

Women in International Labour Migration from Viet Nam: A Situation Analysis

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May 2012

Acknowledgements

This report was jointly commissioned by UN Women Viet Nam and the Department of Overseas Labour, Ministry of Labour, Invalids and Social Affairs under the project, “Empowering Women Migrant Workers in Viet Nam”.

The study received support and contributions from many organizations and individuals. The authors would especially like to thank the directors and staff of the Department of Overseas Labour for providing technical advice and logistical support. We are also grateful to the Department of Overseas Labour for providing access to statistics on Vietnamese workers sent overseas under contract.

Special thanks are due to Ms. Vu Hong Minh, Chief of the Office, Department of Overseas Labour, and Mr. Nguyen Hai Dat, National Programme Officer, UN Women, who provided management and technical support throughout the study.

We would like to acknowledge the generous participation of government representatives in providing information and comment, including representatives from the Ministry of Foreign Affairs Consular Department, the Gender Equality Department of MOLISA, the Committee of Social Affairs of the National Assembly and the Viet Nam Women’s Union Department for Supporting Women in Economic Development. Our thanks also go to the representatives of SIMCO, HANIC and Hoang Long companies for sharing their experience with the consultant team.

The report benefited greatly from the contributions and feedback from representatives of international agencies in Viet Nam under the One UN Initiative. We are most grateful to the staff of IOM, ILO and UN Women in Viet Nam and the Regional Office for contributing research literature, programme information and technical comment on the report. Our thanks are also extended to the staff of the Institute for Social Development Studies for sharing their research studies.

Our thanks are also extended to the local authorities of Bac Giang Province and Lam Dong Province, for hosting the research team and contributing their perspectives.

Finally, we would like to thank all the participants in our research in Bac Giang and Lam Dong provinces for their willingness to share their personal experiences.

Disclaimer: The views and opinions expressed in this report are those of the authors and do not necessarily represent the views of UN Women or the Department of Overseas Labour, Ministry of Labour, Invalids and Social Affairs.

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Abbreviations

ASEAN	Association of South East Asian Nations
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
DOLAB	Department of Overseas Labour
DOLISA	Department of Labour, Invalids and Social Affairs
EPS	Employment Permit System (the Republic of Korea)
ILO	International Labour Organization
IOM	International Organization for Migration
JPGE	UN Joint Programme on Gender Equality
MWC	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
MOET	Ministry of Education and Training
MOFA	Ministry of Foreign Affairs
MOLISA	Ministry of Labour, Invalids and Social Affairs
MPS	Ministry of Public Security
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
VAMAS	Viet Nam Association of Manpower Supply
VWU	Viet Nam Women's Union
VYU	Viet Nam Youth Union

Glossary

The following list provides the definitions of key terms as they are used in this report, drawn from the IOM Glossary on Migration (2004), Vietnamese legal documents, as well as common usage in the literature.

Documented migrant: A migrant who entered a country legally and remains in the country in accordance with his/her admission criteria.

Undocumented migrant: Migrant workers or members of their families, who are not authorized to enter, to stay or to engage in employment in a country.

Intermediary (or broker): Individuals and/or organizations that introduce potential migrants to a licensed recruitment enterprise.

Regular migrant/regular migration: Migration that occurs through recognized, legal channels.

Irregular migrant: Someone who, owing to illegal entry or the expiry of his or her visa, lacks legal status in a transit or host country. The term applies to migrants who infringe a country's admission rules and any other person not authorized to remain in the host country (also called an undocumented migrant).

Migrant worker: In this report the term migrant worker refers to a temporary contract worker who migrates from Viet Nam to another country.

Overstay: To remain in a country beyond the period for which entry was granted.

Recruitment agency or recruitment enterprise: An enterprise licensed to recruit and send individuals abroad for employment under contract or a state-owned non-profit organization permitted under Viet Nam law to recruit and send workers abroad under contract.

Gender: Gender means the socially constructed characteristics attributed to men and women. It interacts with many other norms – ethnic, religious, social, educational and political. It is a culturally specific and dynamic construct which both influences and is influenced by the migration experience.

Exchange rates used

One United States Dollar (USD) = 20,800 Viet Nam Dong (VND)

Executive Summary

Background

International migration for employment is a significant feature of Viet Nam's social and economic landscape, with around half a million Vietnamese workers currently working on contracts overseas. The promotion of temporary contract employment overseas is part of the country's aim to create more employment for the growing workforce and to boost the economy through remittances. At the same time, regional economic integration and the opening up of borders in Southeast Asia are enabling increasing mobility, including both regular and irregular migrants from Viet Nam in search of better incomes and opportunities to improve their lives.

In Viet Nam, both women and men are moving overseas for temporary employment in increasing numbers. However, women and men experience labour migration differently by virtue of gendered labour markets at home and in destination countries, gender disparities in education and training, and social and cultural norms that influence the status of women and men. The Government of Viet Nam and the Ministry of Labour, Invalids and Social Affairs' (MOLISA) Department of Overseas Labour (DOLAB) are committed to developing measures to help women and men benefit equally from labour migration. Under the project "*Empowering Women Migrant Workers in Viet Nam*", UN Women is working with DOLAB to develop more gender-sensitive and rights based policy and practices in labour migration management. The project is guided by the twin principles of **protection**, paying attention to areas where women experience vulnerability, and **empowerment**, creating opportunities for women's improved economic and social status throughout the migration process.

This analysis of the status of women in overseas migration for employment was commissioned under the UN Women-DOLAB project to provide an information resource to national and international stakeholders; and to inform UN Women's ongoing programme of support in collaboration with other UN agencies in Viet Nam and other international agencies providing technical assistance to Viet Nam.

The focus of this study is on those women migrating for contract employment through registered and documented channels. This form of labour migration comes under the direct jurisdiction of DOLAB. There are also many women and men moving across Viet Nam's borders with neighbouring countries in search of employment through undocumented channels; but a comprehensive analysis of undocumented labour migration and its gender dimensions is beyond the scope and resources available to this study.

This report provides an overview of the policy context of international labour migration and gender equality concerns (Section 2). It then provides an analysis of the trends in women's participation in overseas labour migration, their destinations and occupations, drawing on overseas contract employment data provided by DOLAB (Section 3). The study looks at issues affecting women at each stage of the migration process, prior to migration (Section 4), the experience of working abroad (Section 5), and returning to Viet Nam (Section 6), drawing on the available research, key informant interviews and field research conducted for this

study in Bac Giang and Lam Dong provinces¹. Finally, an overview of the current technical assistance programmes of international agencies in the field of labour migration is provided (Section 7), identifying a number of opportunities for collaboration under the UN Women-DOLAB project.

Our analysis of the situation of women migrant workers draws upon the framework of human rights provided by international standards and treaties, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the CEDAW Committee general recommendation on women migrants, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and other international labour standards.

Major Findings

Laws and policies

In recent years, Viet Nam has made significant efforts to develop a strong legal and policy framework for sending workers abroad, encompassing the regulation of enterprises sending labour abroad, provision for pre-departure orientation training for workers and protection in cases of contract and rights violations. The chief legal provision is the 2006 Law on Vietnamese Workers Working Abroad Under Contract, which is supported by a body of associated regulatory policy.

Despite the strengthening of legal provisions, a review of the law and associated policies indicates a lack of gender-sensitive provision. There are several areas where the legal provisions and the related policies could be improved from the perspective of gender equality and rights. For example, it is mandatory for licensed labour sending agencies to provide pre-departure orientation training, but there is no requirement for gender-sensitive content, such as advice on the risks pertaining to certain occupations, life skills, reproductive health advice and what to do in cases of sexual harassment or assault. Regarding support services provided by Vietnamese authorities at destination, there is no specific training or guidance provided to duty-bearers - labour sending agencies, diplomatic representatives and Viet Nam's labour section staff in-country - on gender-sensitive counselling procedures generally, and in cases of violence or sexual assault in particular. Regarding the principle of equal opportunity, the national legal framework does not prevent gender discrimination in labour supply contracts with foreign entities, which can specify the requirement for male or female workers according to market demand. Additionally, Decree 126 prohibits Vietnamese citizens from taking up employment abroad in various occupations in the entertainment industry, where women are more likely to be offered employment. Although the intention of this limitation is assumed to be protective, it may be considered discriminatory from a gender equity perspective, in limiting potentially lucrative employment opportunities.

Some of the issues affecting the conditions of overseas employment and labour supply contracts with foreign employers or placement agencies, which may discriminate against

¹ In February 2012, DOLAB and UN Women went to Bac Giang and Lam Dong provinces to interview women migrant workers and the local authorities working on international labour migration in Viet Nam.

women, are beyond the scope of Viet Nam's national legal framework and require bilateral and multilateral negotiation. Key issues which call for bilateral labour discussions include maternity and reproductive health rights at destination, discrimination on the basis of sex in labour supply contracts, decent work provisions in labour supply and employment contracts, recognition of domestic work in labour laws and standard contracts for domestic workers and care givers in private households.

Profile of women's labour migration

Women's representation among international labour migrants from Viet Nam is steadily increasing. Women made up over one third of registered outgoing migrants in 2011. There are indications that the demand for women migrants will increase in destinations such as China (Province of Taiwan) and Malaysia, where Vietnamese women's skills and their reputation for hard work are reportedly in demand. Vietnamese migrants are mainly going to China (Province of Taiwan), Malaysia, the Republic of Korea (South Korea), Japan, and China (Macao Special Administrative Region), as well as to Cambodia, Lao PDR, and Gulf countries, primarily Saudi Arabia, United Arab Emirates and Libya. In 2011, more than half of women labour migrants went to Taiwan, China, followed by Malaysia (14 per cent), the Republic of Korea, Japan and Macao SAR (approximately 6 per cent each). In the same year, men went to a wider range of countries, including Taiwan, China (37 per cent), the Republic of Korea (24 per cent), Malaysia (9 per cent) and Japan (9 per cent) and several countries in the Middle East. These patterns reflect the gendered nature of migrant labour sectors in these destination countries and territories. Moreover, women appear to have fewer opportunities than men to enter the higher wage paying destinations of the Republic of Korea and Japan.

In Taiwan, China the large majority of Vietnamese women workers are engaged in manufacturing (74 per cent deployed in 2011), with the remainder engaged in caregiving and domestic work in private homes and as health care assistants in nursing homes (26 per cent). Although Taiwan, China has suspended new entrants from Viet Nam for domestic work since 2006, contract extensions of those who migrated prior to 2006 are permitted, and women continue to be employed as caregivers in nursing homes and private households. In Malaysia women are mostly working in factories. Similarly, in Japan and the Republic of Korea women are mainly employed in manufacturing, including textiles and electronics assembly. The majority of Vietnamese workers who went to Macao SAR in 2011 were female, and the majority were employed as domestic workers or caregivers, with 24 per cent engaged in other services. Cyprus has mainly been a destination for women, rather than men, migrating through individual contract channels for domestic work. Thus, women are concentrated in factory work, where the "nimble fingers" stereotype prevails, and to a lesser extent in domestic work and caregiving, which are accorded low status and financial reward, and are frequently not protected under the labour laws of receiving countries and territories. Male migrants' occupations include manufacturing, and the male dominated sectors of construction, agriculture, seafaring and fishing. So far there have been few opportunities for women or men to work abroad in higher skilled roles or professions.

Viet Nam does not prohibit domestic work overseas, but DOLAB discourages it, especially in some Middle East countries, where there have been frequent reports of rights violations, by placing more stringent approval requirements on enterprises applying to send domestic workers to these destinations.

Pre-migration decisions and recruitment processes

Both women and men intending to migrate are motivated by the desire to earn higher incomes than they can in Viet Nam. For women though, the literature and research by UN Women-DOLAB suggests that their decision is more likely to be influenced by other family members, where women may face either opposition to their migration or, on the contrary, persuasion to go abroad to bring in a higher income, as suggested by the literature and the UN Women-DOLAB research. While national data on the relative age of women and men departing overseas was not available to the study, from survey reports it appears that both young single women and married women up to the age of around 40 years tend to migrate. Those who are married with children are frequently motivated by the desire to improve their children's education as well as their family's economic status.

The study observed that advisory services for aspiring migrants are not well integrated with vocational and employment services generally provided by local labour departments, and that it would be helpful if advice about migration opportunities could be provided together with advice about alternative options at home, taking into account women's specific options and situations. This indicates the need for more one-stop vocational advisory services that reach into the community.

While Viet Nam has developed a more robust framework for the regulation of practices by labour sending agencies, there remain gaps in inspection capacity and implementation. In reality, migrants are approached by and utilise various intermediaries to contact formal labour sending enterprises or to migrate through the individual contract channel. The reliance on intermediaries can lead to misleading or false contracts of employment and inflated costs of migration, which in turn lead to high total costs that migrants have to borrow to finance their migration.

The activities of unlicensed brokers do not appear to affect women and men differently, based on the available evidence. However, there are differences in channels used according to the locality of origin and destination. In provinces where there are well-established labour migration networks and pathways, would-be migrants tend to rely on word-of-mouth rather than government information sources. For example, there has been a significant flow of women migrants from Viet Nam to Cyprus, where many women migrate under insecure circumstances through individual contracts rather than recruitment enterprises. The UN Women-DOLAB research documented several cases of rights violations among women who went to Cyprus through this channel.

The Republic of Korea's Employment Permit System (EPS) represents an example of good practice in labour migration management, where migrant workers are recruited under a government to government system, standardized contracts are used, and migrant workers are given the same labour protections as national workers. The EPS operates under bilateral agreements that the Republic of Korea has signed with 15 countries including Viet Nam. However, the involvement of intermediaries in Viet Nam, promising quicker access to labour contracts occurs even in this case. Thus, closer monitoring of recruitment practices is needed, along with more effective ways to reach the community with information on safe and reliable recruitment channels.

Under Viet Nam law it is mandatory for labour sending enterprises to provide pre-departure orientation training according to a prescribed list of contents. Vocational training and language training may also be provided, depending on the requirements of the employer. However, licensed labour sending enterprises compile their own curriculum and lack

experience in learner-centred training approaches. Moreover, information and advice relevant to the specific needs of women and men are generally not integrated in pre-departure orientation. The result is that even those migrating under regular contract channels may be poorly prepared to deal with the different challenges facing women and men while living abroad.

Under a policy introduced in 2009 under Decision 71, migrant workers from the 62 poorest districts in the country can access various forms of preferential financial support toward migration costs as a strategy to increase employment opportunity for those living in disadvantaged areas. However, there is some evidence suggesting that people from ethnic minority backgrounds in these target areas may be at higher risk of exploitation and hardship overseas as they are less likely to have legal literacy skills, experience in industrial work, and the life skills necessary for living far from their traditional areas. We suggest that the promotion of overseas migration among ethnic minority groups in particular requires culturally sensitive administration and pre-migration advice.

