



CAMBODIA/ MALAYSIA

“They Deceived Us at Every Step”

Abuse of Cambodian Domestic Workers Migrating to Malaysia

HUMAN
RIGHTS
WATCH

Summary and Key Recommendations



A training center in Phnom Penh, owned and managed by a private recruitment agency for domestic workers migrating to Malaysia. Human Rights Watch research found that prospective migrant workers are typically locked inside these training centers, usually for three to six months before their departure. Trainees often do not have access to adequate health care, food, and water inside the center. Some women and girls experience verbal, psychological, and sometimes physical abuse.

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A woman shows a picture of her relative who has not contacted her family since she migrated to Malaysia in September 2009. She said her relative wanted to be a domestic worker in Malaysia to earn enough money to build a house for her family in Cambodia.

A broker said that the company is looking for women to work in Malaysia. When I asked if there is anyone who will help my daughter if she is in trouble, the broker said that if something happens to the girl, if she dies for example, the company would pay the compensation....He said, "You can rest all your life with that money."

NHEAN, FATHER OF CHAMPEL, A 21-YEAR-OLD DOMESTIC WORKER WHO DIED IN THE PHNOM PENH TRAINING CENTER OF VC MANPOWER, CAMBODIA, APRIL 2011

When 16-year-old Nhon Yanna migrated to Malaysia from Cambodia as a domestic worker in 2010, all she had hoped was to earn some money to take care of her five younger siblings, an ailing mother, and an elderly grandmother. A broker promised a job that would be easy and pay her US\$3,000 over two years. But things quickly soured after she signed a contract with a recruitment agency, which immediately confined Yanna to a training center in Phnom Penh for three months, and denied contact with her family. After she reached Malaysia, her employer gave her work that would have taken several people to complete.

I woke up at 4 a.m., cleaned my employer's house, his two cars, bathed and fed the children.... Then I worked in his office and cleaned four rooms, tables and floors. After that, he took me to his mother's house where I worked until 9 p.m. Then I returned to my employer's house and worked until 2 a.m., but they still hit me and told me I was lazy. They didn't give me food. I slept hungry two or three times a week.

Despite working for eight months, Yanna never received her salary. She ran away from her employer's house and eventually returned to Cambodia with the help of a non-governmental organization (NGO).

In Cambodia, such stories are common. With one-third of the population living below the national poverty line of 60 US cents a day, many Cambodians struggle to survive. Poverty is deepest in rural areas. In the poorest and most marginalized sectors of Cambodian society women face the greatest discrimination. Yet they also often shoulder the responsibility of earning a living for their families. With few opportunities at home, many women and girls migrate abroad as domestic workers—most often to Malaysia. Between 40 and 50 thousand Cambodian women and girls have traveled to Malaysia for domestic work.

Demand for Cambodian domestic workers has sharply increased in Malaysia since 2009, when the Indonesian government responded to several high-profile abuse cases by imposing a moratorium on its nationals working as domestic workers there. Recruitment agencies immediately turned to workers from Cambodia to fill the shortage.

Large cash advances to impoverished families, wages that greatly exceed what can be earned in villages, and the promise of work in a home rather than a sweatshop or brothel, are attractive incentives. And there are Cambodian women who have positive employment experiences in Malaysia and whose earnings contribute significantly to family income.

But the already difficult prospect of migrating to a foreign country, far from home and without any contact with family, is too often compounded by poor and illegal practices of recruitment agencies, which fail to disclose the tasks workers will be expected to perform, their lack of rest days, and avenues of assistance should they encounter problems or abuse. As a result, Cambodian women and girls risk suffering a harsh and isolating experience in Malaysia.

This report, based on research conducted in Cambodia and Malaysia in April and May 2011—including 80 interviews with migrant domestic workers, their families, government officials, NGOs, and recruitment agents—finds abuse at every step of the migration cycle for Cambodian domestic workers, with little or no protection from the Cambodian government.

Private labor recruitment agencies in Cambodia control most aspects of the migration process, including recruitment of prospective domestic workers, training, employment placement, transit and return. Through imposed debts, forced confinement for months in training centers, and threats, some labor agents in Cambodia coerce women and girls to migrate, even if they no longer wish to work abroad.

Once they reach Malaysia, Cambodian migrant domestic workers risk a wide range of labor exploitation and serious abuses, including non-payment of wages, excessive working hours with little rest, forced labor, and psychological, physical, and sexual abuse at the hands of their employers.

