



ASIA AND THE MIDDLE EAST

Slow Reform

Protection of Migrant Domestic Workers in Asia
and the Middle East

HUMAN
RIGHTS
WATCH



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Summary

I wanted to make a new life and try my luck so that my kids would have a different life than their mother.... But I was mistreated by my employers. I began work at 5 a.m. and sometimes finished around 2 or 3 a.m. I never got a day off. The door was always locked, I could never go out alone. I slept in the dining room.

My full salary was deducted [to pay initial recruitment fees] for six and a half months. If I didn't finish [a task quickly], my employer would hit me ... she usually shouted and screamed at me. Once when I was hanging clothes, I had a black eye and my neighbor asked me what happened. My employer had beaten me. That evening the police came and arrested my employers.

—Ati K., Indonesian domestic worker, Kuala Lumpur, Malaysia, February 12, 2010

Domestic work is one of the oldest and most important occupations for millions of workers around the world.... Domestic work is essential for the economy outside the household to function and, yet, it is undervalued.... It is poorly regulated because it is not regarded as “real” work....

Domestic workers' conditions do not improve unless there is concerted action to improve the legislative framework.... Studies confirm that well-crafted regulatory mechanisms with a suitable enforcement machinery make an important difference in the everyday lives of domestic workers – and they convey the message that domestic workers are indeed workers who deserve both rights and respect.

—Conclusions from a global survey of laws and practices on domestic work, International Labor Organization, 2009¹

¹ International Labor Organization, Decent Work for Domestic Workers, Report IV (1), International Labour Conference, 99th Session 2010 (Geneva, International Labour Office, 2009), p. 94.

On International Workers' Day, a holiday celebrated on May 1 in many countries around the world as an opportunity to take rest and celebrate the achievements of the labor movement, millions of domestic workers, the vast majority of them women and girls will remain hard at work. Often underpaid and overworked, domestic workers perform services essential for many households to function and to allow others to participate in the formal economy. However, hidden in private homes, their work remains invisible throughout the year, and many governments have yet to accord them full recognition or equal legal protection under labor laws.

Several countries across the Middle East and Asia host significant numbers of migrant domestic workers, ranging from 196,000 in Singapore to approximately 1.5 million in Saudi Arabia. Increased reporting and awareness about abuse against these workers has resulted in active policy debates and in some cases change. Building upon six years of research, this report surveys the patterns of labor, immigration, and criminal justice reforms in Saudi Arabia, Kuwait, the United Arab Emirates, Bahrain, Lebanon, Jordan, Singapore, and Malaysia, highlighting both best practices and continuing gaps.

Millions of Asian and African women, many from socially and economically disadvantaged circumstances, migrate to work as domestic workers in the Middle East and Asia. For many, this employment is one of their few opportunities to earn money to build a house, pay for medical and school fees, and provide basic necessities for their families in their home countries. Many report decent working conditions and are able to provide financial support to their families.

However, safety and financial opportunity are a matter of luck and by no means guaranteed. In many host countries, the combination of significant gaps in labor laws, visa systems that give employers immense control over workers, and racism against an often darker-skinned "servant" class has contributed to exploitative working conditions for migrant domestic workers. In addition to demanding excessively long hours with no days off for little or no pay, employers often take the passports of migrant domestic workers and confine them in their homes. In some cases, migrant domestic workers endure slavery-like conditions including physical abuse, sexual abuse, and food deprivation, sometimes continuing for months or years. In the worst cases, migrant domestic workers lose their lives or are trapped in situations of forced labor or trafficking.

In recent years, increased mobilization by migrants', women's, and human rights organizations, support from trade unions, attention from international bodies like the

International Labor Organization (ILO), and high-profile media exposure have intensified pressure for government action, including labor and immigration reforms.

The governments discussed in this report have begun to introduce initiatives to improve the treatment of domestic workers or to prevent and respond to abuse. But change has been slow and incremental, and many of the most critical reforms lag behind, such as including domestic workers in labor laws, divesting the employer of power over the domestic worker's immigration status, and creating stronger oversight over recruitment processes. Reforms often encounter stiff resistance from employers fearing higher costs and fewer entitlements, labor brokers profiting off a poorly-regulated system, and government officials who view migrants as a security threat.

Improving protections for domestic work has become an issue of public debate and reform not only at national and regional levels, but also globally. Although domestic workers have rights under existing international labor conventions, these standards do not address the unique circumstances of domestic work, such as employment in private homes, or provide adequate guidance for guaranteeing them access to decent employment conditions. In recognition of the importance of protecting a sector that is a major source of employment and that has been historically neglected and undervalued, members of the ILO will begin formal discussions in June 2010 on a possible new global instrument, potentially a binding international treaty, to establish international labor standards for domestic work.

Many governments have argued that it is impossible to monitor private homes as a workplace, citing violations of employers' privacy and the difficulty in tracking conditions such as hours of work. Yet labor legislation in Hong Kong and South Africa has set positive examples: domestic workers have the right to a minimum wage, overtime pay, a weekly day of rest, maternity leave, and paid annual leave. While the domestic workers in these countries are not immune from abuse, they have legal remedies available, unlike their counterparts elsewhere. Enjoying relative freedom to form associations and trade unions, many of these domestic workers have greater awareness of their rights, an ability to negotiate better working conditions, and avenues for reporting labor exploitation.

Of the countries surveyed in this report, Jordan has taken the most significant strides in strengthening legal protections for domestic workers. It is the only one that has amended its labor law to include domestic workers, guaranteeing protections such as monthly payment of salaries into a bank account, a weekly day of rest, paid annual and sick leave, and a ten-hour workday. However, the provisions for domestic workers still fall short of providing rights equal to those guaranteed to other workers. For example, domestic workers cannot leave the

workplace without permission from their employer – even when they are off-duty – and are entitled to a minimum of only eight hours of continuous rest at night. In addition, the test of these legal reforms will be the government’s success in publicizing the new requirements and enforcing compliance.

Most other labor-receiving countries have relied on introducing standard employment contracts to regulate terms and conditions of employment. Such contracts represent an improvement over having no formalized work agreement or minimum standards, but have much weaker protections than most labor laws. For example, Singapore’s standard contract does not require a weekly day off, instead giving employers and workers the option of negotiating one to four days off per month or to receive payment instead of taking the day off. Given workers’ fear of losing their jobs and uneven bargaining power, most are not in a position to demand time off. The United Arab Emirates’ standard contract fails to provide for any rest days at all. Neither the UAE nor Singapore’s contract establishes rights to overtime pay or limits to hours of work.