Destination: Positive and negative experiences of women migrants

Our analysis of the working conditions, living conditions and overall rights situation of Vietnamese women and men workers at their destinations is limited by a relative lack of systematic and representative destination-specific and gender based studies. The most comprehensive study identified under our review was that conducted by Belanger et al. (2010) with returnees from China (Province of Taiwan), the Republic of Korea, Malaysia and Japan. The small-scale field research of UN Women-DOLAB also offers some further insights. Occasional media reports raise concerns about cases of hardship or injustice faced by Vietnamese migrants in particular destinations. However, a general observation can be made that the majority of returning workers report improvements in their situation as a result of migration, especially those who successfully complete their contracts. Compared with men, women migrants are more likely to complete their contracts and less likely to abandon their original employment and work in the undocumented sector, according to the findings of Belanger et al. (2010). They found that the women who leave their contracts early tend to be those in the domestic work sector, usually as a result of poor working conditions.

The wages and living conditions of Vietnamese workers abroad vary considerably depending on destination. For example, monthly wages earned by Vietnamese migrant workers range from around US\$250 - 300 in Malaysia, US\$500 - 1,000 in Taiwan, China, US\$800 - 1,300 in Japan and from US\$1,000 - 1,500 in the Republic of Korea. In Taiwan, China and the Republic of Korea these reflect minimum wage levels, but deductions for accommodation reduce actual incomes received. Minimum wage standards have not been established in Malaysia while Japan treats lower-skilled migrant workers as interns rather than workers under their labour laws. However, even the lowest wage destination of Malaysia currently offers higher wages than those which can be earned by people from many rural communities in Viet Nam. Those from poorer backgrounds are more likely to go to Malaysia where placement costs are lower. Unfortunately, current sex-disaggregated data on wages per destination are not available through the DOLAB database.

The economic and financial benefit of migrants' earnings very much depends on the amount of their debt associated with the costs of migration as well as various salary deductions made by employers and employment placement agencies abroad, which are not always specified in employment contracts. Several studies, including the UN Women-DOLAB research, have found that debt associated with migration costs is a key constraint on migrants' economic

gains and a factor contributing to their vulnerability. The pressure to pay off large debts and send home remittances affects both women and men, who often seek overtime work, extra jobs, or leave their employment altogether to find higher paying jobs in the undocumented sector for migrant workers that operates in most destinations. But women who abandon their contracted employment and violate their visa conditions by taking informal and undocumented work may be more vulnerable to sexual exploitation and trafficking.

The majority of labour migrants, both women and men, send home remittances. Research on remittances sending and gender among Vietnamese migrants, including international and internal migrants, typically finds that on average women tend to send more money home than men. Migrant women also appear to give higher priority to spending remittances on family welfare, such as their children's education and family health. Women migrants are more likely than men to send their remittances to their spouse, according to Belanger et al. (2010). The significant contribution of women's remittances, and the importance of women's ability to manage family finances, underscores the need for women to be able to access pre-departure financial skills training.

In terms of negative experiences, there are reports of infringements of labour and human rights among both women and men, especially in Malaysia, China (Province of Taiwan), and Cyprus. Belanger et al. (2010) found that among returnees from China (Province of Taiwan), Malaysia, Republic of Korea and Japan, more men reported salary-related problems, whereas more women reported poor working conditions. The female dominated sectors of domestic work and caregiving in private households are those where Vietnamese women most frequently report violations of their contracts and basic rights. Common problems include restrictions on women's movements, lack of privacy, limited contact with other migrants and their families, and extremely long working hours. Even when women migrate through labour sending companies some of them experience sexual harassment and abuse in private domestic households. These two employment categories demand more attention in terms of the monitoring of working and contract conditions in countries and territories such as China (Province of Taiwan), Cyprus, Macao SAR and Saudi Arabia, as well as advocacy for sending and receiving countries to sign and align their labour laws with the International Convention Concerning Decent Work for Domestic Workers (see Annex A).

Turning to living conditions and access to health and social services, there remains a lack of in-depth research and information available on the situation of Vietnamese women working in each of the major destinations. According to women returnees featured in the small-scale UN Women-DOLAB research, they were generally satisfied with their living conditions, with the exception of some women working in domestic work and caregiving in China (Province of Taiwan) and Cyprus. From the available research, returning migrants generally report a higher level of satisfaction with working and living conditions in the Republic of Korea and Japan than in China (Province of Taiwan) and Malaysia, where low wages, labour rights violations and poor living conditions are more frequently reported. These differences are likely due to labour migration governance factors and the application of national labour standards to migrant workers in each of the destination countries and territories, as well as the conditions of bilateral labour agreements between Viet Nam and each destination.

Economic and social impacts on women post-migration

The study highlights the significance that both the economic as well as the social impacts of migration have on women and their families. For the economic dimension, most returning migrants, both women and men, are able to improve their living standards with the income

earned from working abroad. Migrants tend to invest their remittances and savings in housing improvements, land, as well as the education costs of their children. Women are more likely to invest in education and health than men, however. Most return to an improved financial situation, but significant numbers of women and men who return early from overseas for a variety of reasons are still in debt. Early returns are reported to be as high as 36 per cent among men and 26 per cent among women departing between 2000 and 2004 in the study by Belanger et al. (2010); with women being more likely to complete their contracts and return home than men. The explanation for this gender difference is unclear, but further research might explore whether this is due to the cultural tradition of forbearance among women, or the nature of the hardships which either gender experiences.

The opportunity for skills development and skills transfer upon return is an important potential benefit of overseas contract employment. A key finding suggested by the UN Women-DOLAB research, consistent with the findings of other recent studies, is that women returning from working overseas do not generally experience a significant improvement in employment opportunities upon their return. Most come from agricultural backgrounds and having worked in farming before their migration they tend to return to the same work upon their return, despite the skills they may have gained in languages, communication and modern manufacturing techniques. However, research data is limited by the fact that studies tend to focus on migrants returning to their home provinces, and tend not to have traced those moving elsewhere who may have entered non-farming work. Securing factory employment upon their return seems to be women's preference, although some are interested in setting up their own business. Significantly, returnee women in the UN Women-DOLAB research called for more assistance from local authorities to help find stable, well paid jobs on their return. As a result of limited comparable opportunities at home, the interest in repeat migration is high, with some women migrating two or three times in their working life.

Women migrants are likely to encounter different family and social pressures compared with men. Both women and men returning home face the challenge of re-establishing harmonious marital and family relationships. However, the UN Women-DOLAB research was consistent with other findings in that women are more likely to encounter rumours about the "immoral behaviour" or infidelity of their spouse during their absence. Double standards of moral behaviour and judgement still prevail in Viet Nam, and women tend to be tolerant of their husbands' infidelity or misuse of remittances. Women may also be blamed if their children have been neglected during their absence. Available research suggests that gender-sensitive and non-discriminatory family support services are needed both during workers' absences and on their return.

Technical assistance programmes and opportunities for collaboration

The major UN Agencies providing technical assistance to Viet Nam are the International Labour Organization, International Organization for Migration and UN Women. Their ongoing programmes offer specific opportunities for collaboration between UN Agencies, and for the provision of technical support on gender equality by UN Women, especially in relation to gender equality in the labour migration policy arena, information and counselling support services and improved pre-departure orientation training.

Recommendations

The recommendations of this situation analysis are addressed to government agencies and international development agencies, especially UN Women and other UN Agencies under the One UN framework.

Data collection system and monitoring

1. It is recommended that DOLAB develop measures to improve data collection on migrant worker deployment through the four registered channels (recruitment agencies, company internships, overseas investment activities, individual channels), and also coordinate with the Immigration Bureau under Ministry of Public Security and with the Ministry of Foreign Affairs to compile more complete international labour migration data. In particular there is a need to fill gaps in occupation data by sex for Lao PDR and Cambodia. Measures to improve labour migration data collection could include stricter monitoring of labour sending agencies and compliance incentives.
2. It is recommended that DOLAB labour management section analyse overseas deployment trends on six-monthly and annual basis disaggregated by sex. The variables of destination, age of migrant, channel of labour migration, and occupation should be analysed on a routine basis; and the occupation analysis should separate the employment categories of domestic workers, home-based caregivers and health care workers in health or elderly care facilities. The outcomes for migrants should also be included in the database and analysed, including contract completion and early return by sex of migrant worker.
3. It is recommended that DOLAB, through its inspection department, collect and report sex-disaggregated statistics and analysis of cases of overseas labour contract violation, violence and sexual harassment, paying attention to the occupation sectors and destinations where these violations occur, to inform policy development on migrant workers' protection, in line with CEDAW Committee General Recommendation 26. This could be an area for UN Women advocacy and capacity building.

Research priorities

4. Conduct destination-specific research on the rights protection situation, labour conditions and access to health and social services of Vietnamese workers, women and men, prioritising countries (or territories) that have not received a great deal of research attention or where rights violations are being reported. Malaysia and Macao might be considered for priority research studies.
5. It is suggested that MOLISA, related ministries and the National Assembly Social Affairs Committee carry out an in-depth review of Viet Nam's bilateral labour sending agreements from a rights and gender perspective. UN Women and UN agencies might support Vietnamese authorities in this analysis.
6. Conduct research on the pre-migration needs and overseas experience of ethnic minority migrants, especially women, to guide advisory services provided to them and

to support rights-based implementation of Decision 71 on labour deployment from poor districts.

Gender equality in the national overseas labour strategy

Gender mainstreaming in overseas labour migration policy and programmes

7. It is recommended that the Gender Equality Department of MOLISA, together with DOLAB, develop a gender checklist that can be applied by DOLAB and relevant agencies in the development and management of the overseas labour strategy; including the identification and promotion of country markets which demonstrate equitable treatment of women and men migrants, gender-equitable bilateral agreements on labour supply, and gender sensitivity in the practices of labour sending enterprises. UN Women could support this process under the project with DOLAB.

Skills development for women migrants

8. With the aim of achieving more skilled employment placements for women workers overseas, it is recommended that DOLAB cooperate with General Department of Vocational Training under MOLISA, to provide more skills training in rural areas linked with research on specific employment sectors in emerging destination markets. At province and district level, this strategy could prioritise sending localities where women migrants are currently concentrated in lower skilled occupations and lower paid destinations, and aligned with Decision 71.

Bilateral and multilateral advocacy on gender equality

9. It is recommended that the government, through MOLISA and other relevant ministries, review its bilateral and other agreements on labour sending from a gender equality standpoint and take steps to ensure gender equity when negotiating bilateral agreements, including the principle of non-discrimination on the basis of gender. Following such agreements, DOLAB and MOLISA, in consultation with the Gender Equality Department should issue policy amendments requiring that labour sending enterprises incorporate principles of gender equity in labour supply contracts with employers or agencies in destination countries, covering for example, eligibility of male and female workers for contracts.
10. With regard to the occupations of domestic work and caregiving, it is recommended that the government pursue agreements with destination countries, and in regional migration forums, for standard contracts of employment for domestic workers and caregivers based on experience under the UN Women regional programme, including the recognition of domestic work as a labour sector and incorporating protections and decent work conditions in line with the international Domestic Workers Convention. Once standard conditions are accepted bilaterally, DOLAB could then require the use of such contracts by labour sending enterprises within labour supply agreements through the issue of a government circular. It would also be a good practice if Viet Nam develops its own standard contract for national domestic workers which would place Viet Nam in a stronger negotiating position. UN Women and other UN agencies could take up advocacy activities on these issues.

11. Advocacy is recommended by UN Women and UN agencies for ASEAN countries to sign and ratify the international Domestic Workers Convention.
12. UN Women in its forthcoming phase could advocate with the government of Viet Nam that the issue of women migrant workers' reproductive health rights, such as maternity provision be included on the agenda of multilateral labour migration dialogue, including the ASEAN process on labour migration. Such discussion could draw on the experience of Hong Kong SAR where migrant workers are accorded the same rights as national workers.

Gender and culture-sensitive sensitive pre-migration services

Reaching the community with gender-sensitive labour migration and vocational advice

13. Vocational counselling services provided by labour departments, mass organizations and training centres at province, district and commune level should be capacitated to provide women and men considering overseas employment with advice on employment options overseas as well as at home. Special attention should be given to fully inform potential migrants from ethnic minorities of the pros and cons of working overseas.
14. Currently, IOM is supporting DOLAB to establish an information and advisory service for intending and returned migrants through a centre based in DOLAB's offices in Hanoi; and ILO through the TRIANGLE project plans to support the development of migrant labour resource centres within employment service centres in selected pilot provinces. It is recommended that the UN Women-DOLAB project could provide technical expertise to ensure that these new services integrate gender-sensitive information and special communication strategies for ethnic minorities in communication packages. This would include reproductive health advice and services abroad, cultural practices in destination countries, how to seek help and redress in cases of sexual harassment or violence overseas, examples of positive as well as negative experiences of women in particular destinations and advice to help potential migrants compare opportunities abroad with opportunities in Viet Nam.
15. Labour sending steering committees and DOLISA employment service centres (and the migrant labour information centres where they exist), could develop linkages with lower local authorities and mass organizations to reach out to women and men in the community with safe migration information. The Women's Union, together with local authorities could support the establishment of migrant women returnee groups as peer educators, including identifying contact points of returned women migrants with exemplary experience. Returned migrant women could play a role in encouraging intending migrants to approach recruitment agencies or their accredited representatives, rather than use intermediaries.
16. At the community level, local authorities and the Women's Union could play a role in providing financial management training for intending women overseas migrants and provide information on the range of banking and remittance sending options available in the destination country and Viet Nam, should discuss all the options, including the possibility of women maintaining their own bank account in Viet Nam.

Pre-departure orientation training by labour sending agencies

17. In collaboration with ILO TRIANGLE project's activity with DOLAB to develop a more learner-centred and rights-based standard pre-departure orientation curriculum for use by labour sending agencies, UN Women could provide technical assistance to ensure the inclusion of the following gender-sensitive contents: Life skills training appropriate for women and men migrants, health services available at destination, contact addresses of organizations providing support to migrant workers at destination, guidance on safe and affordable remittance sending options, reproductive health advice, sources of support in case of sexual assault, and information on the gendered risks in certain occupations, including domestic work and seafaring.
18. To support the implementation of the standard curriculum packages by labour sending agencies, MOLISA could issue a decree or circular to supplement Decision 18 and the *Law on Vietnamese Workers Working Abroad Under Contract* to require enterprises or agencies sending labour overseas to include gender-sensitive and rights based curriculum within the standard pre-departure training, drawing on General Recommendation 26 of the CEDAW Committee. This could be included under UN Women's policy advocacy activities.

Monitoring and regulation of recruitment channels

19. The system for monitoring of recruitment agencies should be discussed with all stakeholders and the means to strengthen monitoring mechanisms should be put in place by DOLAB and MOLISA labour inspection department. Recruitment agencies with a poor track record should be put on an internal watch list, and the legal sanctions applied as appropriate. There should also be an easy to access means for women and men migrants to be able to lodge complaints about fraudulent recruitment agencies.
20. Local authorities and labour sending steering committees at province and district level, as well as commune level authorities, should be required to monitor labour recruitment practices for overseas employment and be alert to individual brokers operating illegally in the localities; and to report malpractices to DOLISA or DOLAB as part of their routine reports.

Rights protection and access to justice in-country

21. DOLAB should develop and pilot a gender training and counselling skills training package for delivery to labour section representatives under MOLISA, MOFA consular staff as well as labour sending enterprises based in major destination countries. UN Women and other UN agencies could support DOLAB and MOFA in developing the training packages.
22. MOFA and DOLAB should cooperate to ensure that there are easy to access systems in place in all receiving countries and territories for women and men to seek redress and access to justice in cases of labour or rights violation.