Domestic workers who experience abuse have little opportunity to seek redress either in Malaysia or Cambodia. Despite the death of three women in training centers in the past year; complaints filed directly with the government; and credible reports of child recruitment, abuses in training centers, and practices that are akin to debt bondage, the Cambodian government has not taken concrete steps to investigate fully or punish those responsible. In the first case of a successful prosecution, a Cambodian court in September 2011 convicted a manager of the VC Manpower Recruitment Agency and sentenced him to 13 months in prison for illegally detaining underage workers. However, the government has not yet arrested and prosecuted other recruitment agents

involved in similar abuses, nor has it revoked the license of a single recruitment agency.

The Cambodian government's interest in promoting migrant work, together with its poor record of holding recruitment agencies accountable for migrant worker abuse, fosters a climate of impunity that exacerbates human rights abuses against prospective migrant domestic workers. According to one domestic worker, for example, two women attempted suicide when the agency refused their request to return home. The agency then held a meeting attended by two police officials. "The police officials told us that if we [attempted to] commit suicide, then they would put us in jail. They also said that we should never try to escape. Even if we escape, the police will find [us] and we will still be sent to Malaysia," she said.

Gaps in Malaysia's labor laws leave domestic workers without key protections. In order to address the exploitation of migrant domestic workers, stronger regulation and monitoring of recruitment agencies is needed in Cambodia, as are labor law reforms in Malaysia, and effective access to support services and channels of redress in both countries.





The house of Phhoung (real name withheld), who died in the Phnom Penh training center of T&P Company recruitment agency. Many of the women and girls who migrate to Malaysia come from rural areas and an impoverished economic background. Phhoung wanted to migrate to Malaysia to support her three children. Her eldest daughter, 17, also migrated to Malaysia. Phhoung's two remaining children are living with relatives who struggle to pay their school expenses.

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A woman holds a photograph of her sister, who migrated to Malaysia to support her three young children. She said that her sister left her two older children with one relative, and her three-year-old daughter (pictured above) with her. Her sister has not contacted any of her relatives since she left for Malaysia in March 2010. None of her relatives know her whereabouts or how to contact her.

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(opposite) Advertisement distributed to villagers by a recruitment agency, listing application requirements. Many agencies compete for prospective domestic workers by offering cash incentives, cell phones and cattle.

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(above) Photographs of families receiving bags of rice, mobile phones, and cattle as incentives for migrating to Malaysia displayed in a Cambodian recruitment agency. These items are actually loans that indebt migrants early in the recruitment process. The pressure to repay these loans can trap migrant workers in abusive conditions in training centers in Cambodia or employment in Malaysia.

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RECRUITMENT

The recruitment process is riddled with problems. Our research found that recruitment agencies recruit children and young women below the minimum age of 21 to migrate to Malaysia and facilitate the forging of fraudulent identity documents. Some agents mislead women about their work arrangements or fail to provide important information on seeking assistance in case of a problem in Malaysia. None of the women and girls interviewed received a copy of their employment contract with the recruitment agencies in Cambodia or their employers in Malaysia.

Onerous recruitment fees and deceptive lending practices set the stage for exploitation. Recruitment agents target the poorest families and sometimes provide upfront loans of cash and sacks of rice as incentives for migrating. Migrants must repay these loans, along with exorbitant recruitment and training fees, by handing over the first six to seven months of their salary once they begin work in Malaysia. This arrangement makes it difficult for a worker to leave her workplace in Malaysia if she encounters abuse.

If a worker changes her mind about migrating while still in the training center in Cambodia, she must repay the initial loan, along with the cost of living in the training center and document processing fees. Recruitment agents often calculate fees much higher than the actual cost, inflating a migrant's total debt. Most prospective migrants come from impoverished households and cannot pay the amount—usually \$300 to \$900—leaving them no choice but to migrate.

In the training centers in Cambodia, labor agents restrict prospective migrants' freedom of movement and limit their communication with relatives until they leave for Malaysia. They may experience verbal, psychological, and sometimes physical abuse. Recruits interviewed by Human Rights Watch described the centers as overcrowded and having poor living conditions without access to adequate food, water, or medical care. They said labor agents regularly deny sick domestic workers proper medical care, and if they are taken for treatment in a clinic, agents add the medical expenses to the workers' debts.

A photo of a woman shared with Human Rights Watch by her mother. Maly (real name withheld) is a single mother who migrated to Malaysia in April 2010 and has not been in contact with her family since. She left her six-year-old daughter and seven-year-old son with her mother, and promised to send money back from Malaysia to support them.

