



Human Rights for Migrant Domestic Workers

Submission for the SG report on the Human Rights of Migrants

From: The International Domestic Workers Federation (IDWF)¹

One out of every five domestic workers worldwide are a migrant, but in countries with a high GDP and a reliance on migrant labor, this percentage is even higher, reaching 80%, and three-quarters of these migrant domestic workers are women. Despite the significant size of this demographic and their contribution to both their countries of origin and destination, they lack social protection and are not recognized as workers. The issue is rampant for the majority of domestic workers, but migration adds a layer of vulnerability that makes the situation of migrant domestic workers (MDWs) ever more dire. In addition to the serious gaps in working conditions, such as long working hours, lack of rest days, wage theft, and other abuses, migrant domestic workers face challenges due their migrant status in general, and even more so in employer tied visa regimes, who frequently do not only fear for their livelihoods, but also their lives.

The recent years have [worsened the situation for MDWs](#) (IDWF 2020). In a landscape that considers their labor as secondary to citizen labor, if not inexistant and unrecognized, MDWs found themselves fighting at the frontlines of the global health crisis. Their compound fragility of both their labor and citizenship status, increased barriers towards accessing goods and services, including government relief plans, even when it comes to vaccination. When governments opened vaccination plans and protocols to migrant domestic workers, many feared retaliations, that information about their documentation status will be shared with other authorities, such as immigration authorities, in case of irregular status. At the same time, many MDWs were laid off due to stigmatization and racism, treating workers as vectors of the disease. Despite laws that explicitly denounce discrimination based on ethnicity, caste, and race, both at the national and international levels, the domestic work sector still reflects practices rooted in slavery, and in the moment of crisis, they became ever more explicit. Migrant domestic workers suffered from a range of setbacks in an already hostile environment. These included job loss, reduced income, increased health and safety risks, and longer unpaid work hours. Migrants who demanded repatriation found themselves jobless and locked within the host country. With airport closures, MDWs, especially those undocumented, are unable to get through the borders.

Now that economies are reopening, [wages for domestic workers have not improved and regained their pre-pandemic rates](#) (IDWF 2023). Furthermore, the conditions of those migrant have worsened, as the pandemic presented a moment that allowed governments to backtrack on some reforms and decrease the civil liberties space for organizing, a space that is already scare, and almost non-existent for MDWs.

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Freedom of Association

There cannot be a credible change in the situation of migrant domestic workers without their freedom of association and movement, particularly in politically tense and conservative environments. When MDWs are banned from organizing, it poses a significant threat to their rights and makes them vulnerable to exploitation, especially when they are excluded from general labor laws and subject to employer-tied visa regimes, including the Kafala system. The Kafala system is not over, not in Qatar, not in any other Arab state. Instead, with international media redirecting its attention elsewhere, the reforms that were initiated in Qatar, which was in the limelight during the World Cup, are at a halt and face implementation challenges. In Lebanon, efforts mounted for a decade to propose a Standard Unified Contract were ended as the Syndicate of Recruitment Agencies in Lebanon filed a lawsuit in the highest court in the country against the attempt to bring MDWs working conditions closer to decent work. An effort that cannot be met with a match on equal footing from MDWs, as they are denied the right to organize in unions and syndicates. In other countries, while migrants have the right to join unions, they are denied executive positions. Any migration law that permits work must also provide social protection for workers in the host country, and it is the responsibility of the state to ensure this protection. Freedom of association is the central demand [IDWF has raised at the International Migration Forum](#) (IMRF) in 2022 (IDWF 2022).

There is limited data on the number of migrant domestic workers who have been deported for their activism or organizing efforts, as such cases often go unreported. However, numerous reports from international human rights organizations, labor unions, and domestic worker advocacy groups have documented cases of migrant domestic workers facing restrictions on their rights to freedom of association and being targeted for their activism. For example, in our 2019 report, we documented cases of domestic workers being deported in countries, including Qatar, Bahrain, and Lebanon. The report also highlights instances of harassment, intimidation, and violence against domestic workers who tried to organize or join labor unions.

Moreover, instances of banning MDWs from returning to the country of destination often happen through blanket policies or administrative decisions. As we are drafting this report, we receive complaints from MDWs from the Philippines stranded at airports and prevented from entering Kuwait despite having valid residency permits. We are currently investigating the situation.