Economic and social integration services for returning migrants

23. The government should provide returning migrants with employment assistance services, including vocational advice, vocational training and employment

introductions matched with skills gained overseas and appropriate to their age and family circumstances. These services could be provided through multiple channels including DOLISA employment services and associated migrant resource centres, mass organizations and recruitment enterprises. The government could build public-private partnerships in provinces with large numbers of overseas migrants with major employers in Viet Nam to assist returnees in gaining employment. VAMAS could also promote the practice of assisting returning migrants to access employment in Viet Nam based operations.

24. Under MOLISA, other relevant ministries and the Women's Union social reintegration services should be provided to returning migrants, identifying and responding to any important issues that individuals and especially women face in re-settling, including provision of gender-sensitive family counselling where needed.
25. The Women's Union or non-government organizations could help form returnee migrant women's groups or clubs. These migrant women's groups could provide peer support for women returning towards their social re-integration and provide assistance (e.g. direct intending migrant women to the appropriate authorities) to seek redress in cases of rights violations whilst they were overseas. UN Women could support the establishment of pilot peer support groups.
26. The Women's Union, Youth Union and local authorities at district and local levels could conduct communications activities that enhance the respect for women migrants returning from overseas, valuing their contribution to their families and community.

1. Introduction

1.1 The Focus on Women Overseas Migrant Workers

Both women and men are migrating from Viet Nam in increasing numbers to work overseas, but their experiences are likely to be quite different throughout the migration process. Gender and migration studies around the world show that gender has a profound influence on the experiences and impacts of labour migration for women and men (IOM 2009). These different experiences are influenced by the gendered nature of labour markets both in the destination countries and at home, as well as culturally determined norms that influence the roles and status of women and men in the family and society.

In the interests of gender equality and rights protection, labour migration policy and associated support programmes in both sending and receiving countries need to take into account the gendered dynamics, impacts and processes of labour migration. While women and men face many similar challenges and problems throughout the labour migration process, the unique situation and status of women warrants specific attention. In the globalised labour market, women migrants at the lower-paid end of the spectrum typically find employment in the traditionally feminized sectors such as factory work, domestic work, caregiving and the service and entertainment sectors.² These sectors tend to be lower-paid than those sectors which attract male migrants and are more likely to be poorly regulated (IOM 2009, UNIFEM 2009). Moreover, there are some violations of rights unique to, or more commonly perpetrated against, women (UNIFEM 2003).

Through its global and Asia regional programmes, UN Women has captured experiences of the variety of ways in which women and men encounter different opportunities and challenges as labour migrants. Since 2001, UN Women has supported the development of rights-based and gender-sensitive responses to women labour migrants in Asia and the Pacific through the “*Regional Programme on Empowering Women Migrant Workers*”. In Viet Nam, the Government is concerned with strengthening measures to protect the welfare and safety of women and men migrating for employment, and is implementing gender-responsive policies and programmes, as part of its efforts to both promote the competitiveness and protect the rights of its citizens working abroad. In this context, Viet Nam has joined the regional UN Women programme through a partnership between UN Women and the Department of Overseas Labour (DOLAB) under the Ministry of Labour, Invalids and Social Affairs (MOLISA), through the project “*Empowering Women Migrant Workers in Viet Nam*”. The current phase of this project runs from 2009 to 2012, with a second phase scheduled to occur from 2013 to 2015.

The project partners recognise that while there are potential economic and social benefits for women migrant workers, there are also pitfalls, and risks of exploitation and abuse. The project aims to improve the protection and empowerment of women labour migrants by supporting the development of policies and programmes that are sensitive to their rights and which support positive economic and social outcomes for women throughout the migration

² Male migrant workers within and from Asia also face risks in sectors where men predominate, such as construction, plantation work, seafaring and fishing, which often entail risk of occupational injury as well as exploitation in isolated environments (Dang 2008; IOM 2009; Belanger et al. 2010).

process. The project also contributes to the achievement of the goals on gender equality and decent work for all under the One UN Initiative in Viet Nam.

While a number of studies have been carried out recently on international labour migration from Viet Nam, no comprehensive analysis has been undertaken of the trends in women working abroad or the impact of policies and labour management practices on women. Equally, the specific experiences and needs of women international labour migrants from Viet Nam have received little attention within research literature. The most comprehensive study conducted recently is that by Belanger, Le, Tran and Khuat (2010) which explores the experience of migrants returning from or living overseas in China (Province of Taiwan), Malaysia, South Korea and Japan. This study provides some valuable insights into the different experiences of women and men migrants and was a major source of reference for this review. Another study conducted by ILSSA (2011) focuses on the experience of labour migrants after returning home. In addition, the baseline research conducted for the ILO TRIANGLE project (ILO 2011) provides valuable insights on international labour recruitment processes and practices. However, the latter two studies do not provide a gender analysis. This situation analysis was therefore commissioned under the UN Women-DOLAB project partnership to both contribute towards filling the gaps in knowledge regarding women's migration for employment overseas and to suggest directions for future strategies under the project.

1.2 Objectives and Scope of the Study

The study objectives are to conduct an analysis of women's international labour migration trends in Viet Nam, including countries of destination, provinces of origin, occupations, their motivations and means of labour migration; to identify issues affecting women's rights and opportunities throughout the migration process; and to identify gaps in knowledge and recommend areas for further research. The analysis is intended to provide a framework for further activities under the UN Women-DOLAB project with regard to the promotion of the rights and empowerment of women labour migrants, as well as to the identification of policy and practice interventions that could be supported with the collaboration of other UN agencies.

The focus of this study is on the situation and experience of women within international labour migration. Internal labour migration is not addressed in this report. The primary focus is on women in labour migration under contract, and therefore regular migration, as this area of labour migration comes directly under DOLAB's jurisdiction. Patterns of irregular labour migration from Vietnam - mostly across Vietnam's borders with neighbouring countries for temporary employment - and the situation of women within these flows, are discussed briefly; but this is an important aspect of labour migration which warrants separate attention.

Within the conceptual framework of the study we recognise that human trafficking - the use of coercion or deception resulting in forced labour or exploitation - is a human rights abuse which labour migrants may suffer, either when they migrate through documented or undocumented channels. However, this study does not address the issues of trafficking due to limited time and because there is little evidence supporting that those who go abroad to work through regular migration (official channels) are at risk of human trafficking. Furthermore, this study does not address the issue of women migrating as wives, only those migrating as employed labour. These issues are addressed in other documents.

Following this **Introduction (Section 1)** the study encompasses the following components:

The policy and legal framework: Section 2 provides an overview of the policy and legal context of labour migration in Viet Nam, including regulatory and protection policies, and comments on gaps from a rights and gender perspective. Viet Nam's policy framework on gender equality and for combating human trafficking for purposes of labour exploitation is also summarized.³

National trends in overseas labour migration from Viet Nam and women's participation: Section 3 provides an analysis of overseas labour migration trends from Viet Nam, with a focus on women migrants, including the dynamics, destination countries, provinces of origin and work sectors. This section considers the data collection system on registered labour migration, and gaps with respect to the analysis of trends and gender patterns.

Pre-migration processes and access to services: Section 4 provides an analysis of women labour migrants' experiences and needs prior to overseas migration, including the role and practices of formal and informal recruitment agencies, and a discussion of gaps in service provision from a gender and rights perspective.

Women's experiences and rights at destination: Section 5 discusses issues with regard to Vietnamese women's employment and living conditions in major destination countries and the services available to Vietnamese women workers overseas.

Women's post-migration experiences and needs and the role of service providers: Section 6 discusses issues arising from women's re-settlement experiences following their return to Viet Nam, including their economic and social reintegration as well as services provided and areas for improvement.

Interventions and donor support: Section 7 provides an overview of donor support to government organizations in this area, ongoing initiatives, and entry points for future activities with the support of UN Women and the collaboration of other international agencies.

Section 8 provides recommendations directed at Government, Civil Society Organizations, UN Women and other UN agencies regarding policies and services that would assist women migrant workers to gain the optimal benefits from labour migration and help them to exercise their rights.

1.3 International Standards on Gender Equality and Migrant Workers' Rights

³ A review of policy and law related to overseas labour migration from a gender perspective, commissioned by UN Women and DOLAB, was being conducted in parallel to the preparation of this report. The consultants had access to the draft policy review in Vietnamese. This report is intended to complement the policy review by providing a summary of relevant policy and legal frameworks, commenting on the implications for women and gender equality and comparing the legal framework with evidence from implementation and women migrants' experiences.

The international conventions and standards on gender equality, rights and labour standards provide the frame of reference for our analysis of women workers migrating from Viet Nam. The gender-responsive approach advocated by UN Women is based on the recognition that women and men face different opportunities in the labour market at home and abroad and face different discriminations in society, by virtue of culturally prescribed gender roles. Annex A provides a list of the key international conventions and standards that relate to the rights of migrant workers.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is the key international standard for assessing women's status, regardless of whether they are at home or abroad. It is an international agreement on women's human rights that defines human rights principles, concepts and related standards of conduct and obligations. CEDAW is legally binding on ratifying countries, and those countries which have ratified the Convention agree to put it into practice and report on progress. It is one of the most ratified human rights treaties; and was ratified by Viet Nam in 1982.

Although the Convention does not have a specific article on migration, women migrant workers are entitled to protection from discrimination on the basis of CEDAW's principles of substantive equality, non-discrimination and state obligation. However, the CEDAW Committee issued General Recommendation No. 26 (December 2008) on women migrant workers. This General Recommendation provides signatory countries with guidelines and recommendations in order to fulfil their obligations to respect, protect and fulfil the human rights of women migrant workers. The scope of this recommendation is limited to addressing the situations of migrant women workers in low-paid jobs, who may be at risk of abuse and discrimination and who may never be eligible for permanent stay or citizenship. The Recommendation outlines responsibilities for countries of origin, transit and destination, and calls for increased bilateral and regional cooperation in this field (UNIFEM 2005; CEDAW Committee 2008).

One of the key international instruments for migrant workers is the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, (1990, in force 2003). The primary objective of this Convention is to foster respect for migrants' human rights. While it does not create new rights for migrants it does aim to guarantee equality of treatment and equal working conditions for migrants and nationals. To date, 45 states are parties to this Convention. However, it has not been signed or ratified by Viet Nam; nor by the major destination countries for Vietnamese workers, but notably it has been ratified by the Philippines and Sri Lanka, both sending countries; and Libya, a destination country. Ratifying this Convention requires amendments and adaptation of the legal framework in line with the Convention's requirements.

The ILO international labour standards' addressing migrants' rights are Convention 97 on Migration for Employment (1949) and Convention 143, Migrant Workers (Supplementary Provisions) Convention (1975), as well as the ILO's eight core Conventions on the Fundamental Rights at Work (see Annex A for details). Viet Nam has ratified five of the core Conventions, on forced labour (C29), equal remuneration (C100), employment discrimination (C111), minimum age (C138) and child labour (C182). The ILO's Multilateral Framework on Labour Migration (2006) provides non-binding principles and guidelines for a rights-based approach to labour migration, which maximize the benefits of migration for all parties.

In terms of regional agreements and processes on migration, the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers is particularly relevant. Viet Nam was among the ten nation members that signed the ASEAN Declaration in 2007.⁴ The plan of action for putting the Declaration into operation encompasses three themes: protection of migrant workers against discrimination and violence; labour migration governance; and the fight against trafficking in persons.

1.4 Methodology

The study draws on information from a variety of sources to address each theme under the scope and to compare information from different sources:

- Analysis of official data on outgoing migrant workers provided by the Department of Overseas Labour.
- Research literature on overseas labour migration from Viet Nam, Vietnamese legal and policy documents, literature on labour migration and gender internationally; and other secondary sources such as media reports.
- Interviews and group meetings were held with experts and key stakeholders including government agencies involved in the governance of labour migration, UN agencies and international development agencies and recruitment sector stakeholders at national level. (Annex C: List of Consultation Participants).
- Primary research was carried out in two provinces, Bac Giang in the north, and Lam Dong in the Central Highlands, to capture the experiences of returned and intending women migrants, as well as local authorities and recruitment agency representatives.

The field research was intended to supplement existing studies by focusing on women migrants' experiences, primarily through qualitative interviews and also through a small-scale questionnaire survey. Bac Giang was selected as one of the provinces with high numbers of labour migrants and a long history of overseas labour migration. Lam Dong was selected as a province where labour migration is expected to grow, and where people from ethnic minority backgrounds are potential migrants. Annex D provides further details of the field research sites and methodology. The questionnaire is included at Annex E.

⁴ The ASEAN Declaration was adopted at the 12th ASEAN Summit, Cebu, Philippines and signed by the government leaders on July 2007 during the 40th ASEAN Ministerial Meeting in Manila, Philippines. (<http://www.aseansec.org/19264.htm>)

2. The Policy and Legal Framework in Viet Nam

2.1 Policy and Law on Overseas Labour Migration

The Government of Viet Nam has encouraged overseas labour migration through the policy of labour sending since the post-*Doi Moi* era of the 1990s, as part of its economic development strategy. This policy continues to be a key plank in Viet Nam's development strategy, aimed at increasing employment opportunity, boosting the economy through remittances and improving Viet Nam's skill base (Dang 2008; MOLISA 2008). One of the objectives stated in Viet Nam's current Socio-Economic Development Strategy 2011-2020, is to increase the quality and effectiveness of sending Vietnamese workers abroad (MPI 2012). MOLISA's Department of Overseas Labour is the Government agency tasked with the management of the labour sending programme. It was established with its present structure in 2008, replacing the former Department for Administration of the Foreign-Employed Labour Force, set up in 1980. The Government sets annual targets for sending workers abroad, with a target of around 100,000 workers annually for the period 2010 to 2015 (MOLISA 2008: 11).

The Government introduced a policy targeting disadvantaged districts for overseas labour migration in 2009 (under the Prime Minister's Decision No.: 71/2009/QD-TTg, *The Project Supporting the Poorest Districts in Promoting Labour Sending for Sustainable Poverty Reduction 2009-2020*) with the aim of relieving unemployment and poverty in remote and rural areas. This policy introduced preferential conditions for overseas labour migration in the country's 62 poorest districts. These districts are those identified with a poverty rate over 50 per cent (under 2008 Resolution No: 30a/2008/NQ-CP). They are concentrated in remote and mountainous areas and districts where ethnic minorities predominate. Decision No. 71 provides for financial support for intending migrants from the targeted districts in the form of subsidies towards travel costs to attend training, training course fees, fees for health checks, passports, visas and criminal record clearance certificates. The implications of the project for pre-departure orientation and gender and ethnicity concerns are taken up in Section 4.3.

The legal framework for managing international labour migration and protecting workers has been strengthened in recent years, with the passing of the *Law on Vietnamese Workers Working Abroad Under Contract* in November 2006, effective in July 2007, (referred to below as the Law on Overseas Workers) as well as a raft of supplementary Government decisions and regulations issued by the Government and MOLISA.

