

Domestic work and migration in Asia

Factsheet

The Context

Women's migration in search of decent work and sustainable livelihoods, to support themselves and their families has become an enduring structural feature of international migration, which is set to be one of the mega-trends of the 21st century. The "feminization" of migration is most visible in Asia, where women – especially young women - constitute over half of all migrant workers.¹ In Nepal, women represent over 68% of migrants,² while in Indonesia this figure is even higher – 83%.³ Domestic work is the dominant profession for migrant women with women representing 83% of domestic workers worldwide.⁴

Asia possesses the bulk of the world's domestic workers – 40.8% of the known 52.6 million worldwide (although estimates from the ILO and civil society range from 100-200 million globally).⁵ Of Asia's 21.5 million domestic workers, many are migrant women. Domestic workers, categorized as "household service workers" were by far the largest group of newly land-based migrant workers in 2010, representing nearly one-third of land-based new hires. In the Philippines for instance, domestic workers, categorized as "household service workers" were by far the largest group of newly land-based migrant workers in 2010, representing nearly one-third of land-based new hires. Of these household service workers, nearly 95,000 were women while only around 1,700 were men.⁶

Many women migrant domestic workers are also undocumented, although statistics are scarce. For instance in Thailand, most Laotian and Burmese women migrant domestic workers are thought to be undocumented – representing a significant number of the estimated 1-2 million undocumented migrant workers from these countries in Thailand.⁸

Women migrant domestic workers are also the central link in increasingly complex transnational global "care chains" that connect migrant women and their families in countries of origin, with employers of domestic workers and their families in countries of destination. Women migrant workers, propelled by a lack of decent work and sustainable livelihoods, and other inequalities including gender discrimination, respond to the demand for domestic work created in countries of destination. This demand is fuelled by: aging populations, especially in middle income and developed nations; women's increased participation in the workforce; unequal divisions of care and domestic work responsibility in the home; the desire of some women to maintain a certain lifestyle and social status; and the reluctance of nationals to undertake low-paid, low-status work that is considered "women's work". These factors collude to create a "care crisis" - and hiring women migrant domestic workers is seen as an affordable, convenient solution to the problem. Women migrant domestic workers are thus seen as readily available, needy, inexpensive, pliable, and naturally imbued with nurturing and home-care abilities.

Their own families are left behind in countries of origin and must find new strategies and solutions to meet their own increased domestic and care needs.⁹

"Decent work for domestic workers is an issue of particular concern to UN Women. Domestic work is one of the oldest and most important occupations for millions of people around the world, mainly women, often from disadvantaged groups, and an important source of livelihood for their families."

– Speech delivered by UN Women Executive Director Michelle Bachelet at the conclusion of the session of the ILO Domestic Workers Committee held 13 June 2011 at the Palais des Nations, Geneva.

The Challenges

Domestic work is largely unregulated and confined to the informal economy because of the low value attached to women's unpaid domestic and care work. It is not considered "real work" and is excluded from GDP (Gross Domestic Product) and other calculations of productive economic activity. Over 40% of the world's countries exclude domestic work from even their most basic labour laws.¹⁰ A 2010 ILO report on labour protections for domestic workers found that for selected surveyed Asian countries, domestic workers were largely excluded from labour and social protections, although there was some coverage of domestic work in labour laws in China, India, Malaysia, Sri Lanka, and Thailand.¹¹ Such exclusion underscores legal systems, and mirrors discrimination against forms of work and tasks typically associated with traditional gender roles. This renders domestic workers vulnerable to varied rights violations. It also prevents domestic workers who have suffered rights violations from seeking access to justice and claiming redress.

Women migrant domestic workers face a range of human rights concerns, and are often at risk of human rights violations throughout the migration cycle, including: sexual and gender-based violence, harassment and abuse; unjust and exploitative working conditions. Live-in women migrant domestic workers face additional risks including: restrictions on freedom of movement caused by employers' withholding passports and/or confining women to the home; and unsafe and/or unsuitable accommodation. These women, whose workplace doubles as their home, are further marginalized and face severe barriers on accessing justice for the above violations.¹² These may occur at various stages of the migration cycle - pre-departure, in transit, on site in countries of destination, and on return to countries of origin.¹³



Legal Protection: International Human Rights and Labour Law Frameworks Protecting Women Migrant Domestic Workers

The rights of women migrant domestic workers, especially in the context of employment, are protected by a range of international human rights instruments. In Asia, this framework includes both international standards and commitments created at regional levels by bodies such as the Association of Southeast Asian Nations (ASEAN). The protections framework for women migrant domestic workers includes UN Conventions and standards including core human rights treaties, the ILO's core labour Conventions and migrant-specific Conventions and Recommendations, and regional instruments.

The framework's key protections include:

- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and CEDAW General Recommendation 26 on Women Migrant Workers (GR No 26).
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) and the Committee on Migrant Workers' General Comment No 1 on

Migrant Domestic Workers (GC No 1).

- ILO Convention No. 97 concerning Migration for Employment (ILO C 97)
- ILO Convention No. 143 concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (ILO C 143)
- ILO Convention No. 181 concerning Private Employment Agencies (ILO C 181)
- ILO Convention No. 189 and Recommendation No. 201 on Decent Work for Domestic Workers (ILO C 189 and R 201)
- The ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers.

