5F2641-1831-48E8-A6B3-BF4F715EDC1E/5458/General\\_Guide\\_Employmt\\_FDWs\\_9Sep05.pdf](http://www.mom.gov.sg/NR/rdonlyres/3E5F2641-1831-48E8-A6B3-BF4F715EDC1E/5458/General_Guide_Employmt_FDWs_9Sep05.pdf) (retrieved September 15, 2005).

<sup>77</sup> Ministry of Manpower, “Work Permit Application Form for a Domestic Worker, Fourth Schedule, Conditions of Work Permit/Visit Pass for Foreign Worker,” [online], <http://www.mom.gov.sg/Forms/> (retrieved November 16, 2005).

Confinement and Restricted Communication,” the threat of losing the security bond contributes to many employers denying domestic workers rest days and to their tightly controlling and restricting the workers’ movements.

A domestic worker’s work permit is tied to her employer. Employers have the power to repatriate a domestic worker at any time during the contract. They can also reject or approve a domestic worker’s wish to transfer employers in the middle or at the end of a two-year contract. As will be discussed in later sections, these policies foster a strong power imbalance, especially when domestic workers are under financial stress to repay their debts or earn money in Singapore. They may fear to report abuse as their employers can deny them transfers and repatriate them to their home country.

The Singapore government collects hundreds of millions of dollars annually by placing a monthly levy on employers of work permit holders. It raises or decreases the levy to regulate the number of migrant workers in the country and to equalize wages between foreign workers and Singaporean workers.<sup>78</sup> In 2005, the government reduced the levy from S\$345 [U.S.\$204] to S\$295 [U.S.\$174] per month per migrant domestic worker. These adjustments were included in a package of “family friendly” policies to help boost the national birthrate. Concessionary rates of S\$200 [U.S.\$118] are available for some categories of employers.

The monthly levy approximates and often exceeds the wages earned by the domestic worker herself. Although the government does not release official figures, it receives between S\$360-531 million [U.S.\$212-313 million] annually from levy payments by employers of migrant domestic workers. These funds go directly into a central government fund and are not earmarked for programs geared toward migrant domestic workers.

### ***Recent Initiatives***

In the wake of publicity surrounding several abuse cases and the rising death toll of migrant domestic workers falling to their deaths from tall apartment buildings, the Ministry of Manpower introduced several new initiatives in 2005. These policies aimed to improve the “quality” of foreign domestic workers employed in Singapore, to better regulate employment agencies, and to raise consciousness among employers and domestic workers about rights and responsibilities.

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<sup>78</sup> Human Rights Watch interview with Ng Cher Pong, Kenneth Yap, and Wing Git Chan, Foreign Manpower Management Division, Ministry of Manpower, Singapore, November 2, 2005.



The new requirements encourage the recruitment of older, English-speaking, formally educated migrant domestic workers. These changes respond in part to concerns that some domestic workers younger than eighteen were entering the country with altered travel documents. Several abuse cases involved young domestic workers who had little information about their rights, and who had gone through employment agents that may have threatened and intimidated them. The Ministry of Manpower changed the minimum age of employment for a migrant domestic worker from eighteen to twenty-three. It also now requires domestic workers to possess at least eight years of formal education and to pass an English proficiency exam.

In order to raise awareness about safe working conditions and legal obligations, the Ministry of Manpower has published a guide for employers of migrant domestic workers.<sup>79</sup> It has introduced two compulsory programs: an orientation for new employers, and a safety awareness seminar for all new migrant domestic workers. Employers can elect to complete the orientation program online, an option criticized by migrants' rights advocates in Singapore. A Human Rights Watch researcher observed an orientation session and one of the employer seminars. In the orientation session, migrant domestic workers learned about work permit conditions and the types of work that an employer can ask of them. Much of the seminar for employers focused on safe workplace practices, for example how to hang wet clothes outside windows or operate electrical appliances. Employers learned about their legal obligations and acceptable employment practices. The discussion focused on improving communication and flexibility. Topics included explaining that employers cannot make deductions from domestic workers' salaries as a punishment.

Another recent policy requires any employer who has cycled through five domestic workers in one year to attend an orientation. In 2004, the Ministry of Manpower said that approximately 3,000-4,500 employers change more than four domestic workers in one year.<sup>80</sup> According to a policy introduced in 2004:

MOM [Ministry of Manpower] recognises that frequent changes of FDWs are often a reflection of the difficulty that an employer faces in managing FDWs.... Employers who change their FDW for 4 times in a 1-year period are issued with advisory letters. At the 5<sup>th</sup> change,

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<sup>79</sup> Ministry of Manpower, "A General Guide on Employment of Foreign Domestic Workers," revised September 9, 2005.

<sup>80</sup> Sim Chi Yin, "Changed Your Maid Five Times This Year?" *The New Paper*, September 3, 2004.



employers are required to attend the Employers' Orientation Programme (EOP) and go through a post-class session with the trainer. At the 6<sup>th</sup> change, employers are required to attend an interview with a MOM officer. If the pattern of changing FDWs continues further, MOM would reject the employer's work permit application unless there are satisfactory explanations.<sup>81</sup>

These interventions are not strong enough to curb abuse. Waiting until an employer has employed five or six domestic workers within one year means that the intervention may come too late for several workers. The Ministry of Manpower's policy does not call for interviews with former or current domestic workers who may be able to provide important information about why they were dismissed or transferred.

Finally, in 2004, the Ministry of Manpower began requiring that all new employment agencies and those seeking renewal of their licenses must be accredited. The Ministry of Manpower designated two organizations as accreditation bodies for employment agencies placing migrant domestic workers: the Association of Employment Agencies in Singapore (AEAS), comprised of employment agents, and CASETrust, a consumer rights group. Employment agencies must have a minimum amount of financial reserves, keep records about domestic worker placements available for inspection, and have protocols for handling disputes. Both accrediting bodies have created sample employment contracts. Provisions state the necessity of giving domestic workers adequate food, rest, and lodging, but do not provide specific guidelines on maximum hours of work, periods of continuous rest, or acceptable housing arrangements. At the time of this writing, standard contracts promoted by these two accrediting bodies left a blank for the number of rest days a domestic worker will receive per month. In many cases, employers just fill in a zero. A provision effective in 2006 will require at least one day off per month for new contracts, but this may be waived by offering extra compensation. The effectiveness of the accreditation scheme is discussed later in this report.

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<sup>81</sup> E-mail correspondence from the Foreign Manpower Management Division, Ministry of Manpower, Singapore to Human Rights Watch, November 11, 2005.

## ***Unjustifiable Disparate Impact: Exclusion from Labor Protections***

*All persons are equal before the law and entitled to the equal protection of the law.*

—Singapore Constitution, article 12(1)

Singapore's Constitution and international law guarantee equality before the law and the entitlement of all persons to equal protection of the law.<sup>82</sup> When domestic workers in Singapore, a population comprised overwhelmingly of foreign women, encounter exclusion from employment laws regulating working conditions, they are experiencing a form of discrimination, though not necessarily intentional, in violation of the national laws of Singapore. This discrimination also violates rights articulated in international human rights law.

Singapore has committed to uphold human rights protections defined in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).<sup>83</sup> Singapore must ensure that domestic law and its enforcement comply with their international obligations to protect the rights of women. Although Singapore has not ratified the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), or the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Migrant Workers Convention), these are important sources of international law and human rights standards.<sup>84</sup> Some of their provisions reflect a significant degree of international consensus and evolving state practice. In this sense, they provide guidance on how Singapore might reformulate their legislation in respect to migrant domestic workers.

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<sup>82</sup> Singapore Const, art. XII, § 1 and Universal Declaration of Human Rights G.A. Res. 217A (III), U.N. GAOR, 3d. Sess., pt. 1 at 71, U.N. Doc. A/810 (1948), art. 7. The Universal Declaration of Human Rights (UDHR) is the precursor of important international treaties that set forth human rights. As a member of the United Nations, Singapore has committed to uphold the UDHR. See also, International Covenant on Civil and Political Rights (ICCPR), 999 U.N.T.S. 171, entered into force March 23, 1976, art. 26.

<sup>83</sup> Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), G.A. Res. 34/180, U.N. Doc. A/34/46, 1979, entered into force September 3, 1981, ratified by Singapore on October 5, 1995. Singapore entered a reservation to article 2, which prohibits discrimination against women, when it affects the practice of religious and personal laws. They also reserved the right to impose restrictions on the employment of women related to perceived health and safety concerns for pregnant women.

<sup>84</sup> CEDAW, art. 2; ICCPR, arts. 2 and 3; International Covenant on Economic, Social and Cultural Rights (ICESCR), U.N. Doc. A/6316 (1966), entered into force January 3, 1976, art. 2; Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Migrant Workers' Convention), adopted on December 18, 1992, U.N. G.A. Res. 45/158, entered into force July 1, 2003, art. 1.

International law prohibits discrimination on the basis of such distinctions as sex, national or social origin, or other status.<sup>85</sup> Article 3 of the ICESCR sets forth the equal right of men and women to the enjoyment of all economic, social, and cultural rights in the covenant, which includes the right to just and favorable conditions of work.<sup>86</sup> These rights include “women being guaranteed conditions of work not inferior to those enjoyed by men,” and the right to “rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.”<sup>87</sup>

Singapore’s Employment Act and Workmen’s Compensation Act exclude domestic workers from many of the legal protections extended to other workers. These laws protect other work permit holders, including migrants working in construction and restaurants. The Employment of Foreign Workers Act and the Employment Agency Act, which apply to domestic workers, do not provide the same level or specificity of protection. These exclusions, while facially neutral in that they focus on a form of employment, may not be discriminatory in intent but have a disparate impact on women and foreigners since the overwhelming majority of domestic workers in Singapore are migrant women. The lesser protection extended to domestic work reflects discrimination against a form of work usually performed by women and that involves tasks associated with traditional female domestic roles such as cleaning, child care, and cooking.

No legitimate reasons exist for these exclusions, meaning that the unequal protection of domestic workers under Singapore law constitutes impermissible disparate impact discrimination on the basis of sex and national origin.<sup>88</sup> Arguments that domestic work does not lend itself to regulations on working hours and rest days do not address the need to protect domestic workers’ right to health and right to rest. These arguments, as well as fears that such regulations would be difficult to enforce, can be addressed by encouraging the formation of domestic workers’ associations, creating accessible

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<sup>85</sup> UDHR, art. 2; ICCPR, art. 2(1): “Each State Party to the Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” See also, CEDAW, art. 1; and the Migrant Workers Convention), art. 7.

<sup>86</sup> ICESCR, art. 7.

<sup>87</sup> ICESCR, arts. 7(a) and 7(d).

<sup>88</sup> Some have argued that because domestic workers have responsibilities for child care or preparing meals that do not fit in a standard eight-hour workday, they should not be regulated by limits on their working hours. Although their hours may be flexible, there should be limits on the maximum hours of work they perform each week, with provisions for overtime pay. Furthermore, the requirements of many other jobs, such as health care providers, waiters, and pilots, do not fit the standard eight-hour workday model, yet workers in these jobs are still covered under domestic employment protections.

complaint mechanisms, and learning from the experiences of governments that do extend labor protections to domestic workers, including Hong Kong.

### **Agent Abuse and Negligence in Singapore**

*The agent in Singapore was cruel. I had to take off all my clothes and was totally nude. They were checking to see if I had hidden money. I was wearing a head scarf. They took it and threw it away. They hit me and kicked me with boots. They asked if I brought anything from Indonesia. They took 50,000 rupiah I had. There were three other girls with me. This was happening in front of them. Only those of us from Indonesia experienced this [treatment]. I had bruises on my head and arms. The employer found out when I went to her home. She asked me to go to the police. I said it didn't matter because God will punish them. They were Indonesian agents in Singapore from my hometown.*

—Sri Mulyani (not her real name), Indonesian domestic worker, age thirty, Singapore, February 19, 2005

More than one third of the migrant domestic workers interviewed by Human Rights Watch reported abuse at the hands of employment agents in Singapore. Abuses included confiscation of passports, personal belongings, and religious items; threats and physical abuse; illegal or dangerous employment assignments; and refusal to remove women from abusive employment situations. As will be discussed in later sections, agents may also saddle workers with large initial loans and overcharge for transfer fees, and room and board, sinking domestic workers deeper in debt, in a few cases placing them in situations akin to debt bondage. One service provider said, “Agencies treat them like...you are a maid, not a person anymore. We know not all agencies treat maids badly. The passport of the national is held by the employer and agent. That is very wrong.... [I know of one agency where] girls complain that agents threaten, intimidate, and slap them.”<sup>89</sup>

The displays of employment agencies in shopping centers underscore the notion that domestic workers are goods to be sold, rather than human beings requiring treatment with respect and dignity. During visits in March and November 2005 to shopping centers such as Lucky Plaza, Katong, Bukit Timah, People's Park Centre, and others, Human Rights Watch saw large signs advertising “\$88 dollar maids” [U.S.\$52] and, in some cases, agency fees as low as S\$1 [U.S.\$0.59]. Despite accreditation criteria for employment agencies prohibiting them from keeping domestic workers in the

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<sup>89</sup> Human Rights Watch interview with a private organization aiding migrant workers, Singapore, February 17, 2005.

storefronts as displays, agents found other ways to “advertise” domestic workers to potential customers. For example, in front of the Nation employment agency office in the Bukit Timah shopping center, domestic workers wearing matching uniforms acted like moving mannequins, miming washing windows, hanging clothes to dry, sweeping, and bathing babies for nearby shoppers to view.

Human Rights Watch interviewed domestic workers who experienced abusive treatment from employment agents in Singapore upon arrival. Neerangini, for example, was living with an agent who sent her for temporary cleaning assignments. She said, “For minor things, if the saris were not put away right, or not ironed, I got beaten. .... I was beaten so I couldn’t ever put on my own shirt. She would beat me with a metal ruler.”<sup>90</sup> Some agents took telephone numbers and other contact information from domestic workers, stripping them of key information necessary to for seeking help. Dewi Hariyanti said:

The labor agents searched our bodies. If they found letters or money, they took it, we couldn’t carry any addresses. They took it and they burned it, including telephone numbers. From me they took letters, a dress, and money. I hid money in my underwear and they did not find it. They made me take off my top in a room.<sup>91</sup>

Others described inadequate accommodations and insufficient food. One domestic worker told us, “I arrived at the agency yesterday. I stayed on the floor with other domestic helpers. The food was not enough. There was no breakfast, just bread and water. There was no lunch.”<sup>92</sup> Another said, “I spent one night in the agency. They didn’t give me anything to eat for the night. I was alone, I slept on the kitchen floor. I had no blankets, no mattress.”<sup>93</sup>

Agents may also place domestic workers in employment situations different from those to which they had originally agreed. Ani Khadijah, a domestic worker, told us, “It was a surprise when the manager told me the names of my employers. I was asking why—I

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<sup>90</sup> Human Rights Watch interview with Neerangini (not her real name), Indian domestic worker, age thirty-one, Singapore, March 1, 2005.

<sup>91</sup> Human Rights Watch interview with Dewi Hariyanti (not her real name), Indonesian domestic worker, age twenty, Singapore, February 27, 2005.

<sup>92</sup> Human Rights Watch interview with Margarita Ramos (not her real name), Filipina domestic worker, age twenty-six, Singapore, March 2, 2005.

<sup>93</sup> Human Rights Watch interview with Muriyani Suharti (not her real name), Indonesian domestic worker, age twenty-two, Singapore, March 8, 2005.

was supposed to take care of an old lady, but instead I was taking care of a small baby.”<sup>94</sup> Adelyn Malana, a Filipina domestic worker signed a contract for a monthly salary of S\$350 [U.S.\$206] with a weekly rest day. When she arrived in Singapore, the agency told her that her salary would be “S\$320 [U.S.\$189] with an off day and S\$350 with no off day.”<sup>95</sup> Neerangini, an Indian domestic worker told us her agent, “would send us out to clean for S\$10 [U.S.\$6] per hour. The \$50 [U.S.\$30] would go to the madam, not me.... There were six or seven of us...It was the same thing, she sent them out to work.”<sup>96</sup>

Employment agents sometimes place migrant domestic workers with employers they know to be abusive. Singapore’s regulation that employers can cycle through five domestic workers before they are subject to review endangers the well-being of domestic workers. Sometimes a second or third-round match is made in the name of finding a better fit, but many times agents are also aware that an employer has unreasonable expectations or does not treat domestic workers well. Despite this knowledge, agents prioritize keeping employers as clientele over ensuring that they place a domestic worker in a safe and fair working environment. As one labor agent told us:

This month, we had one transfer maid. The problem is probably with the employer. The employer is quite fussy, and has changed four domestic workers in one year. We will find a replacement for both the maid and the employer. We offer a three-month guarantee.<sup>97</sup>

Aisyah Fatah, whose employers forced her to operate a commercial laundry service, was confined to the house, and worked nineteen hours a day, said that when she escaped, the agent simply put another domestic worker in her place. She said, “They sent a Filipina after me, from this agency. They sent two Indonesians before me, no one lasts for long.”<sup>98</sup>

Several agents told Human Rights Watch they use the excuse that business is bad if they feel they can no longer supply a domestic worker to a particular employer. But they did

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<sup>94</sup> Human Rights Watch interview with Ani Khadijah (not her real name), Indonesian domestic worker, age thirty-four, Singapore, February 19, 2005.

<sup>95</sup> Human Rights Watch interview with Adelyn Malana (not her real name), Filipina domestic worker, age twenty-two, Singapore, February 21, 2005.

<sup>96</sup> Human Rights Watch interview with Neerangini (not her real name), Indian domestic worker, age thirty-one, Singapore, March 1, 2005.

<sup>97</sup> Human Rights Watch interview with employment agent, Lucky Plaza, Singapore, March 1, 2005.

<sup>98</sup> Human Rights Watch interview with Aisyah Fatah (not her real name), Indonesian domestic worker, age twenty-one, Singapore, March 4, 2005.

not report or blacklist such employers, who were then free to hire a maid from another employment agency.

Human Rights Watch interviewed more than thirty domestic workers who had negative experiences seeking assistance from their agent after facing abuse from employers. In many instances, the first person that an abused domestic worker will turn to is her employment agent. This agent may be the only person she knows in Singapore. After being physically abused by her employer, a domestic worker told us:

The employer brought me to the agent. The agent said, “why don’t you know how to work? You are old, you have kids.” He slapped me. Three times. I just cried.... There was nowhere to complain.<sup>99</sup>

A social worker who has worked on dozens of migrant worker abuse cases said, “The agency chooses not to believe the maid. They are always afraid of losing customers.”<sup>100</sup> Muriyani Suharti, a domestic worker who had been raped repeatedly by her employer, said:

The agency didn’t believe me. They said, “if it’s true that he forced you, why did it happen so many times?” It happened because I was afraid. After that I spent one month at the agency, working part-time for no pay. I told the agent, I want to go back to Indonesia. They told me if I wanted to go I had to pay all the expenses.<sup>101</sup>

Some domestic workers are afraid to report problems to their employment agents because of threats, outstanding debts, or poor treatment during other interactions. One domestic worker, Adelyn Malana, explained, “When I ran away I came here [to a private shelter] because my agent was not good. The agent is very angry with me because I came [here.] I think she would have sent me back to my employer.”<sup>102</sup> Kanthi Unisa, a domestic worker who escaped from her place of employment after experiencing horrific working conditions said, “There was nobody I could talk to. I talked to the agency, but they did not help me. The agency believed the employer.... [The agent said] “If you

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<sup>99</sup> Human Rights Watch interview with Ani Khadijah (not her real name), Indonesian domestic worker, age thirty-four, Singapore, February 19, 2005.

<sup>100</sup> Human Rights Watch interview with social workers, private organization, Singapore, March 4, 2005.

<sup>101</sup> Human Rights Watch interview with Muriyani Suharti (not her real name), Indonesian domestic worker, age twenty-two, Singapore, March 8, 2005.

<sup>102</sup> Human Rights Watch interview with Adelyn Malana (not her real name), Filipina domestic worker, age, twenty-two, Singapore, February 21, 2005.



don't want to work, I can't do anything for you. You cut your visa and go back." That is why I don't talk to my agency."<sup>103</sup>

## Workplace Abuses in Singapore

*It is \$588 [U.S.\$347] for an Indonesian, \$598 [U.S.\$353] for a Filipina. You want a Filipina because she speaks English. For Filipinas there is usually a six, seven month salary deduction [debt payment], for Indonesians there is eight months deduction. Filipinas need a day off once a month, Indonesians don't need a day off. The salary for Filipinas is S\$320 [U.S.\$189] per month, for Indonesians, 280 [U.S.\$165] per month. You get one replacement free, three months for a Filipina, six months for an Indonesian.*

—Employment agent explaining the packages available to prospective employers, Singapore, March 5, 2005

## Deaths

*Another foreign domestic worker fell from the fourth storey while hanging out the laundry on Tuesday. She was taken to the Changi General Hospital. A hospital spokesman said she was still in intensive care but was "stable and conscious." The maid, an Indonesian in her 30s, was said to have fallen head first out of her employer's Tampines flat around 6:40 a.m.*

—“Two fell this week,” *The New Paper*, February 20, 2004

Between 1999 and 2005, at least 147 migrant domestic workers died from workplace accidents or suicide, most by jumping or falling from residential buildings. Of these, 122 were Indonesian domestic workers who jumped or fell to their deaths.<sup>104</sup> One Sri Lankan domestic worker jumped to her death in September 2005.<sup>105</sup> Information provided by the Philippines embassy did not specify whether any deaths of Filipina domestic workers

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<sup>103</sup> Human Rights Watch interview with Kanthi Unisa (not her real name), Sri Lankan domestic worker, age twenty-four, Singapore, February 27, 2005.

<sup>104</sup> Human Rights Watch interview with Fachry Sulaiman, first secretary, Protocol and Consular, Embassy of Indonesia, Singapore, November 2, 2005.

<sup>105</sup> Human Rights Watch telephone interview with official, Sri Lanka High Commission, Singapore, November 17, 2005.



were due to falling from a height, but noted that between 2001 and 2005, fifteen Filipina domestic workers died from workplace accidents and nine from suicide.<sup>106</sup>

Although there are no directly comparable statistics, the Indonesian consulate in Hong Kong reported that thirty-two domestic workers died in Hong Kong between 2003 and June 2005 for reasons including illness, accidents, and suicides. Of these, they classified seventeen as suicides.<sup>107</sup> In the same period, forty-three Indonesian domestic workers in Singapore died by falling from buildings. These differences are particularly striking given Singapore employs approximately 60,000 Indonesian domestic workers while Hong Kong employs more than 90,000 Indonesian domestic workers.<sup>108</sup>

Interviews with government officials, embassy officials, aid organizations, domestic workers, and employment agents suggest that causes of these falls likely include suicide and hazardous workplace conditions. Isolation at the workplace, excessive work demands, employer abuse, and financial pressures are all factors that may contribute to anxiety and depression. Human Rights Watch interviewed a domestic worker who had attempted suicide after suffering poor working conditions and feeling she had no alternatives for escape. She said:

I was afraid if I ran away, I would be caught by the police. Madam often got angry with me, complained to the agency, and the agency also got angry with me. The agent asked “What do you want?” I said, “I want to die, ma’am, because the people here are cruel, everything I do is wrong, I’m always called idiot and stupid.”

[It got so bad,] I really didn’t know what to do, so I drank poison for rats and cockroaches. I lost consciousness, and Madam brought me to the hospital....

The police told me it was wrong to try suicide. When the incident happened, I had been working exactly seven months. I had earned S\$90 [U.S.\$53].<sup>109</sup>

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<sup>106</sup> E-mail correspondence from Crescente Relación, first secretary and consul, Philippines Embassy, Singapore, to Human Rights Watch, November 29, 2005.

<sup>107</sup> Sim Chi Yin, “Storm over a headline,” *The New Paper*, June 13, 2005 and information provided by fax by Ayodhia Kalake, Consulate General of the Republic of Indonesia, Hong Kong, June 2, 2005 and June 6, 2005.

<sup>108</sup> *Ibid.*, and information provided by fax by Fachry Sulaiman, first secretary, Protocol and Consular Affairs, Embassy of the Republic of Indonesia, Singapore, May 31, 2005.

<sup>109</sup> Human Rights Watch interview with Muriyani Suharti (not her real name), Indonesian domestic worker, age twenty-two, Singapore, March 8, 2005.