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IN MALAYSIA

Once in Malaysia, Cambodian women and girls are at risk of abuse and exploitation. They often have limited or no ability to communicate in English or Malay, must relinquish their passports to their agent or employer, and lack information to negotiate employment conditions and salary. The most common workplace abuses that Cambodian domestic workers reported to authorities, NGOs, and Human Rights Watch include excessive work hours with no rest days, lack of food, and irregular or non-payment of wages.

Cambodian and Indonesian domestic workers typically earn monthly wages of 400 to 600 ringgit (\$133 to \$200). Some workers reported to Human Rights Watch physical and sexual abuse, and restrictions on their freedom of communication and movement. In some cases, women and girls become trapped in situations of forced labor and trafficking. Those who escape from abusive employers risk being treated as immigration offenders in Malaysia, making it difficult to reclaim unpaid wages and leaving them vulnerable to arrest, detention, and deportation.

The Cambodian embassy in Malaysia lacks adequate staff, skills, and resources to deal with domestic workers coming forward with complaints of abuse. The embassy received 80 such complaints in 2010, has only one part-time staff member to handle them, and only began planning for an on-site shelter in September 2011. One of the most serious problems is the embassy's practice of sending abused workers back to their agents instead of handling the case themselves. Some agents make these women work for a second or third employer against their will.

Malaysia offers few minimum guarantees to domestic workers. The Malaysian Employment Act excludes them from key labor protections such as compensation for workplace injuries, weekly rest days, overtime payment, and weekly limits on hours of work. There are no limits to salary deductions, enabling the exploitative practice of deducting the first six to seven months of a Cambodian domestic worker's salary—out of a two-year contract—to repay recruitment fees. The Malaysian government concluded a Memorandum of Understanding (MoU) with Indonesia in May 2011 to guarantee migrant domestic workers the ability to keep their passports and have a weekly rest day, but has not extended these protections to Cambodian domestic workers.







THE CAMBODIAN GOVERNMENT

The Cambodian government is strongly pushing migrant work abroad as a strategy to increase foreign remittances, cope with unemployment and alleviate poverty.

However, it has abdicated most of its responsibility to safeguard migrants to private recruitment agencies. Some large recruitment agencies are reportedly either owned or affiliated with powerful government officials. Such close affiliations and influence make it difficult for labor inspectors, police, or other officials to investigate complaints fully or hold agencies accountable for exploitative practices. Domestic workers, either fearing reprisal, or lacking the resources or belief in Cambodian government institutions to address their problems, have virtually no avenues for effective redress.

Against this backdrop, the Cambodian government squandered an opportunity to improve human rights protections for migrant workers when it issued a revised labor regulation on recruitment agencies in August 2011. Although the government invited input from the Association of Cambodian Recruitment Agencies, an industry group, it did not consult domestic or international organizations while revising the 1995 regulation. The sub-decree assigns the Ministry of Labor and Vocational Training responsibility for inspecting recruitment agencies and introduced some positive changes, such as requiring recruitment agencies to supply contracts in the Khmer language and lawyers for migrants facing legal proceedings abroad. However, it fails to specify minimum requirements for training centers and does not create effective complaints or monitoring systems.

On October 14, 2011, the Cambodian government announced a ban on sending domestic workers to Malaysia. However, at the time of writing, human rights groups in Cambodia reported that some recruitment agencies were ignoring the ban.

While a temporary ban can be a positive measure if used to negotiate and implement more comprehensive reforms, such bans imposed in other countries have rarely been effective on their own. Bans restrict women's job opportunities, fail to address the causes of exploitation such as gaps in legal protections, and may spur domestic workers to migrate outside of formal channels where they face a higher risk of abuse.

OBLIGATIONS

Cambodia and Malaysia have each ratified the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). As parties to these treaties, as well as customary international law protections, Cambodia and Malaysia are obligated to protect the rights of women and children migrating as domestic workers, including against discrimination in employment, forced labor, human trafficking, and the exploitation of children.

New global standards address the specific obligations of governments to protect domestic workers, a group historically neglected by labor laws. In June 2011, the International Labour Organization (ILO) adopted Convention No. 189 Concerning Decent Work for Domestic Workers. Although Cambodia and Malaysia have yet to ratify this new treaty, it provides valuable guidance on the minimum standards the two countries should implement. These include equivalent labor protections provided to other workers, accessible complaints mechanisms, substantial penalties for agencies that violate standards, and prohibitions on salary deductions for recruitment fees.

The Cambodian and Malaysian governments should institute comprehensive labor and migration policy reforms and effective access to support services and channels of redress in both countries to ensure protection of migrant domestic workers' rights and conformity with international law.