The Law on Overseas Workers addresses the rights and obligations of enterprises and non-business organizations sending workers abroad under contract and the rights and obligations of workers. The Law defines four channels through which Vietnamese workers can go to work abroad (Article 6):

- (1) Under contracts signed with enterprises providing overseas employment services, or state-owned non-profit organizations permitted to send workers abroad;
- (2) Under contracts for sending workers with contract-winning enterprises or contract-receiving enterprises or with offshore investing organizations or individuals;
- (3) Under skill-improvement internship contracts signed with enterprises sending workers abroad to improve their skills;

(4) Under individual contracts.

These channels apply to labour migration of Vietnamese citizens of all skill levels, including professionals. Professionals are more likely to go through individual contract channels than labour sending enterprises, but the individual channel also includes workers of all skill levels. It is difficult for DOLAB to monitor and regulate the individual channel as closely as the formal enterprise channels, however, because the private individuals arranging the contracts and the migrant workers themselves often do not register with DOLAB, according to DOLAB staff.

The Law on Overseas Workers has a broad scope. With regard to the regulation of organizations and individuals sending workers abroad it deals with licensing requirements, the requirements of labour supply contracts, reporting requirements, sanctions for non-compliance and requirements regarding the provision of pre-departure information, orientation and certification to be provided to workers (Article 65).

With regard to pre-departure preparation for workers, MOLISA's Decision No. 18 of 2007 (No. 18/2007/QD-MOLISA) supplements the Law; requiring that recruitment enterprises provide a 74-hour pre-departure orientation training programme. The mandatory contents are Vietnamese culture and tradition, laws of Viet Nam and the host country, details of the contract between the worker and the recruitment agency, labour discipline, safety and hygiene, customs and culture of the host country, work and living conditions, transport, problems to be avoided, and an examination and certification.

On labour protection, Article 27 of the Law on Overseas Workers, holds sending agencies responsible for coordination with foreign parties in cases of death, occupational injury or abuse of workers' health, honour, dignity or property and requires them to settle any disputes arising (2f). Sending agencies are also required to compensate workers for any damages caused to them (2h) and to contribute to the overseas employment support fund, in accordance with the Law (2j).

MOLISA also issued a further Circular No. 21/2007/TT-LDTBXH in 2007 that provides guidance on licensing procedures for enterprises sending workers abroad, registration with DOLAB and with local authorities, procedures for registration of labour supply contracts, recruitment and management of workers and reporting to DOLAB on the outcomes of workers' contracts⁵. Additionally, Decree No. 144/2007/ND-CP provides for sanctions to be applied for violations of the Law by agencies or individuals involved in overseas labour deployment. The sanctions include a range of fines that apply to violations of the Law. DOLAB's inspection department is mandated to monitor and administer fines in cases of violations of the Law and its associated regulations. Issues in monitoring the practices of labour sending enterprises are discussed further in Section 4.3.

⁵ The outcomes mentioned in this Circular No. 21/2007/TT-LDTBXH includes the numbers of workers sent abroad on an annual basis and entails sex-disaggregated data and data concerning ethnic minorities, the service fees that the recruiting agencies charge the migrant worker and their expenditures of sending people abroad.

The obligations and rights of workers are specified under the Law on Overseas Workers. Vietnamese overseas workers must adhere to the terms of their contracts and respect the laws of the host country. The Law touches on policies to assist returning workers, requesting state bodies to support returnees to find appropriate jobs and encouraging domestic enterprises to recruit former guest workers (Article 59). However, specific post migration issues such as employment and social reintegration are not specifically addressed, either in the Law or its associated regulations.

Considering the legal and regulatory framework through a gender equality lens, the Law on Overseas Workers and its associated regulations are neutral with regard to gender. The Law itself contains no articles that relate specifically to female or male migrant workers. However, there are several areas where the Law and its application could be more gender-sensitive.

With regard to the provision of pre-departure orientation training provided by enterprises under MOLISA's Decision 18, no attention appears to be given to gender-sensitivity in the content and delivery of pre-departure orientation. The list of mandatory content does not include any gender-specific information or guidance on issues that are likely to have different implications for women and men, such as reproductive health and issues of sexual violence and the conditions of work in female and male dominated occupations. Essentially, there is scope to gender-sensitize each element of the pre-departure orientation contents. Although the list of contents has been defined and information guides have been issued by DOLAB for several destination countries and territories, such as the Republic of Korea, Malaysia, China (Province of Taiwan) and Macao SAR, in practice, recruitment agencies compile their own pre-departure orientation curriculum. This aspect of policy and practice is discussed further under Section 4.4.

According to DOLAB, migrant workers are advised during pre-departure orientations of procedures and sources of help if they become victims of violence or sexual assault, and the specific services available in particular destinations. For example, workers going to Taiwan, China are advised to contact the police, the Centre for Foreign Worker Advice, centres for sexual assault or the Viet Nam labour management section in-country. However, there do not appear to be substantial guidelines or training provided to the Vietnamese duty bearers (sending enterprise staff, labour section staff and consular staff) for dealing with such instances, including access to language translators, gender-sensitive counselling and rights-based approaches to investigations and medical treatment.

Regarding the principles of equal opportunity for women and men and non-discrimination, the legal framework for overseas labour migration does not apply restrictions on the occupations which women and men migrants may enter. However, it does not specifically prevent gender discrimination either. For example, labour supply contracts signed between sending enterprises and foreign employers or agents allow for discrimination on the basis of sex, given that supply contracts can specify whether men or women workers are required according to market demand.

Furthermore, Decree No. 126/2007/ND-CP issued in 2007, supplementing the Law, defines the jobs that Vietnamese citizens are prohibited from doing, as well as defining the types of enterprises that may recruit and send labour abroad. This Decree introduces restrictions on Vietnamese citizens working as dancers, singers, or masseurs in restaurants, hotels or entertainment centres. These prohibitions are presumably to discourage sex work, but as the

sectors listed tend to be ones that employ women, the stipulation may be considered discriminatory from the perspective of gender equality as provided under CEDAW General Recommendation 26, given that the entertainment sector may well offer some decent employment opportunities. Even though these labour sectors are prohibited, Vietnamese women still enter them, especially through undocumented migration in the Greater Mekong Subregion (GMS).⁶ The Decree also prohibits work in extremely harmful and dangerous occupations, including working with explosives and toxic substances, hunting, and conflict areas – sectors which would be more likely to employ men.

Recruitment procedures by labour sending enterprises usually require pregnancy tests for women, and a standard condition of employment for women is that they are not permitted to take up overseas contracts if they are pregnant, despite such procedures being discriminatory. If women become pregnant after arriving in-country it is common practice that their employment contract will be terminated and they will have to return home, according to recruitment agency representatives and as reported in the draft policy review commissioned by DOLAB-UN Women. These restrictions on women's reproductive rights are not prohibited under the Law on Overseas Workers, and are not prevented under Viet Nam's bilateral agreements and MOUs with receiving countries. While some migrant labour receiving destinations in East Asia do have maternity provisions for migrant workers, such as Hong Kong Special Administrative Region under its Employment Ordinance, this is an issue that could be addressed by Viet Nam through negotiation at bilateral and regional levels (see Recommendations 9 and 12) (Asia-Pacific Forum on Women, Law and Development 2010).

Viet Nam's Law on the Prevention & Suppression of Human Trafficking (No. 66/2011/QH12) adopted in March 2011, effective January 2012, can also be applied to cases of labour exploitation of migrants, whether they have migrated through regular contract channels or undocumented channels. Cases where deception or coercion occurred in the recruitment process and where the employment conditions at destination constitute forced labour or severe exploitation can be treated as human trafficking under the Law. It also provides for criminal sanctions against the perpetrators and repatriation and rehabilitation support for the victims. Trafficking is under the jurisdiction of the Ministry of Public Security and the anti-trafficking programme of the Government is delivered under the National Plan of Action on Trafficking in Persons 2011-2015.

In summary, Viet Nam has made significant efforts to introduce laws and accompanying regulations to provide for a strong system of governance for international labour migration and rights protection. However, the protection of migrant workers' rights and gender-sensitivity within the legal and policy framework could be further developed and articulated. Moreover, the capacity of duty bearers to implement and monitor the laws may need strengthening, as discussed in the following sections.

2.2 National Governance for Gender Equality and Domestic Violence

Viet Nam has a longstanding policy commitment to gender equality in all fields including the workforce, political, educational and the private sphere. The principle of equality between the

⁶ See discussion of irregular migration in Section 3.1.

sexes is upheld in the Constitution (1982, amended 2001). In November 2006, the National Assembly passed the Law on Gender Equality, effective July 2007. This Law seeks to ensure gender equality in all fields of political, economic and social life, addresses discrimination and provides for sanctions in cases of infringements of gender equality (UNDP 2010).

In 2008, the Government established the Gender Equality Department within MOLISA, responsible for coordinating the implementation of this Law. This Department is also responsible for the implementation of the National Strategy on Gender Equality 2011-2015, which was approved in July 2011, and an associated National Programme of Action on Gender Equality 2011-2020 has also been developed. The Gender Equality Department also works closely with the Department of Legislation in MOLISA to report and follow up on progress with CEDAW (World Bank 2011).

The legal and institutional framework for gender equality represents a strong basis for implementing gender equality policy, but strategies to apply gender equality law to the field of overseas labour migration have received limited attention to date.

In addition to above framework, the Government is also committed to end the violence against women. The Law on Domestic Violence Prevention and Control was passed in 2007 which explicitly aims to protect women from domestic violence and covers a wide range of acts of domestic violence. The DV Law is a civil law and complements the Penal Code and other criminal laws that address other forms of violence (GSO 2010).

3. Trends in Women's Labour Migration from Viet Nam

3.1 Overview of Regular and Irregular Labour Migration

Viet Nam is predominantly a country of origin for labour migration. Regular labour migration is promoted under national efforts to create employment for a growing and demographically young workforce. An estimated 1.1 to 1.5 million young people enter the workforce each year (Dang 2008). Labour force participation is high, with 81 per cent of men and 72.3 per cent of women of working age in the workforce in 2009, according to the Labour Force Survey (World Bank 2011); but underemployment and unemployment remain a concern. The national strategy of industrialisation has been associated with some losses in rural livelihoods and underemployment in rural areas. This has fuelled increasing rural to urban migration as well as increased transnational labour migration (Abella and Ducanes 2011).

On the demand side, in more developed countries in the East Asia and Southeast Asia regions as well as the Middle East, there is a demand for low-skilled and semi-skilled labour, and a cheaper and more flexible workforce through temporary contract labour. Therefore, in the last decade, there have been significant flows of contract labour migrants from Viet Nam, particularly within the Asia region. According to analysts, the trend in outward labour migration is likely to continue while the wage differential exists between Viet Nam and neighbouring countries (Dang et al. 2010). Although as Abella and Ducanes (2011) suggest, as Viet Nam becomes more prosperous, and wages approach those in neighbouring countries, the rate of outward migration may decrease.

While the focus of this study is on the trends and experiences of women in overseas contract migration, it is important to recognize that there are also significant outgoing flows of irregular labour migrants from Viet Nam. Large numbers of undocumented migrants cross the borders with the neighbouring countries of China, Cambodia and Lao PDR, some of whom move on to Thailand and Malaysia (UNIAP - Country Datasheets 2010). The numbers are not well known due to the difficulty of recording the movement of persons across Viet Nam's long and porous borders. However, various research studies, mostly qualitative, on undocumented migration pathways, employment types and issues of rights protection in the destination countries have been conducted, particularly in the context of studies of trafficking vulnerability and trafficking reports.

Looking at China, for example, according to a rapid assessment in northern Viet Nam conducted by ILSSA in 2008 with ILO support, the number of people crossing the border into China has increased dramatically in recent years. An estimated 4,000 Vietnamese workers enter China on a daily basis through the Lao Cai border crossing alone. A large number of cases of trafficking have been reported, an estimated 2,500 trafficked persons from Lao Cai had been rescued as of 2008, working in mining, brick kilns, plantations, the entertainment industry and domestic work (Abella and Ducanes 2011). In Lao PDR, women migrating individually, and more often than not, informally, are found engaged in the services sector, such as restaurants, casinos or beauty services (UNIAP Country Datasheets 2010; Bowen, Lane-Barlow et al. 2009). Vietnamese women are also working in casinos in Cambodia's Svay Rieng Province (Beesey et al. 2009).

These migrants are particularly vulnerable to exploitation and abuse when they work abroad because of their undocumented status, which puts them at risk of coercion by unscrupulous employers, given their risk of deportation as illegal migrants.

3.2 Data Sources on Overseas Contract Labour

The main source of official data on workers going abroad under contract is that collected by DOLAB. The DOLAB data collection system is based on quarterly reports from provincial Departments of Labour and Social Affairs (DOLISA) as well as monthly reports from licensed recruitment enterprises. These figures are intended to include data from all four registered channels, (labour sending enterprises and non-profit agencies; companies with investment overseas; internships; and individual contracts). However, data for those who go abroad through the individual contract channel are under-represented in the statistics due to lack of compliance by individual migrants. There are also gaps due to a lack of registration and reporting by some labour recruitment enterprises, according to interviews with DOLAB and DOLISA representatives.

DOLAB has recently established a new database with a wide range of variables sourcing the data from the same channels. The specific data now recorded will enable in-depth analysis of many variables for each individual migrant including age, sex, country, province, channel, and labour sending enterprise, that can be analysed by sex of contract worker. This database is still in the process of being populated and routine analysis has yet to be performed.

One limitation of the database and its data analysis that does warrant attention is that the data only relates to individuals at the point of departure, and contract completion outcomes are not recorded; even though enterprises are required to report early returns and contract completion outcomes to DOLAB. A further limitation is that wage data, at least as agreed in initial employment contracts, is not included. The Ministry of Public Security's Bureau of Immigration also records entry and exit data of Vietnamese citizens and foreigners, but there is no overall coordination of data from these two sources.

3.3 Regular Labour Migration and Women's Participation

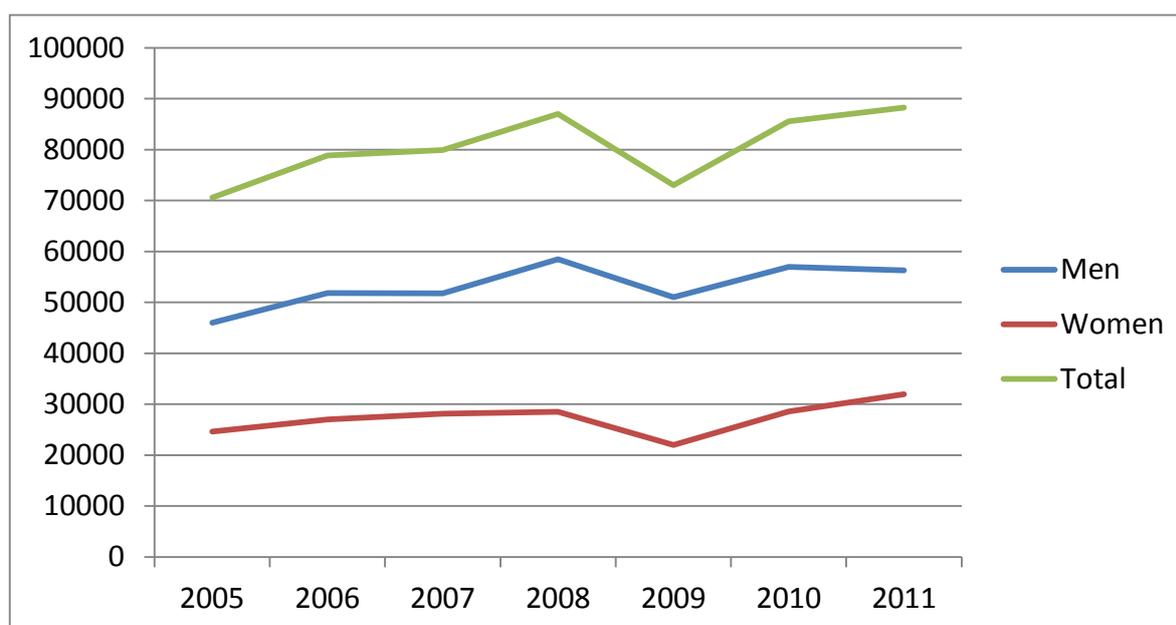
The number of workers sent from Viet Nam under employment contracts has been steadily increasing over the past decade. This is despite the effects of the global economic crisis in late 2008 and 2009 when there was a drop in demand for guest workers as well as some terminations of contracts in several of the Asian destinations for Vietnamese workers such as China (Province of Taiwan), the Republic of Korea, Malaysia and Japan (Abella and Ducanes 2009).