Immigration systems that tie a migrant domestic worker’s immigration status to her employer contribute significantly to the unequal power relationship between employers and workers and can enable abuse. Employers can have domestic workers repatriated at will or withhold consent from a worker who wishes to transfer to another employer. Reform of such systems, however, is particularly sensitive in countries of employment with large migrant populations given host governments’ fears that relaxing immigration controls could increase irregular migration. Despite a growing consensus that the current immigration “sponsorship” system in the Middle East contributes to domestic servitude and slavery-like conditions, change in this area has come at a glacial pace. Employers’ stereotypes of foreign women as promiscuous or naïve continue to be used to justify paternalistic and restrictive policies and practice that give the employers control over domestic workers’ lives.

In addition, governments have not dedicated significant resources to create monitoring mechanisms to detect cases of deception, exploitation, and abuse of domestic workers, or to take steps to make labor and criminal justice systems more accessible and responsive. Improving treatment of domestic workers requires effective complaint and enforcement measures, such as wide dissemination of information about rights and responsibilities for employers and employees, random inspections, and strong penalties for violations.

Singapore stands out as a country that has vigorously and successfully prosecuted employers and recruiters who physically abused domestic workers. Most other countries discussed here have mixed records. Some employers receive tough punishments but

numerous obstacles continue to stand in the way of such victories. For example, systems for filing complaints are often out of reach of domestic workers trapped in private homes and unable to speak the local language. For cases that do reach the attention of the authorities, legal proceedings often stretch over years, while victims typically wait in overcrowded shelters, unable to work. The lengthy waits and uncertain outcomes cause many domestic workers to withdraw their complaints or negotiate financial settlements so they can return home quickly. In other cases, such as in Saudi Arabia, domestic workers must often defend themselves from counter-allegations of theft, witchcraft, and adultery.

Some of the most encouraging changes in recent years have been the emergence of migrants' rights movements. Organizations promoting domestic workers' rights are growing in size, diversity, and sophistication. Many informal networks have formalized their operations, gained funding, and established services such as shelters for workers in crisis, helpdesks at airports and shopping malls, and training courses to help domestic workers use their time abroad to gain skills for upward economic mobility. In some cases, these organizations have been able to institute working relationships with relevant government bodies such as officials who oversee labor disputes or deportation proceedings.

This report is based on ongoing research and advocacy engagement on migrant domestic workers by Human Rights Watch and draws upon our work in Bahrain, Indonesia, Jordan, Kuwait, Lebanon, Malaysia, the Philippines, Saudi Arabia, Singapore, Sri Lanka, and the United Arab Emirates.

Key Recommendations to Governments of Labor-Receiving Countries

To Labor Ministries and Parliaments

- Extend labor protections in national law to domestic workers, including provisions related to a minimum wage, periods of daily and weekly rest, overtime pay, social security, workers' compensation, health care, and maternity leave. Introduce additional protections to address the specific nature of domestic work, such as intermittent working hours, living accommodations, and provision of food.
- Strengthen regulation and monitoring of employment agencies and recruitment fees, and impose significant penalties for violations of laws and regulations on domestic workers' rights.

- Ensure that domestic workers have the right to freedom of association, the right to form an association or trade union, and to bargain collectively with employers and brokers.

To Ministries of Interior

- Reform the visa sponsorship system so that workers' visas are no longer tied to individual employers serving as immigration sponsors. Ensure that workers can change employers without losing legal status and without having to obtain their first employer's permission, and that they are able to leave the country without being required to first secure the consent of their employer.
- Facilitate the approval of valid immigration status for workers awaiting the outcome of legal proceedings and allow them to work.

To Foreign Ministries

- Promote bilateral and multilateral cooperation with labor-sending countries to ensure employment contracts applied in labor-receiving countries are the same ones signed by workers prior to migration, to monitor transnational recruitment (including capping recruitment fees), to resolve outstanding labor disputes and criminal complaints, and to arrange for timely repatriation.
- Support a binding convention on domestic work with an accompanying recommendation during the International Labor Conference in June 2010.

To Ministries of Justice and Social Affairs

- Improve access to the criminal justice system, including through confidential complaint mechanisms in the languages spoken by migrant domestic workers and provision of legal assistance.
- Expand victim services for survivors of abuse, such as shelters, hotlines, access to health care, counseling, and support to civil society and faith-based groups offering these services.
- Improve identification of cases of trafficking into forced domestic servitude and ensure that victims have access to specific protections and services under national counter-trafficking laws and programs.
- Take steps to prevent, investigate, and prosecute criminal violence against domestic workers including physical abuse, sexual abuse, forced labor, and trafficking. Establish mechanisms to expedite these processes in cases involving migrants.

Background

Societies in this region ... are supported thoroughly and function smoothly largely through the hard work and resourcefulness of migrants.... Unfortunately, all too often many migrants to this and other regions experience discrimination, abuse, exploitation and other human rights violations.

The situation of migrant domestic workers is of particular concern because their isolation in private homes makes them even more vulnerable to physical, psychological and sexual violence.... Some are held in prolonged detention after they escape abusive employers, and may be unable to obtain access to judicial recourse and effective remedies for their plight.

—Navi Pillay, United Nations high commissioner for human rights, Jeddah, Saudi Arabia, April 19, 2010

Migration for Domestic Work in Asia and the Middle East

The number of women migrants has increased significantly over the last three decades. They now comprise approximately half of the estimated 214 million international migrants worldwide.² The feminization of international labor migration is particularly pronounced in those migrating from the Philippines, Indonesia, and Sri Lanka, where for several years, national-level estimates indicate that women comprise between 50 and 76 percent of documented international migrants.³ The majority of these women migrate for domestic work in Saudi Arabia, Kuwait, the United Arab Emirates, Bahrain, Jordan, Lebanon, Singapore, Malaysia, and Hong Kong.

Both labor-sending countries and labor-receiving countries rely heavily on migrant domestic workers. Labor-receiving countries have addressed labor shortages and inadequate child care alternatives by creating special immigration schemes to bring in live-in migrant domestic workers to meet households' need for child care, house cleaning services, and

² United Nations Department of Economic and Social Affairs (UNDESA), *United Nations' Trends in Total Migrant Stock: The 2008 Revision*, (New York: UNDESA, 2008), <http://esa.un.org/migration> (accessed January 20, 2010).