In the case of the Sri Lankan domestic worker who fell to her death, a spokesperson from the High Commission said, “The case is still an open verdict. But apparently she had kept a diary and she was very unhappy with her work conditions.”<sup>110</sup>

The threat of repatriation before they repay their debts or earn adequate money to support their families may also fuel panic and anxiety among domestic workers. In one domestic worker’s case seen by a service organization, “The employer wanted to send her home. She took a knife to herself [attempted suicide] because she wanted to finish her [two-year] contract.... She didn’t want to go back to the agent. She had worked for one year and five months. In the end, she returned to the agent.”<sup>111</sup>

Hazardous workplace conditions include being forced to clean the outside of windows from precarious ledges or to hang wet clothes from bamboo poles out of high windows from unsafe positions. An official from the Sri Lankan High Commission described one case in which a domestic worker was injured but did not die: “One girl fell over, about three years ago. She stood on the kitchen ledge. She slipped and fell four floors.... Employers scream if windows are not shining. She was in the hospital for two months.”<sup>112</sup> Ministry of Manpower officials told us that when they receive news of a fall, a “team goes to investigate cases. In one case a FDW [foreign domestic worker] fell to death while hanging clothes. The employer was responsible for endangering the safety of the FDW. It was in an area not meant for public access—a ledge with a low parapet.”<sup>113</sup>

In an interview with Human Rights Watch, Ministry of Manpower representatives discussed the government’s assessment of the cause of the deaths and their strategies for overcoming these problems:

There are two main causes. The first is safety. We are implementing a massive exercise, telling employers, “you are responsible for the safety of domestic workers,” through education, pamphlets.... The second is that FDWs [foreign domestic workers] commit suicide. We are teaching

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<sup>110</sup> Human Rights Watch telephone interview with official, Sri Lanka High Commission, Singapore, November 17, 2005.

<sup>111</sup> Records from private service organizations providing aid to migrant workers, Singapore, February 15, 2005.

<sup>112</sup> Human Rights Watch interview with diplomat, Sri Lanka High Commission, Singapore, February 18, 2005.

<sup>113</sup> Human Rights Watch interview with Ng Cher Pong and Kenneth Yap, Ministry of Manpower, Singapore, February 22, 2005.

employers and educating EAs [employment agents] the signs to look for.<sup>114</sup>

The results of investigations into a domestic worker's death or fall, and the ensuing classification of the incident as an accident or suicide carry consequences for a domestic worker's family. Compensation for falls deemed to be accidents may result in payments up to S\$10,000 [U.S.\$5,900] under the personal injury insurance that employers are required to buy for domestic workers. No compensation is offered in cases of suicide, and as the woman quoted above suggests, women who attempt suicide face possible criminal prosecution.

These cases are often difficult to investigate because the worker may have been home alone at the time of the fall, or there are no witnesses to corroborate or contradict employers' versions of events. An employment agent told us about a case in which one of the domestic workers she had placed died. She said, "I had a death. She fell from the twenty-second floor, she just flew off the window.... She was very young, sweet."<sup>115</sup> The investigation did not produce conclusive results on the cause of death, and at the time of the interview, the family had received no compensation.

In another case, a domestic worker suffered extreme financial hardship as a result of her fall. She fell three stories when hanging laundry, incurring spinal injuries and several broken bones. She was not able to walk ten months after the accident. Although the personal injury insurance paid for her initial hospital bill, her family has had to pay for subsequent medical care.<sup>116</sup>

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<sup>114</sup> Ibid.

<sup>115</sup> Human Rights Watch interview with employment agent, Singapore, March 3, 2005.

<sup>116</sup> Sim Chi Yin, "Still can't walk after 10 months," *The New Paper*, February 20, 2004.

## **Forced Confinement, Unpaid Wages, and Exorbitant Debt Payments**

### **Forced Confinement and Restricted Communication**

*The house was locked. I stayed in the house always. I was worried, if there is a fire, I don't have the key. What should I do, jump from the window?.... My employer didn't know I had a handphone, I always hid it in my clothing. She threw all my numbers, addresses in the garbage, my notebook. She tore it and threw it away.... At my employer's house, I couldn't talk [covers her mouth].*

—Trisha Panada (not her real name), Filipina domestic worker, age twenty-two, Singapore, February 21, 2005

Human Rights Watch interviewed twenty-nine domestic workers who had been forbidden from leaving their apartments alone and who had limited opportunity to use the phone, speak to neighbors, or even write letters. One woman, Kartini Saptono, told us: “I can write letters but I can’t make phone calls, I have to do it in secret. I’m not allowed to have a boyfriend. My employer wouldn’t like it, she would send me back to Indonesia.”<sup>117</sup>

The S\$5,000 [U.S.\$2,950] security bond paid by employers of foreign domestic workers to the government, in combination with employers’ fears of domestic workers running away, meeting boyfriends, becoming pregnant, or stealing household items contributes to many employers placing tight restrictions on their maid’s mobility and communication with others.<sup>118</sup>

The vast majority of migrant domestic workers interviewed by Human Rights Watch did not hold their own passports or even know where it was. Others did not keep their work permits in their own possession, in violation of immigration regulations. Typically, an employment agent might take a worker’s passport from her at the airport, use it to collect the work permit, and then either keep it or pass it to the worker’s employer directly. Although employers and agents often say they are retaining the passport for safekeeping, domestic workers sometimes are not able to obtain their passport, work permit, or other important documents even on request—further restricting their freedom of movement.

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<sup>117</sup> Human Rights Watch interview with Kartini Saptono (not her real name), Indonesian domestic worker, age twenty-six, Singapore, February 20, 2005.

<sup>118</sup> As discussed in the section, “Work Permit and Immigration Regulations,” the government requires that employers take out a S\$5,000 security bond which they lose if the domestic worker runs away. This policy attempts to curb the incidence of work permit holders abandoning their jobs and becoming illegal migrants,

As with the other abuses documented here, confiscation of passports and work authorization documents compounds restrictions on workers' movements. One domestic worker said, "They said I can't talk to others. I was not allowed to speak with other people or speak in Bahasa Indonesia. My employers held my passport and work permit."<sup>119</sup> Milagros Baluyot, a Filipina domestic worker told us, "I should be able to keep my passport, but he [my employer] took it from me because he said he cannot trust me. He even has my work permit."<sup>120</sup> When an employer holds a domestic worker's work permit, he or she violates the work permit regulations and is subject to penalties and prosecution.

Many domestic workers are forbidden from leaving the workplace unless they are in the company of their employer or, for those who are so lucky, on days off. Some domestic workers interviewed by Human Rights Watch reported being locked in their workplace from the outside. More commonly, domestic workers reported that their employers discouraged or prohibited them from talking to neighbors, other domestic workers, or to friends on the phone. Many employment agents and employers justified these practices. One agent said, "Poor people can abuse the employer. The employer puts up the security bond. If the maid runs away or does some nasty thing, the employer loses a lot of money."<sup>121</sup> As Lilia Jornadal said, "I was not allowed to go out, or to talk to the neighbors. They didn't want me to talk to other maids."<sup>122</sup>

Agents and employers often prohibit or discourage domestic workers from developing friendships with neighbors or other migrant workers, regardless of whether these relationships are formed during working hours or not. One agent explained, "I'm against maids having friends. When they go down to the playground, they talk. An employer doesn't want her maid to have friends, they leave their house to the maid, they don't know if the friends are good or bad. They leave their small babies with them."<sup>123</sup>

Underlying these tight restrictions on freedom of movement and association is a lack of trust as well as an attitude that infantilizes grown women. In one case, Tirtawati, a thirty-

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<sup>119</sup> Human Rights Watch interview with Dwiyani (not her real name), Indonesian domestic worker, age twenty, February 22, 2005.

<sup>120</sup> Human Rights Watch interview with Milagros Baluyot (not her real name), Filipina domestic worker, age thirty-one, Singapore, February 25, 2005. Another domestic worker said, "My employer kept my work permit and passport. Even if I asked for it they wouldn't give it to me." Human Rights Watch interview with Dita Wulansih (not her real name), Indonesian domestic worker, age twenty-two, Singapore, February 19, 2005.

<sup>121</sup> Human Rights Watch interview with employment agent, Singapore, February 28, 2005.

<sup>122</sup> Human Rights Watch interview with Lilia Jornadal (not her real name), Filipina domestic worker, age twenty-five, Singapore, March 9, 2005.

<sup>123</sup> Human Rights Watch interview with employment agent, Singapore, February 23, 2005.

year-old domestic worker said, “My employers sent the children to school. They didn’t trust me to take the child. They locked the gate when they left.”<sup>124</sup> Employers expressed doubt about the ability of their maids to make good decisions regarding making friends, having a boyfriend, or saving money. A man working for a company providing insurance to employers of domestic workers protested against the restrictions on domestic workers’ movements, saying:

In my opinion we are all human beings. To leave the house, it is a basic human need. There is not a single case where it should be a problem. [If she becomes pregnant,] you send her home or get an abortion. It is a dumb excuse to keep maids in because of that, or to lock them in the house. I know one Sri Lankan’s employer padlocked food in the house, and she could not go out of the house, until the neighbors complained.<sup>125</sup>

Another agent conceded that employers sometimes resort to extreme confinement measures: “Some employers take it too harshly. The [maid] can’t look out of the window.... It gets absurd. They assume she is planning suicide.”<sup>126</sup>

Almost all of the domestic workers that Human Rights Watch interviewed were required to obtain permission to leave the household where they worked. Many domestic workers were not allowed out of the apartment unless they were in the company of their employer, even to go to the market. Some employers locked the phone so domestic workers could not use it during the day.<sup>127</sup> Despite having worked in Singapore for several years, a forty-two-year-old domestic worker said, “Monday through Saturday, [when my employers are at work,] I cannot go to the market, just downstairs. If we are all together, they let me take a walk with them. If they are at home, I cannot come down even if my work is finished.”<sup>128</sup>

In other situations, employers deny domestic workers their right to leave their jobs. Human Rights Watch interviewed several women who wanted to return home or to

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<sup>124</sup> Human Rights Watch interview with Tirtawati (not her real name), Indonesian domestic worker, age thirty, Singapore, February 28, 2005.

<sup>125</sup> Human Rights Watch interview with domestic worker insurance agent, Singapore, February 28, 2005.

<sup>126</sup> Human Rights Watch interview with employment agent, Singapore, March 1, 2005c.

<sup>127</sup> Human Rights Watch interview with Sylvia Tobias (not her real name), Filipina domestic worker, age twenty-four, Singapore, March 9, 2005.

<sup>128</sup> Human Rights Watch interview with Michelle Udarbe (not her real name), Filipina domestic worker, age forty-two, Singapore, February 23, 2005.

change employers but were unable to because their employers forbade them from contacting their agent, withheld their salary, or restricted their movements and communication. In some circumstances described in this report these situations may amount to forced labor. One woman said:

After my mother passed away, I asked for money [from my savings] for the funeral. The employer kept saying the money is safe in the bank, why are you asking? I said if you don't want to pay my salary, I want to go back. My mother passed away, I wanted to go back. My employer scolded me, "Your mother already died. She is already in the graveyard, why do you want to go back?"<sup>129</sup>

We interviewed Adelyn Malana, a twenty-two-year-old Filipina domestic worker awaiting a transfer so she could continue paying off her debt before returning home. She said:

I said I'm not happy. I'm not happy in this house, I want to go back to my agent. My employer said no. I cried. I wanted to work, but this situation was not good.... Every day there was no change, so I asked her, can you send me back?.... She didn't want me to change [employers], she would get very angry.... I want to work, pay my debts and earn enough to go home.<sup>130</sup>

Faith-based organizations and other service-providers also reported handling several complaints of virtual imprisonment in the home. One service provider told us:

We know girls in need of help, they can't come out [of the workplace] .... They call seeking help, sometimes through writing. They are so controlled in their moves. They contact us be it through letters, neighbors, whatever channels they can.<sup>131</sup>

In a case similar to others documented by Human Rights Watch, Ani Khadijah said, "They would lock me inside the house with the baby. I was not allowed to make phone

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<sup>129</sup> Human Rights Watch interview with Sri Mulyani (not her real name), Indonesian domestic worker, age thirty, Singapore, February 19, 2005.

<sup>130</sup> Human Rights Watch interview with Adelyn Malana (not her real name), Filipina domestic worker, age twenty-two, Singapore, February 21, 2005.

<sup>131</sup> Human Rights Watch interview with a service provider, private aid organization, Singapore, February 24, 2005.



calls or send letters to my family. I wasn't allowed to say anything or talk to the neighbors, I had to just keep quiet."<sup>132</sup>

One domestic worker's employer repeatedly threatened to repatriate her if she talked to the neighbors or left the apartment. The consequences for domestic workers who defy their employers' restrictions may be swift. After working for four months, and hungry from a lack of food, one domestic worker forbidden from leaving the workplace ventured to a nearby store after receiving money for the first time, a gift from a neighbor during the Chinese New Year. She said her trip to the store "is the reason my employer returned me to the agency.... I had gone to buy coffee and bread."<sup>133</sup>

In the most severe cases, domestic workers likened their confinement to the workplace as imprisonment. Sri Mulyani, a thirty-year-old Indonesian domestic worker, described her experience with an employer for whom she had worked for three years:

I was not allowed to go outside. I never went outside, not even to dump the garbage. I was always inside, I didn't even go to the market. I felt like I was in jail. It was truly imprisonment. I was not allowed to turn the radio on either.... I could only see the outside world when I hung clothes to dry.... My employer said, "Don't speak to anyone. Don't speak to friends or to the neighbors." I wasn't allowed to contact my relatives. I worked for three years. I had nobody to talk to.

I asked my employers if I could return to Indonesia, and they said no. I was not happy or comfortable, and I wanted to go back. They said, "you have to finish your contract. You have to make sure you finish your contract before you go back.".... [Even] if I needed a panty liner, one of the children would be sent down to buy it for me.<sup>134</sup>

One domestic worker who suffered sexual harassment was locked inside her employer's compound for the first three months of employment. She said, "My employer asked me to massage him. He hugged me. I was shocked because he was my employer.... I

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<sup>132</sup> Human Rights Watch interview with Ani Khadijah (not her real name), Indonesian domestic worker, age thirty-four, Singapore, February 19, 2005.

<sup>133</sup> Human Rights Watch interview with Aisyah Fatah (not her real name), Indonesian domestic worker, age twenty-one, Singapore, March 4, 2005.

<sup>134</sup> Human Rights Watch interview with Sri Mulyani (not her real name), Indonesian domestic worker, age thirty, Singapore, February 19, 2005.

wanted to leave, but the gate was locked.... [After three months], they gave me the key.... That is when I ran away.”<sup>135</sup>

In another case, Human Rights Watch interviewed Eri Sudewo, a domestic worker who had not been outside in two years and was almost skeletal from lack of food. She had recently been rescued after tossing a letter pleading for help to a neighboring domestic worker who sought the intervention of an aid organization, the Ministry of Manpower, and the police. Sudewo was elated to contact her family for the first time, to visit a Singaporean market for the first time, and to speak with other Indonesians. She recounted how she felt like she was going insane due to the isolation, yet did not know where to turn for help. She said:

The outside door was locked. All the doors were locked, only the bathroom was open. The kitchen was locked. For one day, one week at a time, I would never eat anything. I was hungry, what could I do?... I had no day off, I never went outside. When the Filipina maid went outside to throw the rubbish, she would tell me [through the window], you must run, if you stay, you will die.<sup>136</sup>

Some domestic workers reported having to arrange their work duties at inconvenient times in order to avoid meeting neighbors. For example, one domestic worker said, “I had to clean the car. The first day the son tells me to clean the car at 7 a.m. The mom says no because it is too early, she is afraid I will talk to my friends. So I had to clean the car at 11:30 a.m. when it is very hot.”<sup>137</sup> Other employers imposed strict time constraints. A domestic worker told Human Rights Watch, “If I left the flat to throw out the trash, I had to return in exactly three minutes.”<sup>138</sup> In one case, employers restricted the movements of their domestic workers in response to their own failure to pay the monthly levy. Anis Rukiyah said, “After MOM [the Ministry of Manpower] sent the letter about the employer failing to pay the levy, my employers asked me never to go anywhere. If I answered the phone, the employer got angry.”<sup>139</sup>

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<sup>135</sup> Human Rights Watch interview with Anna Surla (not her real name), Filipina domestic worker, age twenty-seven, Singapore, November 3, 2005.

<sup>136</sup> Human Rights Watch interview with Eri Sudewo (not her real name), Indonesian domestic worker, age twenty-three, Singapore, March 4, 2005.

<sup>137</sup> Human Rights Watch interview with Endang Utari (not her real name), Indonesian domestic worker, Singapore, February 25, 2005.

<sup>138</sup> Human Rights Watch interview with Muriyani Suharti (not her real name), Indonesian domestic worker, age twenty-two, Singapore, March 8, 2005.

<sup>139</sup> Human Rights Watch interview with Anis Rukiyah (not her real name), Indonesian domestic worker, age thirty-eight, February 27, 2005.

Many domestic workers resorted to ingenious methods to stay in touch with the outside world. This included keeping handphones hidden from employers or dropping letters out of the window for neighbors to pick up. For example, Endang Utari, a thirty-one-year-old domestic worker said, “My employer thinks Indonesians are very stupid. She didn’t believe anything I said. I could not go out of the house and buy groceries. She called her daughters to buy food. Once a month during menstruation, I would need a pad, I could bring amma [the employer’s mother] and go to the market.... I have a handphone. Two years ago I bought it. I kept it in my bed. I asked my friend to buy the top up card. I kept it hidden from my employer. I wrote a letter and threw it [to my friend].”<sup>140</sup>

Many employers and agents claim that domestic workers do not wish to leave their workplaces because Singapore is an unfamiliar country, or they are comfortable at home. Many domestic workers interviewed by Human Rights Watch spoke about their strong desire to have more freedom. One domestic worker said, “They should give us time to write letters, and have contact with our families because we are homesick.”<sup>141</sup> Another domestic worker commented, “I need more freedom. I want to be able to talk to my friends and not just on my off days.”<sup>142</sup>

## **Unpaid Wages**

*I was supposed to get paid S\$230 per month. I was never given any salary. I came on February 7, 2003. When I asked for my salary, they asked “why?” I said, “I want to send it to my father.” I waited, I waited, I waited. I don’t want to ask anymore. She said, “Don’t worry, I will give it to you when you leave. If you want anything, soap, biscuits, I will buy it for you.”*

—Bayuningsih (not her real name), Indonesian domestic worker who escaped after two years employment without pay, age twenty-three, Singapore, March 4, 2005

Failure to receive full and regular payment of wages is one of the most common complaints handled by the Ministry of Manpower and other aid organizations that assist

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<sup>140</sup> Human Rights Watch interview with Endang Utari (not her real name), Indonesian domestic worker, age thirty-one, Singapore, February 25, 2005.

<sup>141</sup> Human Rights Watch interview with Rita Yuboc (not her real name), Filipina domestic worker, age twenty-four, Singapore, February 21, 2005.

<sup>142</sup> Human Rights Watch interview with Budi Puspita (not her real name), Indonesian domestic worker, age twenty-four, Singapore, February 20, 2005.

domestic workers.<sup>143</sup> As one domestic worker, Eko Mardiyanto, said, “Sometimes my employer doesn’t pay my salary, I have to ask for it. Sometimes she pays me every five months, sometimes every month.”<sup>144</sup> Another domestic worker said, “I have been working for two years, and have no money. I only have S\$20 [U.S.\$12], no money, how come?... Every night I cannot sleep. I have no money. I am awake trying to think of who can help me.”<sup>145</sup>

In one case, a Bangladeshi domestic worker, Chandrika Das, did not receive wages for almost eight years. When she tried to claim her wages upon departure, her employer told her, “I’ve done a lot for you. Because of me, you got to breathe the air in Singapore. I gave you a luxurious life. Whatever we have done for you is enough.”<sup>146</sup> After mediation through the Ministry of Manpower, she received a partial settlement of S\$3,280 [U.S.\$1,935] as payment for twenty months. As one migrant worker’s advocate noted: “She was owed S\$20,000 and settled for S\$3,000,”<sup>147</sup> approximately S\$1 [U.S.\$0.59] for each day of work over eight years. Das returned to Bangladesh, but may return to seek the rest of her salary.<sup>148</sup> In another case of unpaid wages, an underage domestic worker was not paid for four years. When the worker approached her embassy for help, they calculated that she was owed S\$10,000 [U.S.\$5,900] in back wages.<sup>149</sup>

Domestic workers have little negotiating ability when they sign contracts for overseas employment. During their first two-year contract, the labor agent typically sets the salary. Although many domestic workers sign a contract before beginning work, almost none retain their own copies, and many are vague about the terms and conditions of employment. Human Rights Watch interviewed Julie Panada, a newly-arrived domestic worker from the Philippines who did not know the salary she would receive once she finished paying her debts. She said, “I don’t know my salary yet...I got here

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<sup>143</sup> “We have a conciliation service, free of charge. It handles about eighty cases per month. Almost all the cases are salary disputes,” Human Rights Watch interview with Ng Cher Pong and Kenneth Yap, Ministry of Manpower, Singapore, February 22, 2005; Human Rights Watch interview with private service organization aiding migrant workers, Singapore, February 17, 2005.

<sup>144</sup> Human Rights Watch interview with Eko Mardiyanto (not her real name), Indonesian domestic worker, age twenty-one, Singapore, February 20, 2005.

<sup>145</sup> Human Rights Watch interview with Endang Utari (not her real name), Indonesian domestic worker, age thirty-one, Singapore, February 25, 2005.

<sup>146</sup> Human Rights Watch interview with Chandrika Das (not her real name), age thirty-one, Singapore, February 19, 2005.

<sup>147</sup> Human Rights Watch interview with private organization providing aid to migrant workers, Singapore, February 17, 2005.

<sup>148</sup> Sim Chi Yin, “Maid Abuse of a Different Kind,” *The New Paper*, March 16, 2005.

<sup>149</sup> Human Rights Watch interview with diplomat, Sri Lanka High Commission, Singapore, February 18, 2005.

yesterday.”<sup>150</sup> Even when they do have certain wage expectations, once they arrive in Singapore, at the mercy of an employer who can repatriate them at whim, many accept the salaries given to them, even if it is lower than what they had agreed to. Lalitha Ranjanie, a Sri Lankan domestic worker said, “My salary is low—200 dollars. [At the embassy they told me] it would be 250. I never received a contract.”<sup>151</sup>

Domestic workers often have little control over their wages. Employers may say that they are depositing money in the bank, but the domestic worker often has no independent access or records of the account. Similarly, some employers say they are wiring money to the domestic worker’s family without actually doing so. A thirty-year-old domestic worker said:

I never received any salary. My employers said they were putting money in the bank. Actually there was no bank account in my name.... I worked for them for twelve months, I wanted to go home.... The employer got upset because I kept on asking about my salary....

My employer was angry with me. They didn’t pay my ticket back to Indonesia.... My employer said, “Sri, time for you to go home, but I have no money to send you. I will work here and send it to you later.” They chased me out. On 14 January [2005], they forced me out of the house.<sup>152</sup>

As in the case above, some employers fail not only to pay the required wages regularly, but also evade their obligations under Singaporean regulations to pay for the domestic worker’s return trip home or paid leave to her country at least once every two years. Many employers shirk their obligation by purchasing cheap ferry tickets to nearby Batam or to capital cities like Manila or Colombo, instead of buying the complete fare to a domestic worker’s hometown. Domestic workers who have finished their contracts and are repatriated then have few options for seeking redress. One employer, in addition to withholding three months of salary, improperly charged her twenty-two-year-old Indonesian domestic worker S\$400 [U.S.\$236] for food and for her return fare. One domestic worker, Dita Wulansih, told Human Rights Watch:

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<sup>150</sup> Human Rights Watch interview with Julie Panada (not her real name), Filipina domestic worker, Singapore, March 2, 2005.

<sup>151</sup> Human Rights Watch interview with Lalitha Ranjanie (not her real name), Sri Lankan domestic worker, age twenty-nine, Singapore, March 6, 2005.

<sup>152</sup> Human Rights Watch interview with Sri Mulyani (not her real name), Indonesian domestic worker, age thirty, Singapore, February 19, 2005.

I said to my employer, “Okay, buy a ticket to Jakarta,” because I am from Jakarta. She said she bought a ticket to Batam. I said, “Mom, I don’t have family in Batam.” She said, “I don’t care about you.” I spent a whole month’s salary trying to leave Batam [and return to Singapore to make a complaint.]<sup>153</sup>

An official from the Sri Lankan High Commission gave an example of a complaint received the day of the interview: “I just received a call from a woman who didn’t get two months salary..... She is underpaid, they owe her S\$500 [U.S.\$295]. They did not give her a return ticket. Roughly on a monthly basis, we have five to eight cases of unpaid wages.”<sup>154</sup>

Some employers cut the salaries of their domestic workers, charging them for perceived mistakes or damages sustained during the course of housework, or simply as a form of control. The practice of deducting domestic workers’ salaries for such costs is illegal. Lilia Jornadal, a domestic worker employed in Singapore for more than one year, said, “The first five months my salary went to my agent.... Then I got it only every two months. If I didn’t ask for it, they wouldn’t give it. The punishment for one mistake would be S\$1 [U.S.\$0.59]. They were often cutting forty or fifty [Singapore] dollars per month [U.S.\$24-30]. I didn’t have a choice. I had to accept it.”<sup>155</sup> Cynthia Suarez, another domestic worker, despite having worked in Singapore for several years, said, “If I don’t answer the phone, the employer deducts S\$5 [U.S.\$3] from my salary. He makes a deduction if I forget to do something, or he says something is dirty.”<sup>156</sup>

Recent revisions to the work permit regulations require employers to pay domestic workers each month. The Ministry of Manpower, sending countries’ embassies, and aid organizations have intervened in increasing numbers of cases over recent years to address unpaid wages. Yet many domestic workers continue to have little access to redress, especially if their employers decide to repatriate them immediately when they demand their wages. Ministry of Manpower officials have suggested that domestic workers who are being repatriated contact immigration officers at their point of departure, but many domestic workers are kept under close supervision while at the

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<sup>153</sup> Human Rights Watch interview with Dita Wulansih (not her real name), Indonesian domestic worker, age twenty-two, Singapore, February 19, 2005.