According to the Department of Overseas Labour, there are currently an estimated 500,000 Vietnamese workers in over 40 countries and territories. The numbers of overseas workers annually deployed from Viet Nam fluctuate, but the Government's strategy is to deploy around 100,000 workers per year. In the past few years the number of registered labour migrants deployed annually has ranged from 70,594 in 2005 to 88,000 in 2011. Figure 1 shows the numbers of male, female and total international migrant workers from 2005 to 2011.

Women are increasingly represented among registered international migrant workers from Viet Nam. The proportion of women migrants has been gradually increasing over the past decade, from 28.8 per cent of documented migrant workers in 2000 to an average of 30 per cent in the past five years. In 2011, 36 per cent of workers going overseas were women (DOLAB data; Dang et al. 2010). This pattern echoes the feminization of labour migration observed in other Southeast Asian countries; although, Viet Nam has not yet reached the levels of female migration seen in the Philippines and Indonesia, where 62-75 per cent of outgoing migrant workers deployed annually are women (UNIFEM 2009).

The increasing trend in women’s migration can be explained in part by the rise in demand from labour receiving countries in Southeast Asia, such as China (Province of Taiwan) and Malaysia, for women workers - assembly workers in manufacturing, as well as in the healthcare, service and entertainment sectors. Two major labour recruitment agencies interviewed predict that this pattern is likely to increase as Vietnamese women workers are considered hard working and reliable. Women’s own willingness to seek work abroad is also a vital part of the picture, as is their reputation in Vietnamese society as reliable remittance senders, especially given cultural traditions regarding women’s responsibilities as income earners and family caretakers (UN JPGE 2011; Belanger et al. 2010).

Figure 1. Annual Number of Overseas Migrant Workers 2005 – 2011 by Sex



Source: Department of Overseas Labour, 2012

Countries and territories of destination

Viet Nam currently has bilateral Memoranda of Understanding on sending migrant labour with 11 destination countries: the Republic of Korea, Malaysia, Lao PDR, the Russian Federation, United Arab Emirates, Qatar, Oman, Kazakhstan, Bulgaria, Slovakia, and Belarus. There are also agreements with other destinations such as China (Province of Taiwan) and Japan, between DOLAB and the Japan International Training and Cooperation Organization (JITCO), which is an association of recruitment companies, but not at the level

of inter-governmental agreements. The agreement with the Republic of Korea operates through the Korean Employment Permit System. This System represents an example of good practice where the destination country has established transparent procedures with the sending country in terms of the numbers of migrants and recruitment procedures, including language testing requirements, which are now administered by the Republic of Korea in Viet Nam.

The major destinations are China (Province of Taiwan), the Republic of Korea, Malaysia, and Japan, which together accounted for 80 per cent of outgoing temporary contract workers in 2011. Taiwan, China was the largest destination, with a total of 38,796 workers departing in 2011, 54 per cent of them men to 46 per cent women. The Republic of Korea follows, with 15,214 workers departing in 2011, men comprising the vast majority at 87 per cent. Malaysia received 9,977 workers, almost 50 per cent women; and Japan 6,985 workers, 74 per cent of whom were men.

While most overseas workers are concentrated in the lower-skilled or non-professional categories, there are small numbers of professional workers going to various parts of the world, including some sent as technical experts in health, education and agriculture to countries such as Algeria, Angola and Mozambique.

As illustrated in Figures 2 and 3, the main destinations for Vietnamese women and men labour migrants are different.

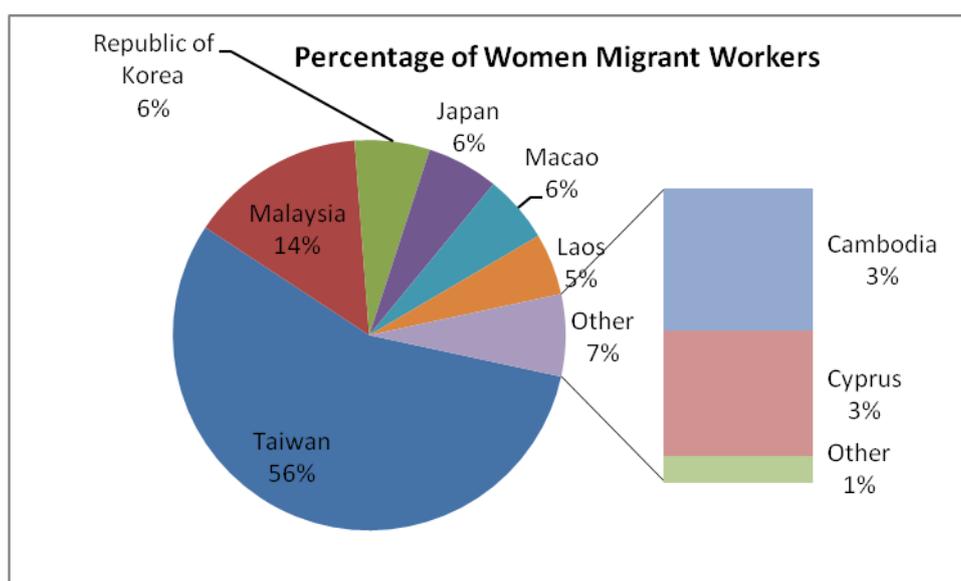
The major destinations for women are China (Province of Taiwan), Malaysia, The Republic of Korea, Macao SAR, Lao PDR and Japan. In 2011, almost 56 per cent of women migrant workers went to Taiwan; followed by Malaysia (14 per cent), the Republic of Korea (6 per cent), Macao SAR (almost 6 per cent), and Japan (5.6 per cent). Smaller but significant numbers went to Lao PDR, Cambodia and Cyprus. The figures for Cyprus in particular are likely to be under-estimated because of the tendency for women to migrate through individual contract channels without registering with DOLISA.

For men, the major destinations in 2011 were China (Province of Taiwan), the Republic of Korea, Malaysia, Japan, United Arab Emirates and Lao PDR, as well as smaller numbers to a range of other countries, including Libya and Saudi Arabia. Vietnamese workers were repatriated from Libya during the political crisis in early 2011, but in 2012 this destination will re-open.

The different pattern of women's and men's destinations reflects the gendered nature of employment demands in the destination countries. In China (Province of Taiwan), for example, there is a major demand for factory workers, where both men and women are employed. There is also a significant demand for women as care workers, looking after the elderly or the sick in nursing homes and private households, and as domestic workers. From 2006, Taiwan suspended the entry of new Vietnamese domestic workers (those employed for household work), because of the high 'runaway' and overstay rate for domestic workers (Dang 2008; DOLAB representatives). This ban still stands; though domestic workers who successfully complete their contracts can renew them if they have a letter of offer from an employer. The restriction does not extend to live-in household caregivers for the disabled and elderly.

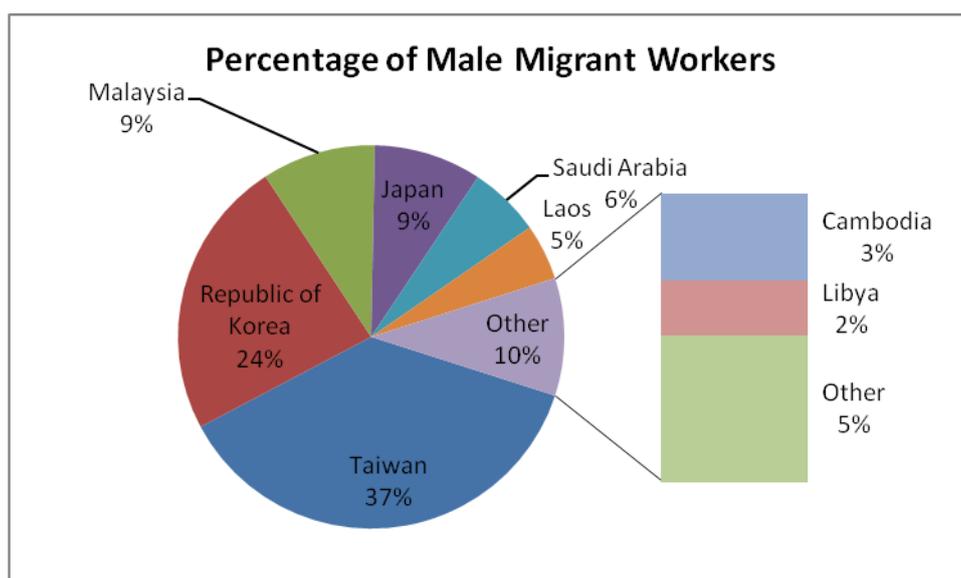
In the Middle East there is a demand for men in the construction industry. Men are also employed in seafaring in China (Province of Taiwan), the Republic of Korea and Japan. Significantly, men appear to have more access to the higher paid markets of the Republic of Korea and Japan. This reflects the preference for hiring males in the manufacturing, seafaring and construction sectors, and is also possibly a result of the higher education and skill levels required for these markets.

Figure 2. Major Destinations of Female Migrant Workers – 2011



Source: Department of Overseas Labour 2012

Figure 3. Major Destinations of Male Migrant Workers - 2011



Source: Department of Overseas Labour 2012

Women's occupations abroad

Table 1 illustrates the main occupations of Vietnamese women contract workers in the main destinations for women. Taken as a whole, among the six largest markets for women, China (Province of Taiwan), Malaysia, the Republic of Korea, Macao, Japan and Cyprus (excluding Lao PDR and Cambodia where occupation data are missing), women are mostly migrating into factory work (assembly line, textiles or garment manufacture and electronics manufacture) (70 per cent), followed by domestic work (24 per cent), farming (1.2 per cent) and other unspecified occupations (1 per cent).

Table 1. Main Destinations of Vietnamese Women Workers in 2011 - by Occupation

Major destinations for women workers	Total no. of women	Manufacturing/ Textiles	Domestic work/ Caregiving	Services	Electronics assembly	Farming	Other
Taiwan, China	17872	13144 (73.5%)	4711 (26.4%)				17 (0.1%)
Malaysia	4650	4593 (98.8%)	57 (1.2%)				
Republic of Korea	1995	1949 (97.7%)					46 (2.3%)
Macao SAR	1877		1410 (75.1%)	467 (24.9%)			
Japan	1799	364 (22.8%) (Textiles)			971 (54%)	264 (14%)	200 (11.1%)
Cyprus	923		792 (85.8%)			91 (9.9%)	40 (4.3%)

Source: Department of Overseas Labour, 2012

Women's occupations vary considerably between the destination countries and territories. In 2011, more than 70 per cent departing for Taiwan, China were engaged in manufacturing, with 26 per cent offering care to the elderly and disabled in private homes or working as caregivers in nursing homes as well as domestic workers. The breakdown of these three categories was not available in the 2011 deployment figures, however, the figure includes contract extensions for domestic workers, who went to work in Taiwan, China before 2006, household caregivers and assistants in nursing homes. DOLAB reports that in 2011 there were a total of 25,688 Vietnamese workers in this sector in Taiwan, China, comprising 17,887 working as caregivers in private households; 83 as domestic workers doing child care, cooking and cleaning; and 7,718 working as caregivers in nursing homes and hospitals.

In Malaysia in 2011, almost all Vietnamese women migrants are engaged in factory work, with only a small number, 57, engaged in domestic work. In Macao SAR, women represented 95 per cent of all migrant workers departing Viet Nam in 2011; 75 per cent of women migrants were employed in domestic work or care giving, with 25 per cent in services. In the Republic of Korea, women are working almost exclusively in manufacturing (98 per cent) with just 2 per cent in unclassified occupations. In Japan, they are employed in electronics assembly (54 per cent), textile manufacturing (23 per cent), and farming (14 per cent).

Occupations in Lao PDR and Cambodia are not specified in the DOLAB data, representing a gap in data collection for these two countries. It may be that most labour migrants to Laos and Cambodia are going through individual channels rather than recruitment enterprise channels, and the details of their contracts are not registered.

Across the main destinations, the combined categories of domestic work and caregiving, including nursing assistants in hospitals or nursing homes, represented about 7,000 women in 2011. Viet Nam has never prohibited workers migrating for domestic work, but the Government discourages overseas domestic work, especially in the case of certain countries in the Middle East, such as Saudi Arabia, by placing more stringent requirements on

recruitment enterprises applying to send domestic workers to the Middle East, such as higher capital requirements and professional standard checks. This practice is a direct result of the frequency of reported cases of rights violations and abuse of domestic workers, according to DOLAB's inspection department staff.

Age of women migrant workers

Data on the age of registered overseas labour migrants is not yet available through the DOLAB database, although the age of migrants is reported to DOLAB by recruitment agencies. However, analyses of contract workers by age and by sex will be available in the near future through the newly established DOLAB database system. There are age patterns of migration according to country of destination, given that some countries limit the age of contract workers; for example the maximum age is 35 years in Japan and 39 years for the Republic of Korea. Surveys of labour migrant returnees indicate an age range of around 20 to 40 years at time of departure (Belanger et al. 2010; HealthBridge 2008; ILSSA 2011). Based on these sample surveys there is no clear data on age differences among women and men migrants.

From a life-cycle point of view, the age of women at the time of their departure has implications for the vocational and life-skills preparation required before migrating, and also impacts on their work and social lives following their return. These implications will be discussed in subsequent sections of this report.

Provinces of origin

The DOLAB labour deployment statistics provide a picture of the patterns of overseas labour migration across the country. The largest sending provinces are mostly in the north-central coast (Nghe An, Ha Tinh and Thanh Hoa), and the northern Red River Delta region (Bac Giang, Bac Ninh, Hung Yen, Hai Duong, Phu Tho and Thai Binh), as well as Ho Chi Minh City in the south. There are also some growing areas in the centre of the country such as Quang Binh. Table 2 shows the largest labour sending provinces in 2010, the latest year for which full data is available. Sex disaggregated data is not available by province.