³ Philippines Overseas Employment Administration (POEA), *OFW Global Presence: A Compendium of Overseas Employment Statistics 2006* (Manila: POEA, 2006), <http://www.poea.gov.ph/stats/2006Stats.pdf> (accessed January 20, 2010); Sri Lanka Bureau of Foreign Employment (SLBFE), *Estimated Stock of Sri Lankan Overseas Contract Workers by Country 2006* (Colombo: SLBFE, 2006), <http://www.slbfe.lk/feb/statistics/statis9.pdf> (accessed May 29, 2008); and Komnas Perempuan and Solidaritas Perempuan/CARAM Indonesia, *Indonesian Migrant Domestic Workers: Their Vulnerabilities and New Initiatives for the Protection of Their Rights* (Jakarta: Komnas Perempuan and Solidaritas Perempuan/CARAM Indonesia, 2003) p. 9.

elder care. For labor-sending countries, remittances constitute an important source of income for poor households. In 2008, international migrants sent home an estimated US\$444 billion, of which US\$338 billion went to developing countries.⁴ Labor-sending countries often actively promote out-migration to relieve underemployment and to generate foreign exchange. For example, although data disaggregating the contribution of domestic workers is not available, Filipino migrants sent home US\$19 billion in 2008, 11.4 percent of the country's gross domestic product.⁵

Accurate estimates are difficult, especially as some migration takes place outside of formal channels and is not picked up by official statistics. However, according to estimates Human Rights Watch has collected from labor-sending and labor-receiving governments and figures released by governments to the media, there are approximately 1.5 million migrant domestic workers in Saudi Arabia; 660,000 in Kuwait; 200,000 in Lebanon; 300,000 in Malaysia; and 196,000 in Singapore.⁶ In some countries, including Kuwait, Saudi Arabia, Malaysia, and Singapore, migrant domestic workers may comprise close to one quarter of the overall migrant population.

Human Rights Abuses against Migrant Domestic Workers

Many migrant domestic workers enjoy decent work conditions and positive migration experiences. However, the failure to properly regulate paid domestic work facilitates egregious abuse and exploitation, and means domestic workers who encounter such abuse have few or no means for seeking redress.

Migrant domestic workers routinely encounter exploitative working conditions, including excessively long working hours, lack of rest days or rest periods, poor living accommodations, and restrictions on freedom of movement and association. They typically earn wages that are a fraction of the prevailing minimum wage, and nonpayment of salaries, for months or years at a time, is the most frequent complaint reported to authorities and nongovernmental organizations. There is little monitoring for abuse—exclusion from national labor protections often means there are no inspections of migrant domestic workers' workplaces, and many governments prohibit labor inspectors from entering private homes.

⁴ World Bank, "World Bank's Migration and Development Brief 11," *Migration and Remittance Trends 2009* (Washington D.C.: World Bank, 2009), <http://go.worldbank.org/5YMRROVW8o> (accessed December 15, 2009).

⁵ World Bank, "Remittances Data, November 2009," *Migration and Development Brief 11* (Washington DC: World Bank, 2009).

⁶ Committee of Supply (Speech 4) by Hawazi Daipi, senior parliamentary secretary for manpower and health, Singapore, March 12, 2010.

Except for Jordan, the labor codes in the countries surveyed in this report specifically exclude domestic workers from key labor protections afforded to most other categories of workers. Such rights include guarantees of overtime pay, weekly rest days, limits to working hours, paid leave, fair termination of contracts, benefits, and workers' compensation. This exclusion denies domestic workers equal protection under the law and has a discriminatory impact on women and girls, who constitute the vast majority of this category of workers.

The recruitment and placement of migrant domestic workers remains poorly regulated and monitored. In their home countries, recruitment brokers may give migrant domestic workers inadequate or misleading information about their employment abroad, or charge them excessive recruitment fees, especially to those migrating to Singapore or Malaysia. In order to pay these fees, migrants typically have few options but to borrow money at exorbitant interest rates from local moneylenders or to receive a "loan" from the employment agency which they must repay by turning over the first six to ten months of their salary once employed. This debt burden makes it difficult for migrant women to report workplace abuse for fear of losing their jobs and the resulting inability to pay off their debts. In labor-receiving countries, recruitment agencies may engage in abusive practices such as substituting the employment contracts signed by workers in their home countries with different contracts that have poorer terms, coercing domestic workers to stay in exploitative employment situations, charging excessive transfer fees, and in some cases, physical or sexual violence.

Immigration policies affect the extent to which migrant domestic workers are at risk of abuse. Migrant domestic workers typically arrive in Singapore, Malaysia, Saudi Arabia, Kuwait, Jordan, Lebanon, and other countries on two-year employment visas in which their immigration status is linked to their employer. As the immigration sponsor, the employer can typically have the domestic worker repatriated at will, provide or withhold consent on whether she can change jobs, and in Saudi Arabia and Kuwait, obstruct her ability to leave the country. In practice, termination of employment often means the worker is obliged to leave the country immediately with no opportunity to seek redress for abuses or settlement of unpaid wages.

This system gives employers immense control over domestic workers, and can leave domestic workers forced to stay in jobs with abusive conditions and unable to demand fair treatment. Migrant domestic workers who leave their employment without their employer's consent lose their legal status, making them subject to immigration penalties and deportation. The widespread practice of employers withholding domestic workers' passports contributes to their precarious situation. Domestic workers, fearing deportation and anxious

to repay recruitment debts and provide money for expenses at home may endure exploitative conditions in order to keep their employment and residency in the host country.

Domestic workers' isolation in private homes also places them at heightened risk of ill-treatment, including physical, sexual, and psychological abuse, food deprivation, and forced confinement. In the worst cases, domestic workers may become trapped in situations of forced labor, trafficking, or slavery, or they die from murder, botched escape attempts, or suicide.

Restrictions on freedom of movement, language barriers, lack of information, and their vulnerable immigration status impose formidable barriers to migrant domestic workers' access to the police or other government authorities. In some cases, police may dismiss complaints and return domestic workers complaining of abuse to their employers. Employers may deter domestic workers from approaching the police by filing or threatening spurious counter-accusations of theft or running away. Human Rights Watch has documented patterns in which the combination of poorly conducted investigations, lengthy trials, and weak enforcement of judgments combine to pressure victims of violence into accepting small financial settlements, a return ticket home, or nothing at all.

Some labor-sending countries with large numbers of migrant domestic workers, particularly Indonesia, the Philippines, and Sri Lanka, operate emergency shelters in their missions abroad for migrant domestic workers with complaints of unpaid wages, poor working conditions, or physical abuse. Countries with fewer resources or lower numbers of migrants, such as Nepal and Ethiopia, may be unable to establish such shelters as needed. The Philippines typically meets the highest standards in terms of shelter operations, whereas others often have extremely overcrowded conditions where a small staff without enough relevant training are totally overwhelmed with the high numbers of complaints each day. Domestic workers in these shelters usually have little information about their case or their options, and get stuck in these shelters for months. Regardless of resources, officials face many obstacles to resolving these cases given the labor and immigration frameworks of host countries.