<sup>154</sup> Human Rights Watch interview with diplomat, Sri Lanka High Commission, Singapore, February 18, 2005.

<sup>155</sup> Human Rights Watch interview with Lilia Jornadal (not her real name), Filipina domestic worker, age twenty-five, Singapore. March 9, 2005.

<sup>156</sup> Human Rights Watch interview with Cynthia Suarez (not her real name), Filipina domestic worker, age thirty-one, Singapore, February 25, 2005.

airport, are unaware of such options, are intimidated by these officials, or are too overwhelmed by the circumstances to act.

Once they have returned to their native country, most are resigned to the fact that it is no longer feasible to reclaim their wages. Human Rights Watch interviewed Dwiyani, a woman who believed her only recourse was returning to Singapore as a domestic worker—with another ten-month loan repayment period—and pursuing her claim for unpaid wages with her first employer. Although she returned and authorities eventually resolved the case in her favor, the case shows the heavy price domestic workers can pay if unaware of redress mechanisms available to them. Dwiyani told us she had worked for her first employer for one year:

I received cash S\$380 for the whole year.... I was confused because I was told to go home and I didn't know what to do and if I stayed here I didn't know what to do. I didn't know where to report.

I went home...and my mother got angry with me. I only brought two million rupiah [U.S.\$198]. She asked, "Your employer didn't pay you?" I told her what happened....[and eventually decided to return to Singapore under a new contract.] I went back to MOM [the Ministry of Manpower], my former employers were also there.... They said the unpaid wages were only a few dollars. I claimed S\$1640 [U.S.\$968]. MOM counted for themselves and they agreed with me.... In the end they paid me.

Now I want to send money back home and also look for more work, because I have to pay the new agency.<sup>157</sup>

### ***Exorbitant Debt Payments***

*I stayed one month in the employment agency [when I transferred employers]. They charged me S\$20 [U.S.\$12] per night and I owed them S\$600 [U.S.\$354]. Can you imagine, my monthly salary is S\$340 [U.S.\$201]. [I transferred employers twice. When my third employer made me clean two houses,] I ran away to this shelter. If I go again to my agency, they will charge S\$20 [U.S.\$12] again. More debts. I work so hard, and then the salary goes to the agency.*

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<sup>157</sup> Human Rights Watch interview with Dwiyani (not her real name), Indonesian domestic worker, age twenty, Singapore, February 22, 2005.



*I worked all day and got no rest. My parents don't know I ran away. I am scared. It has been seven months already. I don't have money, I don't want to go back. Even a little money here, it's worth so much in the Philippines. I paid 20,000 pesos for bus fare, travel tax, the terminal fee, travel bag. We borrowed 5,000 from friends. I am scared to tell my mother, she has high blood pressure. The agency overcharged me. I have bad luck with employers, I try again and again. My debts are growing. My two years will be useless!*

—Luz Padilla (not her real name), Filipina domestic worker, age twenty-four, February 21, 2005

Minimally regulated competition among employment agencies in Singapore has led to unconscionable financial exploitation of poor young women from neighboring countries. In order to lower the fees they charge prospective employers and boost their own profits, labor agencies have shifted the burden of recruitment and placement costs almost entirely to domestic workers, routinely charging between S\$1,400 [U.S.\$875] and S\$2,100 [U.S.\$1,312].<sup>158</sup> Employment agencies charge employers much less: anywhere from several hundred Singapore dollars, for example, S\$588 [U.S.\$368], to fees as low as S\$88 [U.S.\$55] or even S\$1 [U.S.\$0.62]. Unable to pay such large fees, domestic workers reach agreements with their agents and employers to “fly now, pay later,” and take out loans from their employment agents that they repay by turning over their first several months of pay.

Indonesian domestic workers typically enter employment with salary deductions of six to ten months. Other workers, including Sri Lankans and Filipinas, often have three to six months of their salary withheld, for example, Margarita Ramos, who arrived in Singapore a few days before Human Rights Watch interviewed her, told us, “My salary will be S\$350 [U.S.\$206], but I will give S\$330 [U.S.\$195] to the agency for six months.”<sup>159</sup> A professional working in the domestic worker industry for several decades said:

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<sup>158</sup> Some domestic workers may be charged less than this range, and others more. This range represents Human Rights Watch's main findings from field interviews with domestic workers, employment agents, labor-sending countries' diplomatic missions, and migrant workers' advocates.

<sup>159</sup> Human Rights Watch interview with Margarita Ramos (not her real name), Filipina domestic worker, age twenty-six, Singapore, March 2, 2005. After paying recruitment fees in the Philippines, one Filipina domestic worker thought she would start receiving a salary once she starting working. Only when she arrived in Singapore she learned “that S\$1200 [U.S.\$708] goes to the agency. My salary was S\$270 [U.S.\$159], they deducted S\$200 [U.S.\$118]. Fifty dollars [U.S.\$30] of my salary I saved for my air ticket to go home and for six months I only received S\$20 [U.S.\$12].” Human Rights Watch interview with Michelle Udarbe (not her real name), Filipina domestic worker, age forty-two, Singapore, February 23, 2005.

From 1980-1990, the employer paid [the placement costs]. The maid paid a small little fee. But the competition between agents has increased, they are not charging employers, and instead passing the buck to maids. For six to eight months, the poor maid does not get a salary.... The abuse of maids comes from the EA [employment agent]. They do business by not charging employers.<sup>160</sup>

No regulations exist to cap the salary deductions imposed on migrant domestic workers. As discussed earlier, domestic workers are excluded from provisions in the Employment Act that stipulate salary deductions cannot exceed 25 percent of the salary due per payment period and that advances made to cover the employee's traveling expenses may not be covered through salary deductions.<sup>161</sup> An employment agent noted, "In the accreditation standards, there is nothing about how much salary you can deduct."<sup>162</sup> Another employment agent told us:

Maids are sucked dry. They come from villages, are innocent. What I have told MOM [Ministry of Manpower], when you bring a girl from the kampung [village], and her salary is deducted for ten months, she is working in a high building, overworked, no freedom, working hard.... The government says it is a free market, but that only works with a level playing field.<sup>163</sup>

Singapore's standards concerning salary deductions fall behind those of other countries. Hong Kong and the Philippines require employers to pay for domestic workers' transit to and from the country of employment. Hong Kong also requires that employers bear the cost of visas, insurance, required medical exams, and other administrative fees (see appendix A).

Human Rights Watch interviewed employment agents in Singapore who attribute their high fees to overcharging by labor agents in sending countries, part of which may go toward bribes. One employment agent told us, "I don't know how much. But I'm very, very sure, that a certain amount [of the fee paid to labor agents in sending countries]

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<sup>160</sup> Human Rights Watch interview with domestic worker insurance agent, Singapore, February 28, 2005.

<sup>161</sup> Employment Act, section 31, Recovery of advances and loans.

<sup>162</sup> Human Rights Watch interview with employment agent, Singapore, March 3, 2005.

<sup>163</sup> Human Rights Watch interview with domestic worker insurance agent, Singapore, February 28, 2005. He added, "[If employers pay] they will be more prepared to compromise. They take her back, call her stupid, get a replacement. If they don't get a replacement, they go to another agent, it's a free market. I will value her because I paid 1500."

goes to immigration officials.... When labor agents from sending countries increase their fees, we have to increase ours. They are killing their own people.”<sup>164</sup>

Other employment agents described intense competition from their peers as a reason they have lowered fees charged to employers and offer free replacements. One labor agent in the industry for several years said, “This business is so crowded, so competitive. I charge S\$520 [U.S.\$307] [to employers,] and if it doesn’t work out after three months, for any reason, I will give a replacement. I will charge S\$250 [U.S.\$148] when there is an excess supply of maids. The fee I charge has dropped from S\$1600 [U.S.\$944] to S\$250. I don’t have the luxury of rejecting employers. I need the money.”<sup>165</sup> When agents offer replacements with “no questions asked,” many domestic workers’ debts increase because they have to pay a transfer fee. An employment agent told us, “For every transfer we make a lot of money. We add a one-month deduction. I know some agents charging two months.”<sup>166</sup>

Employment agencies also have a vested interest in reclaiming the “loans” they extend to domestic workers. Bridget Lew, who runs a shelter for abused domestic workers and has also started an employment agency said that Indonesian employment agents charge S\$1400-1500 [U.S.\$875-938] for a domestic worker and demand half of the money up front from the Singapore agents. She said:

The girls can’t pay, the employers can’t pay. So the girls are slammed with loans for six to nine months. If she cannot cope and [leaves her employer before the loan is repaid], the [Singapore] agency has already paid up front. The supplier won’t return the money, and the employer will refuse to pay the money. The poor girl has no money, so the agency has to absorb the cost. So the agent will push the girl to another employer so she will earn back the money.<sup>167</sup>

Exorbitant fees and long debt repayment periods place migrant domestic workers in a highly vulnerable position. Migrant domestic workers feel enormous pressure to extend their employment as long as they can so they can repay their debts and begin earning a salary. Employers have the right to repatriate them at will, and the power to deny employment transfers should the domestic worker seek another employer.

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<sup>164</sup> Human Rights Watch interview with employment agent, Singapore, March 3, 2005.

<sup>165</sup> Human Rights Watch interview with employment agent, Singapore, March 1, 2005.

<sup>166</sup> Human Rights Watch interview with employment agent, Singapore, March 3, 2005b.

<sup>167</sup> Human Rights Watch interview with Bridget Lew, director, H.O.M.E., Singapore, November 2, 2005.

Human Rights Watch interviewed migrant domestic workers who stayed in abusive situations fearing that they would lose their opportunity to repay their debts if they complained about their employers or escaped to their embassies. Lina Alvarez's employer made her work at a store in addition to cleaning the house, demanded sixteen-hour workdays, and gave her only a mattress to sleep on at night. Alvarez waited until she had completed her debt payments before leaving her employer. She told us, "The first six months, my boss was very bad. When I finished my salary deduction after six months, I wanted to go back home."<sup>168</sup> Another domestic worker said:

I would tell my agency so many times about the abuse, but she didn't care. She would only say wait, wait, wait. If you come back, you have to pay eight million rupiah [U.S.\$495]. I said okay already, I was so scared. I didn't want them to send me back, so I didn't say anything.<sup>169</sup>

Domestic workers who transfer to a new employer are at risk of being overcharged. Their agents often charge them daily rates for room and board for the phase between placement with employers, often between S\$10-20 [U.S.\$6-12] per night, and a fee for the transfer. Although accreditation criteria provide they should not pay more than one month of salary, many domestic workers paid three months or more. For example, one domestic worker who transferred employers because the first one did not provide adequate food, said, "after that transfer, I had a problem with the agency also. The deduction was very high. I stayed with the agency for one month only but they deducted four months of my salary. Four months for the transfer and seven months for the initial fee—how come?"<sup>170</sup> Sylvia Tobias spent one night at her agent's house before being transferred. She said, "The agent scolded me and added three months of salary deduction. It was supposed to be one month only. That is why I complained."<sup>171</sup>

Wati Widodo recalled her employment agent explaining the terms of her contract to her. She said, "They said they would cut my salary for seven months, seven-and-a-half months. If I changed employers, they would cut three more months. If I changed

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<sup>168</sup> Human Rights Watch interview with Lina Alvarez (not her real name), Filipina domestic worker, age twenty-three, Singapore, March 9, 2005.

<sup>169</sup> Human Rights Watch interview with Pertiwisari (not her real name), Indonesian domestic worker, age twenty-one, Singapore, February 22, 2005.

<sup>170</sup> Human Rights Watch interview with Endang Utari (not her real name), Indonesian domestic worker, age thirty-one, Singapore, February 25, 2005.

<sup>171</sup> Human Rights Watch interview Sylvia Tobias (not her real name), Filipina domestic worker, age twenty-four, Singapore, March 9, 2005.

[employers repeatedly], I would come back with no money.”<sup>172</sup> A Filipina domestic worker said, “The agent sucks blood from us. I am afraid to change employers because I will have to pay a deduction..... The employers pay for us and still the agents make us pay.”<sup>173</sup> Lina Alvarez, above, left her employment having received only S\$20 [U.S.\$12] each month during her deduction period.<sup>174</sup>

Wati Widodo suffered physical abuse at the hands of her employer yet was compelled to stay to pay off her debt. When she complained to her agent and tried to change employers, she only faced more abuse. She said:

The employer would get angry. If there was a problem outside, if anything was a little wrong, she would get angry.... If she was very angry, she would slap me many times. I hadn’t finished my contract yet. She said I couldn’t go home. I couldn’t tolerate it.

When I told the agent the employer had slapped me, she just said, “you must suffer. You should control your feelings.” If a maid hasn’t finished her salary deduction, and she calls the agent, the agent is angry. The agent also slapped me; they didn’t want me to leave without finishing the contract and the salary deduction.<sup>175</sup>

### ***International Standards on Forced Labor and Debt Bondage***

Restricted movement, restricted communication, unpaid wages, deception about work arrangements, work under threat, and imposition of unreasonably heavy debts are violations of domestic workers’ human rights. In some cases, these conditions rise to the level of forced labor and debt bondage.

International law and Singapore’s national laws proscribe forced labor and institutions and practices similar to slavery, such as debt bondage.<sup>176</sup> The Universal Declaration of Human Rights (UDHR), ICCPR, the ILO Forced Labor Convention, and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions

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<sup>172</sup> Human Rights Watch interview with Wati Widodo (not her real name), Indonesian domestic worker, age twenty, Singapore, March 10, 2005.

<sup>173</sup> Human Rights Watch interview with Michelle Udarbe (not her real name), Filipina domestic worker, age forty-two, Singapore, February 23, 2005.

<sup>174</sup> Human Rights Watch interview with Lina Alvarez (not her real name), Filipina domestic worker, age twenty-three, Singapore, March 9, 2005.

<sup>175</sup> Human Rights Watch interview with Wati Widodo (not her real name), Indonesian domestic worker, age twenty, Singapore, March 10, 2005.

<sup>176</sup> Singapore Const., art. 10.

and Practices Similar to Slavery (Supplemental Slavery Convention) are the principal sources of international law that define and prohibit these practices. Singapore has ratified the Forced Labor Convention and the Supplemental Slavery Convention.<sup>177</sup>

According to ILO Convention on Forced Labor, Number 29, forced or compulsory labor “shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”<sup>178</sup> “Menace of any penalty” was explained by the ILO Committee of Experts as a penalty that “need not be in the form of penal sanctions, but might take the form also of a loss of rights or privileges.”<sup>179</sup> The ILO notes that it is possible for workers to revoke freely given consent: “many victims enter forced labour situations initially of their own accord...only to discover later that they are not free to withdraw their labour. They are subsequently unable to leave their work owing to legal, physical or psychological coercion.”<sup>180</sup>

The ILO has further elaborated on the two key elements of forced labor—the work is exacted under the menace of a penalty and it is undertaken involuntarily. The ILO provides the following as examples as a menace of a penalty: physical violence against a worker or close associates, physical confinement, financial penalties, denunciation to authorities (police, immigration) and deportation, dismissal from current employment, exclusion from future employment, and the removal of rights and privileges. Examples of the involuntary nature of work include: physical confinement in the work location, psychological compulsion (order to work backed up by a credible threat of a penalty), induced indebtedness (by falsification of accounts, inflated prices, excessive interest charges, etc.), deception about types and terms of work, withholding and non-payment of wages, and retention of identity documents or other valuable personal possessions.<sup>181</sup>

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<sup>177</sup> UDHR, art. 4; ICCPR, art. 8; ILO Forced Labor Convention (Convention No. 29), 1930, ratified by Singapore October 10, 1965; Convention to Suppress the Slave Trade and Slavery, 60 L.N.T.S. 253, September 25, 1926, art. 1(1); and the U.N. Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956), ratified by Singapore March 28, 1972, art. 1(d).

<sup>178</sup> ILO Convention on Forced Labour, 1930 (No. 29).

<sup>179</sup> International Labor Conference, 1979 General Survey of the Reports relating to the Forced Labor Convention, 1930 (No. 29) and the Abolition of Forced Labor Convention, 1975, (No. 105), Report of the Committee of Experts on the Application of Conventions and Recommendations, 65th Session, Geneva, 1979, Report III, para. 21.

<sup>180</sup> ILO, *A Global Alliance Against Forced Labour: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work 2005*, International Labour Conference, 93<sup>rd</sup> Session, 2005, p. 6, [online], [http://www.ilo.org/dyn/declaris/DECLARATIONWEB.DOWNLOAD\\_BLOB?Var\\_DocumentID=5059](http://www.ilo.org/dyn/declaris/DECLARATIONWEB.DOWNLOAD_BLOB?Var_DocumentID=5059) (retrieved June 4, 2005).

<sup>181</sup> *Ibid.*, p. 6.

In fifteen of the cases documented in this report, labor agents and employers engaged in practices that created a “menace of penalties,” including implied threats to traffic women into forced prostitution, to impose substantial fines if domestic workers did not complete their contracts, or to abandon them far from their homes. In all of these fifteen cases, the circumstances the women described also meet the ILO definition of “involuntary” work. As already noted, women described confinement in the workplace, inflated agency fees for transfers of employment, confiscation of passports and work permits against the worker’s will, and withholding of wages. Domestic workers told Human Rights Watch they felt they had no choice but to endure poor working conditions and at times serious abuses because they feared the consequences if they left their contracts early.

The ILO highlighted domestic workers as a population of concern in its global study on forced labor, noting:

A long-standing problem involving new forms of coercion is the treatment of domestic workers.... Today the growing numbers of migrant domestics to the Middle East and elsewhere, who hand over identity documents and find themselves tied to one household with restricted freedom of movement, are highly vulnerable to forced labour.<sup>182</sup>

Among the fifteen cases of forced labor we documented, some were situations of indebtedness akin to debt bondage. The U.N. Supplementary Convention on the Abolition of Slavery defines debt bondage as:

The status or condition arising from a pledge by a debtor of his/her personal service or those of a person under his/her control as security for a debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.<sup>183</sup>

In the case of Luz Padilla, described above, the combination of a burdensome initial debt and her employment agent’s practice of overcharging for transfers meant that her efforts to work off growing debts were futile and that she had no foreseeable end to her

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<sup>182</sup> Ibid., p. 9.

<sup>183</sup> U.N. Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956).



debt payments. Her case and those of domestic workers in similar circumstances are akin to a situation of debt bondage.

### ***International Standards on Freedom of Movement and Freedom of Association***

International law protects both the right to freedom of movement and freedom of association. Article 13 of the UDHR provides for the right to freedom of movement and the right to return to one's country.<sup>184</sup> In addition to its legal basis under treaty law, the right to return to one's own country has increasingly been recognized as a norm of international customary law.<sup>185</sup>

Article 20 of the UDHR recognizes the right to freedom of association.<sup>186</sup> This right is further elaborated by several ILO Conventions, most notably the Freedom of Association and Protection of the Right to Organise Convention, 1948 (Convention No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (Convention No. 98), two of the ILO's fundamental conventions.<sup>187</sup> Singapore ratified the latter in 1965.<sup>188</sup>

The practice of preventing domestic workers from leaving their workplace violates international and Singaporean law. Confinement in the workplace prevents domestic workers from enjoying other rights, such as the right to return to their country. Combined with poor working conditions and other forms of abuse, forced confinement is also psychologically abusive, isolating domestic workers from support networks or escape options and fostering dependency and feelings of powerlessness.

Restrictions on migrant domestic workers' movements prevent them from associating with other domestic workers, or from contacting religious organizations, NGOs, or other support and advocacy groups. Rest days and annual leave are critical labor rights

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<sup>184</sup> UDHR, art. 13; see also, ICCPR, art. 12. The Migrant Workers Convention also protects the right of migrants to enter their country of origin, Migrant Workers Convention, art. 8.

<sup>185</sup> See "Current Trends in the Right to Leave and Return," U.N. Doc. E/CN.4/Sub.2/1985.

<sup>186</sup> UDHR, art. 20. See also, ICCPR, art. 22; Migrant Workers Convention, art. 26.

<sup>187</sup> Freedom to organize is one of the four core labor rights identified by the International Labor Organization Declaration on Fundamental Principles and Rights at Work (ILO Declaration). According to the ILO Declaration, all ILO members, including Singapore, "have an obligation arising from the very fact of membership in the Organization to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights." International Labour Conference, ILO Declaration on Fundamental Principles and Rights at Work, 86th Session, Geneva, June 18, 1998.

<sup>188</sup> ILO Convention on the Right to Organise and Collective Bargaining (Convention No. 98), 1949, ratified by Singapore October 10, 1965.

not only for domestic workers to take necessary rest, but also to protect their freedom of movement and association. Filipina domestic workers are the most likely to have at least one day off a month and use their day off to attend church and to meet with one another. They have formed associations in which they can turn to each other for social support and information, and through which support services, including health care and legal aid, can more easily be channeled.

### **Poor Working Conditions**

*If I clean, if I finish, [my employer] says it's not clean. I have to repeat the work. So I finish my work only at nighttime.... I mop at 9 p.m. and then I sweep. At 10 p.m. I shower. She gives me only ten minutes to shower and wash my clothes. She scolds me and gets very angry if I take longer. Then I massage her for one or two hours.... At 1:30 a.m. I sleep. If I'm not finished, [my employer] says I can't sleep. Sometimes I don't eat lunch.... My friend asks me through the window, "why are you taking dinner so late at 11 p.m.?" Because I am so busy. I have no break or rest.*

—Pertiwisari (not her real name), Indonesian domestic worker,  
Singapore, February 22, 2005

Given domestic workers exclusion from Singapore's Employment Act—which regulates hours of work, weekly rest days, termination of contract, maternity benefits, and other labor protections—and the lack of comparable protections in the work permit regulations, many domestic workers sign employment contracts furnished to them either by their employment agents or their embassies. These are often vague or poorly enforced.

Among the typical problems that domestic workers confront are poorly defined work responsibilities; long hours of work; infrequent or lack of rest days, paid vacation days, or paid sick leave; and few protections regarding termination of employment. A diplomat from Sri Lanka noted, "if an employer is not happy with the maid, they can cancel work permits without notice."<sup>189</sup> A domestic worker described how vague her work responsibilities were: "They never said, can you handle one house with five rooms and five children? They asked can you care for children, but not how many. Can you care for an old person, but not how many."<sup>190</sup>

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<sup>189</sup> Human Rights Watch interview with diplomat, Sri Lanka High Commission, Singapore, February 17, 2005.

<sup>190</sup> Human Rights Watch interview with Tirtawati (not her real name), Indonesian domestic worker, age thirty, Singapore, February 28, 2005.

## ***Lack of Rest Days***

*The association [of employment agencies in Singapore] is trying to encourage employers to give one day off per month. This is a lousy deal, it's not so wonderful, even God takes a rest once a week.*

—Employment agent, Singapore, March 1, 2005

Reliable data on the number of domestic workers in Singapore who receive at least one day off per week is not available. New accreditation criteria for employment agencies mandating they create employment contracts with at least one rest day per month for migrant domestic workers fall short of national and international labor standards calling for weekly rest days. The Philippines Overseas Administration issues a contract that stipulates one day off per week, and Filipina domestic workers are the mostly likely to enjoy this right. The Sri Lanka High Commission also has a standard employment contract which calls for domestic workers to have one day off per month.

The Association of Employment Agencies of Singapore (AEAS) promotes a “model” employment contract which it encourages employment agencies to adopt. Beginning in 2006, accreditation criteria will require new contracts to stipulate a minimum of one rest day per month. These will not apply to current contracts. In early 2005, several employment agents told Human Rights Watch their contracts offer one rest day per month, but they advise employers not to begin giving rest days until the first six months of employment have finished.<sup>191</sup> For example, one employment agent told Human Rights Watch, “I use the AEAS standard contract. This specifies one day off a month. For Filipinas, a minimum of one day off per month, sometimes two. There is a probation period of six months, then one day off. I find it important [not to allow a day off initially], especially for Indonesians. They are easily influenced. After six months, they get to know the employer.”<sup>192</sup>

Domestic workers anxious to pay off their debts and to secure a job in Singapore do not have much negotiating power to improve working conditions. One domestic worker said, “I had no off day. I asked for an off day, but they never gave it.”<sup>193</sup> An employment agent who specializes in Sri Lankan and Indian domestic workers said, “To

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<sup>191</sup> Human Rights Watch interview with employment agent, Singapore, March 1, 2005c.