Table 2. International Labour Deployment by Major Sending Provinces, 2010

Province	Number of Labour Migrants
Nghe An	10204
Thanh Hoa	9970
Ha Tinh	6791
HCMC	4689
Bac Giang	5300
Hanoi	3950
Hai Duong	3000
Bac Ninh	3200
Phu Tho	2701
Quang Binh	2425
Thai Binh	2410

Source: Department of Overseas Labour, 2012

This data indicates that the largest sending provinces are not the most remote or poorest areas in the country, although provinces such as Ha Tinh, Nghe An and Thanh Hoa have relatively high levels of poverty. Some of the largest sending provinces, for example, Bac Giang, Hai Duong and Hai Phong are also home to major industrial zones. Further research would be required to investigate whether high levels of out-migration reflect the impact of loss of rural livelihoods or rather the familiarity of the workforce with manufacturing work.

As mentioned in Section 2 above, under Decision 71 issued in 2009, the 62 poorest districts in the country have also been targeted for sending labour overseas, with associated incentives in the form of financial subsidies and favourable loan conditions. These districts are often in remote and mountainous areas, home to some of Viet Nam's ethnic minorities. Under the nationwide target to send 100,000 workers each year, provinces also set their own annual labour migration targets, according to their provincial social and economic development plans. However, within these targets, there are no specific targets set for numbers of women and men.

4. Pre-migration: Decisions, Recruitment Channels and Services

This section draws on recent studies on the pre-migration processes for international migrant workers, as well as the UN Women-DOLAB research with women and local authorities in Bac Giang and Lam Dong provinces; and interviews with recruitment agencies in Hanoi and in Bac Giang province.

4.1 Motivations for Labour Migration

The available literature is consistent in identifying that the overwhelming motivation for both Vietnamese women and men to seek employment overseas is to earn more money than they can at home (ILSSA 2011; ILO 2011; Belanger et al. 2010). However, when migrants' motivations are examined more closely, there are often multiple reasons, including repaying debts, covering the family's daily living expenses, and sometimes even escaping from a difficult situation at home. Belanger et al. (2010:24) observed slightly different patterns of priorities between women and men for how to invest migration earnings. Women were more interested in investing in human capital (education and health) while men were more interested in investing in material capital (building a house).

Both single women and married women with children, with low to semi-skilled experience levels, are among those expressing a keen interest in migrating for work. However, the destinations restrict the age of migrant workers, e.g. Japan limiting the age to 35 years and the Republic of Korea limiting it to 39 years. Among married women, labour migration is often a family strategy, where sometimes both husband and wife migrate, either to the same or different countries. The women interviewed in Bac Giang and Lam Dong were willing to sacrifice being far from their husbands and children for the sake of improving their family's economic situation. In line with other research, UN Women-DOLAB found that when it comes to approval for migration, women tend to experience opposition from their families and communities to a greater extent than men (Hoang 2009).

The decision to migrate often involves weighing up difficult options as the UN Women-DOLAB interviews illustrated. Two interviews with women in Bac Giang indicated quite different individual motivations and strategies:

Interview with Ms. Hien⁷, 23 years old, Bac Giang – family migration strategy:

Hien is 23 years old, and has been married for 3 years with a 2 year old daughter. She has applied to work in the Republic of Korea, has passed the language test, and is now waiting for the results of the selection process. She works in a Korean-owned factory, Bok Ha, in Bac Giang, making false eyelashes. She trained at an electricity college, and received her certificate, but was not interested in working in that field as she decided that the occupation was not suitable for women.

Her husband has been working in Taiwan, China for a year. He will be there for six years altogether. She decided they should both go away to work to save money to build a house. Although he has gone to Taiwan, China she hopes to go to the Republic of Korea because the

⁷ In this report, interviewees' real names have not been used to protect privacy and ensure confidentiality.

income is higher. She seems enthusiastic about going, and is not worried at all about the risks. She said that she and husband are in touch with each other every day.

Asked if she was worried about the period of being apart, she replied, no, it is a sacrifice they are prepared to make. Her husband's parents will look after their daughter while they are away.

The interviews also revealed that escaping from a difficult family situation at home can propel migration. The following interview extract indicates that the patrilocal tradition, whereby a woman goes to live with the family of her husband upon marriage, and norms regarding the duties of a married woman towards her in-laws may also influence labour migration decisions.

Ms. Thuy, 39 years old, Bac Giang

Ms. Thuy faces a dilemma in deciding whether to migrate. Her relationship with her husband is difficult as her mother-in-law is critical of her and is pushing her to migrate to Cyprus like her sister, but she is afraid that her husband will neglect the education and welfare of her two teenage children if she migrates. On the other hand, if she stays at home she faces constant criticism and pressure to migrate. Her mother-in-law exercises a big influence over her husband, and he usually listens to his mother. Thuy is also considering other countries, especially now that Cyprus has closed the door, but she is older than the age limit for Japan and the Republic of Korea. She currently runs a small wedding photography business, but the income is quite modest.

When considering their options of either working overseas or remaining at home, few women interviewed by UN Women-DOLAB reported seeking or receiving vocational advice to help them weigh up their options. They seemed to consider the provincial DOLISA employment office as being too far away for them to visit to seek vocational counselling. Moreover, the labour staff and other authorities interviewed in Bac Giang are still exploring ways to effectively reach out to the community with migration advice and employment advisory services. It seems to be the case, in Bac Giang and Lam Dong at least, that there is limited integration of counselling for jobs at home and advice on opportunities abroad provided by the labour authorities and the civil society organizations.

Interviews with women intending to migrate indicated a relatively low level of awareness of the potential risks of working overseas, and of the need to know how to protect oneself. However, one returnee from factory work in Singapore made the recommendation: *I need more training and orientation on reproductive health and how to protect myself in case of violence; information on who and where to provide me with support in case of difficulty.*

The younger group of women interviewed in Lam Dong were especially naive about what working abroad might be like. The young women from the K'hor ethnic minority were not especially fluent in speaking in Vietnamese, and had very little experience of travelling away from their home district. Young women, from the majority Kinh and ethnic minority backgrounds alike, who were considering the possibility of working overseas had received very little, if any, education about sexual and reproductive health issues or life skills preparation, when asked, responding, *We don't need this information until we get married.*

4.2 Information and Advice Pre-migration

The amount of information available about employment opportunities overseas, and equally the behaviour of potential migrants in seeking out information, appears to vary considerably between those provinces with large numbers of migrants and those with smaller numbers or where migration is more recent. In provinces such as Thanh Hoa and Bac Giang, research findings suggest that would-be migrants rely to a great extent on word-of-mouth – information from friends, relatives in Viet Nam and their networks abroad. This partly explains the use of private contract channels in Bac Giang for those migrating to Cyprus. In these provinces there seems to be a preference for word-of mouth over information from government sources and recruitment company sources. However, as both the ILO (2011) and the UN Women-DOLAB research discovered, potential migrants in provinces such as Lam Dong and Quang Ngai, which are newer to international labour migration, tend to wait until there is a recruitment announcement from the local authorities.

Labour sending steering committees

Most provinces have a labour sending steering committee with representatives from DOLISA, and the civil society organizations, including the Women's Union, the Youth Union and the Farmers' Union. The role of the labour sending steering committees is to monitor and promote labour sending activities in the provinces. Although DOLISA and district labour staff in Bac Giang for example, report that they conduct frequent communication activities, some interviewees displayed a lack of trust in government sources of information compared with that from relatives, friends and returned migrants.

The Viet Nam Women's Union (VWU) also plays a role in providing potential women migrants with pre-migration advice. According to VWU contacts at province and district level in Bac Giang and Lam Dong their role extends to advice on banking services for loans and remittances and family advice when the husband or wife intends to migrate. However, some of this advice seems to be gender biased. For example, according to the Bac Giang Women's Union they check to see if the husband is happy for his wife to migrate and require his approval, but do not require the wife's approval when the husband intends to migrate. However, this practice is unlikely to be an official requirement.

4.3 Recruitment Channels and Practices

DOLAB's labour migration data records the final channel of migration, for example, through labour sending enterprise or individual contract. In contrast, research with returning and prospective migrants reveals a complex picture of intermediary actors linked with labour recruitment agencies. The literature and the UN Women-DOLAB research suggests that most migrants, women and men, use multiple contacts to eventually gain an overseas employment contract through a recruitment company. These contacts include family members, friends, neighbours, intermediaries in the commune, intermediaries from other communes, government staff of the district or province, and labour sending company staff.

There are currently 170 licensed labour sending companies registered with DOLAB, including state-owned companies and private enterprises. Some aspiring women and men migrants choose to migrate through individual privately arranged contracts when their networks overseas and locally provide such opportunities. From the UN Women-DOLAB

research in Bac Giang and Lam Dong, the majority of those going to Cyprus (24 out of 30 women surveyed) used individual contract channels; whereas the majority of the 28 women who went to other destinations - China (Province of Taiwan), Macao SAR, China, Singapore, the Republic of Korea, Japan and Malaysia - had used a labour sending company, with one or two exceptions. There seemed to be a lack of awareness or concern among those who used individual channels that this channel may incur greater risk at destination.

Ms. Binh, Bac Giang - the pathway to Cyprus:

Ms. Binh migrated to Cyprus in 2007 when her second son was only 11 months old and her first child was four years old. She went through a private arrangement with a local resident, who used to be a domestic worker in Cyprus. Her family has a tradition of international migration for work. Among her brothers and sisters and their spouses, two have returned from Cyprus, two are currently working in Taiwan, China and one is in the Republic of Korea. The other three family members failed to go abroad despite their persistent efforts.

The UN Women-DOLAB research did not identify gender-related patterns in the channels used. However, Belanger et al. (2010) found that men tend to be contacted by an intermediary from another commune to a greater extent than women. The recruitment companies use their own collaborators to reach out to prospective workers.

ILO (2011) also notes that there are individuals operating illegally to introduce people to labour sending companies. This practice is strictly prohibited by DOLAB, but it is difficult for DOLAB's inspection department to regulate it given their limited resources, and due to the private and informal nature of such contacts. However, interviewees in Bac Giang said that it was virtually impossible to contact labour sending companies directly. Those intending to migrate had to be introduced to the company through intermediaries. The findings of other studies suggest that the number of intermediaries increases the costs charged to migrants, as the intermediaries are paid a commission which is passed on to the worker. There are also reported cases of deceptive recruitment practices, where a different contract is produced at the airport before the worker departs, with no opportunity for negotiation at that point (ILO 2011).

One of the companies consulted in this study, SIMCO, has been operating for twelve years, and from their account appears to provide thorough advice and pre-departure training to workers intending to migrate. SIMCO requires that its field staff carry identification and does not allow any other individuals to introduce prospective migrants to them, nor allow representatives to receive money from prospective migrants. This appears to be an example of good practice, and one which should be encouraged among all companies.

SIMCO reported that China (Province of Taiwan) and Malaysia are among their largest markets. The company is aware of the difficulties migrants encounter in some markets, especially women working as domestic workers. They do not send women to Saudi Arabia because of the restrictions employers place on women's movement and communications; however, men are still sent as construction workers and to work in the oil and gas industry. Significantly, the company states that it does not encourage workers to go to Malaysia for domestic work because of the reports of contractual difficulties and cases of sexual harassment there.

The ILO TRIANGLE baseline survey (ILO 2011) reports that competition between recruitment companies for contracts can result in potential suitable migrants being given especially attentive treatment, including easy access to the Bank for Social Policy for loans to facilitate their agreement to migrate. However, there are usually more would-be migrants than contract places, especially for contracts under the Republic of Korea's EPS programme. The aspirations of potential migrants to go to the Republic of Korea has seen a tightening of language testing procedures, with supervision by the Republic of Korea in Viet Nam, as there were cases of cheating and fees being paid to take the language test in a certain province in order to be 'guaranteed' a place (according to DOLAB and VWU interviewees).

Poverty targeting under Decision 71

As noted earlier, under Decision 71 (No.:71/2009/QD-TTg), prospective migrants from poor districts can obtain financial support towards recruitment fees and training, as well as preferential access to loans from the Bank for Social Policy. This is a well-intentioned policy aiming to increase employment opportunities in these areas. However, from the ILO (2011) and UN Women-DOLAB research it is evident that many potential migrants living in remote and rural areas are poorly equipped to take up factory employment abroad. They often have little experience of travelling far from home, are not familiar with the working practices in a factory environment, and may not have skills in legal literacy to help them understand their contracts or seek redress in cases of contractual disputes. In the case of potential migrants from ethnic minority backgrounds, their lower level of fluency in Vietnamese may also disadvantage them. Representatives of a labour sending company interviewed by the study team in Bac Giang Province reported that their experience under the programme had not been altogether positive as some recruits from remote areas attended part of the training and then returned home, not completing the recruitment process to go overseas.

4.4 Pre-departure Orientation and Training Services

As noted earlier, enterprises sending workers abroad are required by law to provide mandatory pre-departure orientation, with a defined set of contents, to migrant workers. As outlined in Section 2, the set of contents is reasonably comprehensive and DOLAB has developed video information guides for main destination countries (China (Province of Taiwan), Malaysia, Saudi Arabia, Macau SAR, United Arab Emirates, Qatar and the Republic of Korea) to be used by the service enterprises in their pre-departure orientations, which include a range of practical information. Current practice is that the labour sending enterprises develop their own curriculum within the terms of the regulations. However, the specified contents and the manner of delivery are not sensitive to the needs of women and men migrants, and also to those ethnic groups who aren't fluent in Vietnamese. For example, there is little attention paid to reproductive and sexual health issues, protective life skills, legal literacy and what to do in cases of sexual harassment or coercion. Key contacts interviewed for this study also commented that the enterprises vary in their adherence to the 74 hour programme required by the regulations.

The labour sending enterprises also provide vocational training and training in the language of the destination country, depending on the requirements of each labour supply contract.

From the experience of those women returnees interviewed as part of the DOLAB-UN Women research, women on the whole expressed satisfaction, or at least did not express complaints, regarding the information they had received in pre-departure preparation. However, there is a clear opportunity to improve pre-departure orientation from the point of view of gender sensitivity and life skills preparation, including gender-sensitive life skills training, reproductive health advice such as protection against sexually transmitted infections or unwanted pregnancy, information on how to protect against sexual harassment or assault, and where to go in case of labour or human rights violations.

4.5 Pre-departure Costs and Financing

The service fees that can be charged by recruitment enterprises for contract migration are regulated by MOLISA and the Ministry of Finance, with the ceiling currently set at one month's salary for each contract year (Law on Vietnamese Workers Working Abroad Under Contract Article 21, Paragraph 4). Further regulatory guidance was issued by MOLISA through Circular No. 16, 2007 and Decision No. 61, 2008, providing for maximum service and brokerage fees per destination. Based on these guidelines, the brokerage and service fees should not exceed US\$1,500 for Taiwan, China and US\$786 for Malaysia, for example, based on a typical monthly salary of US\$162.