Shelters run by the host government, especially in the context of the anti-migrant security-driven framework of immigration policies, are more akin to detention centers than shelters. They have strict entry requirements, domestic workers cannot leave voluntarily, and it typically serves as a holding space before repatriation.

Estimating the prevalence of abuse is difficult given the lack of reporting mechanisms, the private nature of work, the lack of legal protections, and restrictions on domestic workers' freedom of movement. There are many indications, however, that human rights violations are widespread. For example, Indonesian authorities reported more than two thousand complaints from domestic workers returning from the Middle East in the last three months of 2009.⁷ In Saudi Arabia, the Indonesian, Sri Lankan, and Philippine embassies handle thousands of complaints of unpaid wages, physical or sexual abuse, or poor working conditions each year.⁸ In many other cases, abuses are never reported at all.

Labor Reforms

We are fully aware in the UAE of the need to improve the situation of domestic workers and have been working systematically towards that goal.

— Dr. Anwar Gargash, minister of state for federal national council affairs,
United Arab Emirates, October 27, 2009⁹

Several labor-receiving countries in Asia and the Middle East have begun to acknowledge the precarious situation of domestic workers and to enact reforms. These reforms typically take the form of a standard employment contract that outlines the monthly wage and arrangements over repatriation costs, but that falls short of providing the comprehensive protections provided under national labor laws, such as limits to hours of work, overtime pay, benefits including maternity leave, and social security. While such standard contracts are usually legally binding, measures to publicize the requirements or enforce the provisions often remain limited.

Jordan amended its labor laws in 2008 to include domestic workers, and the United Arab Emirates, Saudi Arabia, Kuwait, Bahrain, Lebanon, and Malaysia are considering either reforms to existing labor codes or drafting new legislation.¹⁰ The dynamic policy environment

⁷ "Thousands Of Indonesian Workers In Mid East Not Paid," Bernama, January 22, 2010.

⁸ Human Rights Watch, *As if I am not Human: Abuses against Asian Domestic Workers in Saudi Arabia* (New York: Human Rights Watch, 2008), p. 23.

⁹ Samir Salama, "Maid draft law is 'a major step,'" Gulf News, October 27, 2007, <http://gulfnews.com/news/gulf/uae/government/maid-draft-law-is-a-major-step-1.208457> (accessed April 25, 2010).

¹⁰ Human Rights Watch interview with Majeed al Alawi, minister of labor, Kingdom of Bahrain, Manama, February 3, 2010; Human Rights Watch interview with Alex Zalami, advisor, UAE ministry of labor, Manila, October 30, 2008; Government of the United Arab Emirates, *Responses to the list of issues and questions with regard to the consideration of the initial periodic report, CEDAW/C/ARE/Q/1/Add.1*, October 19, 2009, p. 27; International Labor Office, "Did you know? Frequently asked questions and answers about live-in domestic workers in Lebanon," ILO Beirut factsheet, August 31, 2009,

provides optimism about increased protections for domestic workers, but despite active debates, these proposed legislative changes have moved slowly, often stalling for years. The points of greatest contention typically involve establishing weekly rest days in which domestic workers have the freedom to leave the workplace, a limit on working hours, and classification of private homes as workplaces subject to government inspection and intervention.

Standard Employment Contracts

Several governments, for example, the United Arab Emirates in 2007 and Lebanon in 2009, have introduced mandatory standard employment contracts. In other countries, such as Singapore and Saudi Arabia, these contracts may be formulated and implemented by private recruitment agencies. These standard contracts represent a significant improvement over informal work arrangements with no written terms of employment, often establishing for the first time a set of minimum standards for domestic work.

However, standard contracts vary in their level of protections, and typically provide much weaker protection regarding hours of work, rest days, overtime pay, workers' compensation, safety and health requirements, annual and sick leave, or other benefits than would be found in the country's labor law. For example, Singapore's contract only requires at least one day off per month instead of one per week; furthermore, it recommends but does not require eight hours of continuous rest. Lebanon's unified contract, adopted in 2009, provides for a weekly rest day, but gives employers the ability to negotiate the conditions of this arrangement, in deference to many employers' preference to prevent domestic workers from leaving the house on their days off.

Provisions regarding adequate food, accommodation, and overall treatment tend to be vague and do not establish clear minimum standards. For example, many contracts simply call for provision of adequate food, but do not clarify that no deductions should be made from the salary for meals, or specify the quantity, quality, and frequency of these meals—a significant omission given the high numbers of complaints about food deprivation.

It is harder to monitor and enforce the provisions regarding terms and conditions of work in standard employment contracts in the absence of accompanying reforms in labor laws. Unlike other labor sectors, oversight of domestic workers falls under the interior or home

http://www.google.com/search?hl=en&client=safari&rls=en&q=Frequently+asked+questions+on+women+migrant+domestic+workers+in+Lebanon+&aq=f&aqi=&aql=&oq=&gs_rfai= (accessed April 25, 2010); Human Rights Watch telephone interview with Saleh Ashour, member, national assembly of Kuwait, Geneva, Switzerland, April 22, 2010.

ministry instead of the labor ministry in Malaysia, Saudi Arabia, Kuwait, and the UAE. Interior ministries oversee immigration and policing and officials tend to emphasize oversight of migrant domestic workers as an immigration enforcement problem rather than a labor issue. These officials do not have the level of expertise about labor standards and relations housed in labor ministries, and domestic workers do not have equal access to labor-dispute resolution mechanisms as categories of workers overseen by labor ministries.

There is often lack of clarity whether contractual labor disputes can be resolved through procedures at labor courts or other dispute-resolution mechanisms. Instead, such disputes often continue to be mediated by embassy officials or recruitment agents in situations where workers have far less bargaining power than their employers and end up with disadvantageous outcomes.¹¹ Legislative reforms that place the protection of domestic workers under the purview of the labor ministry and subject to the labor protections provided for other workers are key to enforcing their rights.

Bilateral Agreements: the Example of Indonesia and Malaysia

Another strategy in lieu of comprehensive labor reform has been to forge bilateral labor agreements between countries. Such agreements have been negotiated between Malaysia and Indonesia; Sri Lanka and the UAE; Sri Lanka and Indonesia with Jordan; and the Philippines with several host countries. These bilateral labor agreements normally represent an improvement on the status quo but, like standard contracts, offer fewer and weaker protections than those in national labor laws, and have unclear enforcement mechanisms and penalties.

Indonesia and Malaysia are revising a 2006 Memorandum of Understanding regulating migration of domestic workers. The 2006 agreement allowed employers to keep workers' passports, lacked clear standards on a minimum wage or rest periods—including a weekly day off—and did not establish clear penalties and enforcement mechanisms. Large numbers of complaints from domestic workers of nonpayment of wages and a series of high-profile abuse cases in 2009 led Indonesia to suspend migration of domestic workers to Malaysia until new protections were provided in a revised agreement. This suspension was still in effect as of late April 2010.