<sup>192</sup> Human Rights Watch interview with employment agent, Singapore, March 3, 2005b.

<sup>193</sup> Human Rights Watch interview with Ani Khadijah (not her real name), Indonesian domestic worker, age thirty-eight, Singapore, February 27, 2005.

inexperienced girls, I don't give an off day. Not at all. I tell her, "you will not get an off day, unless the employer says so." After six months, the employer trusts her. Some employers are very easy and give off days. I tell these employers, "you will spoil them."<sup>194</sup>

Employment agencies have enormous influence over the terms of employment contracts, often at the expense of migrant workers' rights, even though Singaporean policies dictate that contracts be negotiated between employers and employees. One Indonesian domestic worker said, "I asked for an off day, but the labor agents never gave it to me.... I asked them, 'Can you give me an off day please?' In Singapore and Indonesia both, the labor agents told me 'no.'"<sup>195</sup>

Human Rights Watch interviewed domestic workers, employers, agents, government officials, embassy officials, and aid organizations who confirmed that a significant proportion of foreign domestic workers in Singapore do not receive a weekly day off, and others, only one day per month. Marites Padilla reflected the situations of many of the women Human Rights Watch interviewed when said that she was not able to choose whether she would have a day off or not. She said, "I signed a contract for 340 dollars with no day off. The agents didn't give me a choice about the day off."<sup>196</sup> Domestic workers interviewed by Human Rights Watch repeatedly stressed the need for time to rest, both during the day and at least once a week. One Indonesian domestic worker explained, "They must give a rest day.... It is important to meet friends. We are in somebody else's house."<sup>197</sup> Rita Yuboc, a twenty-four year-old Filipina worker said, "Sister, we are human. We need to take a day off."<sup>198</sup>

As a result of government protections extended by the Philippines government as well as a greater awareness about their rights, Filipinas are more likely to enjoy regular rest days than their Indonesian and Sri Lankan counterparts. Even then, some do not receive these rest days during their first few months of employment, or are limited to just one day a month. One Filipina worker who had been employed in Singapore for several years told Human Rights Watch, "For my first two years, I asked if I could have an off

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<sup>194</sup> Human Rights Watch interview with employment agent, Singapore, March 1, 2005c.

<sup>195</sup> Human Rights Watch interview with Ani Khadijah (not her real name), Indonesian domestic worker, age thirty-eight, Singapore, February 27, 2005.

<sup>196</sup> Human Rights Watch interview with Marites Padilla (not her real name), Filipina domestic worker, age twenty-nine, Singapore, March 9, 2005.

<sup>197</sup> Human Rights Watch interview with Kartika Hatmoko (not her real name), age thirty, Indonesian domestic worker, Singapore, February 27, 2005.

<sup>198</sup> Human Rights Watch interview with Rita Yuboc (not her real name), Filipina domestic worker, age twenty-four, Singapore, February 21, 2005.

day every week. Ma'am said the boys are young, she needs my service. She didn't allow me to have an off day every week, she only gave them to me once a month. After two years, she gave me off days twice a month. Filipinas are lucky. The Indonesians do not have an off day."<sup>199</sup> A newly arrived Filipina domestic worker said, "I will not get an off day. I think it's very bad. They said I can get one after one year."<sup>200</sup> Others arrange to receive less compensation if they choose to take a rest day. Marites Padilla told us, "I got an off day one time every two months. My employers would deduct S\$10 [U.S.\$6] salary [each time]."<sup>201</sup>

Many domestic workers reported having to work in the mornings and evenings of their day off. Michelle Udarbe, a Filipina domestic worker who had been employed in Singapore for several years said, "I get an off day twice a month. I go out at 8 a.m. From 6 a.m. - 8 a.m. I clean the house first. Because my sir likes to play golf, I prepare breakfast."<sup>202</sup>

The lack of a rest day also often interferes with domestic workers' ability to practice their religion freely. Lalitha Ranjanie confronted both of these problems and said her agency required her to accept a reduced salary if she wanted a day off. "They wouldn't give me more than one off day per month. I would be off from 8 a.m.- 6 p.m., then I needed to come back to make dinner. On Saturday I would make breakfast, lunch, and dinner for Sunday. Then they could heat it."<sup>203</sup>

Many employers and employment agents say they fear women will use a day off for activities such as second jobs, dancing, forming relationships with men, or even prostitution. They justify controls on the freedom of movement of domestic workers in the name of protecting domestic workers from lecherous male foreign workers and helping them to save money. As one member of a faith-based organization that assists domestic workers said in response: "The day off issue is a real issue.... Why hold

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<sup>199</sup> Human Rights Watch interview with Michelle Udarbe (not her real name), Filipina domestic worker, age forty-two, Singapore, February 23, 2005.

<sup>200</sup> Human Rights Watch interview with Margarita Ramos (not her real name), Filipina domestic worker, age twenty-six, Singapore, March 2, 2005.

<sup>201</sup> Human Rights Watch interview with Marites Padilla (not her real name), Filipina domestic worker, age twenty-nine, Singapore, March 9, 2005.

<sup>202</sup> Human Rights Watch interview with Michelle Udarbe (not her real name), Filipina domestic worker, age forty-two, Singapore, February 23, 2005.

<sup>203</sup> Human Rights Watch interview with Lalitha Ranjanie (not her real name), Sri Lankan domestic worker, age twenty-four, February 27, 2005.

employers responsible for the social actions of maids? If a maid gets pregnant, [the employer] sends them back. Why is there the need for a bond?"<sup>204</sup>

An employment agent with more than twenty years of experience said employers use the threat of domestic workers getting pregnant as an excuse to keep them working throughout the week: "This is what employers say to me: 'If they get pregnant, I will lose S\$5,000 [U.S.\$2,950].'"<sup>205</sup> Employers' fears are based on misinformation. According to work permit regulations, a pregnant domestic worker must return to her home country, but her employer will not forfeit the security bond. Another labor agent said:

[Giving maids a] rest day is a problem in Singapore. Because of the bond, employers are reluctant to give rest days. Frankly, I think it is a lousy reason. I try to promote it, but meet with lots of resistance. People think it will create social problems. They think maids will get pregnant, [they ask] who will be responsible for the S\$5,000 [U.S.\$2,950].... It is a stinky excuse to keep a maid indoors for twenty-four hours, seven days a week.... MOM [Ministry of Manpower] should legislate because employers are so resistant. It's only fair to every human being. They are entitled to once a week off.<sup>206</sup>

At the time of this writing, the government had not made any moves to require that all domestic workers receive one day off per week. Instead, they have started to support programs that would address employers' anxiety about how their domestic workers are spending their day off. For example, they contribute financially to the Bayanihan center, a training institute run by the Filipino embassy and domestic workers which provides weekend courses for domestic workers to learn new skills. One official from the Ministry of Manpower said, "There is a role to be played by such institutions. The government can catalyze the process. These are useful ways to spend days off. Employers are very worried workers will get bad company.... They wonder, what is my worker going to do on her day off? [The question is how] to structure it in a way that is palatable."<sup>207</sup>

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<sup>204</sup> Human Rights Watch interview with service provider, private organization aiding migrant workers, Singapore, February 24, 2005.

<sup>205</sup> Human Rights Watch interview with employment agent, Singapore, March 1, 2005a.

<sup>206</sup> Human Rights Watch interview with employment agent. Singapore, March 1, 2005b.

<sup>207</sup> Human Rights Watch interview with Ng Cher Pong and Kenneth Yap, Ministry of Manpower, Singapore, February 22, 2005.

## Hours of Work, Rest Periods

*We have seen a lot of Indonesian workers working more than eighteen hours. We wish the hours were shorter. Maybe because our language skills are not so good, they use us like machines.*

*Some people wake up at 5 a.m., they have to work until 2 a.m. You can imagine how tired they are. There should be strict work hours, no more than ten hours per day. So many work twelve, sixteen, eighteen hours. Domestic workers should be included in the Employment Act. Our contract should be enforced so we can claim our rights.*

—Recommendations from focus group of Indonesian domestic workers, Singapore, March 6, 2005

Of the sixty-five domestic workers with whom Human Rights Watch conducted in-depth interviews, most reported working thirteen to nineteen hours each day. While some domestic workers were content with their employment and were able to take periodic rests during the day, others felt enormous pressure to complete multiple tasks during the day. This was especially true of domestic workers responsible for large houses or multiple residences, or taking care of young children or the elderly.

One domestic worker, Rita Yuboc, described her working conditions as follows:

I woke up at 4 a.m.... Some employers are like that, they don't want you to sleep or take a rest.... I didn't have any breaks, I had so much work to finish.... I would take my baths quickly. My employer would knock on the door.... "I didn't tell you you could take a bath"... Sometimes...employers want the maid to clean until 10 p.m. or 12 a.m. and to start working again at 6 a.m.<sup>208</sup>

Domestic workers who were employed in households with frequent visitors also reported a heavy workload. Chandrika Das said, "For five years there were eight to ten people in the home...and it was a common practice to have frequent visitors. I couldn't sleep, I would serve water and fruits. I had no rest during the day. I had no time, it was painful for me. Sometimes I cried. I had no day off."<sup>209</sup> Several workers reported having

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<sup>208</sup> Human Rights Watch interview with Rita Yuboc (not her real name), Filipina domestic worker, age twenty-four, Singapore, February 21, 2005.

<sup>209</sup> Human Rights Watch interview with Chandrika Das (not her real name), Bangladeshi domestic worker, age thirty-one, Singapore, February 19, 2005.



around-the-clock jobs if they were caring for babies in addition to their other work. One worker said:

I worked for a Chinese family. There was one man, one woman, a two-and-a-half-year-old boy, and a three-week old girl. I had to look after the baby, clean the house, cook. I started work at 6 a.m. and went to sleep at 1 a.m. I had to look after the baby, so if the baby woke up in the night, I had to wake up too. During the day, I had to stop my work to take care of her. I did everything.... They lived on the 14<sup>th</sup> floor and I had to clean the windows, it was very dangerous.... I got no sleep.... This employer kept me very busy. Nothing could wait until tomorrow. I couldn't rest. My employer scolded me. She said "you must finish."<sup>210</sup>

Human Rights Watch interviewed domestic workers who said their employers imposed such exacting standards that they had to work from morning until night, often repeating tasks, to a level of cleanliness difficult to achieve. One domestic worker told Human Rights Watch:

My employer would ask me to mop the floor twelve times in the morning with pledge. There was no end to my work. My employer was never happy. I had no off day, and it was promised to me. They told lies to me. They were not paying. I was very confused.... How can I finish two years? I suffered a lot, I was really under pressure. I was very tired, that is why I ran away.<sup>211</sup>

Ministry of Manpower officials acknowledge that some domestic workers must work long hours, but argue that the nature of domestic workers' labor is one that is difficult to regulate. Representatives of the Foreign Manpower Management Division said,

The working hours, the nature of work for domestic workers is different from office work, which is 9-5. It depends on individual needs. Employers and employees must come to a mutual understanding.... We hope to change through employer education. There is different

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<sup>210</sup> Human Rights Watch interview with Dita Wulansih (not her real name), Indonesian domestic worker, Singapore, age twenty-two, February 19, 2005.

<sup>211</sup> Human Rights Watch interview with Endang Utari (not her real name), Indonesian domestic worker, age thirty-one, Singapore, February 25, 2005.

bargaining power. The key is to encourage best practices, working closely with intermediaries.<sup>212</sup>

Although an infant or elderly person may require care twenty-four hours per day, seven days a week, the burden should not fall on a single domestic worker to work around the clock. Other professions with similar demands, for example, nursing, arrange for shift work that ensures workers receive regular periods of rest. Employers must find ways to manage their own time and alternatives like child care to ensure reasonable working hours for domestic workers.

### ***Illegal Deployment***

*I work two jobs but get one salary.... I am working for 100 percent free in my employer's mother's house. I wash everything by hand. The curtains I wash by hand, the bedsheets by hand. They have a machine but they don't want me to use it. They think I am lousy, stupid. I am very tired. I complain to them, "I am a person, you want a dog...." They never let me out. They ask me to work and work and work.*

—Tina Wisnawan (not her real name), Indonesian domestic worker, age thirty-four, Singapore, March 6, 2005

Another problem that some domestic workers confront is illegal deployment to jobs other than the one stipulated in their work permits and employment contracts. Singapore's immigration policies require that domestic workers be employed in only one household and prohibits them from engaging in other forms of work. Many domestic workers have little choice but to perform the work demanded of them by their employers. Even in cases where they know working for others is illegal, many are afraid to protest, knowing employers might repatriate them before they pay back their loans or earn money. Rita Yuboc worked for two separate employers who violated the terms of her employment visa and contract. She said:

Every Sunday I had to clean the house of my madam's mother. [For my third employer], I had to clean the factory, one residence, so many houses.... I cleaned the residence and condo everyday, and the factory every day, sometimes all day. They [also] delivered me boxes of factory work. Fifty boxes, I would do it at home. How many [pieces] inside, in

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<sup>212</sup> Human Rights Watch interview with Ng Cher Pong and Kenneth Yap, Ministry of Manpower, Singapore, February 22, 2005.

one box, one thousand. Sometimes in one day, I would have to finish eight boxes.<sup>213</sup>

In another case documented by Human Rights Watch, an employer operated a laundry business out of her home by exploiting her domestic worker's labor. The domestic worker, Aisyah Fatah, said:

At 5 a.m., I would wake up, prepare the laundry. There were two washing machines and two dryers. I would boil water, and clean the house. I helped children when they wanted to eat and drink. I cooked when the children were at school. I did laundry from 5 a.m. to 12 a.m. The clothes were from outside. It was quite a lot, from customers at a hotel and factories. The machine was running non-stop. I had no chance to rest.

I felt tired. There was not enough food. I had no off day, not even one, because there was so much work to do. The only time I went out is when I delivered the clothes from the 12<sup>th</sup> floor to the 1<sup>st</sup> floor, and then I had to come right back. I never went outside.... Even if I was sick, I tried not to feel it. My hands and feet were sore because I was so tired. I was standing morning to night, I couldn't sit.<sup>214</sup>

One domestic worker worked early in the morning to cook food for the canteen that her employer operates. She said:

At first my salary was S\$240 [U.S.\$150], now it is S\$250 [U.S.\$156]. It should be more than S\$300 [U.S.\$188] because I do so much work. I wake up at 2 a.m. to prepare food for the canteen and to pray. I sleep from 7 a.m. to 10 a.m. Then I clean the whole house, cook, and care for the child. I don't know how to change employers. I am scared because of all the stories.<sup>215</sup>

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<sup>213</sup> Human Rights Watch interview with Rita Yuboc (not her real name), Filipina domestic worker, age twenty-four, Singapore, February 21, 2005.

<sup>214</sup> Human Rights Watch interview with Aisyah Fatah (not her real name), Indonesian domestic worker, age twenty-one, Singapore, March 4, 2005.

<sup>215</sup> Human Rights Watch interview with Kartini Wibowo (not her real name), Indonesian domestic worker, age twenty-nine, Singapore, March 6, 2005.

Some employment agents may also illegally deploy domestic workers to multiple employers on a daily or weekly basis. In such cases, the agents often keep the payments themselves. An official at the Sri Lanka High Commission told us of one case in which an agent did not process a domestic worker for a work permit when she arrived in Singapore:

Some agents are the scum of the earth.... He put her in temporary employment in six different places.... After one month, she asked for her salary.... The agent abused her in four letter words, screamed at her. "I'm taking you out of there and I'll send you back." He had been collecting her wages. She paid for her own ticket home. Some connection took pity on her and took her to MOM [Ministry of Manpower], and made a report.<sup>216</sup>

### ***Low and Unequal Wages***

*Our basic salary should be the same as that of domestic workers from other countries. We feel it is...unfair. I also can speak English. We are also human, also workers. We also clean toilets. Why make it different? We are the same as workers from other countries.*

—Focus group with Indonesian domestic workers, Singapore, March 6, 2005

Inadequate state regulation of domestic workers' wages has led both to extremely low wages that are a mere fraction of that earned by other workers and to discriminatory practices by agencies that set wages according to nationality. Singapore has no minimum wage law. According to the Singapore Report on Wages 2004, an average entry-level Singaporean worker in a comparable occupation, for example, a cleaner or gardener, earns a starting wage of approximately S\$700-850 [U.S.\$438-531] per month.<sup>217</sup> In contrast, the starting salary for Filipina domestic workers in early 2005 was S\$320 [U.S.\$189], for Indonesian and Sri Lankan domestic workers, approximately S\$220-260 [U.S.\$130-153], and for Indian domestic workers S\$150-180 [U.S.\$88-106] per month.

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<sup>216</sup> Human Rights Watch interview with diplomat, Sri Lanka High Commission, Singapore, February 18, 2005.

<sup>217</sup> Ministry of Manpower, "Singapore Report on Wages 2004," [online], <http://www.mom.gov.sg/publications/manpowerresearchstatistics/annualreports/reportonwagesinsingapore2004.htm> (retrieved November 13, 2005), and e-mail correspondence from Foreign Manpower Management Division, Ministry of Manpower, Singapore to Human Rights Watch, November 11, 2005.

One agent who supplies Indian domestic workers said, “They are the worst paid, S\$180 per month. If they come direct with no agent, their pay is about S\$100 [U.S.\$59].”<sup>218</sup>

One domestic worker, Tina Wisnawan, told Human Rights Watch:

My salary is S\$250 [U.S.\$148] only. For one month I get S\$250, you can count—I am working from 7 a.m. to 10 p.m., it is so long. You can count how much I earn per hour [S\$0.55 per hour/U.S.\$0.32]. It’s crazy. Indonesian maids have situations like this.<sup>219</sup>

Market forces serve to exploit migrant domestic workers in a context where a significant power imbalance exists between agents and employers on the one hand, and workers on the other, and where state policies accentuate these disparities. Singapore’s work permit regulations allow employers to repatriate a migrant domestic worker at will, weakening any bargaining power she may have. An organization providing services to domestic workers said:

Employers have the privilege to cancel the work permit as they see fit. The domestic workers are truly at their mercy. If you’re not happy, cancel the work permit and the maid goes home. The maid has paid a lot of money to come here. It prevents a lot of them from speaking up. They have large families to support.<sup>220</sup>

For example, one highly-educated Filipina domestic worker told us her salary is, “quite low, for five years I have had no increase.... I don’t want to complain.... I fear they will find another maid.”<sup>221</sup> Employment agencies typically offer prospective employers a “package” that includes a domestic worker at a set wage and a “free replacement” if there are problems.

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<sup>218</sup> Human Rights Watch interview with labor agent, Singapore, February 23, 2005.

<sup>219</sup> Human Rights Watch interview with Tina Wisnawan (not her real name), Indonesian domestic worker, age thirty-four, Singapore, March 6, 2005.

<sup>220</sup> Human Rights Watch interview with private organizations aiding migrant workers, Singapore, March 4, 2005.

<sup>221</sup> Human Rights Watch interview with Michelle Udarbe (not her real name), Filipina domestic worker, age forty-two, Singapore, February 23, 2005.

## *Inadequate Living Accommodations*

*I slept without a mattress or a pillow on the floor of the storeroom.*

—Muriyani Suharti, Indonesian domestic worker, age twenty-two,  
Singapore, March 8, 2005

Many domestic workers reported that in addition to long working hours, a lack of rest days, and other labor violations, their dignity as human beings was not respected by their employers or agents. In particular, many domestic workers are given substandard living accommodations. A group of domestic workers, discussing the recommendations they would like to see implemented, said, “Employers must give food, proper accommodation and respect to domestic workers. They should treat workers with respect. If they respect us, we will respect them.”<sup>222</sup>

Several domestic workers that Human Rights Watch interviewed did not have adequate living arrangements and were sleeping in the common living areas.<sup>223</sup> For example, one domestic worker said, “I slept with the lady and the baby. I couldn’t sleep alone. Sometimes I slept on the floor in the hallway or in the room for changing clothes.”<sup>224</sup> Another domestic worker said, “I slept in the front hall. I had to unroll my mat each night. Everybody could walk by, they could see me [when I was sleeping].”<sup>225</sup> A domestic worker in a similar situation said, “I was not comfortable, because it was in the open.”<sup>226</sup> One woman explained that her employer, “wanted me to sleep in the living room. I slept in the store room because I didn’t want to sleep in the living room.”<sup>227</sup> Many domestic workers slept in storerooms, laundry rooms, or closet areas: “I slept in the storeroom. I couldn’t stretch out my legs, it was very small! It was the length of this sofa, only 2-3 feet high.”<sup>228</sup> In some of the worst situations, employers did not provide basic sleeping materials.

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<sup>222</sup> List of recommendations drawn up by Indonesian domestic worker focus group, Singapore, March 6, 2005.

<sup>223</sup> Human Rights Watch interviews with domestic workers in Singapore, February 19, 21, 25 and March 4, 6, 8, 9, and 10, 2005.

<sup>224</sup> Human Rights Watch interview with Ani Khadijah (not her real name), Indonesian domestic worker, age thirty-four, Singapore, February 19, 2005.

<sup>225</sup> Human Rights Watch interview with Endang Utari (not her real name), Indonesian domestic worker, age thirty-one, Singapore, February 25, 2005.

<sup>226</sup> Human Rights Watch interview with Sylvia Tobias (not her real name), Filipina domestic worker, age twenty-four, Singapore, March 9, 2005.

<sup>227</sup> Human Rights Watch interview with Rita Yuboc (not her real name), Filipina domestic worker, age twenty-four, Singapore, February 21, 2005.

<sup>228</sup> Human Rights Watch interview with Dwiyani (not her real name), Indonesian domestic worker, age twenty, Singapore, February 22, 2005.

Many domestic workers interviewed by Human Rights Watch shared their bedroom with an employer or the employer's children. In some cases, domestic workers shared rooms with adult males. Dwiyani told Human Rights Watch that in one employment situation, "I slept in a room together with the employer's children, one a twenty-six-year-old man, and a seventeen-year-old girl. When I was at the agent's office, I was told that both were female. At first I was very afraid. When I was asleep, the boy slept next to me, but nothing happened."<sup>229</sup> Kartini Wibowo said, "The daughter and [the employer's] wife sleep on the beds. I slept on the floor in between them."<sup>230</sup> One domestic worker said, "I share a room and bed with my employer's fourteen-year-old daughter."<sup>231</sup> Sharing a room with others often meant that domestic workers did not have the ability to take adequate rest time. She told us, "Every night the mother helps the kids to study until 11 p.m. I have to wait for them to finish before I can sleep.... I do not have a chance to rest. If I want to lie down during the daytime, I cannot, I cannot rest."<sup>232</sup>

Many are forced to cut their hair, although the stated reason of hygiene is one that could easily be solved by hairnets. For example, Eri Sudewo, a domestic worker, said:

My hair was long. The employer said, 'You must cut your hair. If your hair drops on the floor, it's dirty. If you don't cut it, I will cut it.' I cried, because I didn't want short hair. I cried. She said, I will take you to get your hair cut, if you don't want to cut it, then go home.... I don't want to go back home, it's so shameful. In my country, we are Muslim. We go to the mosque, I do not want to go with short hair. I cried again. I cried and cried and cried.<sup>233</sup>

### *The Right to Just and Favorable Conditions of Work*

International human rights law protects a spectrum of workers' rights. Articles 23 and 24 of the UDHR outline rights to just and favorable conditions of work, remuneration, freedom to form and join trade unions, rest, leisure, reasonable limitations of working

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<sup>229</sup> Ibid.

<sup>230</sup> Human Rights Watch interview with Tirtawati (not her real name), Indonesian domestic worker, age thirty, Singapore, February 28, 2005.

<sup>231</sup> Human Rights Watch interview with Kartini Wibowo (not her real name), Indonesian domestic worker, age twenty-nine, Singapore, March 6, 2005.

<sup>232</sup> Human Rights Watch interview with Michelle Udarbe (not her real name), Filipina domestic worker, age forty-two, Singapore, February 23, 2005.