However, there is substantial evidence (from Belanger et al. 2010; ILSSA 2011; ILO 2011 and the UN Women-DOLAB research) that many workers pay higher costs than the regulated rates for brokerage and service fees. This appears to occur particularly due to the involvement of intermediaries, but also because some enterprises pass on costs of labour supply contracts to workers beyond the regulated costs; and due to the profit-oriented nature of the system. The range of costs migrants may have to pay prior to their departure abroad include service fees paid to recruitment enterprises, brokerage fees to a foreign recruitment company (if applicable), taxes, passport costs, visa, return or one-way plane fare, language testing and training costs, police clearance, as well as fees charged by brokers. A common finding across the available studies is that many of the respondents surveyed were not able to give a detailed breakdown of the costs they had paid (for example Belanger et al. 2010; ILSSA 2011; UN Women-DOLAB research).

The available sample surveys report major differences in actual costs paid by destination. Belanger et al.'s (2010) findings are based on the largest number of respondents on this question. They found that the highest costs were paid for Japan, exceeding US\$10,000 on average in 2008, while the reported cost for the Republic of Korea was over US\$6,000. For Taiwan, China costs were an average of almost US\$6,000 in 2008; while costs for Malaysia were by far the lowest, below US\$2,000 for 2006 to 2008. These reported fees include the safety deposit that is refundable, but this also increases the amount workers have to pay at the outset. ILSSA (2011:17, 49) report lower costs to Malaysia, an average of VND23.9 million in 2006 (US\$1,149), VND25.9 million (US\$1,245) in 2007, and VND20.5 million (US\$985) in 2008, but these figures are based on a very small sample of respondents answering. From the UN Women-DOLAB study, a comparison can also be made with women going to Cyprus through individual channels, where costs varied greatly, from US\$2,500 to US\$6,000. Women returning from Malaysia reported costs of US\$1,200. Notably, Belanger et al. (2010) found a big gap in the costs paid by women and men for departures between 2002 and 2006, but this gap had reduced by 2008, which could be attributed to Taiwan, China restricting domestic workers, the sector where contract costs tend to be lower.

Both women and men raise money from a variety of sources including loans from relatives, friends, private money-lenders and banks, including the Bank for Social Policy. Among their survey of returnees, Belanger et al. (2010) found that men were more likely to mortgage property whereas women were more likely than men to borrow the whole amount. The available research is not conclusive regarding whether women and men have differing access to bank finance for loans. Belanger et al. (2010) found that in contrast with men, women rarely borrowed from banks; but those women interviewed for the UN Women-DOLAB research reported that they had the same access to bank loans as men. The debts migrant workers incur are a critical influence on their experience of working abroad and their economic status upon their return, with differing impacts on women and men, as we shall discuss below.

5. Destination: Women Migrant Workers' Experiences and Support Services

5.1 Women's Experiences Working Abroad

Information sources

The research literature on the experiences of Vietnamese labour migrants in destination countries and territories, and of women migrants in particular, is very limited. The most comprehensive recent study available is that by Belanger et al. (2010), which reports on the experiences of women and men labour migrants returning from Malaysia, China (Province of Taiwan), the Republic of Korea and Japan. This study was based on a survey of 646 returnees and 616 households with a migrant abroad in Ha Tinh, Thai Binh and Ha Tay [now subsumed within an enlarged Ha Noi] provinces. Another study by ILSSA (2011) focused on returnee migrants' experiences and provides insights into the issues of the financial benefits of working abroad, contract completion and early returns, and savings and debt associated with migration. The ILO TRIANGLE project baseline survey (2011), conducted by ILSSA, included interviews with a small sample of 12 returnees in Thanh Hoa and Quang Ngai provinces. However the latter two studies did not analyse gender issues as part of the experience of working abroad. Media reports also contribute some insights into some of the difficulties that arise for some migrant workers overseas, both women and men.

The UN Women-DOLAB field research supplements the existing research, focusing on the experience of 55 women returnees in Bac Giang Province and three returnees in Lam Dong Province who had worked in China (Province of Taiwan), Cyprus, Malaysia, Japan, Macao SAR and China. In the survey and in-depth interviews, respondents were asked about their satisfaction with the experience of working abroad, their working conditions, wages, length of time to repay loans associated with migration, living conditions, health issues and any experiences of rights violations. This section identifies some of the key issues affecting women's satisfaction with their labour migration experience.

There is little research available on the experience of women migrants in Macao SAR, as well as in other countries such as Lao PDR and Cambodia, where smaller numbers of Vietnamese women work under contract.

Overall satisfaction with working abroad compared with expectations

On the available evidence, most overseas workers who are able to complete their contracts, both women and men, consider their experience of working abroad to be successful overall. This finding, originally reported by Belanger et al. (2010), is supported by the UN Women-DOLAB research. However, the former study reports that employers hiring foreign unskilled and low-skilled workers often treat them unfairly or infringe their basic rights. Some 70 per cent of their respondents reported confiscation of passports by employers and nearly a third of respondents experienced being prevented from leaving the workplace at some time or being threatened with dismissal or being sent back to Viet Nam. Over 20 per cent had salary deductions for sick days or deductions of mandatory savings from their salary. Over 15 per cent were not allowed to use a phone. These negative experiences were more commonly

reported among those workers who had migrated to Malaysia and Taiwan, China rather than among those who had worked in Japan and the Republic of Korea.

In the smaller scale UN Women-DOLAB survey of women returnees in Bac Giang and Lam Dong provinces, a third of those answering (17/51) rated the overall experience better than expected, just under half (21/51) felt it was as expected, while 14/51 reported it was worse than expected. Responding to the questionnaire, the areas of dissatisfaction most commonly reported by the women were the payment amount and the contract terms and conditions; while more women were satisfied with their living conditions and social life. The sample included few women who had worked in Malaysia, where some media reports have described cramped and unhygienic dormitory conditions among Vietnamese and other migrant workers.⁸ The in-depth interviews of the UN Women-DOLAB study provide a more nuanced picture, as described below.

Women's reported experiences of working conditions, income, living and social conditions vary greatly according to the channel of migration (recruitment agency or individual private arrangement), country of destination and their occupation category. Drawing on the interviews in Bac Giang, women reported a high level of satisfaction with jobs in manufacturing, especially in Japan and Taiwan, China, and on the whole experienced positive attitudes from employers towards them as migrant workers. It should be emphasised, though, that this is based on a small sample size and limited discussion time with them. Respondents who worked in Cyprus gave mixed responses in terms of satisfaction with payment amounts and working conditions.

Ms. Hoa, 40 years old, Bac Giang - returning from Japan:

Ms. Hoa is 40 years old, married with two children. She was already experienced in factory work when she went to Japan, having worked in several Korean factories in HCMC. She heard that you could get experience in high technology manufacturing in Japan. She worked for three years in a factory producing machine parts in a provincial town. Her salary was US\$927/month in the first year and US\$1,030 per month in the second and third years. She kept half her earnings in Japan and sent half back to her parents. She was satisfied with the working and living conditions in Japan. "It is very safe to live in Japan. I knew just a little Japanese, but it was enough for shopping and basic communication to get around".

Ms. Hien, Bac Giang - returning from Taiwan:

Ms. Hien worked in Taiwan for a total of two consecutive contract terms in an agricultural processing factory. Her contracts were arranged through brokers who introduced her to a licensed recruitment agency in Hanoi. She didn't encounter any difficulties working in Taiwan, although she would have liked a higher salary. She felt it was safer for women working in factories than domestic work. She was aware of the Viet Nam labour office in Taiwan for cases where migrant workers need help.

⁸ Sources: Nike reports on efforts to improve working and living conditions of migrant workers in a Nike-contracted garment factory in Malaysia: <http://www.nikebiz.com/crreport/content/workers-and-factories/3-14-0-case-study-hytex.php>. Accessed on 30/4/2012.

Three women interviewed in Lam Dong, who had returned from Malaysia, had mixed experiences. Two of them worked for Hoa Long, a Taiwanese textile company operating in Malaysia, but had different perceptions of working there. One woman found the terms and conditions satisfactory, but the other was dissatisfied with the lack of overtime work.

Among women in domestic work and caregiving there were also some positive reports of good relationships with employers in both Cyprus and Taiwan, China:

“My employers were very kind. They gave me a gift of US\$1,000 for my parents when I left Taiwan. I still keep in touch with them nearly every day”.

– Bac Giang respondent.

“I worked for a wealthy family in Cyprus. They treated me like one of the family”.

– Bac Giang respondent.

Ms. Binh worked in Cyprus for four years without any trip back to Viet Nam. She described life there as rather boring. She worked six days a week and on Sundays often went to the beach where she met other Vietnamese workers. She missed her family a lot, especially her two sons. She cried all night during the first six months. Her employer behaved well towards her. However, she knows some of her friends who were beaten by their employers.”

– Bac Giang respondent.

Both women and men working under recruitment agency contracts and those migrating through individual brokers can face difficulties with their contracts, but the UN Women-DOLAB research suggests that those migrating through individual channels, as is common in migration to Cyprus, are more vulnerable to abuse.

Experiences of women in domestic work and caregiving

Vietnamese women engaged in sectors that are almost exclusively female occupations, such as domestic work and caregiving, report a range of experiences where their rights were violated. In Cyprus for example, we learned of several cases where women’s movements were restricted to the private household where they worked, where their contact with family and use of mobile phones was restricted and where they experienced physical, sexual and verbal abuse:

Ms. Mai, Bac Giang, was 24 years old when she left, and worked in Cyprus for two and a half years through a private individual channel. She is now 27 years old, married with two children:

“My first contract in Cyprus was very difficult. The old lady didn’t speak English and I didn’t speak Greek. For the first six months I couldn’t communicate and cried every day. I had to leave my first employer because the family were very hard and rude. They said that my work was not up to their expected standard. On one occasion they threw the cleaning cloth in my face. After this happened twice I asked the recruitment broker in Cyprus to help find me another contract, but at first they didn’t agree. Then when the family threw my suitcase and

all my things in the street I was forced to leave. They wanted to send me back to Viet Nam, but I argued that it was written in the contract that I would get my money back if the contract was broken, unless there was a reason like stealing or having sexual relations with the employer. The recruitment broker found me another position, but deducted a month's salary for the service”.

Another respondent reported cases of sexual harassment of domestic workers:

“Many of the women working in Cyprus experience sexual harassment. My sister had to leave her employment because the employer wanted her to sleep with him and become his unpaid housewife. She left the contract and found another position, but she is now working illegally in Cyprus.”

- Bac Giang prospective migrant.

In Taiwan, China and other destination countries, Vietnamese women who work as caregivers provide a vital service to the employers and elderly and disabled persons in their care. The experiences of Vietnamese women providing these services are mixed. Belanger et al. (2010) report some very poor working conditions of caregivers in Taiwan, China where women in private households have to be on call 24 hours a day, have no private space and must sleep on the floor. As noted, in the UN Women-DOLAB research we found that some women were satisfied with the conditions in caregiving work. However, a number found the work hard to bear and did not seem prepared for the conditions they would face:

“In my second contract I looked after an elderly couple (aged 85 and 83) and cleaned the house. The elderly lady couldn't do much for herself as she was partly paralysed. I slept in the same room as the elderly lady and did not have a room of my own”.

- Bac Giang respondent, returnee from Cyprus.

Some sending enterprises provide workers employed as caregivers with thorough pre-departure training in nursing assistance and the care of the elderly, as confirmed by a representative of HANIC, one such enterprise. But other agencies may not be so thorough. Additionally, there have been numerous reports that employers do not observe the terms of the contracts with foreign caregivers (Lan 2010; Belanger et al. 2010).

Significantly, reports from Taiwan, China state that many overseas domestic workers flee, with Vietnamese women being the largest number of runaway domestic workers (Lan 2010). The reasons for their fleeing are reportedly due to poor working conditions, including restrictions on movement and not having a private space of one's own. Moreover, domestic workers and caregivers are not covered under China (Province of Taiwan)'s labour laws.

Earnings

Migrant women and men are able to earn much higher salaries abroad than they can at home. In the main destination countries and areas, DOLAB representatives report Vietnamese workers' monthly wages of US\$250-300 in Malaysia, US\$500-1,000 in Taiwan, US\$800-

US\$1,300 in Japan and from US\$1,000-1,500 in the Republic of Korea.⁹ In comparison, in 2010 on average agricultural workers in rural areas of Viet Nam earned US\$80 (VND1.6 million) while those in urban areas earned around US\$100 (VND2.1 million) (GSO 2010), although formal minimum wages set by the Government vary by region. DOLAB does not record initial salaries, provided in migrant workers' contracts, in its database, and contract salaries at destination often increase over consecutive years, therefore little precise information is available on wages as defined in contracts. Moreover, actual wages are affected by deductions by employers, which are often compulsory, and overtime work.

Based on their sample survey of migrants departing between 2000 and 2009, Belanger et al. (2010) found that salaries were highest in Japan, followed by the Republic of Korea, China (Province of Taiwan) and Malaysia, calculating average monthly income over the entire duration of the stay and taking deductions, overtime and illegal work into account. Somewhat surprisingly, they found that female monthly earnings were slightly higher than male monthly earnings per destination, but their study included migrants departing as early as 2000. An updated survey by destination, separating contract wages from deductions and overtime payments, would be valuable to analyse current gendered trends.

Each destination presents a different picture regarding parity between migrant workers' and nationals' wages. Since 1 May 2012, the minimum wage in Malaysia is US\$297 per month (which is an increase from US\$265-298 in 2011).¹⁰ Wages clearly vary across labour sectors, but compared with the reported wages received, some Vietnamese migrants' wages in Malaysia currently fall below the proposed level. In the absence of government regulations, wages are set by the employers, and observers and media reports suggest that migrant workers' salaries are based on migrants' country of origin rather than their education and experience (Human Rights Watch 2010, Maltoni 2011).

In Taiwan, China, Vietnamese workers' quoted salaries vary from their actual earnings due to deductions and the overtime payments they can earn. Migrant workers in Taiwan, China are entitled to the same minimum monthly wage as nationals, which was NT\$17,280 [US\$590] in 2010, but deductions are made by employers for costs such as room and board (ranging from NT\$2,000 [US\$68] to NT\$5,000 [US\$171]), fees to the placement agency in Taiwan, China, and in some cases, fees to the Vietnamese recruitment agency (Kung 2010, Belanger et al. 2010).

In Japan, migrant workers in labour-intensive industries are considered as 'trainees' for the first year of their employment and only receive an allowance, not a salary, but employers must provide room and board. Belanger et al. (2010) report that in the first year most of them actually do the same work as other workers, despite being 'trainees'. In the second and third years, migrant workers transition to become 'technical interns' under the Technical Internship Training Programme, and receive a salary covered by labour regulations under the Labour Standards Law, but they must cover their own accommodation and food costs. Salaries are not fixed by the government and vary by employer.

⁹ MOFA (2011:27-30) quote slightly lower monthly figures of around US\$170-250 in Malaysia, around US\$700 in Taiwan, China, US\$1,000-1,200 in the Republic of Korea and an average of US\$1,000 in Japan, based on 2009 sources.

¹⁰ Agence France-Presse (AFP) 2012.

In the Republic of Korea, migrant workers are legally entitled to the same wages as nationals. The monthly minimum wage is set at the equivalent of US\$847 for a 40 hour week in 2012 (Ministry of Employment and Labour website, Republic of Korea).