¹¹ Lack of information, time, money, and representation impose barriers to redress even in countries such as Bahrain where domestic workers fall under the purview of the labor ministry and are able to pursue complaints through regular administrative and judicial channels.

After several bilateral meetings and missed deadlines, Indonesia and Malaysia have agreed on revisions that will permit domestic workers in Malaysia to keep their passports and have a weekly day of rest. However, the two governments still disagree on Indonesia's demand for a minimum monthly wage, and employers will have the option of paying a worker to forego the day of rest. This provision can be abused easily since a worker who prefers a day off in lieu of extra payment may not have the bargaining power to demand it, especially if she fears termination of her employment. The negotiations to date suggest that rights such as freedom to form associations and reasonable limitations on hours of work will not be covered in the agreement.

Legislative Reform

Jordan stands out as a country that, after introducing a standard contract in 2003, amended its labor laws to include domestic workers in 2008 and issued the associated implementing regulations in 2009.¹² This reform is an important model in the region and includes provisions such as requiring employers to pay monthly salaries directly into workers' bank accounts, buy the worker health insurance, and limit work to ten hours per day. While these amendments are an advancement, the true test of this reform will be the government's commitment to publicizing and enforcing the new standards.

Furthermore, the implementing regulations also contain provisions that restrict domestic workers' freedoms. These include requiring a domestic worker to obtain her employer's consent to leave the workplace, including during time off, and holding her liable for damages caused by "mistakes" in housework. The regulations also lack a specific prohibition for employers to engage in the common practice of holding their domestic worker's passport.

Other governments have announced intentions or have already begun to draft separate legislation on domestic workers, such as the UAE, Kuwait, Bahrain, and Lebanon.¹³ Proposed provisions in current drafts represent significant improvements in legal protections for domestic workers and have begun to address the unique circumstances of domestic work such as employers' responsibilities to provide decent accommodation and adequate food. A risk of developing separate legislation is that it will fall short of equal and comprehensive protections as provided to workers under the main labor laws. Furthermore, the

¹² The Jordanian Labor Law, No. 8, 1996, article 3, section B and Regulation of Workers in Homes, Home Kitchens and Gardens, and their Like [نظام العاملين في المنازل وطهاياتها وبساتينها ومن في حكمهم], No. 90, published in the Official Gazette No. 4989, October 1, 2009, p.5348.

¹³ See footnote ten.

development of these bills has not involved broad consultation with different stakeholders or an opportunity for public debate and comment. These processes have stagnated for years, often receiving lower priority than labor reforms to other sectors with higher visibility, such as construction, and have no specific timelines for action.

Malaysia and Saudi Arabia are considering amendments to labor laws that would improve protections for domestic workers but fall short of providing equal protections as those accorded other workers. For example Malaysia in 2009 proposed amending the Employment Act of 1955 to extend a weekly rest day to domestic workers, but did not announce plans to remove the exclusions of domestic workers from other protections, such as limits to working hours, public holidays, annual and sick leave, maternity protection, and fair termination of contracts.¹⁴ Saudi Arabia's Shura Council, after years of discussion, passed an annex to the labor code on domestic workers in 2009 that greatly improved existing protections but stopped short of regulating fair working hours. According to news reports, a clause requiring employers to provide domestic workers rest between 10 p.m. and 5 a.m. was dropped because it "contradicted" the needs and traditions of Saudi families.¹⁵

Of the countries surveyed here, only Singapore has made no movement to amend their labor laws to include domestic workers. Government officials often cite reliance on market mechanisms alone to set domestic workers' wages and recruitment fees, even though this leaves domestic workers at high risk of exploitation because of their weaker bargaining position relative to employers and recruitment agents. Singapore's ministry of manpower also argues, "it is not practical to regulate specific aspects of domestic work i.e. hours of work, work on a rest day, and on public holidays. It would also be difficult to enforce the terms of the Employment Act for domestic workers as: [they] work in a home environment; and [the] habits of households vary."¹⁶ While minimum labor standards for domestic work may require additional enforcement strategies than those used in factory or office settings, the success of such regulations in Hong Kong, South Africa, Brazil, and other countries demonstrates its feasibility.

¹⁴ 1955 Employment Act of Malaysia, part XII.

¹⁵ "Shoura passes bill on domestic helps' rights," Arab News, July 9, 2009, <http://archive.arabnews.com/?page=1§ion=0&article=124397&d=9&m=7&y=2009> (accessed April 6, 2010) and "Saudi law defines rights of domestic workers," Khaleej Times Online, July 10, 2009, <http://arab-reform.net/spip.php?article2231> (accessed April 25, 2010).

¹⁶ Ministry of Manpower, "Employers' Guidelines: Employment Laws and Contracts," Ministry of Manpower website, http://www.mom.gov.sg/publish/momportal/en/communities/work_pass/foreign_domestic_workers/employers__guidelines/employment_laws_and_contracts.html (accessed April 6, 2010).

Immigration Policies

This is the end of the sponsorship system, which does not differ much from slavery.

—Majeed Al Allawi, minister of labor of Bahrain, May 4, 2009, upon announcing reforms to allow migrant workers to change jobs without their employers' consent. The change did not apply to migrant domestic workers.¹⁷

Incremental Reforms in other Labor Sectors Employing Migrants

Governments have made fewer reforms to immigration policies than to labor policies, and these have mostly applied to migrant workers in sectors such as construction and manufacturing and excluded migrant domestic workers. This is partly because oversight of domestic work falls to home ministries instead of labor ministries in some countries and partly because governments still hesitate to enact reforms that involve regulating private individuals and homes.

In the Middle East, governments have relaxed visa restrictions in specific circumstances. Several governments now allow migrant workers in sectors other than domestic work to appeal for exemptions to the requirement for sponsor consent before transferring jobs if they have validated complaints of unpaid wages or mistreatment. For example, the UAE introduced reforms that allowed workers to seek government aid in changing employers if they had not been paid for two months.¹⁸ In August 2009, Kuwait's labor ministry issued a decree permitting workers to change employers without sponsor consent at the end of their contract term, providing they had completed three continuous years of service with the same employer. However, this decree excluded domestic workers.

In 2009, Bahrain adopted the strongest sponsorship reform in the region by permitting migrant workers to change employment without their employer's consent and in the absence of allegations of nonpayment of wages or abuse. Majeed al Alawi, the minister of labor in Bahrain, likened the *kafala* (sponsorship) system to slavery when justifying the reform.¹⁹ The

¹⁷ Habib Toumi, "Bahrain's decision to scrap sponsorship rule elicits mixed response," Gulf News, May 4, 2009, <http://gulfnews.com/news/gulf/bahrain/bahrain-s-decision-to-scrap-sponsorship-rule-elicits-mixed-response-1.1965> (accessed April 25, 2010).