<sup>233</sup> Human Rights Watch interview with Eri Sudewo (not her real name), Indonesian domestic worker, age twenty-three, Singapore, March 4, 2005.



hours, and periodic holidays.<sup>234</sup> Article 11(d) of CEDAW delineates the “right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value” and article 11(f) describes the “right to protection of health and to safety in working conditions.”<sup>235</sup>

The work conditions of migrant domestic workers often do not meet the minimum standards defined in Singapore law for workers in other employment sectors. Singapore’s Employment Act sets forth the following labor rights for other employees: one rest day per week; a rest period after six hours of continuous work, a maximum of forty-four work hours per week, and paid sick leave.<sup>236</sup>

By excluding domestic workers from the Employment Act, Singapore’s labor laws fail to comply with international law. One of the explanations that the Singapore government offers in response to criticisms about excluding domestic workers from the Employment Act is the difficulty in enforcing such labor protections and a resulting lack of credibility for the government. Ministry of Manpower officials told Human Rights Watch, “We have considered a standard contract. Legislation is not the main route. [Our concern is] if we have legislation and are unable to enforce it.”<sup>237</sup>

This argument has several flaws. Intentionally excluding domestic workers from equal treatment in labor laws sends a strong message to employers and employment agents that the government sanctions separate and unequal treatment for domestic workers as a class of employees. These exclusions undermine Singapore’s justice system in a much more profound way—they demonstrate that all persons are not equal before the law. Hong Kong has included domestic workers in their employment laws, and while complete enforcement is a challenge—as with any law—the tens of thousands of workers who congregate on Sundays, form social organizations, and join trade unions is a testament to how many enjoy their right to a weekly day off. Domestic workers in Hong Kong are also entitled to a minimum wage and maternity protections. The Hong Kong government’s inclusion of domestic workers in the employment laws sends a clear message to employers about legally acceptable standards of treatment.

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<sup>234</sup> UDHR, art. 23 and art. 24.

<sup>235</sup> CEDAW, art. 11(d) and art. 11(f).

<sup>236</sup> Employment Act (Chapter 91), part IV.

<sup>237</sup> Human Rights Watch interview with Ng Cher Pong and Kenneth Yap, Ministry of Manpower, Singapore, February 22, 2005.

Furthermore, many strategies exist for bolstering enforcement of labor protections for migrant domestic workers. These include raising public awareness, guaranteeing workers' rights to freedom of movement and freedom to form associations, and improving monitoring systems for employment agencies and workplaces. Many domestic workers do not seek help because of fear they would be repatriated before they can repay their debts or earn something to send home. De-linking domestic workers' visas from particular employer families could help address this. Other strategies include providing an option to live in independent quarters, keeping written records of hours worked, and supporting drop-in centers for migrant domestic workers on their day off.

## ***Physical Abuse, Sexual Abuse, and Mistreatment***

### ***Physical Abuse***

*The lady employer kicked me while wearing shoes, would throw things at my head, and pinch me in the stomach. She beat me for two months before I quit, it was happening everyday.... I had bruises on my legs and on my stomach.*

—Dwiyani (not her real name), Indonesian domestic worker, age twenty, Singapore, February 22, 2005

Some migrant domestic workers experience serious physical or sexual abuse. Human Rights Watch interviewed representatives of aid organizations who stated that physical abuse and food deprivation comprised approximately one quarter to half of the cases they dealt with, making it the most commonly reported problem after unpaid wages. Embassies of sending countries also cited physical abuse and food deprivation as among the complaints they received.<sup>238</sup> They noted that physical abuse was a problem not only among employers, but also employment agents.<sup>239</sup>

The Singapore government amended its Penal Code in 1998 to increase by 1.5 times the penalties imposed for physical assault, sexual abuse, and forced confinement, if the abuse is committed by an employer against a migrant domestic worker. Between 2001 and 2004, twenty-six employers or household members were convicted and sentenced under this provision. In a possible indication of the deterrent value of the added penalty, the number of cases where employers received warnings from the police or were

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<sup>238</sup> Human Rights Watch interview with diplomat, Sri Lanka High Commission, Singapore, February 18, 2005.

<sup>239</sup> Human Rights Watch interviews with private organizations aiding migrant workers, Singapore, February 17, 2005 and February 24, 2005.

charged in court fell from 157 cases in 1997 to fifty-nine cases in 2004.<sup>240</sup> While this is an important step, Singapore authorities need to do more to ensure that domestic workers know their rights, know how to preserve evidence (such as photos and other evidence of beatings), and are able to access the court system.

Many domestic workers are afraid to approach the police for help, are not aware of where to seek assistance, or refrain from doing so because of the pressure to pay off their debts and earn money. One domestic worker said, “My employer would pull my hair and slap me. I had some bruises but didn’t mention it to the police because I was afraid and because I didn’t speak English. I didn’t know anything.... If I wanted to complain there was nowhere. I spent too many days just crying.”<sup>241</sup>

In many cases, employers used the excuse of mistakes in housework as a justification for punishment. Adelyn Malana said:

Every time I made a mistake, she pushed me. If I did the ironing, she looked for small things, she beat me, she beat me hard with a big wooden heavy spoon. She says, where is your brain, eh? I said, “if you treat me like this, I can’t understand you.”

I was working for four weeks. She hit me sometimes. One time, I got black bruises on my foot,... She hit me on the hands, they would become red.... She pushed me when I carried the electric fan. It broke, and she said “since my fan broke, you have to pay me.” She twisted my finger.... I couldn’t work. I was crying because there was so much pain. She gave me no medicine.<sup>242</sup>

In another case, Ani Khadijah said:

My employer would get angry with me and slap me. If a little bit, just a little bit was wrong. She would complain to the agent. The employer brought me to the agent, and my agent slapped me also.... Once she slipped on water. She made me drink four cups of water and she

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<sup>240</sup> E-mail correspondence from Foreign Manpower Management Division, Ministry of Manpower, to Human Rights Watch, November 11, 2005.

<sup>241</sup> Human Rights Watch interview with Ani Khadijah (not her real name), Indonesian domestic worker, age thirty-four, Singapore, February 19, 2004.

<sup>242</sup> Human Rights Watch interview with Adelyn Malana (not her real name), Filipina domestic worker, age twenty-two, Singapore, February 21, 2005.

splashed the water on me [when I tried to drink]. The employer was very cruel. She would slap me over and over again. Everytime, everyday.

[After I went to the police station], the employer said “I won’t slap you anymore.” After one week she did. The baby got sick and she slapped me again. She said I didn’t give the milk according to the schedule.

The employer made up stories.... I had to wash hands before giving milk. She would say I didn’t and slap me...

She would get angry. She was not just talking, her hand would be doing the talking.<sup>243</sup>

In another case documented by Human Rights Watch, a domestic worker said:

If I asked to make a call, she would scold and slap me.... I said I had to call my family, she slapped me.... She slapped me so many times.... The last day [of my employment] she slapped me twice, because I washed the pillow and the black color ran.

Once she asked me to bring her mahjong, but I didn’t know what mahjong was. She hit me in the hand. She used to hit me with her hand, sometimes she would punch me in the arm. Sometimes she would ask me why it’s red, and I would say, “nothing, I fell down.”

The day I ran away, I bled because she punched me. Even after three days at the embassy, I still had bruises.<sup>244</sup>

Human Rights Watch heard many similar stories. One worker told us, “The grandma would get angry. She would beat me, pinch me, hit me. That is why I ran away.”<sup>245</sup> In another case, the employer tried to humiliate the domestic worker, who said, “Sometimes I wasn’t allowed to use the toilet. I would have to urinate on a towel. The employer would cut my clothes, like the sleeves on one side. She threw dirty mop water on me many times.”<sup>246</sup>

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<sup>243</sup> Human Rights Watch interview with Ani Khadijah (not her real name), Indonesian domestic worker, age thirty-four, Singapore, February 19, 2004.

<sup>244</sup> Human Rights Watch interview with Dwiyani (not her real name), Indonesian domestic worker, age twenty, Singapore, February 22, 2005.

<sup>245</sup> Human Rights Watch interview with Sylvia Tobias (not her real name), Filipina domestic worker, age twenty-four, Singapore, March 9, 2005. Her employer also failed to pay the levy and her salary.

<sup>246</sup> Human Rights Watch interview with Eri Sudewo (not her real name), Indonesian domestic worker, age twenty-three, Singapore, March 4, 2005.

Physical abuse intersects with many of the other problems that domestic workers confront, including the fear of being sent home before they pay off their debts and earn a salary. A domestic worker said:

If I made a mistake, she would scold me...She would rap my head...She would do it hard, it would hurt. She would threaten to send me back to the Philippines. I asked her to forgive me, I needed money for my family.

It was very difficult. I had a friend next door. When I threw out the rubbish, I would talk to her. She was an Indonesian maid. Once I was outside just a few minutes.... She was very angry and pinched my two ears. She pinched and pulled my two ears and blood came out. This happened twice.

After the [police investigation] finishes, I am going back to the Philippines. I am going back without anything, it is very difficult.<sup>247</sup>

### **Food Deprivation**

*There was not enough food. For breakfast I had two pieces of bread.... My employer is very killer [strict]. She counts the bread, she was killer, killer. When I ate one piece of fish, the employer got angry. At night I was hungry. When the employer went out, sometimes my neighbor would knock on the door and give me rice to eat. There are still a lot of people like me. They do not get enough food. When I worked in the laundry, there was a Filipina next door. I would meet her when taking out the garbage. The Filipina worker said she was hungry. We should get enough to eat. Because the work is hard, we need to eat. When I was working in that house, I went from 54 to 40 kilograms.*

—Aisyah Fatah (not her real name), domestic worker, age twenty-one, Singapore, March 4, 2005

Human Rights Watch interviewed many domestic workers who did not receive adequate food at their place of employment. The work permit states that employers are responsible for the upkeep and maintenance of their domestic worker. Given that many of these women are unable to move freely outside of their workplace, they are dependent on their employers to provide them enough food. One domestic worker,

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<sup>247</sup> Human Rights Watch interview with Lilia Jornadal (not her real name), Filipina domestic worker, age twenty-five, Singapore, March 9, 2005.

Mallika Selvi, said, “I get food once a day only.”<sup>248</sup> Another domestic worker said she lost 10 kilograms during her first year of employment.<sup>249</sup>

Adelyn Malana weighed 45 kilograms when she began employment, and weighed only 37 kilograms when she ran away from her employer six months later. She said:

Sometimes there was not enough food.... They bought food from outside, but not for me. When angry, [the employer] would throw my food in the rubbish. I asked permission [to eat rice, but] I got no rice, only bread .... For breakfast I had two pieces of bread. At 4 p.m. I took two more pieces of bread.... I am a human. I got sick. I’m far [from home,] who would take care of me if I got sick? I ran away. I was very scared. My employer told me, “Tomorrow you have a punishment, no eating.”...I took my bag and I ran. I called my sister, I’m hungry and my employer is no good. If I stay long, I think I’d go to the hospital. I would get an ulcer. I want to eat everyday, I want to eat enough.<sup>250</sup>

Bayuningsih’s employer locked her inside the house and locked the kitchen door when she left the house so Bayuningsih could not eat the food. This employer not only denied her food, but would spoil it so that it would be inedible. She told Human Rights Watch:

My employer would get angry. If there was no food to eat, she would say, “I don’t care, drink water. When you finish working, then I will give you food.” When I finished work, she would tell me to go to sleep. Once when my employer got angry, she put soap in my tin of food and I couldn’t eat it. But I ate it anyway because I was so hungry. The outside door was locked. All the doors were locked, only the bathroom was open. The kitchen was locked. [Sometimes] for one day, sometimes for one week at a time, I would never eat anything. I was hungry, what could I do? I was hungry.<sup>251</sup>

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<sup>248</sup> Human Rights Watch interview with Mallika Selvi (not her real name), Indian domestic worker, Singapore, March 2, 2005.

<sup>249</sup> Human Rights Watch interview with Endang Utari (not her real name), Indonesian domestic worker, age thirty-one, Singapore, February 25, 2005.

<sup>250</sup> Human Rights Watch interview with Adelyn Malana (not her real name), Filipina domestic worker, age twenty-two, Singapore, February 21, 2005.

<sup>251</sup> Human Rights Watch interview with Bayuningsih (not her real name), Indonesian domestic worker, age twenty-three, Singapore, March 4, 2005.

Lalitha Ranjanie, another domestic worker, said, “If I took fish and vegetables on my plate, my employer would say, ‘you take so much, take some out’.... [Once] for three days they stopped giving me food.”<sup>252</sup> Many domestic workers reported that they ate leftovers, and if there were not enough, they would be hungry.<sup>253</sup> One domestic worker told Human Rights Watch, “When I cooked in the evening, my employer said I should make extra for my breakfast and lunch, but if I cooked a lot, the employer would be angry at me for eating too much. In the evening, I would get the leftovers, and if there were no leftovers, I would only eat rice.”<sup>254</sup> Sri Mulyani said, “I only ate once a day at 7p.m. I never took lunch. I was asked to cook only a little bit of food, and I was afraid the kids wouldn’t have enough to eat. For example, if we were eating chicken wings, the employer would tell me to buy three for the kids, and then there wouldn’t be enough for me. I would drink a lot of water.”<sup>255</sup>

Human Rights Watch interviewed employment agents who both verified that food deprivation was a problem with some employers, but suggested that some domestic workers were too shy to ask for food. One agent said, “Sometimes a maid will say, ‘I don’t get to eat between breakfast and dinner.’ Not because the employers said no, but because they dare not to eat. We call our clients and say, ‘please tell the maid she can eat or that she doesn’t have to wait until 8 p.m./dinner.’”<sup>256</sup>

Domestic workers confront hardship not only because of a lack of food, but because of the timing of meals and the lack of continuous rest breaks. One worker, age twenty-four, said, “In the morning [the employer] wanted me to clean before taking breakfast. My stomach was empty.”<sup>257</sup> Other domestic workers described their workload and the lack of continuous periods of rest that prevented them from eating. Pertiwisari explained, “If I don’t finish my work, I cannot sleep, [my employer] said. Sometimes I didn’t eat lunch. For breakfast I prefer to eat bread, but my employer said, ‘why buy bread, the children don’t eat it.’ So I only took water.”<sup>258</sup>

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<sup>252</sup> Human Rights Watch interview with Lalitha Ranjanie (not her real name), Sri Lankan domestic worker, age twenty-nine, Singapore, March 6, 2005.

<sup>253</sup> For example, Human Rights Watch interview with Sylvia Tobias (not her real name), Filipina domestic worker, age twenty-four, Singapore, March 9, 2005.

<sup>254</sup> Human Rights Watch interview with Muriyani Suharti (not her real name), Indonesian domestic worker, age twenty-two, Singapore, March 8, 2005.

<sup>255</sup> Human Rights Watch interview with Sri Mulyani (not her real name), Indonesian domestic worker, age thirty, Singapore, February 19, 2005.

<sup>256</sup> Human Rights Watch interview with an employment agent, Singapore, March 3, 2005a.

<sup>257</sup> Human Rights Watch interview with Rita Yuboc (not her real name), Filipina domestic worker, age twenty-four, Singapore, February 21, 2005.

<sup>258</sup> Human Rights Watch interview with Pertiwisari (not her real name), Indonesian domestic worker, age twenty-one, Singapore, February 21, 2005.



Human Rights Watch found a range of opinions among employment agents about food deprivation. Some agents challenge the claims of domestic workers. For example, several employment agents told Human Rights Watch in a meeting, “FDWs [foreign domestic workers] have accused agents of not providing enough food. They lie. If they are choosy about food, they don’t say. It is a lie.”<sup>259</sup> Other employment agents expressed concern and took active measures to address the problem. Human Rights Watch interviewed an employment agent who said, “Some maids lose 5 kilograms in one month. We keep a scale in the office. Agents are supposed to protect both parties. If the employer abuses the maid, we won’t give them another maid.”<sup>260</sup>

Many domestic workers depend on the kindness of neighbors and fellow domestic workers. Human Rights Watch interviewed several domestic workers who said that if their employer did not provide them with adequate food, they had neighbors who would try to sneak them food from open windows. One domestic worker said:

I had a friend on the second floor. I was working on the third floor. During morning and lunch, I didn’t get anything to eat. My friend often gave me food. I would pull food up using yarn, my friend would help by pushing it with a mop.<sup>261</sup>

Another worker, Budi Puspita, said, “My friend has a problem with her employer. The employer doesn’t give her enough food, they abuse her. She can’t talk [or go out.] We call her from the intercom downstairs.”<sup>262</sup>

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<sup>259</sup> Human Rights Watch interview with AEAS executive committee, Singapore, February 24, 2005.

<sup>260</sup> Human Rights Watch interview with an employment agent, Singapore, February 28, 2005.

<sup>261</sup> Human Rights Watch interview with Muriyani Suharti (not her real name), Indonesian domestic worker, age twenty-two, Singapore, March 8, 2005.

<sup>262</sup> Human Rights Watch interview with Budi Puspita (not her real name), Indonesian domestic worker, age twenty-four, Singapore, February 20, 2005.

## Sexual Abuse and Harassment

*[Crying and whispering] He asked me to have sex with him.... Why do domestic workers always have to submit? I never follow his wish. I lie to him. I am afraid that some day he will really force me.... When his wife is not at home, he approaches me.... The employer's bad behavior is why I want to go home. If it is bad words, I can take it. I prefer being hit or bad words to this.*

*If I change employers, the salary will be deducted again. If I change employers, it will become a one year and six month deduction. I will remain at the house as long as they don't do anything to me.... I don't want anyone to know. Even my best friend doesn't know...What would I say to the lady employer? I don't want to tell the agent, he has threatened me.*

—Dewi Hariyanti (not her real name), Indonesian domestic worker, age twenty, Singapore, February 27, 2005

Migrant domestic workers are at risk of sexual harassment and abuse by their employers. Although our research and indications from the Ministry of Manpower, sending countries' embassies, and service agencies suggest that sexual abuse comprises a relatively small proportion of complaints made by migrant domestic workers, the severity of the abuse makes it a cause for particular concern. Underreporting is likely a significant problem due to domestic workers' isolation in the workplace and the deep social stigma attached to sexual assault. This stigma may be especially strong in their home countries.

The forms of abuse vary. Marites Padilla, a twenty-nine-year-old Filipina domestic worker said her male employer sexually harassed her in the mornings when her female employer left early for work. Weeping, she told Human Rights Watch:

*The room is open, there is never a closed door.... I could see [my employer] naked, I could see him masturbating. The first time I ignored it. But it happened every time. The first time I thought it was a coincidence. Then how many times already. This happened for over a year. One time, I knew mom was not going to be home. The kids were still sleeping.... Every morning, I felt nervous and scared.... He called me, he was standing in the door of the room I was cleaning. I saw him naked below. He called me to bring his underwear to him.... I put it on the doorknob, and I said, "sir, your underwear." He asked me to iron it.*

He was still naked, he really exposed his private parts. I was very angry.<sup>263</sup>

A domestic worker, Muriyani Suharti, told Human Rights Watch:

I was threatened, if I didn't sleep with my employer, they would send me to Batam. Once or twice a week I was forced to sleep with him. If I was angry with him, he would want me. They said they would sell me to Batam where I would be taken by a lot of men.<sup>264</sup>

Even if a domestic worker turns to her embassy or the police, these authorities sometimes fail to investigate the case properly or release her back into the custody of an employment agency. Employment agencies often fail to report abuses or to provide necessary aid and referrals.

Domestic workers told Human Rights Watch they do not know where to turn. Suharti, described above, unsuccessfully sought help from the police and was returned to her employment agency. She said:

After two months I couldn't take it anymore, so I ran away. I went to the mosque.... I asked [for help to] report to the police. After that the police came and took me and I said how the employer forced me. That time the police put me in jail. I don't know why, I got angry. "Why are you putting me here? I'm not a criminal." The police said, "this is a safe place for you." After two days, the agency came and took me.<sup>265</sup>

Domestic workers are at increased risk for abuse if agents illegally deploy them for part-time work to multiple employers. Neerangini, an Indian domestic worker told us how her agent sent her to several households and withheld her wages. For seven days, she worked in the house of a man whose family was traveling abroad. She said:

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<sup>263</sup> Human Rights Watch interview with Marites Padilla (not her real name), Filipina domestic worker, age twenty-nine, Singapore, March 9, 2005.

<sup>264</sup> Human Rights Watch interview with Muriyani Suharti (not her real name), Indonesian domestic worker, age twenty-two, Singapore, March 8, 2005.

<sup>265</sup> Ibid.

I couldn't fight him off, he threatened me.... It felt dirty, painful.... He threatened me, "I paid money to bring you here to work." I said, "You didn't tell me what kind of work. You didn't buy me to rape me but for a job. I didn't come for this kind of job. I have a husband and children, I know family life." He didn't show sympathy.... I was begging on my hands and knees, "let me use the phone."<sup>266</sup>

### **Verbal Abuse and Threats**

*My employers used only abusive words. They didn't hit me...they would say things like "why don't you jump out of the window? Rather than thinking about your parents, it would be better if you just committed suicide by jumping out the window." The wife was really angry and used bad words. She called me a pig, a prostitute, an easy woman.*

—Sri Mulyani (not her real name), Indonesian domestic worker, age thirty, Singapore, February 19, 2005

Verbal and psychological abuse by employers serves to belittle, intimidate, and further isolate domestic workers. One common threat, women said, was that they would be sent back to their home countries, a frightening prospect to women who have huge debts to repay or fear punishment from labor agents. Ministry of Manpower officials told Human Rights Watch, "Employers take the threat of repatriation lightly, but it has a big psychological impact."<sup>267</sup> As mentioned above, Lilia Jornadal's employer hit her and would threaten to send her back to the Philippines.<sup>268</sup> One domestic worker, Aisyah Fatah, told us:

My employer got angry every day.... One time, she threatened me, "do you want me to hit you?" She threatened often to send me back. I was not allowed to talk to other people. Next door, there was also an Indonesian, I was not allowed to talk to her. If I was caught, I was told I could be sent back.<sup>269</sup>

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<sup>266</sup> Human Rights Watch interview with Neerangini (not her real name), Indian domestic worker, age thirty-one, Singapore, March 1, 2005.

<sup>267</sup> Human Rights Watch interview with Ng Cher Pong and Kenneth Yap, Ministry of Manpower, Singapore, February 22, 2005.

<sup>268</sup> Human Rights Watch interview with Lilia Jornadal (not her real name), Filipina domestic worker, age twenty-five, Singapore, March 9, 2005.

<sup>269</sup> Human Rights Watch interview with Aisyah Fatah (not her real name), Indonesian domestic worker, age twenty-one, Singapore, March 4, 2005.

Verbal abuse often goes together with long work hours and unreasonable work expectations. Dewi Hariyanti told us, “If I make a little mistake, [my employer] often uses harsh words, shouts. His wife also gets angry with me. Sometimes they say, “you prawn brain.” They say too much, I do not want to remember.”<sup>270</sup> Employers often exhibited abusive control by monitoring domestic workers’ every movement or forcing them to repeat tasks. Adelyn Malana told Human Rights Watch:

Even simple cleaning I couldn’t do without permission from her. If I mopped the floor or cleaned the table, she was very angry and punished me. Everyday there was a quarrel.... I didn’t know what to do. I was very scared because she was very angry. Sometimes in one week, every day she’s angry. Sometimes I forgot to do things or made mistakes, [for example] I put the bedsheet and bedcover together in the wash instead of separate. She would make me mop the floor ten times in one day because of a very small mistake. She would ask, “Why do you make me angry?”<sup>271</sup>

Domestic workers reported name-calling and other derogatory statements. Milagros Baluyot said that her employer, “always gets angry and I have to take the blame.... If he loses his keys, it’s my fault. ‘You bloody, fucking maid!’ He will say this in the middle of the street.”<sup>272</sup> Human Rights Watch interviewed Lalitha Ranjanie, a domestic worker who said, “The people of the house call me stupid, an idiot, they use every bad word. ... They tell me I am a bad lady, like a prostitute.”<sup>273</sup> Muriyani Suharti said, “Everyday, my employer would get angry. Everyday they would call me an idiot and stupid. They even used ‘idiot’ as my name.”<sup>274</sup>

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<sup>270</sup> Human Rights Watch interview with Dewi Hariyanti (not her real name), Indonesian domestic worker, age twenty, Singapore, February 27, 2005.

<sup>271</sup> Human Rights Watch interview with Adelyn Malana (not her real name), Filipina domestic worker, age twenty-two, Singapore, February 21, 2005.

<sup>272</sup> Human Rights Watch interview with Milagros Baluyot (not her real name), Filipina domestic worker, age thirty-one, Singapore, February 25, 2005.

<sup>273</sup> Human Rights Watch interview with Lalitha Ranjanie (not her real name), Sri Lankan domestic worker, age twenty-nine, Singapore, March 6, 2005.

<sup>274</sup> Human Rights Watch interview with Muriyani Suharti (not her real name), Indonesian domestic worker, age twenty-two, Singapore, March 8, 2005.