Debt Bondage

The "zero cost recruitment system" in Malaysia refers to a policy that was introduced in 2018 to combat human trafficking and exploitation of migrant workers. Under this system, employers in Malaysia are required to bear the costs of recruitment for migrant workers, and are not allowed to deduct any fees or expenses from the workers' wages. This is intended to prevent migrant workers from falling into debt bondage or other forms of exploitation, as they are not required to pay any fees to recruitment agents or brokers. The policy also aims to make the recruitment



process more transparent and accountable, and to ensure that workers are not misled or deceived about the terms and conditions of their employment. However, implementation of the policy is insufficient and lacking in enforcement mechanisms. With the absence of proper recognition and ability for the migrant workers to organize, the uneven balance of power continues to make such reforms almost futile: the wages of MDWs are decreasing, as employers are deducting the wages sous-guise of reimbursement of recruitment costs. Behind closed doors, MDWs continue to face abuses and exploitation in Malaysia.

Access to rights and to justice

No destination country in Asia or the MENA region protects migrant domestic workers through a social security scheme, although all destination countries are mandated to have a health insurance for the worker. Often, it is only a ceremonial arrangement that provides no real insurance against hazards. In this regard, Malaysia stands out as it just recently expanded its social security scheme to the insurance sector, but the benefits that MDWs can access remain limited to injury in the workplace. For example, if the injury occurs on the road, the MDW is not covered. It also includes limitations on eligible employer groups, only allowing local employers to register their workers, leaving those employed by expatriates or foreigners unregistered.

Despite having severe human rights breaches imposed on migrant domestic workers, limiting their freedom of organizing, association, mobility, speech, among others, it is them who become criminalized at a whim of the employer and in the event of any discrepancy in their status. The issue is cross-cutting from a legislation to an implementation gap, as well as the larger infrastructure and system of oppression navigated by MDWs posing more hindrances against reporting. For example, despite the existence of a legislation allowing workers to report abuse in Malaysia, undocumented workers cannot report altogether.

Forced Labor and Trafficking

Many MDWs are subjected to physical and verbal abuse, [forced labor and human trafficking](#) by recruitment agencies in both their sending countries and in Lebanon. Furthermore, MDWs in the country are excluded from additional laws such as [on Sexual Harassment](#). The IDWF, together with the ITUC, submitted a report to the ILO's Committee on the Application of Standards (CAS) on the case of [forced labor conditions in Lebanon](#), for the review cycle of Convention against Trafficking and Forced Labor 29. The government exhibits serious gaps in the implementation of its commitment as it fails to provide victims of trafficking, especially those migrant domestic workers with a way to access justice. The conditions observed in many countries replicate practices of slave trade, with some of our migrant members reporting cases of abuse and exploitation where they have been passed down to a different employer in exchange for money. MDWs are intimidated, they experience wage theft and debt bondage and have little recourse to access justice at large. In general, in Asia and the MENA, MDW cannot break contract, and are stripped away from this fundamental right.



Conditions facilitating the trafficking of MDWs exist across all spaces of migration, countries of origin, transit, and destination. Governments of countries of origin often resort to travel bans to their workers as a so-called preventative measure, which only ends up exacerbating the vulnerability of the migrants who now have no formal pathway of travel. Governments encouraging hate speech against migrants exacerbate their informality and the closure of the civil space to the extent that trafficking becomes one of the few meager available routes to exit a situation of danger. In the recent speech of the President of Tunisia, for example, in March 2023, he expressed that Sub-Saharan migrants are a demographic threat, effectively allowing a witch-hunt against them across the country. The women migrants were predominantly employed in domestic work, under conditions of informality. The government-sanctioned witch-hunt allowed trafficking to thrive, when migrants started looking at options to exit the country rapidly and informally. Many could neither go back to their country of origin nor exit, and remain trapped in the country of transit, an open-air jail.

Rights of Migrants and their Families, to have families

In the Gulf States, Lebanon, and Jordan, MDWs are not allowed to get pregnant and have children. They are considered a worker, on the clock, with no other aspect to their life outside of work. When they do have children, these children are unrecognized, do not have access to education or other rights. When MDWs are deported, their children risk staying behind. This opens the door for child-trafficking. Children are also used as leverage to harass and blackmail MDWs who organize. In Asia, MDW similarly do not have residency rights, but only a work visa. They are not expected to be anything, other than a worker. Their children won't have residency rights. The situation is better in Hong Kong where is a law against maternity discrimination, however, in a live-in situation, it becomes hard to implement. In Singapore, MDWs are subjected to regular medical check-ups including pregnancy tests on arrival and before departure.

In Summary, MDWs are discriminated against in many ways, between local and migrant, but also compared to other categories of migrants from different sectors. The discrimination they face is compound, amounting to slavery-like conditions. Their plight is one of dignity, for dignified work, dignified life.