

Center for Women's Global Leadership working paper on the gender dimension of contemporary forms of slavery, its causes and consequences: challenges, opportunities and strategies to eradicate the phenomena and their particular effect on women and girls

I. Introduction

Achieving equality for all women remains hindered by structural inequality, social norms, and economic policies that prioritize corporate interests over social assurances. This includes discriminatory legislation and policies at global, regional, national, and local levels. With each level of oppression women face, their value at home, within the community, in the nation, and the world gets renegotiated. This devaluation leads to a heightened vulnerability to violence including in the world of work, whether paid, underpaid, or unpaid. Gender-based violence in the world of work comes in many forms,¹ from the obvious to the often unseen. Its most significant impact falls on marginalized women workers, including, but not limited to migrant, undocumented, women in conflict, and those in the informal sector, and does so depending on the intersections of their class, race, ethnicity, caste, sexual orientation, religion, ability, age, and nationality, among others.² This gender-based violence is a manifestation of inequality and discrimination. Therefore, eliminating this violence in the world of work is a key indicator of equality.³

Despite its prevalence, none of the 190 International Labour Organization (ILO) conventions focus specifically on gender-based violence. In this regard, the proposed ILO instrument on Violence and Harassment against Women and Men in the World of Work⁴ has the potential to provide urgently needed guidance and best practices for governments, employers, and unions to prevent, identify, and remedy gender-based violence occurring in this space. It should also encompass unpaid care work, which disproportionately falls to women due to existing gender norms. The devaluation and invisibility of these unpaid economic contributions continues to generate vulnerability resulting in human rights violations.

The ILO instrument would also provide critical guidance to the international business community following the United Nations Guiding Principles for Business and Human Rights. Gender-based violence in formal sector employment is often ignored or considered a personal problem, as opposed to a rights violation that the employer has a responsibility to address. This misperception persists throughout global production chains. Evidence shows that when accountability mechanisms are weak, women's rights are threatened. That is the case of domestic

¹ <http://www.womenworkersrising.org/stats-facts-figures/>

² Center for Women's Global Leadership

³ Center for Women's Global Leadership

⁴ At its 325th Session, the Governing Body of the International Labour Office decided to place a standard-setting item on "Violence against women and men in the world of work" on the agenda of the 107th Session (June 2018) of the International Labour Conference (ILC). Following the formal procedure, a "yellow report" ([Report V \(2\) on Ending violence and harassment in the world of work is available](#)) was written based on the inputs of member States in consultation with the most representative organizations of employers and workers.

workers too, whose work is undervalued due to its association with unpaid care work, traditionally carried out by women. The working conditions that domestic workers face often resemble those associated with modern forms of slavery. Again, marginalized women workers are the most vulnerable⁵.

Among human rights issues, slavery was the first to arouse international concern. However, even when traditional slavery has been abolished everywhere, it has not been completely eradicated. Today, slavery manifests in its contemporary forms such as forced labor, debt bondage, serfdom, children working in slavery or slavery-like conditions, domestic servitude, sexual slavery, etc.).⁶ In addition, modern slavery has been normalized within the economy as in low-paid work that includes long hours, poor working conditions, harassment and violence.

Many of these forms of modern slavery are in fact gendered. Moreover, not all women are equally vulnerable. Addressing contemporary forms of slavery should ensure an intersectional approach, recognizing the ways in which different women are impacted.

In this working paper, we will focus on how the current economic system and the macroeconomic policies implemented interact to perpetuate and institutionalize slavery-like practices that disproportionately impact women, exploring the consequences for a particular marginalized group: migrant domestic workers. Inherent right to dignity is secured by the realization of human rights regardless of the multiple and intersecting identities of a person such as but not limited to sex, ethnicity, nationality, residency, color, religion, ability, age and/or any other status. Economic policy should not directly or indirectly promote the violations of human rights and, in order to ensure sustainable growth, it should integrate human rights standards.