### *The Right to Security of Person and Freedom from Discrimination*

International human rights law establishes the security of person, and the right to be free from cruel, inhuman, and degrading treatment.<sup>275</sup> In the Declaration on the Elimination of Violence against Women, the United Nations stated that governments have an obligation to “prevent, investigate, and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by states or by private persons.”<sup>276</sup> A state’s consistent failure to do so amounts to unequal and discriminatory treatment, and constitutes a contravention of the state’s obligation to guarantee women equal protection of the law.<sup>277</sup>

The ILO’s Committee of Experts considers that sexual harassment falls within the scope of the ILO Discrimination (Employment and Occupation) Convention. The CEDAW Committee has commented that sexual harassment includes:

unwelcome sexually determined behaviour as physical contact and advances, sexually coloured remarks, showing pornography and sexual demand, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment, including recruitment and promotion, or when it creates a hostile working environment.<sup>278</sup>

The Singapore government has a responsibility to address the psychological, verbal, physical, and sexual violence that migrant domestic workers encounter. Singapore has

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<sup>275</sup> UDHR, art. 3, ICCPR, art. 6, CRC, art. 6 (right to life); UDHR, art. 5, ICCPR, art. 7, CRC, art. 37 (freedom from torture, cruel, inhuman or degrading treatment).

<sup>276</sup> Declaration on the Elimination of Violence against Women, G.A. res. 48/104, 48 U.N. GAOR Supp. (no. 49) at 217, U.N. Doc. A/48/49 (1993), art. 4.

<sup>277</sup> CEDAW, art. 15, and ICCPR, art. 26. See also, Committee on the Elimination of Violence against Women (CEDAW Committee), General Recommendation 19, Violence against women, (Eleventh session, 1992), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI\GEN\1\Rev.1 at 84 (1994) (contained in document A/47/38), para. 6.

The U.N. Special Rapporteur on violence against women has stated, “In the context of norms recently established by the international community, a State that does not act against crimes of violence against women is as guilty as the perpetrators. States are under a positive duty to prevent, investigate and punish crimes associated with violence against women.” Special Rapporteur on violence against women, its causes and consequences, “Preliminary Report Submitted by the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, in accordance with Commission on Human Rights resolution 1994/45,” (Fiftieth Session), U.N. Document E/CN.4/1995/42, November 22, 1994, para. 72.

<sup>278</sup> CEDAW Committee, General Recommendation No. 19, para. 17-18.

indicated that abuse against domestic workers is a serious offense, both through increased penalties and by undertaking high-profile prosecutions of abusive employers. As mentioned earlier, offenses like voluntarily causing hurt, assault, and rape have 1.5 times the penalty if committed against migrant domestic workers.

While Singapore's strong criminal justice response is an important step in the right direction, it needs to do more to make it easier for victims to gain access to courts and social services. Independent monitoring of employment agencies and workplaces in private homes is also essential, as are mandated weekly rest days and protections of workers' freedom of association. Women migrant workers' ability to take time off and to visit NGOs, their country's embassy, health care providers, and workers' associations are critical measures for increasing their awareness about their rights and access to services.

### ***Restrictions on Religious Freedom***

*We went to a labor agency in Jurong West. They kept our Indonesian money, cosmetics, and praying garments. They said it would be given to us on our return. The agency told me we are not allowed to pray because the employer doesn't like it. The Indonesian agent also told me I wouldn't be able to pray. I felt very sad.*

—Aisyah Fatah (not her real name), Indonesian domestic worker, age twenty-one, March 4, 2005

Human Rights Watch interviewed domestic workers who reported they were forbidden from attending church if they were Christian, or praying or fasting if they were Muslim. In many cases, employment agents were the first to order domestic workers to stop praying, and confiscated their holy books, prayer shawls, and prayer rugs. In one case, a domestic worker reported:

The agent in Singapore was cruel.... I was wearing a head scarf. They took it and threw it away.... He took all my family phone numbers, my prayer books, my scarf, and prayer shawl. He searched my bag and took all of these things out roughly.<sup>279</sup>

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<sup>279</sup> Human Rights Watch interview with Sri Mulyani (not her real name), Indonesian domestic worker, age thirty, Singapore, February 19, 2005.



Another worker, Kartika Hatmoko, said, “When I arrived, my madam [employer] said I was not allowed to pray. When I came here, the agency took away my praying attire.”<sup>280</sup> One domestic worker told Human Rights Watch, “They said I cannot pray, that I cannot fast during Ramadan.”<sup>281</sup> Kanthi Unisa, a Sri Lankan domestic worker, said, “I asked my agency, I want to go to church. They said if you want an off day, take S\$25 [U.S.\$15] off your salary per day.”<sup>282</sup>

Many domestic workers told Human Rights Watch that one of their main recommendations to the Singapore government would be to protect their freedom to practice their religion. Tuti Prihatin, a domestic worker, said:

They don’t give us freedom to practice our religion. They almost sent me back. If you want me to stay here, I must practice my religion. If I pray, I remember my God. The Singapore agency took my Holy Koran. It made me very, very sad. Even money is less important to me.<sup>283</sup>

After a lively discussion with several fellow Indonesian domestic workers about recommendations to the government, one domestic worker said, “We should be given freedom to worship. We have to be given freedom to practice religion. Make it punishable for employers who don’t comply.”<sup>284</sup> Another added that it was not only freedom to pray but from coercive proselytizing, “[My employers] are Christian, and they want me to be Christian.... They told me if I was Christian, they would give me an off day every Sunday. This is what makes me saddest. They don’t let me fast, I cannot read the Koran. I cannot even touch it.”<sup>285</sup>

Article 18 of the UDHR establishes, “the right to freedom of thought, conscience, and religion...and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and

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<sup>280</sup> Human Rights Watch interview with Kartika Hatmoko (not her real name), Indonesian domestic worker, age thirty, Singapore, February 27, 2005.

<sup>281</sup> Human Rights Watch interview with Muriyani Suharti (not her real name), Indonesian domestic worker, age twenty-two, Singapore, March 8, 2005.

<sup>282</sup> Human Rights Watch interview with Kanthi Unisa (not her real name), Sri Lankan domestic worker, age twenty-four, Singapore, February 27, 2005.

<sup>283</sup> Human Rights Watch interview with Tuti Prihatin (not her real name), Indonesian domestic worker, age twenty-six, Singapore, March 6, 2005.

<sup>284</sup> Human Rights Watch focus group interview with Indonesian domestic workers, Singapore, March 6, 2005.

<sup>285</sup> Human Rights Watch interview with Tuti Prihatin (not her real name), Indonesian domestic worker, age twenty-six, Singapore, March 6, 2005.

observance.”<sup>286</sup> The Singapore Constitution states that, “Every person has the right to profess and practise his religion and to propagate it.”<sup>287</sup>

The restrictions employers and labor agents place on some migrant domestic workers’ freedom to fast, to pray, and to attend religious services in accordance with their religious beliefs constitute a clear infringement of their freedom of religion as protected under international human rights law. In some cases, confiscation of prayer materials and the Koran as well as targeted religious insults designed to humiliate domestic workers could also be considered a form of psychological abuse and degrading treatment.

### ***Restrictions on Reproductive and Marriage Rights***

*8 I shall not go through any form of marriage or apply to marry under any law, religions, custom or usage with a Singapore Citizen or Permanent Resident in or outside of Singapore without the prior approval of the Controller of Work Permits while I hold a Work Permit and also after my work permit has been cancelled. I will be expelled and prohibited from entering Singapore if I breach this condition.*

*9 I shall not cohabit with a Singapore Citizen or Permanent Resident.*

*10 I shall not become pregnant or deliver any child in Singapore during the validity of my work permit or visit pass (applicable to females).*

*11 I shall not engage in any relationship with a Singapore Citizen or Permanent Resident that will result in the birth of any child.*

*12 I shall not indulge or be involved in any illegal, immoral or undesirable activities including breaking up families in Singapore.*

—Excerpts from “Conditions of Work Permit/Visit Pass for Foreign Worker,” that migrant domestic workers must sign and abide by during employment in Singapore

Singapore’s immigration policies and employment practices restrict domestic workers’ reproductive, marriage, and sexual rights. In contravention of international human rights standards that protect the right of individuals to enter into marriage freely, Singapore’s

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<sup>286</sup> UDHR, art. 18. The right is also articulated in Article 18 of ICCPR, Article 12 of the Migrant Workers Convention, Article 14 of the CRC, and in the U.N. Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. ICCPR, art. 18; Migrant Workers Convention, art. 12; Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, U.N.G.A. Res. 36/55, November 25, 1981.

<sup>287</sup> Singapore Const., art. XV, § 1.

immigration policies prohibit migrant domestic workers from marrying or cohabiting with Singaporean citizens or permanent residents. A clause allows the Controller of Work Permits to grant permission for some couples to marry upon application, but there is little awareness among domestic workers and some officials from sending countries' embassies about this possibility.<sup>288</sup> For those who do apply, approximately 15 percent of applications are rejected—meaning domestic workers may spend years working in Singapore, and despite finding partners, are unable to exercise their right to marry a Singaporean unless they move to another country.<sup>289</sup>

Women migrant domestic workers undergo state-mandated medical examinations every six months, including pregnancy and human immunodeficiency virus (HIV) tests, whereas other foreign workers are subject to medical examinations only once every two years. Immigration policies also dictate that any domestic worker who is pregnant loses her job and faces deportation. Misinformation about these policies, combined with restrictions on domestic workers' movements have led to pregnant domestic workers facing additional barriers to obtaining voluntary abortions and having the freedom to make their own choices about continuing employment in Singapore.

The government denies migrant domestic workers marriage rights in the name of controlling unemployment levels in Singapore. Officials from the Ministry of Manpower told Human Rights Watch, "The marriage restriction measure is needed to discourage a large pool of unskilled or lower skilled migrant workforce from sinking roots in Singapore. Given Singapore's small size and limited resources, we are unable to support the long term retention of a large and growing pool of foreign workers when their employment has ceased."<sup>290</sup> Employers, labor agents, and government officials also expressed an underlying fear that foreign women, far from their families, pose a sexual and social threat to Singaporean families. Hence, work permit regulations not only forbid domestic workers from marrying Singaporeans, but also from "breaking up families in Singapore."<sup>291</sup>

The fears underlying Singapore's attempted control of domestic workers' sex lives and relationships do not justify violating their rights to freely enter marriage and decide for

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<sup>288</sup> Human Rights Watch interviews with migrant domestic workers and staff from labor-sending countries' diplomatic missions, Singapore, February, March, and November 2005.

<sup>289</sup> E-mail correspondence from the Foreign Manpower Management Division, Ministry of Manpower, Singapore to Human Rights Watch, November 11, 2005 and Human Rights Watch interviews with sending countries' embassies, Singapore, early March, 2005.

<sup>290</sup> E-mail correspondence from the Foreign Manpower Management Division, Ministry of Manpower, Singapore to Human Rights Watch, November 11, 2005.

<sup>291</sup> Conditions of Work Permit/Visit Pass for Foreign Workers, section 12, Singapore.

themselves in matters relating to their intimate lives. Indeed, Singapore's policies codify stereotypes that employers often hold about domestic workers being promiscuous and the biased rationales they use to justify restricting domestic workers' freedom of movement. Many domestic workers said their employers treated them with suspicion from the beginning of their employment. Nuriah Mahdi, a domestic worker, said her employer, "was also very jealous. I could not greet my sir in the morning.... She said, Nuriah [not her real name], don't greet my husband."<sup>292</sup> Another also told us of constant innuendos. Her employer said, "You cleaned the house quickly, are you looking for compliments from my husband?"<sup>293</sup> One Indian domestic worker's employer returned her to the agent on her first day. She said,

The employer's wife picked a fight with me. She said, "why did you come to spoil the family? Pack your bags and leave." I said, "I came for employment, not to break up the family." I was in a difficult position. I asked, "Why did you ask me to come here, why are you asking me to leave?" She sent me back to the agent.<sup>294</sup>

Confusion reigns about the wording in the work permit conditions, which prohibits domestic workers from "becoming" pregnant. Many employers, domestic workers, and employment agents interpret this clause to mean that a domestic worker who becomes pregnant automatically loses her job and must leave Singapore. Others believe the employers additionally forfeit the S\$5,000 [U.S.\$2,950] bond. According to Human Rights Watch interviews with Ministry of Manpower officials, the bond is forfeited only if a domestic worker runs away from her place of employment. They also clarified that a domestic worker may seek a voluntary abortion if she becomes pregnant and then continue her employment.<sup>295</sup> What is forbidden is to give birth in Singapore: officials told us that domestic workers will be deported if they carry the pregnancy to term.

Misperceptions about the security bond and discriminatory fears about domestic workers' sexual activity contributes to government, employer, and labor agent resistance to days off and freedom of movement for domestic workers. Many domestic workers echoed the statement of Budi Puspita, who said, "They don't give me more off days,

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<sup>292</sup> Human Rights Watch interview with Nuriah Mahdi (not her real name), Indonesian domestic worker, age thirty-one, Singapore, February 25, 2005.

<sup>293</sup> Human Rights Watch interview with Ani Khadijah (not her real name), Indonesian domestic worker, age thirty-four, Singapore, February 19, 2005.

<sup>294</sup> Human Rights Watch interview with Neerangini (not her real name), Indian domestic worker, age thirty-one, Singapore, March 10, 2005.

<sup>295</sup> Human Rights Watch interview with Ng Cher Pong, Kenneth Yap, and Wing Git Chan, Foreign Manpower Management Division, Ministry of Manpower, Singapore, November 2, 2005.

because they're worried that I will get a boyfriend."<sup>296</sup> One agent tells all domestic workers that she recruits, "Please remember you came because of financial problems. If looking for boyfriends, please leave. Be a super maid."<sup>297</sup>

These practices infantilize adult women and assume they cannot make independent and wise choices about their personal lives while balancing work. One forty-two-year-old Filipina domestic worker who had been working in Singapore for ten years said, "I am single...we are working, we must follow the rules. The employer pays a S\$5,000 bond so maids won't get pregnant or married to a Singaporean.... I want to have a boyfriend, but... my employer says I cannot."<sup>298</sup>

Employers and labor agents interviewed by Human Rights Watch repeatedly raised the S\$5,000 bond as a rationale for forbidding their domestic worker from dating and for controlling domestic workers' movements. One agent said, "The day off, this is only an excuse. This is what employers say to me. They say, 'If my domestic worker gets pregnant, I will lose S\$5,000.'"<sup>299</sup>

There is a widespread perception that the work permit policies forbid domestic workers from obtaining abortions. In Singapore, abortion is legal until the twenty-fourth week of gestation. An abortion provider said, "A lot of employers are unaware that if their maid gets pregnant, she can get an abortion in Singapore."<sup>300</sup> Because of the misperceptions, domestic workers may fear being repatriated if they get a legal abortion. Desperate to keep their jobs, they may turn to illegal or unsafe abortion-providers. One agent told Human Rights Watch:

Abortion is illegal for maids.... Sometimes we become the doctors ourselves, we start buying the pills, mixing them with water! But if she has caused me trouble, then I repatriate her with the baby.<sup>301</sup>

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<sup>296</sup> Human Rights Watch interview with Budi Puspita (not her real name), Indonesian domestic worker, age twenty-four, Singapore, February 20, 2005.

<sup>297</sup> Human Rights Watch interview with employment agent, Singapore, March 1, 2005.

<sup>298</sup> Human Rights Watch interview with Michelle Udarbe (not her real name), Filipina domestic worker, age forty-two, Singapore, February 23, 2005.

<sup>299</sup> Human Rights Watch interview with employment agent, Singapore, March 1, 2005.

<sup>300</sup> Human Rights Watch interview with abortion provider, Singapore, March 11, 2005.

<sup>301</sup> Human Rights Watch interview with employment agent, Singapore, February 23, 2005.

Some domestic workers want an abortion in order to continue employment in Singapore and others fear physical violence and social stigma if they return to their home countries pregnant. In the Philippines, Indonesia, and Sri Lanka, abortion is either completely banned or only permissible to save a woman's life.

A doctor who has provided abortions to domestic workers said there are numerous obstacles that limit domestic workers' access to voluntary abortions. He explained that, "The employer is very scared that the maid will get pregnant. The moment they know, they send them back to the Philippines or Indonesia. The maid is scared to let the employer know because she may get sent back...[therefore] they often come too late. Four months, mid-trimester."<sup>302</sup> The cost and limited time to leave the house and visit a clinic also prevent some domestic workers from obtaining abortions.<sup>303</sup>

International law protects the right to the highest attainable standard of physical and mental health.<sup>304</sup> Article 12(1) of CEDAW prohibits discrimination against women in the field of health care and obliges states to ensure equal access to health care services.<sup>305</sup> Migrant domestic workers who are unable to obtain voluntary abortions to end unwanted pregnancies are being denied a range of rights protected under international law, including the right to determine the number and spacing of their children and the highest attainable standard of health.<sup>306</sup>

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<sup>302</sup> Human Rights Watch interview with abortion provider, Singapore, March 11, 2005.

<sup>303</sup> The cost of an abortion can range from \$300-\$1000 [U.S.\$177-590].

<sup>304</sup> ICESCR, art. 12(1). "The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health." The Committee on Economic, Social, and Cultural Rights has established that states have obligations "to adopt legislation or to take other measures ensuring equal access to health care and health-related services.... States should also ensure that third parties do not limit people's access to health-related information and services. Committee on Economic, Social and Cultural Rights, *The right to the highest attainable standard of living (General Comments)*, General Comment 14, August 11, 2000, U.N. Doc. E/C.12/2000/4, para. 35. The Committee on Economic, Social and Cultural Rights is a body of independent international experts charged with monitoring the implementation of the Covenant in each ratifying state. To aid the ratifying states in the implementation of their obligations under the Covenant, the Committee issues general comments which are widely recognized as authoritative interpretations of the rights set forth in the Covenant.

<sup>305</sup> CEDAW, art. 12(1).

<sup>306</sup> CEDAW, art. 16(e) and ICESCR, art. 12. "The human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence." United Nations General Assembly, Beijing Declaration and Platform for Action: Fourth World Conference on Women, U.N. Doc. A/Conf.177/20, New York, October 17, 1995 (Beijing Platform for Action), para. 95.

## Government and Private Responses to Abuse

### ***Response of the Singapore Government***

In response to the growing evidence of abuse in recent years, Singapore has taken important steps to reform its laws and policies. Response by the Singapore government to the range of abuses described in this report includes mediation, prosecution of abusive employers, raising public awareness, and for several abuses, delegation to employment agencies and private service organizations.

The government response has included education programs for domestic workers and employers. New domestic workers must attend an orientation course which instructs them on safety procedures when cleaning windows and advises them their employer may not demand they walk on ledges or stand on chairs near windows. Employers are similarly advised. The Ministry of Manpower has also created an awareness-raising video about detecting the signs of depression among domestic workers. The English proficiency requirement introduced in 2005 is viewed as a measure to facilitate better communication between employers and migrant domestic workers.

The Singapore government prosecuted several cases of abuse in 2004 and 2005. The majority of these prosecutions involved assault and unpaid wages. These prosecutions serve as powerful messages to employers and employment agents that they could face severe penalties for abusing migrant domestic workers. One of the most publicized cases in 2005 involved an employer charged with eighty counts of abuse against her domestic worker.

In 2001, Zahara Abdul Lateef, a news anchor, was sentenced to two months in prison after pouring boiling water on her nineteen-year-old domestic worker.<sup>307</sup> In 2002, a man who had deprived his domestic worker of food beat her to death. He was sentenced to eighteen years and six months imprisonment plus twelve lashes of the cane.<sup>308</sup> An employer can face six months imprisonment and up to S\$5,000 in fines for breaching the Employment of Foreign Workers Act.

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<sup>307</sup> Regan Morris, "Many foreign maids find a restrictive, sometimes dangerous, working life in Singapore," *Associated Press*, September 9, 2001.

<sup>308</sup> Mark Baker, "Hell's Kitchen for Singapore Maids," *The Age*, July 24, 2002.



In October 2004, the Ministry of Manpower established a new precedent by securing backwages through a criminal prosecution (see appendix D for other prosecutions for salary default). The employer, Enilia Donohue, was ordered to pay S\$3,580 [U.S.\$2,112] to her nineteen-year-old domestic worker who had not been paid for almost two years.<sup>309</sup> The court also ordered Donohue to pay a penalty of thirty-five months of levy, S\$12,075 [U.S.\$7,547] for illegally employing the domestic worker and a S\$3000 [U.S.\$1,875] fine.<sup>310</sup>

While these strategies have been successful in several cases, for many domestic workers, they fail to provide relief. For labor abuses such as excessive working hours, lack of adequate rest days, and exploitative wages, there are no government avenues for redress. Similarly, government policies are responsible for some human rights violations like restrictions on becoming pregnant. The government has failed to regulate employment agencies' practices of charging increasingly high initial loans to migrant domestic workers and setting discriminatory starting salaries based on national origin.

Important reforms—those that would ensure minimum standards of working conditions—have been thus far rejected by the government. These include amending the Employment Act to regulate hours of work, rest days, and salary deductions, establishing a minimum wage, and tackling the exorbitant debt payments exacted by labor agents. These steps are critical to prevent exploitation, mental health problems like anxiety and depression, and to provide workers with an opportunity to learn more about their rights and to seek help when they confront abuse.

The government has an obligation to legislate minimum standards, as it does for other workers, to prevent exploitation. Such regulations can be adjusted to domestic work, for example, by specifying a maximum number of work hours in a twenty-four hour period since they do not work typical business hours. Hong Kong specifies that domestic workers are entitled to at least one rest day every seven days. This rest day is a continuous period of not less than twenty-four hours during which an employee may abstain from working (see appendix B for the regulations outlined in Hong Kong's employment contract for domestic workers). These practices not only respect the rights

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<sup>309</sup> Elena Chong and Wong Sher Maine, "Boss Fined for Not Paying Maid for 1 ½ Years," *The Straits Times*, October 20, 2004.

<sup>310</sup> Singapore Ministry of Manpower, "Employer ordered to compensate her FDW for failure to pay her salary," press release, October 19, 2004 [online], <http://www.mom.gov.sg/PressRoom/PressReleases/Archived2004/20041019-EmployerOrderedToCompensateHerFDWForFailureToPayHerSalary.htm> (retrieved November 9, 2005).

of these workers but recognize that rest is a critical component of competent performance.

A continuing problem is providing complaint-mechanisms accessible to migrant domestic workers, given tight restrictions on their movement. The absence of workplace inspectors or an effective monitoring system of employment agencies compounds the likelihood that many abuses never go reported at all. Poor regulation of recruitment fees and burdensome debts borne by migrant domestic workers also creates an environment where they fear reporting abuses because of the pressure they feel to repay their debts and finish their two-year contracts. The lack of rest days and freedom of movement mean that many migrant domestic workers also have limited access to their embassies, private organizations, or peers who can provide them with information about their rights and alternatives for seeking assistance.

The Ministry of Manpower refers many of the complaints that do come to its attention for mediation. These consultations typically involve a labor official from the Ministry of Manpower, the migrant domestic worker, her employer, and her employment agent. Most of the complaints handled by the mediation unit involve unpaid wages. At times, a representative of the domestic worker's embassy will also be present.

An examination of the cases documented by Human Rights Watch and by some private service organizations show that while mediation focuses on unpaid wages, the migrant domestic worker had often suffered a range of abuses such as excessive workload, psychological abuse, and restrictions on her movement that were not addressed. Furthermore, in many of these cases, the final settlement was a compromise in which the domestic worker waived her right to part of her earnings in exchange for the ability to transfer to another employer or to hasten the case's resolution.

The Ministry of Manpower handled 189 cases of unpaid wages to domestic workers in 2002, 214 cases in 2003, and 262 cases in 2004.<sup>311</sup> A Ministry of Manpower official said that approximately 80 percent of these cases are resolved through conciliation involving payments, but was not able to provide information on how many cases resulted in full restitution.<sup>312</sup> The aggregate sum of recovered wages each year has averaged S\$80,000 [U.S.\$50,000].<sup>313</sup> This amount averages S\$305 [U.S.\$190] per case.

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<sup>311</sup> Theresa Tan, "More Bosses Fail to Pay Maids," *The Straits Times*, October 24, 2004 and Sim Chi Yin, "Maid Abuse of a Different Kind," *The New Paper*, March 16, 2005.

<sup>312</sup> E-mail correspondence from the Foreign Manpower Management Division, Ministry of Manpower, Singapore to Human Rights Watch, November 11, 2005.

<sup>313</sup> *Ibid.*

In many cases reviewed by Human Rights Watch, migrant domestic workers agreed to accept far less money than they were owed. As outsiders in Singapore facing substantial financial pressures, and with little evidence to draw on in disputes but their own word (there are rarely witnesses), such workers often feel they have no choice but to accept a partial sum, a return ticket home, or permission to transfer employers. Aid organizations also note that many employers fail to show up for conciliation hearings, prolonging the time that a domestic worker is left unemployed.