Ratification of these instruments and the commitment to the rights guaranteed therein are crucial to providing comprehensive protection to migrant domestic workers. The international human rights and labour standards in the framework protect women migrant domestic workers at two levels. First, the principle of non-discrimination, which underlies all human rights

instruments, is especially important because of the intersecting forms of discrimination experienced by women migrant domestic workers based on their gender, nationality, race, class, ethnicity and occupation. Second, the instruments guarantee fair working and living conditions, including key labour and social protections.

Many governments across Asia have signed on to the framework's protections, and are bound to implement them in their national laws, policies, plans and budgets to protect and empower women migrant domestic workers. This involves enforcing gender-sensitive, human rights-focused and human development-oriented labour, migration and trafficking laws and policies, and achieving coherence between them.

The ASEAN Committee on the Implementation of the Declaration is currently working towards developing a stronger regional instrument protecting migrant workers, including women migrant domestic workers. This would further bolster this growing protections framework in the Asian region.

Key Protections for Women and Men Migrant Domestic Workers To Be Enforced in National Laws and Policies

1. Ensuring access to safe, low-cost, gender-sensitive, and legal migration schemes, including ending restrictions on migration especially due to sex- and gender-based discrimination, providing visas and immigration status to migrant domestic workers themselves and not to a specific employer or job, and ensuring that they are protected throughout the migration cycle (pre-departure, in transit, on site in countries of destination, and on return to countries of origin), including from sexual and gender-based violence, harassment, and other abuses.
2. Guaranteeing comprehensive, gender-sensitive, human-rights and human-development oriented and culturally and linguistically appropriate pre-departure information services and training for prospective migrant domestic workers, including receiving employment contracts or terms of employment before migration, and obtaining access to labour and social protections, social services and consular and legal assistance for victims of human rights violations.
3. Recognizing domestic work in labour laws, policies, and regulations that are gender-sensitive, and human-rights and human-development oriented, and providing labour and social protections to women and men migrant domestic workers and their families on an equal basis with all other workers, including fair working and living conditions such as fair minimum wages, reasonable working hours and overtime pay, daily breaks and weekly days off; social protections including insurance, maternity, sick, and annual leave; access to essential social services including: healthcare especially sexual and reproductive healthcare and treatment for HIV/AIDS and other communicable diseases, education, adequate housing and other social services.
4. Providing access to justice for victims of human rights violations, including sexual and gender-based violence, denial of labour and social protections, and other abuses. This includes reforming justice systems, legal aid and assistance, and related support systems, to make them gender-sensitive, and culturally and linguistically appropriate. Women migrant domestic workers in particular should have access to legal, medical, psychological and social assistance, shelters, and redress and compensation. They should not be penalized for lodging complaints, including by losing their visa and immigration status and risking criminalization, detention and deportation.
5. Ensuring comprehensive, gender-sensitive, human rights and human-development-oriented return and reintegration support services. This includes empowering women migrant domestic workers and their families to access more and decent jobs, harnessing remittances, savings, and investment to build sustainable livelihoods, including by providing gender-sensitive remittance transfer mechanisms, and woman-friendly savings and investment schemes, including for diaspora investments for community development.
6. Educating all stakeholders involved in the labour migration of domestic workers on implementing their rights, including by providing gender-sensitivity training to public officials, law enforcement authorities, border and customs authorities, consular and diplomatic staff, labour, immigration, and legal and judicial staff, social protection officers, private employment agencies and agents, employers, women migrant domestic workers themselves and their families, and all other stakeholders. Women migrant domestic workers and their organizations should also be empowered and capacitated, including with human and financial resources, to be included in decision-making processes including the formation, implementation, and monitoring and evaluation of labour, migration and trafficking laws and policies.



UN Women's Role – a Regional Programme on Empowering Women Migrant Workers in Asia

UN Women's work with women migrants draws upon international human rights standards, including CEDAW and the GR. No. 26 on Women Migrant Workers, and encompasses countries of origin, transit and destination. Working with governments, civil society and the private sector, efforts focus on promoting safe migration for women, eliminating trafficking, and enabling policy, institutional and socio-economic environments that ensure women's equal opportunities and benefits from migration.

Specific programme support goes towards establishing laws and practices that protect women migrants' human rights, drawing connections between gender concerns in migration and development including plans and national poverty reduction strategies, strengthening migrants' organizations, and brokering exchanges between source and destination countries to advance labour and social protections.

1. UN Women (2008) Gender, Migration and Development. p.5.
 2. UN Women (2012) Migration of Women Workers from South Asia to the Gulf, Table 3.3. citing UN DESA (2009).
 3. IOM and MPI (2011) Labor Migration from Colombo Process Countries. p. 25.
 4. ILO (2003)
 8. UN Women (2012) forthcoming.

9. UN Women and IOM (2010) Annex to Roundtable 2.2 of the Global Forum on Migration and Development 2010: Uncovering the interfaces between Gender, Family, Migration and Development: Global Care Chains pp. 1-2.
 10. ILO (2010) Report IV: Decent Work for Domestic Workers. International Labour Conference, 99th Session.
 11. Ibid, Appendix A: Coverage of domestic workers in labour laws

and regulations, by country.
 12. See for instance UN Women (2012) forthcoming, and (2005) Claim and Celebrate Women Migrants' Human Rights through CEDAW.
 13. CEDAW Committee (2008) General Recommendation No. 26 on Women Migrant Workers, generally, especially paras 4, 19, 26 (c), and 26(j).