¹⁸ UAE Ministry of Labour and Social Affairs, *The Protection of the Rights of Workers in the United Arab Emirates: Annual Report 2007*, pp. 12-13.

¹⁹ Mohammed Harmassi, "Bahrain to end 'slavery' system," BBC Arabic Service Radio, May 6, 2009 available at http://news.bbc.co.uk/2/hi/middle_east/8035972.stm (last accessed April 5, 2010).

2009 legal reform allows migrant workers to change employment after meeting certain notice requirements and provides a 30-day grace period to remain legally in the country while they seek new employment.²⁰ These positive changes do not apply to domestic workers; moreover some human rights advocates in Bahrain are concerned that the law's requirements are so burdensome that they undermine the reform's intent.²¹ Further investigation is needed to determine the reform's full impact.

Governments increasingly acknowledge the risks inherent in a system where employers double as immigration sponsors, and are exploring alternatives in which either the government or recruitment agencies serve as the sponsor. However, none have implemented significant reform despite years of proposals and debates. For example, Saudi Arabia is considering a proposal to transfer sponsorship of domestic workers away from employers to three or four large recruitment agencies. The government argues that this move would dissolve all smaller recruitment agencies, and leave it in a better position to monitor the large recruitment agencies that remained. Despite numerous announcements that reform was imminent, this idea has languished for almost ten years. Kuwait is considering a proposal to shift all sponsorship to a single, private-public recruitment agency that would be monitored by a set of shareholders.

Resistance to Ending Employer-Based Visas

Government officials, employers, and recruitment agents often make arguments against reform that reveal deep racial and gender stereotypes about migrant women and men, and the insecurities of wealthy elites that may feel physically and culturally threatened by large migrant populations but are also deeply dependent on them.²² These dynamics are particularly pronounced in the Gulf, for example in Kuwait, where there are two foreigners for every Kuwaiti, and in the UAE, where more than 90 percent of the private labor force is foreign.

²⁰ Decision No (79) for 2009 Regarding the mobility of foreign employee from one employer to another, Bahrain Ministry of Labour, 79, <http://www.lmra.bh/en/resolutiondetails.php?id=334>.

²¹ Human Rights Watch interview with Marietta Dias, head of action committee, Migrant Workers Protection Society, Manama, January 28, 2010.

²² Host countries often fear crime from large populations of male migrant workers, restrict their rights to organize, and crack down harshly on any signs of dissent or protest. For example, Kuwait swiftly arrested and deported workers after strikes where they complained of low or unpaid wages. Raymond Barrett, "Kuwait ramps up deportation of Asian workers," *Christian Science Monitor*, August 2, 2008, <http://www.csmonitor.com/World/Middle-East/2008/0802/p25s25-wome.html> (accessed April 25, 2010) and Baradan Kuppusamy, "Malaysia tries to shackle foreign workers," *Asia Times*, March 3, 2007, http://www.atimes.com/atimes/Southeast_Asia/IC03Ae02.html (accessed April 25, 2010).

These fears contribute to government officials in the Gulf often viewing “migration management” as much a national security issue as an economic one. Government officials in Asian labor-receiving countries such as Singapore and Malaysia, where migrants can more easily blend with the local population, cite fears of being flooded by undocumented migration. These two countries also generate significant revenues by imposing levies on employers who hire migrant workers.²³ Despite a growing recognition of the abuses fostered by the employer-based sponsorship system, governments have been reluctant to institute reforms that would increase migrant domestic workers’ freedom of movement and freedom to protest working conditions, or that would have the consequence of reducing the funds generated from levies.

A second set of tensions around immigration reform center on sexual stereotypes and fears. Employers commonly describe their fear of migrant men or express stereotypes of migrant women as either sexually loose or as innocent and naïve in order to justify their practices of confining migrant domestic workers to the home and prohibiting them from taking a day off. Government officials often echo these attitudes. Employers cite fears of domestic workers using unsupervised free time outside of the workplace to a) engage in sex work, b) find a boyfriend and get pregnant, c) bring home foreign men while the employers are at work and then rob them, or d) get “influenced” by foreign men to run away, sometimes for better employment and sometimes to be sold into forced prostitution.²⁴ These greatly exaggerated fears also conveniently make the domestic worker available for around-the-clock household service.

Recruitment and immigration policies reinforce these attitudes and behaviors since employers may incur financial penalties or losses if the domestic worker over whom they have sponsorship runs away or becomes pregnant, since that is grounds for her losing her permission to be in the country and makes her subject to deportation. For example, in Singapore, employers forfeit a S\$5,000 [US\$3,500] security bond to the government if their domestic worker runs away and is not later located.²⁵ Some employers develop a sense of entitlement and ownership created by payment of high recruitment fees. The governments in

²³ For example, Singaporean employers must pay S\$170-265 (US\$118-184) monthly to a central government fund in order to employ a migrant domestic worker. Given 196,000 migrant domestic workers, this translates to roughly \$33-52 million [US\$23-36 million] per month in revenue. Portions of these government revenues may come from workers’ salaries given the practice of some employers in Malaysia and Singapore illegally passing on the cost of the levy to domestic workers.

²⁴ For a fuller discussion, see Human Rights Watch, *Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia*, (New York, Human Rights Watch: 2004); Human Rights Watch, *Ending Abuses against Migrant Domestic Workers in Singapore* (New York, Human Rights Watch: 2005); and Human Rights Watch, *As I Am Not Human*.

²⁵ The government gives employers a grace period to attempt to find the worker before forfeiting the bond. If the employer locates and repatriates the worker, the employer may submit a request to have the bond money reimbursed.

Malaysia and Singapore tolerate practices in which employers pay high fees to recruitment agents but then recoup the costs by deducting them from the salaries of domestic workers for the first four to ten months of their employment. This practice contributes to employers' reluctance to allow domestic workers to terminate their jobs early or to risk having them run away.²⁶ Employers in the Gulf typically pay the entire recruitment fee and are loath to lose their initial financial investment should a domestic worker leave their employment after the three-month "free replacement" period offered by many employment agencies.

Criminal Justice System

Malaysia asks why Indonesia is upset. We say it's because [abuse] cases happen, and there is no response from the government. We understand individual cases [will happen], but if the police take action, there would be less of a negative reaction from Indonesia. In some recent cases, the police have taken the necessary steps.