One domestic worker told us her employer borrowed money from her savings. She said, “At the Ministry of Manpower, I said, ‘I want to go home.’ I cried. I told my employer, ‘if you don’t give me the S\$200 [U.S.\$118] I had saved, never mind, but give me at least S\$400 [U.S.\$236]’.... For me it’s a lot. I know for her it’s very little, but for me, it’s a lot.... MOM said, [a settlement of] S\$200 is okay. Next time you can find a good employer.”<sup>314</sup>

Several problems continue to plague the criminal justice response to migrant domestic worker abuse. One problem that hampers prosecutions is the difficulty in collecting evidence in situations that often turns into one person’s word against another. Human Rights Watch reviewed dozens of cases in which domestic workers registered complaints with the police. In numerous cases, the police dropped charges against employers because they were unable to collect enough evidence to continue the investigation. Food deprivation, unpaid wages, and physical abuse such as slapping and pinching are more difficult to prove than physical assault that leaves bruises and scars.

Despite the fact some employers forbid domestic workers from leaving the house, at times locking them in, prosecutions are rare. According to the Ministry of Home Affairs, there were three reported cases of wrongful confinement between January and September 2005. “Of the 3 cases, one offender was warned while no further action was taken in the others as both parties did not want to pursue the matter further.”<sup>315</sup>

Singapore law protects the right to liberty<sup>316</sup> and along with other criminal offenses against domestic workers such as physical or sexual assault, forced confinement is

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<sup>314</sup> Human Rights Watch interview with Dita Wulansih (not her real name), Indonesian domestic worker, age twenty-two, Singapore, February 19, 2005.

<sup>315</sup> E-mail correspondence from the Ministry of Home Affairs, Singapore, to Human Rights Watch, November 29, 2005.

<sup>316</sup> Singapore Const., art. 9, § 1, “No person shall be deprived of his life or personal liberty save in accordance with law.”

subject to 1.5 times the penalty normally applied.<sup>317</sup> Interviewees suggested the authorities narrowly define “forced confinement.” As one foreign embassy official told us: “Forced confinement is a tactics issue. Employers say, ‘I’m not locking her up. I didn’t force her. For security reasons, I didn’t let her out.’ I have not known of any successful case of [prosecuting] illegal confinement.”<sup>318</sup>

Finally, migrant domestic workers must wait for several months and often more than a year for investigations and trials to conclude. Many domestic workers staying at the shelters of their embassies and in private service organizations expressed intense anxiety and frustration for having to wait so long without an income. These long waiting periods can dissuade other migrant domestic workers with complaints from coming forward because they would rather transfer to another employer or return to their home country. The Ministry of Manpower approves applications for migrant domestic workers who are abuse victims or acting as witnesses in criminal proceedings to seek new employment, but aid organizations and embassies report that such women often have difficulty finding employers willing to hire them. Others may be too traumatized and scared to find another employer.

For example, one domestic worker had been locked inside of her workplace and was mistreated by her employers for more than two years before a joint operation involving the police, the Ministry of Manpower, and an aid organization freed her. She later withdrew her statement to the police so that no criminal charges would be pressed against her employers and she could return to her family in Indonesia as soon as possible. Her retractions made her subject to allegations that she was making false complaints against her employer. Those who are countercharged with making false allegations may get blacklisted and barred from working in Singapore in the future. Bridget Lew of H.O.M.E. said that in about half of the cases she handles, the migrant domestic worker does not want to pursue a complaint with the police given the challenge of providing adequate evidence of abuse and the long waiting periods for cases to be concluded.<sup>319</sup>

A spokesperson at the Sri Lanka High Commission described another case in which a migrant domestic worker waited for one year for her case to be investigated. During this

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<sup>317</sup> Forced confinement for over ten days is subject to a penalty of fines and three years of imprisonment. Ministry of Manpower, “A General Guide on Employment of Foreign Domestic Workers,” revised September 9, 2005 [online], [http://www.mom.gov.sg/NR/rdonlyres/3E5F2641-1831-48E8-A6B3-BF4F715EDC1E/5458/General\\_Guide\\_Employmt\\_FDWs\\_9Sep05.pdf](http://www.mom.gov.sg/NR/rdonlyres/3E5F2641-1831-48E8-A6B3-BF4F715EDC1E/5458/General_Guide_Employmt_FDWs_9Sep05.pdf) (retrieved September 15, 2005).

<sup>318</sup> Human Rights Watch interview with Miriam Cuasay, labor attaché, Crescente Relación, first secretary and consul, Embassy of the Philippines, Singapore, March 3, 2005.

<sup>319</sup> Human Rights Watch interview with Bridget Lew, director, H.O.M.E., Singapore, November 2, 2005.

period she had no salary and became so desperate that she reached the point of attempting suicide. In the end, the case against her employer was dropped as the police concluded there was inadequate evidence to pursue it any further.<sup>320</sup>

Human Rights Watch interviewed domestic workers who had widely divergent experiences when seeking assistance from the police. In several instances, the police provided immediate help, made referrals for health care and shelter, and conducted investigations into the abuse. In severe cases of abuse, the police teamed up with the Ministry of Manpower to conduct “rescues” of domestic workers unable to leave their place of employment.

In other cases, police dismissed the complaints of domestic workers and sent them back to their employer or labor agent, very often the same individuals the domestic worker accused of abuse. An official from the embassy of a sending country said, “If girls go to them—unless there is physical evidence—they call the employer and send the girl back to them. Very rarely do they look to see if there is truth to the complaint. They can’t be bothered.”<sup>321</sup> Ani Khadijah, a domestic worker hit by her employer, said:

I ran away. I went to the police station.... The policeman talked to me and said, “Never mind, go home to your employer.” The police asked me if I want to work here or go to Indonesia. I said I wanted to work here. “If you want to work here, you have to go to your agent.” I refused to go to my agent because she was naughty.<sup>322</sup>

Bridget Lew, director of H.O.M.E., an organization that aids migrant workers, explained that when a domestic worker complains to the police, the police will often call the employer and agent to hear their side of the story. They might ask the domestic worker if she is willing to return to them. At that point, “the girl will say yes, sir, yes, sir. Why? Because she’s afraid. The police officer is Singaporean and she thinks he is on the side of the agent and employer. He is in uniform and may scare her.”<sup>323</sup> She noted one of the most important strategies is to have individuals from the Philippines or Indonesia available to explain domestic workers’ rights and options to them in their own languages.

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<sup>320</sup> Human Rights Watch telephone interview with official, Sri Lanka High Commission, November 17, 2005.

<sup>321</sup> Human Rights Watch interview with sending country official, Singapore, February 18, 2005.

<sup>322</sup> Human Rights Watch interview with Ani Khadijah (not her real name), Indonesian domestic worker, age thirty-four, Singapore, February 19, 2005.

<sup>323</sup> Human Rights Watch interview with Bridget Lew, H.O.M.E., Singapore, November 2, 2005.

The Singapore government has increased cooperation with nongovernmental organizations to provide services to abused migrant workers. The government has also tried to engage the media to bring greater attention to prosecutions of employers who assault or fail to pay their domestic worker. In conjunction with the Philippines, the Ministry of Manpower has been financially supporting the Bayanihan Center, an institution providing weekend courses to domestic workers. The director of H.O.M.E., an organization specializing in aiding abused migrant workers said:

I tell my staff, let me know of cases of injustice. I e-mail people at the top [of the Ministry of Manpower] and they reopen the case. This is the kind of relationship we have with MOM [Ministry of Manpower].... I have achieved a very constructive dialogue.... They're open to feedback from me even if the feedback is negative or embarrassing.<sup>324</sup>

Despite these improvements, other advocates and organizations were afraid of critiquing the Ministry of Manpower publicly and had mixed experiences interacting with the government. Migrant workers' advocates and sending countries' diplomats expressed frustration with the long processing time of legal complaints and the resolution of disputes through mediation or settlements often at a disadvantage to migrant domestic workers. They also criticized the Singapore government's unwillingness to incorporate sending countries' regulations on migrant workers into their own standards, for example the Philippines and Sri Lankan policies of banning direct recruitment.

Migrant workers' advocates and some employment agents in Singapore have suggested reducing the levy to facilitate employers' ability to pay higher wages to domestic workers. They have also recommended the government direct monies into services for domestic workers or for financial bonuses to reward domestic workers who complete two-year contracts.

The government sends mixed messages about the relationship between domestic workers' wages and payment of the government levy. Ministry of Manpower officials told Human Rights Watch, "The relationship between the levy and wages is a weak one.... We lowered the levy, and it actually caused a lowering of wages. [It depends on] what a worker is willing to work for, if we set a minimum wage, there will be incentive to cheat."<sup>325</sup> On the other hand, when they announced a lowering of the levy in February

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<sup>324</sup> Human Rights Watch interview with Bridget Lew, H.O.M.E. social welfare organization, Singapore, February 17, 2005.

<sup>325</sup> Human Rights Watch interview with Ng Cher Pong and Kenneth Yap, Ministry of Manpower, Singapore, February 22, 2005.

2005, they said the, “levy reduction will help employers pay more for better quality FDWs [foreign domestic workers] as the savings would help to offset the higher salaries of the FDWs.”<sup>326</sup>

The levy is paid through the “GIRO” system,<sup>327</sup> which automatically deducts the levy from an employers’ bank account each month. Migrant workers’ advocates and some officials from sending countries criticized the Singaporean’s divergent response to employers who defaulted on levy payments compared to domestic workers who had been underpaid. As a result of the GIRO system, the government is able to identify a defaulting employer immediately, and will move swiftly to collect the missing levy, remove the domestic worker, or impose penalties. Conversely, effective mechanisms to report and collect unpaid wages are not yet in place. The government is currently exploring ways to link migrant domestic workers to the GIRO system.

The Singapore government regulates employment agencies through the Employment Agencies Act. The other principal mechanism for monitoring employment agencies is a required accreditation from the Association of Employment Agencies in Singapore (AEAS) or CASETrust, a consumer rights organization. The Employment Agency and Licensing Branch (EALB) oversees the licensing of employment agencies and enforces the Employment Agencies Act. Thirteen employment agencies faced prosecution in the second half of 2005.<sup>328</sup>

The Employment Agency and Licensing Branch responds to complaints lodged against employment agencies. However, it does not use other legal tools at its disposal to curb abuses committed by employment agencies. These include workplace inspections and imposing limits on recruitment fees. The law also permits the government to enter and inspect employment agencies and their documents.<sup>329</sup> Such inspections do not take place routinely and generally occur only as a result of complaints. The Employment Agencies Act stipulates that, “The Minister may make rules for carrying out the purposes of this Act and in particular and without prejudice to the generality of the foregoing powers he

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<sup>326</sup> Singapore Ministry of Manpower, “Reduction of Foreign Domestic Worker (FDW) Levy Rate,” press release, February 18, 2005 [online], <http://www.mom.gov.sg/PressRoom/PressReleases/20050218-ReductionOfForeignDomesticWorkerLevyRate.htm> (retrieved November 8, 2005).

<sup>327</sup> The Association of Banks in Singapore, “What is GIRO?” n.d. [online], <http://www.abs.org.sg/interbankgiro.htm> (retrieved October 14, 2005). “GIRO was set up in 1987 as an electronic direct debit mechanism used by billing organisations (BOs) as a low cost means to collect payments. GIRO is a tripartite mechanism between billing organisations, customers and the bank.”

<sup>328</sup> E-mail correspondence from the Foreign Manpower Management Division, Ministry of Manpower, Singapore to Human Rights Watch, November 11, 2005.

<sup>329</sup> Employment Agencies Act (Chapter 92), part 20.



may make rules to prescribe.... the fees payable to licensees by applicants for employment and applicants for workers.”<sup>330</sup> Government regulation of agency fees and the “private loans” extended by employment agents to workers are necessary to avoid exploitation of domestic workers who pay high recruitment and placement fees and whose resulting indebtedness place them at greater risk of abuse.

### ***Response of Sending Countries***

Sending countries have a mixed record responding to abuse of migrant domestic workers. Through the Philippines Overseas Employment Administration [POEA] and an active diplomatic corps in Singapore, the Philippines government has built relatively strong protections into its recruitment and placement systems, and has helped support domestic workers’ organizations in Singapore. Other countries like India have barely instituted a monitoring system.

The most common strategies for defending domestic workers’ rights among the major sending countries include accreditation programs for employment agencies, issuing standard employment contracts, and creating shelters and referral programs in embassies for domestic workers who experience abuse.

Accreditation programs for employment agencies typically require agencies to register, have a minimum financial base, and use government-approved standard employment contracts.<sup>331</sup> Typically, there are few or no provisions addressing treatment of domestic workers, fees agencies can charge, conditions of recruitment and placement, or minimum levels of expertise or qualifications employment agents should have. Labor ministries in sending countries often have no regular system in place to monitor employment agencies, for example, through unannounced inspections or program audits.

Embassies in Singapore play a significant role in responding to the problems confronted by migrant workers who have left their employers. The Philippines, Sri Lanka, and Indonesian embassies all have staff responsible for processing labor complaints, liaising with the Ministry of Manpower, and helping to secure legal and medical aid if necessary.<sup>332</sup> The Philippines Embassy said they receive, “less than ten cases per day.

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<sup>330</sup> Employment Agencies Act (Chapter 92), part 29, section 1.

<sup>331</sup> Human Rights Watch interview with official, Sri Lanka High Commission, Singapore, February 18, 2005.

<sup>332</sup> For example, an official from the Sri Lanka High Commission explained: “We try to settle disputes amicably. If we can sort it out then and there, the workers go to the agents. If they are unhelpful or unsuccessful, then it goes to MOM. The one advantage the embassies are given is the opportunity to stop the cancellation of the work permit.... We are given one month. If it’s sorted out then good, or we request to have her transferred her

Yesterday, [there were] seven cases.... Police cases include physical abuse, molestation, outraging modesty.”<sup>333</sup> When domestic workers approach their embassy with cases of severe physical abuse, sexual abuse, and unpaid wages, they are often able to secure some assistance. However, critical gaps remain. Pertiwisari, an Indonesian domestic worker who sustained bruises from her employer’s abuse, told Human Rights Watch:

When I spoke with the embassy staff, they asked what was wrong with my hand. I said I was beaten by my employer. They said, “okay, later your agent will fetch you.” I protested, “my agent doesn’t want to help me, if I don’t go back to the employer and pay, they will send me to Batam.” I had S\$10 [U.S.\$6] so I asked a taxi to take me to the police. They took me to the hospital and took pictures and filed a case against the employer.<sup>334</sup>

Domestic workers who encounter problems with working conditions such as too many hours of work, excessive workload, or verbal abuse are sometimes successful in seeking assistance from their embassies. For example, migrants’ rights advocates say the Sri Lanka High Commission takes quick action: “They send a letter right away, one letter to MOM [Ministry of Manpower]. They ensure no one can repatriate the maid or cancel the work permit.”<sup>335</sup>

A recurring problem among the embassies of sending countries and the Singapore government is the referral of domestic workers with complaints back to the employment agency. In some cases, the agent may have also been implicated in threatening or abusing the domestic worker. In other situations, the agent does not have the authority to respond to complaints adequately and may respond by finding the domestic worker another employer, often charging transfer fees and high room and board costs. The Filipino embassy and the Sri Lanka High Commission will only call employment agents if they have been accredited according to the requirements of those countries’ regulations. One employment agent said, “I am not accredited with the Filipino embassy.

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out or sent home. If the case is referred to MOM [the Ministry of Manpower], we write the employer or call the employer. If they don’t show up, it stops there....If the employer comes, we negotiate a settlement.” Human Rights Watch interview with diplomat, Sri Lanka High Commission, Singapore, February 18, 2005.

<sup>333</sup> Human Rights Watch interview with Miriam Cuasay, labor attaché, and Crescente Relación, first secretary and consul, Philippines Embassy, Singapore, March 3, 2005.

<sup>334</sup> Human Rights Watch interview with Pertiwisari (not her real name), Indonesian domestic worker, age twenty-one, Singapore, February 22, 2005.

<sup>335</sup> Human Rights Watch interview with employment agent specializing in Sri Lankan and Indian domestic workers, Singapore, February 23, 2005.

They won't call me [if a worker I placed runs away to their shelter], they only call accredited agencies."<sup>336</sup> Another employment agent said of the Indonesian embassy:

They don't really help girls seriously. Whenever there is a runaway maid, they'll just call me up and tell me, "your maid is here," unless there are signs of physical abuse.<sup>337</sup>

The Indonesian and Filipino embassies have created shelters to house migrant workers while they arrange their paperwork to leave the country, process complaints with MOM, or wait for the completion of criminal prosecutions. The Sri Lanka High Commission has no shelter but sometimes refers domestic workers to private local shelters. We interviewed some domestic workers who had stayed in embassy shelters as well as aid workers at private shelters. These interviews suggested that embassy personnel often failed to pursue full investigations. In a candid interview, an official from the Sri Lanka High Commission said:

Many of them call. We don't encourage them to come. It's a matter of leaving employers. If they are in desperate circumstances, they do come. We don't have a hotline.<sup>338</sup>

The embassies also play an important role in fostering domestic workers' organizations and training programs. Some embassies have courses on-site, while others support private organizations. The most well-known is the Bayanihan Center, a program that offers domestic workers certificate programs in skills ranging from nursing to martial arts. The Philippines embassy contributes financially to the Bayanihan center, widely seen as a model for providing domestic workers with opportunities to upgrade their skills.

The Singapore government has not cooperated with sending countries on key issues. For example, the Philippines government would like Singapore to require that Filipina domestic workers sign the POEA contract, which guarantees one rest day per week, a minimum wage, and caps on recruitment fees, before approving their work permits:

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<sup>336</sup> Human Rights Watch interview with employment agent, Singapore, March 3, 2005.

<sup>337</sup> Human Rights Watch interview with employment agent, Singapore, March 3, 2005.

<sup>338</sup> Human Rights Watch interview with diplomat, Sri Lanka High Commission, Singapore, February 18, 2005.

We have been asking, is it possible that Singapore requires the POEA contract before issuing the in-principle approval...Both the requirements of the Filipino and Singaporean governments would have to be complied with. Now it's just Singapore's.<sup>339</sup>

### ***Response of Employment Agencies***

Some employment agencies work closely with MOM, embassies, and the police in addressing abuses, while others are the source of additional abuse and exploitation. Accreditation criteria for both AEAS and CASETrust include guidelines for resolving and documenting disputes.

Private organizations and embassies suggested that some employment agencies do take complaints of abuse seriously and try to resolve problems with the welfare of both the domestic worker and the employer in mind. One agent said she handles complaints by asking the parties to come in for mediation. "We check the maid's side, the employer's side. If the employer calls, we say bring the maid and come to us."<sup>340</sup> One agent suggested, "Agents need to do a routine visit to the maid to know her conditions, to know if she is getting hit. They must go to the house. Agents shouldn't trust employers too much."<sup>341</sup>

The Association of Employment Agencies in Singapore [AEAS] has been exploring reforms and has an active executive committee. One of their primary goals is to improve and professionalize the industry.<sup>342</sup> They told Human Rights Watch that employment standards "should be more specific, the poor girls should be given off days, compulsory eight hours of rest. We are dealing with households. Everyone claims to be a good employer, but there is no benchmark."<sup>343</sup>

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<sup>339</sup> Human Rights Watch interview with Miriam Cuasay, labor attaché, and Crescente Relación, first secretary and consul, Philippines Embassy, Singapore, March 3, 2005.

<sup>340</sup> Human Rights Watch interview with labor agent, Singapore, February 23, 2005.

<sup>341</sup> Human Rights Watch interview with Dwiyani (not her real name), Indonesian domestic worker, age twenty, Singapore, February 22, 2005.

<sup>342</sup> Programs have included promoting best practices by giving annual awards to the "Best Foreign Domestic Worker" and "Best Employer." An exploratory trip to Cambodia by an AEAS delegation to investigate new "markets" for domestic workers demonstrated continuing stereotypes about ideal workers. The perceived strengths of Cambodian workers, according to one delegation member, included their height, obedience, mild temperaments, and dark complexions. AEAS, "2<sup>nd</sup> Anniversary Dinner and Dance 2005 Program," March 4, 2005, p. 51.

<sup>343</sup> Human Rights Watch interview with AEAS executive committee members, Singapore, February 24, 2005.

Many employment agents and aid organizations expressed skepticism about the ability of AEAS and CaseTrust to truly monitor and enforce the accreditation system. A major criticism is that the two bodies—an organization of employment agencies and a consumer rights organization protecting employers—may have conflicts of interest that prevent them from promoting the rights of migrant domestic workers fully. Implementation may also be spotty. For example, accreditation criteria require employment agents to conduct house visits in the domestic worker’s initial period of deployment to check on how the employer and domestic worker are adjusting. Only one of the twelve employment agents interviewed by Human Rights Watch engaged in such checks, feeling this practice would drive away employer clients and is too time-intensive. Domestic workers and aid organizations also commented that this practice was not regularly implemented.

A representative from CASETrust, a consumer rights organization, told Human Rights Watch that his organization’s role of accrediting employment agencies and resolving disputes was primarily to be advocates for employers. He said, “We focus more on employers who feel they are cheated by employment agencies. If there are other questions, they can go to the embassies. They have centers where abused maids go.”<sup>344</sup>

### ***Response of Civil Society and Faith-Based Organizations***

Private organizations have created shelters, skills programs, and advocacy campaigns to meet the needs of migrant domestic workers who have been failed by other institutions. These groups vary in their mission and the services offered.

Faith-based institutions play a critical role providing immediate assistance to domestic workers who escape from abusive workplaces and agents and in setting up other services for domestic workers. In Singapore, where the government has often clamped down on freedom of expression and freedom of association, civil society is weaker than in other countries in the region. In a number of areas, faith-based initiatives have filled the gap.

This is most notable among the Filipinas, where Catholic church-based organizations have played a pioneering role in creating skills awareness programs for workers on weekends, providing emergency food and shelter, and facilitating legal aid. As greater numbers of Indonesians and Sri Lankans have started to work in Singapore, mosques and Buddhist temples have also provided programs for migrant domestic workers, including religious education and recreational activities.

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<sup>344</sup> Human Rights Watch interview with representative, CASE Trust, Singapore, February 25, 2005.

These organizations have primarily focused on providing services and have not engaged in advocacy to change government policies. Two recently formed non-governmental organizations have started to do this work. H.O.M.E. provides referral services, shelter, income-generating opportunities, and legal aid to abused migrant workers. It helps workers navigate the justice system in Singapore and has been cultivating a working relationship with the Ministry of Manpower and sending countries' embassies to respond to cases of abuse. A second organization, Transient Workers Count Too (TWC2), has focused its energies on raising public awareness and policy advocacy. Past activities have included a campaign calling for a day off and a photography exhibit showing domestic workers on their day off to help dispel stereotypes about how they spend their free time.

Innovative methods of peer support include an informal 24-hour “hotline” operated by Indonesian domestic workers themselves. Typically more experienced workers with relatively good employment situations, they pass out tiny scraps of paper with their mobile phone numbers to domestic workers they encounter in apartment complexes and markets.

### ***Response of Regional and International Institutions***

Labor migration—which has consequences for economic growth, immigration policy, social structure, and human rights—has become an important area of concern for governments, regional bodies, and multilateral institutions worldwide. Several international organizations have undertaken research and advocacy on migrant domestic workers regionally, including the International Labor Organization (ILO), the United Nations Development Program for Women (UNIFEM), and the World Bank.

The ILO and anti-trafficking organizations have examined the ways in which abusive labor practices may result in forced labor or trafficking. The ILO released a global report on forced labor around the world in 2005, estimating that over 22 million people around world are in forced labor, most of them in Asia. It highlighted that migrant domestic workers are at risk for forced labor and for trafficking, and is creating programs to address these issues in Southeast Asia. UNIFEM has worked with governments to create better practices and help Jordan negotiate a bilateral labor agreement on migrant domestic workers with Indonesia and to create a standard employment contract. The CEDAW Committee is developing a recommendation on women migrants.

Governments in the region have started to meet regularly to discuss issues like human trafficking and some have brokered bilateral labor agreements to implement standard employment contracts and to outline recruitment procedures. Despite the large flows of migrants from Indonesia, Nepal, the Philippines, and Sri Lanka to countries in Asia and

the Middle East, there has been little attempt by regional bodies such as ASEAN to create minimum regional standards that could help prevent a “race to the bottom” where labor-sending countries compete with each other by offering fewer labor protections.

In recognition of the abuses that migrants face and their heightened vulnerability by working and living in countries other than their own, the United Nations created a major international human rights treaty, the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Migrant Workers Convention). The Migrant Workers Convention was finalized in 1990 and came into force with twenty-one ratifications on July 1, 2003. While several labor-sending countries such as the Philippines and Sri Lanka have ratified the convention, most labor-receiving countries, including Singapore, have not agreed to be bound by the convention.<sup>345</sup> The convention protects migrants’ equality before the law, and a range of civil, political, social, economic, and cultural rights.