A cremation ceremony of Chhim Sopheap, a 36-year-old woman who died in a Phnom Penh training center in February 2011. Her son holds Chhim's photo as he bids final farewell to his mother. Three women have died in training centers in the past year. As of this writing, none of these deaths have been investigated fully.

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KEY RECOMMENDATIONS

TO THE GOVERNMENT OF CAMBODIA

- Adopt a comprehensive migration law addressing lack of oversight of recruitment agencies, recruitment fees and debts, lack of freedom of movement in training centers, child recruitment and other problems identified in this report. Ensure extensive consultation with domestic and international organizations working on migration and trafficking and establish substantial penalties for violations with detailed methods for enforcement.
- Establish confidential, and easily and safely accessible, complaint mechanisms at the Ministry of Labor and Vocational Training for families and workers to report cases of abuse during recruitment and training in Cambodia, and non-payment of salaries and workplace abuse in Malaysia. Ensure prompt investigation and follow-up to complaints.
- Arrange for independent investigations into allegations of human rights abuses against migrant workers by recruitment agencies, particularly the deaths and serious injuries of prospective domestic workers as well as allegations of collusion between government officials, including the police, with recruitment agents.

TO THE GOVERNMENT OF MALAYSIA

- Amend the Employment Act of 1955 and the Workmen's Compensation Act to provide comprehensive and equal labor protections for domestic workers, including regulations on hours of work, rest days, and compensation for workplace injuries.
- Prohibit salary deductions from workers' remuneration to repay recruitment fees.
- Investigate and prosecute criminal abuses against migrant domestic workers such as physical and sexual abuse, forced labor, and trafficking into domestic servitude. Ensure fair, prompt, and accessible mechanisms to resolve labor disputes.

TO INTERNATIONAL DONORS

- Raise strong concerns about the abuses faced by migrant domestic workers in bilateral and multilateral meetings with the governments of Cambodia and Malaysia and publicly advocate for effective reforms.
- Sponsor an independent report on conflicts of interest between the recruitment industry and officials in the Cambodian government



A woman shows a picture of her daughter Chhorn Malen, which was taken just before she left for Malaysia in 2009. She was physically and psychologically abused by her employer in Malaysia and eventually attempted suicide. She survived but was seriously injured, after which her employer sent her back to Cambodia. Her father said that when Malen returned home, she behaved “abnormally” and did not even recognize her mother. Many Cambodian women and girls face exploitation and abuse from their employers or recruitment agents in Malaysia, and have very limited access to legal aid and health care in Cambodia and Malaysia.

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“They Deceived Us at Every Step”

Abuse of Cambodian Domestic Workers Migrating to Malaysia

In order to support themselves and their families, and with few opportunities at home, between 40,000 to 50,000 Cambodian domestic workers have migrated to Malaysia since 2008. These women and girls often experience exploitation during the labor migration process, which is largely facilitated by recruitment agencies.

“They Deceived Us at Every Step” examines the migration of Cambodian women and girls as domestic workers to Malaysia and the failure of the Cambodian and Malaysian governments to protect them from abuse and exploitation. The report is based on 80 in-depth interviews in Cambodia and Malaysia with migrant workers and members of their families, representatives of local and international organizations, and government officials.

Recruitment agents in Cambodia forge fraudulent identity documents to recruit children, offer cash and food incentives as loans that leave migrants deeply indebted, and confine recruits in training centers for months without access to adequate food, water and medical care. The initial loans, recruitment costs, and inflated fees can trap domestic workers in a cycle of debt that makes opting out of migrating impossible.

Once in Malaysia, domestic workers are excluded from national labor laws and are vulnerable to a range of abuses. This report documents forcible confinement in the workplace, long working hours for little or no pay, lack of adequate food and medical care, and cases of physical and sexual abuse. When abuses occur, domestic workers have little recourse for protection from the Malaysian government. The Cambodian embassy in Malaysia lacks adequate staff, skills, and resources to deal with domestic workers coming forward with complaints of abuse.

A climate of impunity and sometimes the complicity of Cambodian authorities in abuses lie at the heart of the exploitation of domestic workers. The report recommends stronger regulation and monitoring of recruitment agencies in Cambodia, labor law reforms in Malaysia, and effective access to support services and channels of redress in both countries

A recruitment agency in Phnom Penh, Cambodia, displays photographs of workers and their families receiving cash advances in order to attract more recruits. Migrant domestic workers must labor in Malaysia without a salary for six to seven months to repay these loans, along with the exorbitant recruitment and training fees.

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