II. The economic system: an enabler for gender-based violence in the world of work

According to Yakin Ertürk (2009) -former Special Rapporteur on violence against women, its causes and consequences⁷- a political economy approach provides a framework for economic analysis that acknowledges that power operates not only through coercion but also through particular relations of production and reproduction that determine the use and distribution of resources, benefits, etc. In particular, it is possible to identify several core elements that promote violence against women in general and gender-based violence in the world of work in particular.

First, the sexual division of labor, that is, the distribution of the social obligations and responsibilities among individuals of different sexes between market and non-market activities. The prevailing sexual division of labor is one of the main obstacles for women's engagement in

⁵ http://www.ohchr.org/Documents/Publications/Behind_closed_doors_HR_PUB_15_4_EN.pdf

⁶ <http://www.ohchr.org/EN/Issues/Slavery/SRSlavery/Pages/SRSlaveryIndex.aspx>

⁷ All this section is based on Yakin Ertürk report "Political economy of women's human right", available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G09/132/95/PDF/G0913295.pdf?OpenElement>

paid labor and other political, cultural, social or leisure activities, as women carry out most of the unpaid care work responsibilities within the household. Furthermore, the difference in the allocation of time leads to major divergences in life trajectories for men and women.⁸ In addition, the sexual division of labor also affects the public sphere, establishing a horizontal segregation in the labor market that separates women's work from men's work. Without any surprise, female dominated activities -which are those akin to the unpaid care traditionally perform within the household- are often undervalued, low-paid and carried out in precarious conditions. Moreover, as it will be further developed in the following section, globalization has extended this dynamic to the international arena as women from low-income countries migrate to provide care services in richer countries.

Women from the Global South that stay in their home countries instead of migrating face similar working conditions. In this regard, the second element that it is possible to identify as an enabler for violence against women is the modern macroeconomic dynamic, based on capitalist competition to reduce costs through the relocation of labor-intensive manufacturing operations. These multinational enterprises business model is based on producing 'cheap' goods and services by reducing costs, including labor costs. Thus, these companies found in women from the Global South the perfect source of labor supply, as they are willing to work long hours for little money and had no experience in trade union activity. Moreover, many developing countries -with the encouragement of many international organizations- started a "race to the bottom" in order to attract foreign investment, which consisted mainly in lowering wages, worsening working conditions and attacking workers' rights in general.

Finally, the third element is related to the gendered dimensions of war and conflict. The prioritization of military spending has important implications for the resources allocated to fulfill human rights⁹. In addition, conflict and post-conflict scenarios put pressure on women to engage in paid employment with total disregard of the working conditions offered.

In conclusion, the current economic system and the macroeconomic policies implemented in order to maintain the status quo affect the realization of human rights for women, as they are being pushed and then confined to specific -and undervalued- roles with implication in terms of human rights realization.

III. The case of domestic workers

In this working paper, we will focus on the situation of migrant domestic workers in order to evidence the linkages between gender, violence in the world of work, and macroeconomic policy.

⁸ Espino, Alma, "Perspectivas teóricas sobre género, trabajo y situación del mercado laboral latinoamericano", in ONU Mujeres. *La economía feminista desde América Latina. Una hoja de ruta sobre los debates actuales en la región*. Santo Domingo: ONU Mujeres, 2012, pp190-246 (available at: <http://www.redetis.iipe.unesco.org/wp-content/uploads/2013/07/Economia-feminista-desde-america-latina-1.pdf>)

⁹ <http://www.cwgl.rutgers.edu/docman/economic-and-social-rights-publications/362-maximumavailableresources-pdf/file>

In particular, we will use Sri Lanka as our case study in order to provide more concrete examples and data. Nevertheless, it is worth highlighting that the essential features of the situation of migrant domestic workers are actually global. Similar experiences have been reported not only in other countries of the continent, but in far regions such as Latin America and the Caribbean.

In Sri Lanka, women used to be proscribed to perform unpaid care work in their households following the Victorian ideal of femininity. According to Jordal et al. (2014),¹⁰ these norms were developed in the nineteenth century as a response to the British colonizers' degrading attitude to the local people and prevailed through time as they became integrated in the Sinhala nationalism.