—Tatang Razak, minister and deputy chief of mission, embassy of Indonesia, Kuala Lumpur, February 10, 2010

Governments have a mixed record in responding to criminal abuses against migrant domestic workers. Some governments, such as Singapore, have taken vigorous action to monitor for such abuse, prosecute cases, and to publicize the outcomes as a deterrent. In Saudi Arabia, high-profile cases have demonstrated the barriers to abused domestic workers receiving redress even when there is extensive evidence. Labor-sending governments' outrage over abuse and the poor response by host governments has periodically led sending countries to impose temporary bans on new migration of domestic workers until greater protections are in place.²⁷

Singapore's measures include increasing the criminal penalties for abuse of a domestic worker by 150 percent, mandating orientation programs for new employers, and ensuring that prosecutions of abusive employers and recruiters receive public attention. For example, in March 2009, a district court sentenced Tong Chew Wei to 20 months imprisonment for

²⁶ In some cases, employers pay a lump sum to agencies and then recoup the fees from domestic workers through deducting their monthly salaries. In other cases, the employer takes a "loan" from the agency and turns over the worker's monthly wage to the agency as payment until the loan is repaid.

²⁷ For example, in 2009, Indonesia suspended new migration of domestic workers to Malaysia and Kuwait. The Philippines has suspended migration to Lebanon since 2006, temporarily suspended migration to Jordan in 2008.

hitting and scalding a domestic worker, and another sentenced Loke Phooi Ling and her mother Teng Chen Lian to eight months and four weeks imprisonment respectively for beating a domestic worker and banging her head against a wall.²⁸

The Singaporean police reported there were 53 substantiated cases of domestic worker abuse in 2008 in comparison to 157 cases in 1997.²⁹ The government introduced the steeper penalties for criminal abuses in 1998 and suggests these have contributed to lower levels of abuse. Furthermore, while countries such as Lebanon and Kuwait continue to confront high numbers of domestic workers dying from suicides or in attempts to escape their workplace, the number of such deaths in Singapore has decreased even as the number of migrant domestic workers has grown. In the first 11 months of 2009, nine domestic workers died due to suicide or workplace accidents in comparison to 40 in 2004.³⁰

The governments included in this report have claimed they deal rigorously with domestic worker abuse cases. Yet recent cases show multiple barriers to justice, including deportation of domestic workers before they are able to present their complaints to relevant authorities, inadequate investigations by the police, and burdensome and expensive procedures to enable workers to obtain special immigration status to stay in the country during legal proceedings. In Kuwait, there have been several incidents in which police and immigration officers admitted to raping migrant domestic workers in their custody. One officer, tasked with transporting women from investigative detention to deportation facilities, confessed that he had engaged in this practice for a period of fifteen years.³¹ Although the Kuwaiti government has responded by prosecuting these officers, these cases suggest the incidence of other such abuses, and many victims of violence may fear to approach the police.

Even in successful prosecutions in host countries, many barriers impose an undue burden on domestic workers, including requirements to remain in the country during lengthy legal proceedings. In the prominent abuse case of Nirmala Bonat, a Malaysian court sentenced her employer, Yim Pek Ha, to 18 years imprisonment (later reduced to 12 years in December

²⁸ Elena Chong, "Jailed for maid abuse," *The Straits Times*, March 13, 2009 available at http://www.straitstimes.com/Breaking%2BNews/Singapore/Story/STIStory_349679.html (last accessed June 30, 2009) and Elena Chong, "Jailed for maid abuse," *The Straits Times*, March 31, 2009 available at http://www.straitstimes.com/Breaking%2BNews/Singapore/Story/STIStory_356827.html (last accessed April 1, 2009).

²⁹ Theresa Tan, "Manpower Ministry says foreign maids faring better today than 5 years ago," *The Straits Times*, December 12, 2009.

³⁰ *Ibid.*

³¹ Shebli Al-Rashid, "Cop, Friend Held for Raping 15 Asian Women in Salmiya," *Arab Times*, January 20, 2010; "Office admits rape," *Arab Times*, January 23, 2010, <http://www.arabtimesonline.com/NewsDetails/tabid/96/smid/414/ArticleID/148558/reftab/99/t/Officer-admits-raping-girls-to-be-deported-for-over-15-years/Default.aspx> (accessed March 11, 2010).

2009) for severe beatings and repeatedly burning Bonat with an iron across her breasts and back.³² Bonat, who had to defend herself from charges that her wounds were self-inflicted, was confined in the Indonesian embassy shelter during much of the time that the case was before the courts from 2004 to 2009. The Indonesian government, which was awaiting conclusion of the criminal case, will likely file a civil suit seeking damages on behalf of Bonat later in 2010.³³

The investigation, prosecution, and appeals process often stretches over years. In the meantime, in most host countries, domestic workers involved in legal proceedings face immigration restrictions on working, moving freely outside of a shelter, or returning home. These constraints, the uncertainty of a successful conviction and of any judgments being enforced, and the desire of abused workers, often deeply traumatized, to return home result in many abused workers withdrawing their complaints rather than seeking redress. Furthermore, police and immigration authorities often fail to identify domestic workers who are victims of human trafficking and who may be entitled to special legal status and protection as such.

Domestic workers also have little protection against spurious counter-allegations, most commonly employers accusing a “runaway” domestic worker of theft. In the Gulf, domestic workers raising complaints of sexual assault open themselves to allegations of adultery or fornication. For example, Human Rights Watch interviewed Sri Lankan domestic workers sentenced to prison and whipping in Saudi Arabia after their employers had raped and impregnated them.³⁴ In 2007, an Indonesian domestic worker in al-Qasim province was sentenced to 10 years in prison and 2,000 lashes for witchcraft, a reduction from an original sentence of death. The Indonesian embassy did not learn about the arrest, detention, or trial of the worker until one month after the sentencing. Access to translation and legal aid remains spotty and typically depends on the presence, resources, and leadership of labor-sending countries’ diplomatic missions.

³² “18-year jail term for abusing maid slashed,” Agence-France Presse, December 3, 2009.

³³ Human Rights Watch interview with Zania Murnia, first secretary, embassy of Indonesia, Kuala Lumpur, February 10, 2010.

³⁴ Human Rights Watch interviews with migrant domestic workers in Colombo, Sri Lanka, November 2006.

Labor and Civil Society Organizing

A new campaign is calling on Lebanese employers of migrant domestic workers to provide safe working environments, starting with their legal obligation to grant a weekly day off outside the home. The “24/7 Campaign,” organized by a handful of activists and non-governmental organizations, also hopes to counter the stereotypes surrounding migrant workers by showcasing their rich cultural heritage.