The United Nations has established the Global Commission on International Migration to study how to improve cooperation among the United Nations and other international agencies on migration issues. The United Nations General Assembly will hold a high-level dialogue in December 2006 to address migration and development, with the stated goal of maximizing its positive development impact and avoiding negative consequences.

## Conclusion

The government of Singapore has a choice. It has taken important steps to provide protections for migrant domestic workers and now has the opportunity to become a regional and global leader in setting standards that respect the rule of law and advance human rights. If it believes current measures are adequate and does nothing more, however, it will be condemning more domestic workers in Singapore to discrimination, exploitation, and abuse.

Singapore has demonstrated commitment to enforcing the legal protections that already exist, including those on physical assault and unpaid wages. Officials have undertaken a number of new initiatives which demonstrate a desire to create a well-functioning,

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<sup>345</sup> For a more detailed discussion of Asian governments response to ratifying the Migrant Workers Convention, see Nicola Piper and Robyn Iredale, “Identification of the Obstacles to The Signing and Ratification of The UN Convention on the Protection of the Rights of All Migrant Workers 1990: The Asia Pacific Perspective,” Asia Pacific Migration Research Network Working Paper No. 14, 2004.



mutually beneficial labor arrangement between Singaporean employers and migrant domestic workers. Yet a system that excludes a class of workers from labor protections, leaving them to work for sixteen hours a day, seven days a week, for pitifully low wages is one that demands serious and meaningful reform. A system that allows employment agencies to pass huge costs on to domestic workers to the point where some face conditions akin to forced labor or debt bondage requires government intervention and regulation.

## **Recommendations**

### ***To the Singapore Government***

**Provide equal and comprehensive legal protection to migrant domestic workers, by:**

- Amending the Employment Act and Workmen's Compensation Act to provide equal protection to domestic workers, including regulations on rest days, hours of work, salary deductions, termination of contracts, and compensation for workplace injuries and occupational illnesses.
- Establishing and periodically reviewing a national minimum wage to address domestic workers' vulnerability to wage exploitation. The National Wages Council should also investigate and recommend policies that promote equal pay for equal work in the domestic work sector.
- Creating a standard contract that protects migrant domestic workers' rights in accordance with national provisions in the Employment Act and international labor standards, and in consultation with migrant workers' groups, sending countries, employment agencies, and the International Labor Organization.
- Revising the work permit regulations so that domestic workers are no longer forbidden from becoming pregnant and have complete and equal access to health care, including to health information, contraception, and abortion services.
- Changing work permit regulations to protect migrant domestic workers' right to marry.

**Enforce policies that help prevent abusive practices like forced labor and forced confinement, by:**

- Increasing enforcement of the Employment Agencies Act to ensure compliance with caps on agency fees.
- Implementing policies so that migrant domestic workers do not spend several months working off their debts with little or no pay, a situation that fosters a range of human rights abuses. The government should look to the Philippines and Hong Kong, who require employers to pay for round-trip airfare and most expenses associated with recruitment and placement, including those now

covered by private loans in Singapore. The Singapore government should consider adjusting the monthly levy to offset the cost to employers.

- Abolishing the S\$5,000 [U.S.\$2,950] security bond.
- Investigating cost-effective ways to open bank accounts for migrant domestic workers and for employers to pay wages automatically each month.
- Revising policies that allow employers to repatriate migrant domestic workers at will and that require a domestic worker to obtain her employer's permission before transferring to another employer.
- Changing work permit conditions so that migrant domestic workers have the option of residing in independent living quarters from their employers.

**Create and improve mechanisms to prevent, monitor, and respond to abuse of migrant domestic workers, by:**

- Inspecting workplace conditions regularly, for example, through visits and private interviews with migrant domestic workers. They should coordinate with migrant workers' groups, employment agencies, and the police.
- Monitoring employment agencies more rigorously. Create a new accreditation body that includes representatives from employment agencies, consumer rights organizations, domestic workers' rights organizations, the Ministry of Manpower, and sending countries. Revise accreditation criteria to create more detailed and comprehensive standard employment contracts, rules on agency fees, and procedures for resolving and reporting problems.
- Creating accessible complaint mechanisms for migrant domestic workers who suffer abuse. Examples include hotlines advertised in various media in domestic workers' native languages, questionnaires on work conditions during periodic medical check-ups, and exit interviews.

**Enhance domestic workers' access to the justice system, by:**

- Creating helpdesks at the airport and main police stations with staff fluent in the primary languages spoken by migrant workers. Implement training programs for police officers and immigration officials to identify and respond to domestic workers' abuse complaints. The police should have a protocol for handling cases of abuse including immediate health care and social service referrals.
- Recruiting more police staff proficient in the predominant languages spoken by migrant workers, including Bahasa Indonesia, Tagalog, Sinhalese, and Tamil.
- Allowing greater flexibility in the types of work that domestic workers can perform while waiting for the completion of an investigation into a labor complaint or criminal prosecution to provide them alternative employment possibilities.
- Prosecuting employers and employment agents who violate the rights of domestic workers according to national laws, including for forced confinement. Provide civil remedies, including monetary damages that migrant domestic workers can pursue.

- Disseminating information on domestic workers' rights and the obligations of labor agents, employers, and governments through the media, cooperation with faith-based and private migrants' organizations, and partnerships with sending countries' governments.

**Protect domestic migrant workers' freedom of movement and association, and provide assistance to organizations aiding migrant workers, by:**

- Cooperating with migrant workers' organizations, including through establishing regular consultations and by providing funding. These include shelters, skills-training programs, legal aid programs, and migrant worker peer networks.
- The National Trades Union Congress should create a campaign to organize migrant domestic workers, underscoring the need for them to have days off to do so.

**Sign and ratify major international human rights treaties setting forth the rights of migrants. Comply with treaty-body reporting requirements.**

- Ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Migrant Workers Convention); the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (United Nations Trafficking Protocol); the International Covenant on Civil and Political Rights (ICCPR); and the International Covenant on Economic, Social, and Cultural Rights (ICESCR).

***To the Governments of Indonesia, the Philippines, Sri Lanka, and Other Labor-Sending Countries***

**Improve protections for citizens working in Singapore, by:**

- Improving victim services at embassies and diplomatic missions in Singapore. Provide resources including adequate staffing, access to legal aid, health care, trauma counseling, and shelter.
- Cooperating with NGOs in home countries and in Singapore to protect the rights of migrant domestic workers, including through establishing regular consultations and by providing funding.
- Opening embassies and diplomatic missions on Sunday, the day most migrant workers have off. Support skills training programs, and recreation and cultural centers for domestic workers.
- Tracking and making publicly available data on the number of migrant workers and cases of abuse.

**Regulate and monitor labor recruitment agencies and migrant worker training centers, by:**

- Regulating labor agencies and migrant worker training centers, clearly defining standards for fees, minimum health and safety conditions, and workers' freedom of movement. Impose substantial penalties on labor agencies and agents who violate these regulations.
- Establishing mechanisms for regular and independent monitoring of labor agencies, including unannounced inspections.

***To Employment Agencies and Accrediting Bodies***

- Report cases of abuse to MOM [Ministry of Manpower], the police, embassies, and accreditation bodies.
- Implement a standard employment contract that establishes detailed protections on wages, hours of work, days off, salary deductions, rest leave, airfare, and other terms of employment according to national provisions in the Employment Act and international labor standards.
- Create professional development courses for employment agents.
- Monitor the wellbeing of the domestic worker through phone calls and spot visits, especially during the first three months of employment.
- Create recommended pay scales according to work experience and other qualifications, such as education. Abolish discriminatory policies that determine entry-level wages according to nationality rather than work experience, education, or other relevant criteria.
- Exercise due diligence before placing a replacement domestic worker with an employer accused of abuse.

***To International Donors and Organizations***

- Provide resources for support services, including legal aid, health care, shelter, job training, and psychological counseling.
- Provide resources for strengthening the capacity of research and advocacy organizations working on behalf of migrant workers, especially those focusing on female domestic workers.
- Raise attention to the abuses faced by migrant domestic workers in bilateral and multilateral meetings with the governments that receive or send migrant workers. Press for the reforms recommended above.

- The Global Commission on International Migration should address in detail the situation of migrant domestic workers in its research, consultations, and recommendations.
- The International Labor Organization should ensure substantial attention to domestic workers when implementing its plan of action on migrant workers adopted in June 2004. The ILO should also create model bilateral/multilateral labor agreements and model standard contracts for domestic workers to aid governments undertaking reforms.

### ***To the Association of Southeast Asian Nations (ASEAN)***

- Create a working group to study regional labor migration and formulate recommendations, including for multilateral agreements on labor standards and protections for migrant domestic workers.

## **Acknowledgments**

Nisha Varia, Asia researcher for the Women's Rights Division of Human Rights Watch, researched and wrote this report. Janet Walsh, acting executive director, Women's Rights Division; Brad Adams, executive director, Asia division; Charmain Mohamed, Indonesia researcher, Asia division; Wilder Tayler, legal and policy director, Legal and Policy Office; Ken Roth, executive director; and Joseph Saunders, deputy program director, reviewed the report. Jennifer Robinson provided research and translation assistance. Erin Mahoney provided research and production assistance and drafted the section on women's status in Singapore. Tamara Rodriguez-Reichberg, Andrea Holley, Fitzroy Hepkins, and José Martinez also provided production assistance.

We greatly appreciate the insightful comments on an early version of our main findings provided by Cher Pong Ng, Kenneth Yap, and Wing Git Chan from the Ministry of Manpower, Singapore, Bridget Lew from H.O.M.E., Singapore, and other reviewers who wished to remain anonymous.

We are grateful to the many individuals and organizations that facilitated this research. Special thanks go to H.O.M.E. and Amy Darul for their assistance in arranging interviews and providing information. We would also like to acknowledge Amy Darul, Andita Primanti, and Ammaniammal Adimulam for interpreting.

Human Rights Watch sincerely thanks all of the individuals who agreed to be interviewed for this report. Their willingness to share information and their experiences with us made this report possible.

The Women's Rights Division of Human Rights Watch gratefully acknowledges the financial support of the Lisbet Rausing Charitable Trust, the Sigrid Rausing Foundation, the Moriah Fund, the Libra Foundation, the Silverleaf Foundation, the Oak Foundation, the Barbra Streisand Foundation, the Schooner Foundation, the Banky-LaRocque Foundation, and the members of the Advisory Committee of the Women's Rights Division.

## **Appendix A: Standard Contract for Migrant Domestic Workers in Hong Kong**

### **EMPLOYMENT CONTRACT**

**(For A Domestic Helper recruited from abroad)**

This contract is made between ..... (“the Employer”, holder of Hong Kong Identity Card/Passport No.\*.....) and ..... (“the Helper”) on ..... and has the following terms:

1. The Helper’s place of origin for the purpose of this contract is .....
2. (a) The Helper shall be employed by the Employer as a domestic helper for a period of two years commencing on the date on which the Helper arrives in Hong Kong.  
(b) The Helper shall be employed by the Employer as a domestic helper for a period of two years commencing on ....., which is the date following the expiry of D.H. Contract No. .... for employment under this contract.  
(c) The Helper shall be employed by the Employer as a domestic helper for a period of two years commencing on the date on which the Director of Immigration grants the Helper permission to remain in Hong Kong to begin employment under this contract.
3. The Helper shall work and reside in the Employer’s residence at .....
- 4.(a) The Helper shall only perform domestic duties as per the attached Schedule of Accommodation and Domestic Duties for the Employer.  
(b) The Helper shall not take up, and shall not be required by the Employer to take up, any other employment with any other person.  
(c) The Employer and the Helper hereby acknowledge that Clause 4 (a) and (b) will form part of the conditions of stay to be imposed on the Helper by the Immigration Department upon the Helper’s admission to work in Hong Kong under this contract. A breach of one or both of the said conditions of stay will render the Helper and/or any aider and abettor liable to criminal prosecution.
5. (a) The Employer shall pay the Helper wages of HK\$..... per month. The amount of wages shall not be less than the minimum allowable wage announced by the Government of the Hong Kong Special Administrative Region and prevailing at the date of this contract. An employer who fails to pay the wages due under this employment contract shall be liable to criminal prosecution.  
(b) The Employer shall provide the Helper with suitable and furnished accommodation as per the attached Schedule of Accommodation and Domestic Duties and food free of charge. If no food is provided, a good allowance of HK\$ \$ .....a month shall be paid to the Helper.  
(c) The Employer shall provide a receipt for wages and food allowance and the Helper shall acknowledge receipt of the amount under his/her\* signature.



6. The Helper shall be entitled to all rest days, statutory holidays, and paid annual leave as specified in the Employment Ordinance, Chapter 57.

7. (a) The Employer shall provide the Helper with free passage from his/her\* place of origin to Hong Kong and on termination or expiry of this contract, free return passage to his/her\* place of origin.

(b) A daily food and traveling allowance to HK\$100 per day shall be paid to the Helper from the date of his/her\* place of origin until the date of his/her\* arrival at Hong Kong if the traveling is by the most direct route. The same payment shall be made when the Helper returns to his/her\* place of origin upon expiry or termination of this contract.

8. The Employer shall be responsible for the following fees and expenses (if any) for the departure of the Helper from his/her place of origin and entry into Hong Kong:

(i) medical examination fees;

(ii) authentication fees by the relevant Consulate;

(iii) visa fee;

(iv) insurance fee;

(v) administration fee or fee such as the Philippines Overseas Employment Administration fee, or other fees of similar nature imposed by the relevant government authorities; and

(vi) others: .....

In the event that the Helper has paid the above costs or fees, the Employer shall fully reimburse the Helper forthwith the amount so paid by the Helper upon demand and production of the corresponding receipts or documentary evidence of payment.

9. (a) In the event that the Helper is ill or suffers personal injury during the period of employment specified in Clause 2, except for the period during which the Helper leaves Hong Kong of his/her\* own volition and for his/her\* own personal purposes, the Employer shall provide free medical treatment to the Helper. Free medical treatment includes medical consultation, maintenance in hospital and emergency dental treatment. The Helper shall accept medical treatment provided by any registered medical practitioner.

(b) If the Helper suffers injury by accident or occupational disease arising out of and in the course of employment, the Employer shall make payment of compensation in accordance with the Employees' Compensation Ordinance, Chapter 282.

(c) In the event of a medical practitioner certifying that the Helper is unfit for further service, the Employer may subject to the statutory provisions of the relevant Ordinances terminate the employment and shall immediately take steps to repatriate the Helper to his/her\* place of origin in accordance with Clause 7.

10. Either party may terminate this contract by giving one month's notice in writing or one month's wages in lieu of notice.

11. Notwithstanding Clause 10, either party may in writing terminate this contract without notice or payment in lieu in the circumstances permitted by the Employment Ordinance, Chapter 57.

12. In the event of termination of this contract, both the Employer and the Helper shall give the Director of Immigration notice in writing within seven days of the date of termination. A copy of the other party's written acknowledgement of the termination shall also be forwarded to the Director of Immigration.

13. Should both parties agree to enter into new contract upon expiry of the existing contract, the Helper shall, before any such further period commences and at the expense of the Employer, return to his/her\* place of origin for a paid/unpaid\* vacation of not less than seven days, unless prior approval for extension of stay in Hong Kong is given by the Director of Immigration.

14. In the event of the death of the Helper, the Employer shall pay the cost of transporting the Helper's remains and personal property from Hong Kong to his/her\* place of origin.

15. Save for the following variations, any variation or addition to the terms of this contract (including the annexed Schedule of Accommodation and Domestic Duties) during its duration shall be void unless made with the prior consent of the Commissioner for Labour in Hong Kong:

(a) a variation of the period of employment stated in Clause 2 through an extension of the said period of not more than one month by mutual agreement and with prior approval obtained from the Director of Immigration;

(b) a variation of the Employer's residential address stated in Clause 3 upon notification in writing being given to the Director of Immigration, provided that the Helper shall continue to work and reside in the Employer's new residential address;

(c) a variation in the Schedule of Accommodation and Domestic Duties made in such manner as prescribed under item 6 of the Schedule of Accommodation and Domestic Duties; and

(d) a variation of item 4 of the Schedule of Accommodation and Domestic Duties in respect of driving of a motor vehicle, whether or not the vehicle belongs to the Employer, by the helper by mutual agreement in the form of an Addendum to the Schedule and with permission in writing given by the Director of Immigration for the Helper to perform the driving duties.

16. The above terms do not preclude the Helper from other entitlements under the Employment Ordinance, Chapter 57, the Employees' Compensation Ordinance, Chapter 282 and any other relevant Ordinances.

17. The Parties hereby declare that the Helper has been medically examined as to his/her fitness for employment as a domestic helper and his/her medical certificate has been produced for inspection by the Employer.

Signed by the Employer \_\_\_\_\_

(Signature of Employer)

in the presence of \_\_\_\_\_

\_\_\_\_\_

(Name of Witness)

(Signature of Witness)

Signed by the Helper \_\_\_\_\_

(Signature of Helper)

in the presence of \_\_\_\_\_

(Name of Witness)

(Signature of Witness)

\*Delete where inappropriate.

#### SCHEDULE OF ACCOMMODATION AND DOMESTIC DUTIES

1. Both the Employer and the Helper should sign to acknowledge that they have read the contents of this Schedule, and to confirm their consent for the Immigration Department and other relevant government authorities to collect and use the information contained in accordance with the provisions of the Personal Data (Privacy) Ordinance.

1. Employer's residence and number of persons to be served

A. Approximate size of flat/house.... square feet/square metres\*

B. State below the number of persons in the household to be served on a regular basis:

.....adult.....minors (aged between 5 to 18) ..... minors (aged below 5).....expecting babies.....persons in the household requiring constant care and attention (excluding infants)

(Note: Number of Helpers currently employed by the employer to serve the household.)

2. Accommodation and facilities to be provided to the helper

A. Accommodation to the Helper

While the average flat size in Hong Kong is relatively small and the availability of separate servant room is not common, the Employer should provide the Helper suitable accommodation and with reasonable privacy. Examples of unsuitable accommodation are: The Helper having to sleep on made-do beds in the corridor with little private and sharing a room with an adult/teenager of the opposite sex.

\_\_\_ Yes. Estimated size of the servant room.....square feet/square metres\*

\_\_\_ No. Sleeping arrangements for the Helper:

\_\_\_ Share a room with ..... child/children aged .....

\_\_\_ Separate partitioned area of ..... square feet/square metres\*

\_\_\_ Others. Please describe .....

B. Facilities to be provided to the Helper:

(Note: Application for entry visa will normally not be approved if the essential facilities from item (a) to (f) are not provided free.)

1. Light and water supply \_\_\_ Yes \_\_\_ No

2. Toilet and bathing facilities                      \_\_\_ Yes \_\_\_ No
  3. Bed    \_\_\_ Yes \_\_\_ No
  4. Blanket or quilt                                     \_\_\_ Yes \_\_\_ No
  5. Pillows     \_\_\_ Yes \_\_\_ No
  6. Wardrobe     \_\_\_ Yes \_\_\_ No
  7. Refrigerator                                         \_\_\_ Yes \_\_\_ No
  8. Desk    \_\_\_ Yes \_\_\_ No
  9. Other facilities (please specify) \_\_\_\_\_
3. The Helper should only perform domestic duties at the Employer's residence. Domestic duties to be performed by the Helper under this contract exclude driving of a motor vehicle belongs to the Employer.
4. Domestic duties include the duties listed below.
- Major Portion of domestic duties:-
1. Household chores
  2. Cooking
  3. Looking after aged persons in the household (constant care or attention is required/not required\*)
  4. Babysitting
  5. Child-minding
  6. Others (please specify) .....
5. The Employer shall inform the Helper and the Director of Immigration of any substantial changes in item 2,3 and 5 by serving a copy of the Revised Schedule of Accommodation and Domestic Duties (ID 407G) signed by both the Employer and the Helper to the Director of Immigration for the record.

## **Appendix B: Work Permit Conditions for Domestic Workers in Singapore**

### **Work Permit Application Form For A Foreign Domestic Worker<sup>346</sup>**

#### **Fourth Schedule**

#### **Conditions of Work Permit/Visit Pass for Foreign Worker**

##### **Employment**

1. The foreign worker shall work only for the employer and in the occupation specified in the Work Permit/Visit Pass.
2. The foreign worker shall not engage in or participate in any business or be a self-employed person.
3. If the foreign worker is a foreign domestic worker, the foreign worker shall only perform household/domestic duties and reside at the employer's residential address or residential premises as stated in the Work Permit/Visit Pass.
4. The foreign worker shall reside at the address stipulated by the employer upon the commencement of his/her employment. The foreign worker is to inform the employer about any self-initiated change in residential address.
5. The foreign worker shall undergo a medical examination by a Singapore registered doctor as and when directed by the Controller. If the foreign worker is certified medically unfit, his/her Work Permit shall be revoked.
6. The foreign worker shall carry his/her original Work Permit/Visit Pass with him/her at all times and must produce it for inspection on demand by any public officer.
7. The foreign worker shall report to the Controller as and when he/she is required by the Controller to do so.

##### **Conduct**

8. The foreign worker shall not go through any form of marriage or apply to marry under any law, religion, custom or usage with a Singapore Citizen or Permanent Resident in or outside Singapore, without the prior approval of the Controller, while he/she holds a Work Permit, and also after his/her Work Permit has expired or has been cancelled or revoked.
9. If the foreign worker is a female foreign worker, the foreign worker shall not become pregnant or deliver any child in Singapore during the validity of her Work Permit/Visit Pass, unless she is a Work Permit holder who is already married to a Singapore Citizen or Permanent Resident with the approval of the Controller. This condition shall apply even after the work permit of the foreign worker has expired or has been cancelled or revoked.

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<sup>346</sup> Reproduced from Work Permit Application for a Foreign Domestic Worker [online], [http://www.mom.gov.sg/NR/rdonlyres/C156860E-07A2-44B4-AA34-F26AE0640DF8/5726/WPCM002\\_WP\\_Appln\\_Form\\_FDW\\_22Sep06.pdf](http://www.mom.gov.sg/NR/rdonlyres/C156860E-07A2-44B4-AA34-F26AE0640DF8/5726/WPCM002_WP_Appln_Form_FDW_22Sep06.pdf) (retrieved October 12, 2005).

10. The foreign worker shall not indulge or be involved in any illegal, immoral or undesirable activities, including breaking up families in Singapore.

## Appendix C: Abuses Documented by Human Rights Watch

Number of domestic workers interviewed: 65  
Ages of domestic workers interviewed: 20-53

Because of the limited time some domestic workers had to participate in an interview, a few were unable to respond to all of the points below. Some women were still in their debt repayment period and therefore could not answer questions about whether they received their wages regularly. The numbers presented here most likely under-represent the actual number of abuses against the sixty-five women interviewed.

Abuse experienced from an employment agent	Number of interviewees
Six or more months of initial pay cut from salary	37
Threats, confiscation of personal items, overcharging, refusal to remove from abusive workplace, or physical abuse	27

Working conditions and abuses experienced from a current or former employer	Number of domestic workers
Reported twelve or more hours of work per day	51
Reported sixteen or more hours of work per day	32
Reported one rest day per week	7
Reported one to two rest days per month*	21
Reported no rest days	31
Did not receive full salary	12
Reported verbal abuse or threats	33
Reported physical abuse	13
Reported sexual abuse	6
Reported inadequate food	15
Restrictions on leaving the workplace	29
Conditions amounting to forced labor, debt bondage	15



\* Several of these workers reported receiving one rest day per month only after six months to two years of employment.

### Appendix D: Prosecution Cases for Salary Default

Name of FDW	Name of employer	Amount of unpaid salary claimed (period)	Penalty	Date of Court order	FDW eventually paid in full?
Achdaniah	Enilia Donohue	\$3,580 (7 Sep 01 – 9 Aug 03)	\$3,000 fine	05/08/2004	Yes (\$3,580 paid)
Eli Mujiah Supardi	Jamilah Jafaar	\$1863.67 (27 Jul 03 – 2 Nov 04)	\$3,000 fine	24/02/2005	Yes (\$1863.67 paid)
Fajar Iswahyuni	Ng Chee Chin	\$3680 (24 Dec 03 – 10 Nov 04)	\$5,000 fine Employer failed to pay fine and so served a default sentence of 6 weeks' jail	03/03/2005	No; Employer could not pay and so served default jail sentence of additional 4 weeks
Widarsih	Surayah Bte Samad	\$3096	\$5000 fine Employer failed to pay fine and so served a default sentence. Employer also served a 6 weeks' jail sentence for illegal employment	10/03/2005	No; Employer could not pay and so served default jail sentence of additional 4 weeks
Gemma Martinez Neri	Yeo Chai Leng	\$2783	\$2000 fine Employer failed to pay fine and so served a default sentence of 10 days' jail	21/07/2005	No; Employer could not pay and so served default jail sentence of additional 2 weeks

Data provided by e-mail correspondence from the Ministry of Manpower, Singapore to Human Rights Watch on November 11, 2005.