Despite the prevalent gender stereotypes, women's opportunities to engage in paid work have increased since the late 1970s with the introduction of Free Trade Zones (FTZs) and the growing demand for domestic workers in the Middle East.^{11,12} Soon, these opportunities became entangled with necessities as a consequence of conflict. Sri Lanka's civil war, which started in 1983, left many women as the sole breadwinner for their families, making them more likely to accept any kind of paid employment disregarding the conditions attached. It is no coincidence that both kind of jobs (FTZs and domestic work) share some common elements such as low wages, long hours and poor working conditions, neither that these female-dominated jobs are actually distinctive features of the current globalized scenario. In this working paper, we will focus primarily on domestic workers.

In high and middle-income countries, women started to increasingly join the labor market, while the welfare system (and the public provision of care services) was being dismantled (furthermore, in some places it was never really developed). This "care crisis" caused an augmented demand for private care services which, given its low social status and wages, needed to be provided by women that, in many cases illegally, migrated from poorer to richer countries/regions in order to fill the "care gap" as domestic workers. These movements are not only from the Global South to the Global North, but also within the Global South. Likewise, those migrant workers have to shift their own care responsibilities to others, typically, other female family members through unpaid care work.¹³ This is the base of the configuration of "global care chains", which connect women worldwide while creating divisions between them at the same time.¹⁴

¹⁰ Malin Jordal, Kumudu Wijewardena, Ann Öhman, Birgitta Essén & Pia Olsson (2014) Negotiating Respectability: Migrant Women Workers' Perceptions of Relationships and Sexuality in Free Trade Zones in Sri Lanka, *Health Care for Women International*, 35:6, 658-676,

¹¹ Dias, M., & Jayasundere, R. (2002). *Sri Lanka: Good practices to prevent women migrant workers from going into exploitative forms of labour* (vol. 9). Geneva, Switzerland: Gender Promotion Programme, International Labour Office.

¹² Hewamanne, S. (2007). *Stitching identities in a Free Trade Zone. Gender and politics in Sri Lanka*. Philadelphia, PA: University of Pennsylvania Press.

¹³ Fraser, N. (2016). Contradictions of Capital and Care. *New Left Review*, 100(July Aug 2016), 99– 117.

¹⁴ Federici, S. (2012). *Revolution at Point Zero: Housework, Reproduction, and Feminist Struggle*. Brooklyn: PM Press.

This scheme fit perfectly the strategies of the indebted states of the periphery, as they were in desperately need of hard currency to please the global financial institutions that were pushing for austerity measures and structural adjustment programs.¹⁵ As a result, many developing countries states even actively promoted the emigration of women in order to increase their remittances,¹⁶ with complete disregard for the actual working and living conditions of those women. The Sri Lankan Government, for instance, has encouraged the migration of domestic workers to the Middle East (particularly to Saudi Arabia, Qatar, Kuwait and the United Arab Emirates) steadily since the 1980s "as part of a deliberate strategy to alleviate poverty, reduce unemployment, and generate access to hard currency".¹⁷ According to Jayasuriya & Brian Opeskin (2015)¹⁸:

The World Bank has estimated that in 2014 Sri Lanka received some US\$7,036 million in official remittances, reflecting an exponential growth since the early 2000s. This is equivalent to 9.6 percent of the country's GDP, eighty-six percent of its foreign reserves, and fifty percent of its imports, underpinning the claim that, financially, MDWs [Migrant Domestic Workers] have been one of Sri Lanka's most successful exports. When account is also taken of the large sums of money sent to Sri Lanka through informal channels, the significance of foreign employment to the Sri Lankan economy cannot be gainsaid.

Sri Lanka constitutes the rule rather than the exception. In this vein, the numbers speak for themselves: according to International Labor Organization (ILO) estimates, there are at least¹⁹ 52.6 million domestic workers in the world, 83% of whom are female. Globally, domestic work accounts for 3.5 per cent of women's total employment.²⁰ The sector is comprised mostly by women from the Global South and serves as the largest occupation for young women worldwide.²¹

In terms of migration, the estimated stock of Sri Lankans working abroad exceeds 1.7 million people. Regarding gender patterns, even though over the past few years the composition of emigrants has been relatively even, between 1988 and 2007, the number of women migrating greatly exceeded the number of male workers leaving the country, giving Sri Lanka one of the

¹⁵ Fraser, 2016

¹⁶ Enloe, Cynthia. *Bananas, Beaches and Bases. Making Feminist Sense of International Politics*. London: University of California Press. (2014)

¹⁷ Frantz, Elizabeth. Jordan's Unfree Workforce: State-Sponsored Bonded Labour in the Arab Region, 49 J. DEV. STUD. 1072, 1075 (2013).