—Excerpt from a newspaper article about civil society organizing on migrant domestic workers’ rights in Lebanon, April 22, 2010³⁵

Domestic workers face formidable challenges to organizing, including restrictions on freedom of movement, fear of angering employers and risking deportation, and a lack of free time outside of working hours, and also the problems of working in countries that tightly control and restrict nearly all types of civil society organizing. Civil society groups, faith-based organizations, and trade unions have grown more active in protecting domestic workers’ rights, especially through raising public awareness and providing victim services. In host countries, such organizations are growing in size, diversity, and sophistication. Many informal networks have formed themselves into nongovernmental organizations (NGOs), raised funding, and established services such as shelters for workers in crisis, helpdesks at airports and shopping malls, and training courses to help domestic workers use their time abroad to gain marketable skills. In some cases, these organizations have been able to institute working relationships with relevant government bodies such as agencies that handle labor disputes or deportation proceedings.

In Malaysia, Singapore, and Lebanon, faith-based organizations have played an early and particularly critical role in identifying abuses against migrants, providing emergency services, and organizing social and education outlets such as picnics or training programs. In these countries, activists, academics, and students have experimented with creative strategies to challenge mistreatment of domestic workers, for example through essay competitions among children about domestic workers, exhibits with photos taken by migrants about their lives, candlelight vigils, and sports and cultural events.

³⁵ Dalila Mahdawi, “Initiative seeks improved rights for domestic workers,” *The Daily Star*, April 22, 2010, http://dailystar.com.lb/article.asp?edition_id=1&categ_id=1&article_id=114059#ixzzom6Dm2IMP (accessed April 25, 2010).

These organizations have also developed SMS hotlines which help overcome domestic workers' inability to seek help if locked in the workplace, hotlines staffed by volunteers in languages spoken by migrants, relationships with pro bono lawyers who can aid in criminal cases as well as accompanying them in negotiations with employers for unpaid salaries or payment of a return ticket home, and provision of emergency shelter. These organizations struggle with inadequate resources, especially to handle the high volume of complaints, to have enough interpreters, and to deal with issues like trauma counseling.

While most trade unions in the countries surveyed here do not have a history of including domestic workers in their membership, in recent years a few have begun to integrate advocacy for migrant domestic workers' rights into their broader campaigns. Most notably, the Malaysian Trades Union Congress coordinates closely with migrants' NGOs in Malaysia and has engaged actively with the media and the government to raise concerns about poor labor protections and exploitative working conditions for domestic workers. However, trade unions in Lebanon and Jordan have yet to coordinate closely with domestic workers' groups, and Saudi Arabia bans trade unions. In Kuwait, as in other labor-receiving countries, many of the members of the Kuwait Trade Union Federation are employers of domestic workers themselves, resulting in conflicts of interest that may partially explain their lack of work on this issue.

Governments in Malaysia, Saudi Arabia, and the United Arab Emirates have histories of discouraging public debate, harassing activists, and making it difficult for civil society to register or obtain funding. In some countries, domestic workers' employment visas prohibit them from forming or joining workers' associations.

Positive models from other countries underline the importance and influence of domestic workers' associations and unions. Hong Kong's vibrant domestic work movement, comprised of migrants' NGOs, domestic workers' trade unions, and allied with the broader labor movement have been successful in fighting proposals such as a cut to the minimum wage, improving public awareness about labor abuses faced by domestic workers, and strengthening accountability for such abuses when they occur.

Conclusion

Governments have been engaging more in rhetoric about protection of migrant domestic workers than in reform. While there has been progress in several areas, for example, the formalization of working conditions in standard contracts and greater cooperation with civil society groups advocating for domestic workers' rights, many underlying forms of discrimination have yet to be addressed. These include major gaps in labor protections, restrictive immigration sponsorship policies that establish incentives for abusive behavior, and prevailing social norms that justify practices such as confining domestic workers to the workplace.

Governments also have yet to ensure a strong and consistent response to abuse of migrant domestic workers by the criminal justice system. This includes consideration of expedited processes given constraints introduced by precarious immigration status, police training, and provision of language interpretation services and legal aid.

One of the most promising elements of promoting domestic workers' rights arises out of civil society and workers' groups mobilizing to identify abuses, provide services, influence social attitudes, and demand comprehensive legal protections. Governments in host countries should create greater space for civil society including by removing obstacles to the legal registration of associations and trade unions and ensuring freedom from excessive government control and interference.

Lebanon, Jordan, Saudi Arabia, Kuwait, the UAE, Bahrain, Singapore, and Malaysia have been engaged in active debates about domestic workers' rights and the types of protections that should be guaranteed by governments. While reforms that promote respect for domestic workers' human rights in these countries have been slow and hard-fought, some—such as Singapore's response to criminal abuse of migrant domestic workers—represent significant advancements that could serve as models to be adopted in neighboring countries. Slow movement in other areas, such as changes in immigration policy, point to the challenges ahead for the consideration of comprehensive reform.

The ILO's recognition of domestic work as an undervalued sector requiring more specific and comprehensive protections, and the global discussions taking place among governments, employers, and workers in June 2010 at the annual International Labor Conference on whether to adopt a binding international convention on domestic work demonstrate the extent to which a once invisible issue has finally caught public attention. Governments not

only in the Middle East and Asia, but across the world should seize the opportunity to rectify gaps and weaknesses in national laws that leave domestic workers at high risk of abuse and exploitation and adopt international standards that ensure full respect for their rights.

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Slow Reform

Protection of Migrant Domestic Workers in Asia and the Middle East

Millions of Asian and African women migrate to work as domestic workers in the Middle East and Asia. Migrant domestic workers perform services essential for many households to function and their earnings constitute a significant proportion of the billions of dollars in remittances sent to their home countries each year. Yet most host governments systematically deny them key labor protections accorded other workers and implement immigration policies that impede workers' ability to escape abusive conditions.

While many migrant domestic workers report decent working conditions, Human Rights Watch research over the past six years has shown that they risk a range of abuses. Common complaints include unpaid wages, excessive working hours with no time for rest, and heavy debt burdens from exorbitant recruitment fees. Isolation in private homes and forced confinement in the workplace contribute to psychological, physical and sexual violence, forced labor, and trafficking.

Slow Reform surveys progress in Saudi Arabia, Kuwait, the United Arab Emirates, Bahrain, Lebanon, Jordan, Singapore, and Malaysia in extending protection to domestic workers under labor laws, reforming immigration "sponsorship" systems that contribute to abuse, ensuring effective response by police and courts to physical and sexual violence, and allowing civil society and trade unions to organize.

The report highlights best government responses and continuing protection gaps and makes detailed recommendations to ensure respect for migrant domestic workers' rights.

An Eritrean woman, left, carries a banner in Arabic that reads: "On international women's day we support the rights of the foreign domestic workers," at a protest to demand that Lebanese authorities take measures to protect these workers, Beirut, Lebanon, March 8, 2009.

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