¹⁸ Jayasuriya, Rasika and Opeskin, Brian, The Migration of Women Domestic Workers from Sri Lanka: Protecting the Rights of Children Left Behind (February 26, 2015). Cornell International Law Journal, Vol. 47 (2015).

¹⁹ The ILO considers this estimate conservative as domestic workers are often undercounted in labor force surveys. In addition, this figure excludes child labor in domestic work, estimated to affect around 7.4 million children under 15 years old.

²⁰ International Labour Office. (2013). Domestic workers across the world: Global and regional statistics and the extent of legal protection. International Labour Organization.

²¹ Fish, J. *Domestic Worker Organizing in the Global Economy. The Convention 189 Campaign as a Mobilization Model*. New York: The Rosa Luxemburg Stiftung. (2017).

highest rates of female migration per capita around the globe. Finally, concerning occupation, around 86% of departing female migrants are domestic workers²².

Sri Lankan migrant workers face multiple obstacles and violations to their rights at all stages of the migration process. At the pre-departure stage, for instance, informal and unregulated subagents that act as intermediaries between workers and agencies abuse migrant workers by charging excessive rates, promising non-existing jobs, etc. In addition, women workers have faced sexual abuse by these agents, subagents, and even airport officials. Workers migrating to the Middle East are required to undergo medical testing (including HIV) thus incurring additional costs²³ and many recruitment agencies make migrant workers take an injectable contraceptive that last for three months, violating their sexual and reproductive rights. In this regard, Rahini Bhaskaran, coordinator of Migrants Network, a migrant rights organization, believes that the administration contraceptive serves a double purpose: on one hand, it covers up potential sexual assaults, and on the other, serves as a guarantee to prospective employers in the Gulf that workers will not get pregnant.²⁴

During the duration of their contract, this increasing global group of migrant domestic workers is not only working for low wages, but it is also deprived from basic workers' and human rights. According to ILO,²⁵ only 10% of all domestic workers are covered by general labor legislation to the same extent as other workers, and 29.9% are completely excluded from the scope of national labor legislation. In addition, for the features of this kind of work, unionizing is extremely difficult if not impossible. In the Middle East, for instance, migrant workers cannot form or join formal trade unions, nor bargain with employers to improve working conditions and wages.²⁶

Domestic workers are particularly vulnerable, as this particular kind of work often falls through the cracks of labor law in destination countries. In the words of Samanthi Gunawardana (2014)²⁷:

[domestic workers] have faced issues of non-payment of wages, long hours (including being on call 24 hours a day), lack of freedom of movement, lack of communication, lack of adequate health care, physical and sexual abuse, unwanted pregnancy, non-repatriation at the end of the contract,

²² Jayasuriya, Rasika and Opeskin, Brian, 2015

²³ Gunawardana, Samanthi. Labor Movement Responses to International Labor Migration in Sri Lanka. The Transformation of Work: Challenges and Strategies. 2014. (available at: <https://www.solidaritycenter.org/wp-content/uploads/2015/09/Labor-Movement-Responses-to-Migration-in-Sri-Lanka.report.1.2014.pdf>)

²⁴ <https://www.theguardian.com/global-development/2018/apr/06/recruiters-order-sri-lankan-women-to-take-birth-control-before-working-in-gulf>

²⁵ ILO, 2013

²⁶ <https://www.solidaritycenter.org/migrant-domestic-workers-seek-rights-middle-east>

²⁷ Gunawardana, 2014

being stranded, premature termination of contract, deprivation of food and water, breach of contract, confiscation of documents, and even death.

A study of the health problems and abuses suffered by women returning to the country after being employed in the Middle East revealed that 10.8% of recently arrived migrant women had been sexually abused. Moreover, physical abuse was 1.7 times greater among returning migrant women than among unemployed women. Regarding psychological abuse, 86% of migrant women reported being a victim of this type of violence, which is 12 times greater than the percentage reported among locally unemployed females.²⁸

Furthermore, migrant domestic workers in the Middle East are particularly vulnerable as they operate under the *kafala*. According to the Migrant Forum in Asia²⁹:

Under the Kafala system a migrant worker's immigration status is legally bound to an individual employer or sponsor (kafeel) for their contract period. The migrant worker cannot enter the country, transfer employment nor leave the country for any reason without first obtaining explicit written permission from the kafeel. The worker must be sponsored by a kafeel in order to enter the destination country and remains tied to this kafeel throughout their stay. (...). Often the kafeel exerts further control over the migrant worker by confiscating their passport and travel documents, despite legislation in some destination countries that declares this practice illegal.

In some cases, workers attempting to leave such situations have ended up in detention centers or welfare camps for months on end.³⁰ Destination states operating under this system are directly responsible for this suspension of domestic workers' human rights by the employers, who are private actors.

In this scenario, they are likely to become victims of violence and slavery-like practices as described before. According to Enloe (2014), the domestic workers most vulnerable are those who are hired to live full time in their employer's home, especially if they are migrant. Moreover, some of the live-in domestic workers are actually victims of trafficking. Nowadays, women and girls in forced domestic labor are the second o largest group, only after to those trafficked for forced prostitution.³¹

Finally, domestic workers face violence when they return to their home country as well. Transportation home is often not provided or paid for as promised by agencies and employers. Reintegration is also hard: when women migrate to the Middle East, they are perceived as sexually active (due to the high amount of abuses), thus, they are no longer innocent, respectable women according to the local standards.

²⁸ Munasinghe, SS, Wickramasinghe, AR, Hettiarachchi, T 2004, 'Health problems and abuses of female returnee migrants', Ninth National Convention of Women's Studies, March 2004, CENWOR, Colombo.

²⁹ Migrant Forum Asia. Policy Brief No. 2: Reform of the kafala (sponsorship) system (available at http://mfasia.org/migrantforumasia/wp-content/uploads/2012/07/reformingkafala_final.pdf)

³⁰ Gunawardana ,2014

³¹ Enloe, 2014

The violence that domestic workers face in the world of work and the resulting need for an international standard were acknowledged by the International Labor Conference first in 1948. Nevertheless, it was not until 2011 that an instrument in this regard was adopted. Challenging government negligence and international institutions complicity, domestic workers organized around the globe and pushed for the adoption of the Convention 189 Concerning Decent Work for Domestic Workers and the accompanying Recommendation.³² Although this represents a huge step forward, it has limitations. First, at this moment, only 25 countries have ratified this convention: neither Sri Lanka or the destination Middle Eastern countries are among them.³³ Second, even though the conventions cover a broad spectrum of labor rights, the words “harassment” and “violent” are only included once in a very general article (Article 5) that states: “Each Member shall take measures to ensure that domestic workers enjoy effective protection against all forms of abuse, harassment and violence”. Thus, the need for a more specific instrument to address this particular issue remains.

IV. **Conclusion and recommendations**

This working paper, focuses on the intersection between violence in the world of work and slavery-like practices and economic policy, exploring the consequences for women's rights when accountability mechanisms are weak. Grounded on this analysis, we have elaborated the following recommendations.

- i. Economic policy must integrate a human rights framework that requires state and non-state actors to respect, protect and fulfill rights of all people.
- ii. Workers right to organize have to be guaranteed as it constitutes the most basic mechanism to support the realization of their rights.
- iii. Gender must be integrated within an intersectional analysis when both analyzing and providing recommendations when addressing contemporary forms of slavery and violence in the world of work.
- iv. Countries both receiving and sending countries should ratify Convention 189 and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.
- v. A new and comprehensive ILO instrument on Violence and Harassment against Women and Men in the World of Work should be adopted and implemented.

³² Fish, 2017

³³http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:25514