Debts

Migrants workers typically have major debts to repay associated with the costs of migrating. Most workers report taking on average one and a half years¹¹ to repay their debts for costs associated with their labour migration. This pattern has been recorded in several studies, notably Belanger et al. (2010), ILSSA (2011) and in the UN Women-DOLAB research. The length of time it takes for workers to repay their debts appears to be similar for both men and women. But the pressure of debt may have different impacts on men and women. Two returnees from Taiwan, China in Bac Giang Province, both of whom had worked for two consecutive contracts for a total of six years, commented on the impact of debt and some migrant women's strategies to repay it:

Ms. Nhung, Bac Giang, returning from six years in Taiwan:

When Nhung was working in Taiwan she compared the pre-migration costs for Vietnamese with those of Thais and found that the Thais only paid the outward ticket and visa and some administrative fees which added up to two or three months salary in Taiwan. The migration costs for Vietnamese were equivalent to one year to one and a half years' salary. Because of this cost burden, and the pressure to satisfy family expectations of big remittances, she said that many Vietnamese migrants work long hours of overtime, find extra jobs to earn more money or run away at the end of their contract term.

Another respondent, made a similar comment that:

"I know there are some women migrant workers who are badly behaved during their contract to earn extra money in order to cover the pre-migration costs and increase the amount of money they send home."

Debts associated with migration can have major implications for women (as well as men) migrants. More extensive financial skills training and transparent information on wages and wage deductions prior to migration would help women to consider this issue more thoroughly before migration.

¹¹ The result is from the DOLAB UN Women Survey Research in 2012. However, important to note is that the results from the survey do not explicitly state whether the respondents spent all the all their income to pay off migration-induced debt before saving or if they decided to pay off the debt in instalments.

Contract completion and early return

Most migrant workers set out with the intention of completing their contract term. Returning early is considered an unsuccessful outcome as it makes it difficult to repay debts and make savings. In Belanger et al.'s (2010) study, among those respondents in their sample who had departed overseas between 2000 and 2004, 36 per cent of men and 24 per cent of women returned early. There are many reasons for returning early, including salary problems, problems with working conditions, health problems, termination of contract, forced repatriation, insufficient work, failure to receive salary and homesickness or emergencies at home. Early returns were highest in Malaysia and lowest in the Republic of Korea. According to this study, men were more likely to return due to salary-related problems, whereas women were more likely to return due to poor working conditions. By occupation, factory workers and construction workers faced salary-related problems most often, whereas domestic workers most frequently reported poor working conditions as their reason for returning early. Why men returned early more frequently than women was not explored but could be related to a gender difference in tolerance of the hardships or to men encountering salary and other problems more frequently. ILSSA (2011) also reported an early return rate of approximately 30 per cent. Many early returnees lose their safety deposit because the early contract termination is presumed to be their fault.

In the UN Women-DOLAB survey, just over a quarter (14 out of 53 respondents) returned before their contract completion, echoing the findings of the Belanger et al. research. The reasons these women gave included illness and the lack of health service access abroad or the termination of contract due to the death of the person they were employed to care for.

Undocumented work and overstay

The existence of black markets for undocumented migrant workers in destination countries is widely reported (Dang 2008; Belanger et al. 2010; Lan 2010). Belanger et al. (2010) interviewed migrants who were solicited on their mobile phones by brokers with offers for work in the illegal sector with good jobs and high salaries. Those workers who leave their employment for undocumented work may earn higher salaries but they are vulnerable to labour exploitation due to their unregistered status.

Belanger et al. (2010) found that men were more likely to overstay their contract than women, 15 per cent compared with 6 per cent for women. The Republic of Korea had the largest share of overstayers in their survey sample, followed by Japan, China (Province of Taiwan) and Malaysia. While their sample only identified a few women who overstayed, those who did, tended to stay longer, especially domestic workers.

MOFA (2011:30) also reports on the high runaway rate among Vietnamese workers in Taiwan, China, currently some 12,000 Vietnamese workers, with women representing nearly 66 per cent of them. This is supported by Taiwan-based researchers such as Lan (2010) who describes the so-called 'illegal' recruitment sector operating in Taiwan, China. Workers who desert their contract employment become irregular migrants in violation of their visa conditions. Many Vietnamese workers are assisted by their friends or relatives to find alternative positions, which sometimes pay higher incomes but have little security or protection if difficulties arise.

Remittances

The great majority of migrant workers send money home while they are abroad. Among migrants in the Belanger et al. (2010) survey, women tended to send money home more often and more regularly than men. The reliability of Vietnamese women as remittance senders, whether as internal or international migrants, has frequently been reported elsewhere (United Nations Viet Nam 2011; Niimi and Reilly 2009).

Remittances from overseas workers are usually sent through banks, private transfers or intermediaries. In the UN Women-DOLAB research, women did not report any difficulty with financial services for remittances, but explained that while overseas they gradually learned of a variety of methods, through Western Union, banks, and private arrangements, with varying transfer fees.

The question of to whom migrants send remittances has important implications for who has access to the migrant worker's income at home. The large-scale survey by Belanger et al. (2010) found that overall, women send money to their spouse to a greater extent than men – 60 per cent of women as opposed to 50 per cent of men. In the UN Women-DOLAB study, we found that married women prefer to send their remittances to their spouse or parents, whereas single women usually send their remittances to their parents. Half of the returnee respondents also maintained their own bank account at home, indicating that some women at least aim to control some or all of their savings themselves.

Access to health care services

Migrant workers under contract are covered by health insurance at destination as a standard condition of their employment contracts, but there is little information available on women's access to and satisfaction with services by destination. In the UN Women-DOLAB study, women were asked about their access to and use of health services, including reproductive health services. Several women reported using services, but the survey yielded little information on their experience using health services. However, the UN Women-DOLAB research in 2012 mentioned a case of one woman working in Cyprus through an individual contract; she had to return home when she needed to check a health problem because her employer refused to pay for examination in Cyprus. Women's access to health services, and barriers to access and quality of health services in particular destination countries, is an area that could be explored in future research.

Social networks and sources of support

Social networks with other migrants from Viet Nam in the destination country not only provide access to migration employment opportunities, as we have seen in the case of Cyprus, but can also be immensely helpful for individuals needing to solve problems and achieve better outcomes in their destination country.

Belanger et al. (2010) noted that the majority of migrants did not know anyone in their destination before migrating, and fewer women than men had ties with someone abroad before they went – 66 per cent of men compared with 73 per cent of women did not know anyone. Once in their destinations they found that men contacted someone they knew more often than women – the explanation put forward for the overall trend was that it could relate

to the more isolated occupations of migrant women in domestic work compared to factory workers, who are more likely to have days off. Domestic workers in China (Province of Taiwan) and Cyprus tend to form strong ties with other domestic workers in their neighbourhood, whom they can meet when walking an elderly person in a public park or visiting the local health clinic, but as noted, some said that their only chance to meet others was when they took the person cared for to the local hospital (UN Women-DOLAB study; Belanger et al. 2010). The experience of social isolation and loneliness was commonly expressed by domestic workers in the sample of UN Women-DOLAB interviews.

The history and duration of Vietnamese migration to particular destinations affects the strength of overseas communities and networks. Overall, Belanger et al. (2010) concluded that network ties were fairly undeveloped among Vietnamese labour migrants overseas, reflecting the relative lack of maturity of these migration flows. They report that those most likely to know someone in their destination prior to departure were men and women who went to the Republic of Korea, with more than half knowing at least one person there. Nevertheless, based on the author's observations of Vietnamese communities in Taiwan, there are many connections between migrant workers and migrant spouses from Viet Nam in China (Province of Taiwan) and the Republic of Korea; and as noted in the Belanger et al. (2010) study, businesses started by Vietnamese migrant spouses often cater to migrant workers who purchase foodstuffs from Viet Nam. Vietnamese migrants in Malaysia appeared to be less connected than migrants in other destinations, possibly because it is a more recent destination.

Women working in Cyprus sometimes had family connections, such as a sister already working there. Connections with other Vietnamese migrants in Cyprus were very important in times of trouble with their employment, especially as there is no Vietnamese labour office. For one interviewee, her only source of help was from another women from her hometown in Viet Nam, who lived in Cyprus, who helped her to find a new job.

5.2 Rights Protections and Services at Destination

Vietnamese authorities

Vietnamese migrant workers who encounter problems with their working conditions or contracts or who experience other infringements of their rights may turn to their local Viet Nam embassy or consulate, recruitment agency representatives or placement agencies, brokers, MOLISA's labour section representatives in-country, as well as foreign government services and NGOs in the host country. Viet Nam has embassies or consulates in most countries where migrants work, though not Cyprus, with 90 embassies and consulates around the world. Embassy staff are responsible for assisting Vietnamese citizens abroad, including migrant workers. The embassies deal with issues such as visas, repatriation in case of emergency or law breaking, and in labour relations with employers when there is no labour section representative.

Labour section staff, also known as labour attachés, reporting to MOLISA, are present in eight destinations: China (Province of Taiwan), the Republic of Korea, Japan, Malaysia, Czech Republic, United Arab Emirates, Qatar, and Saudi Arabia. They are often placed in diplomatic mission offices, and provide advisory services to migrant workers and offer assistance in contract disputes. In cases of assault or sexual violence, labour section staff have

the responsibility to support workers in getting medical treatment, interpreting in meeting the police, following up and bringing the case to court, as well as providing emergency accommodation, and finding another employer.

Large labour sending companies also have representatives in destination countries who are responsible for monitoring their labour placements and responding to workers' concerns. In addition, non-governmental organizations provide information services and assistance to Vietnamese migrant workers and other migrants in some destination countries, notably Taiwan, China.

Migrants' perceptions and readiness to contact authorities is a relevant factor affecting their actual use of available services. Very few of the UN Women-DOLAB respondents had contacted their embassy or labour section staff when they encountered difficulties, and most had taken problems to their recruitment agency or broker. Belanger et al. (2010) found that women were less likely than men to contact someone when they had problems with their employment, only 22 per cent of their sample having contacted someone regarding a problem.

One observation, based on the UN Women-DOLAB interviews with government respondents, is that although embassy staff and labour section staff are provided with training in the legal rights and obligations of migrant workers, they do not receive training in addressing gender-related issues, the application of gender equality principles under Viet Nam's Gender Equality Law, gender-sensitive counselling skills, or how to deal with cases of physical or sexual violence.

In Viet Nam, DOLAB's inspection section is the principal authority dealing with complaints regarding contract issues or rights violations. On average, the section deals with 300 complaints per year. Those complaints recorded usually concern issues such as early termination of contract, and, in countries such as Saudi Arabia, physical violence towards women, lack of access to mobile phone communication and employers not permitting workers to contact their families have been reported. In most cases, reports of violations result in the return of security deposits by recruitment companies. DOLAB's inspection section has limited capacity due to its small staff. A representative of the section recommended increased cooperation between DOLAB and the Ministry of Public Security to ensure more complete documentation of migrants, including those using undocumented channels and those not registered through DOLAB.

Destination governments – rights protection and services for migrants

In each destination there are government services available to assist migrant workers, usually under ministries of labour, immigration and social welfare. For example, Taiwan, China has a Centre for Foreign Worker Advice, a telephone hotline for foreign workers under the Labour Affairs Council and centres for prevention of sexual assault in cities and provinces. Little information is available, however, on the effectiveness of these services and their ease of access for Vietnamese women and men.

Foreign NGOs and trade unions

In several of the main destinations for Vietnamese workers there are local NGOs that focus on migrant issues or include migrant worker issues among their concerns. For example, in Taiwan, China there are a number of NGOs and Vietnamese migrant associations that provide assistance to workers who become illegal or who have disputes with their employers. These include charity organisations that run shelters which assist migrants who leave their employment for various reasons or who are trafficked, and the Vietnamese Migrant Workers' and Brides Office that advocates for the interests of both migrant workers and marriage migrants. In Malaysia, the Malaysia Trades Union Congress frequently raises issues of migrant workers' labour rights (Human Rights Watch 2010), and in the NGO sectors, Tenaganita (Women's Force), a non-profit organization, works with domestic workers, migrant factory workers, trafficked women, sex workers, people living with HIV/AIDS and marginalized groups of Malaysian women.

6. Returning home: Economic and Social Impacts on Women

6.1 Economic Benefits and Employment Opportunities

Economic benefits

Several quantitative studies (ILSSA 2011; Do Van Huong 2011; Belanger et al. 2010; and ILO 2011) have considered the economic and employment outcomes of Vietnamese migrants once they return home after working abroad. However, the differences between men's and women's prospects and access to employment advisory services have not been explored in depth.

The available research suggests that most migrant workers, male and female, who complete their overseas contracts benefit economically in terms of their savings and debt position. For example, Belanger et al. (2010) found that about 30 per cent had a better savings position, and 45 per cent had reduced their debts. However, a significant proportion of their sample (over 20 per cent) felt their situation had worsened, due to debts or having to return early. Do Van Huong (2011, analysing data from ILSSA 2011) found that more than half of the returnees in four northern provinces spent money on house construction and renovation, while 8 per cent invested in their children's education. Belanger et al. (2010) found differences between women and men migrants' use of migration earnings and savings. Men were more likely to spend savings on house construction while women migrants were more likely to invest in education and health services.

Among the women migrant returnees surveyed in Bac Giang, 30/55 cases (57 per cent) still had savings left from their migration earnings when they came home, but a sizeable proportion, 23/55 cases (43 per cent) did not. A small number still had debts from their migration costs to repay. Those women interviewed, who had worked abroad in China (Province of Taiwan), Cyprus and Japan, were satisfied with the use of their remittances by their spouses or parents, and with the improvements they had been able to contribute to in their family living conditions. Several had been able to buy land, build a house or invest in their children's education. In line with the research cited above, women labour migrants in particular appear to prioritise family welfare, such as the education of their children and family health, when they migrate.

Regarding potential investments of savings and remittances, few returnees appear to access advice on investment, such as setting up a small business, although several of the women in the UN Women-DOLAB sample had established a business on their return. In terms of service providers' responses, in interviews with the Bac Giang Province Viet Nam Women's Union there was a perception that men and women migrants do not wish to divulge information about their earnings or to seek advice on investment. We would therefore suggest that business investment advice provided by DOLISA or civil society organizations could be incorporated with other advice provided to returnees.

Employment outcomes

One of the objectives of Viet Nam's international labour migration policy is to promote the acquisition of valuable work experience and new skills abroad that can be utilized in Viet

Nam. The experience of working overseas is assumed to benefit individual migrants in terms of their employability in off-farm work and improve the general skills level of the workforce (Dang 2008; MOLISA 2008).

However, on return, migrants do not necessarily find the opportunity to apply their skills. The ILSSA (2011) findings throw some doubt on the effectiveness of working abroad in terms of improving women and men's employment outcomes when they return, since the majority of migrants appear to return to farm work. With regard to gendered patterns of employment of migrants, Do Van Huong (2011) analysing the ILSSA (2011) survey data found that a higher proportion of women than male migrants were engaged in agriculture before departure (84 per cent of women compared with 49 per cent of men). Upon their return, the proportion of women moving into manufacturing increased from 5 per cent to 18 per cent, however, 64 per cent remained in agriculture. These figures suggest that migration has enabled some women to move into off-farm work, though women were still engaged in agriculture to a greater extent than men. Furthermore, male workers more frequently reported the opportunities to use their skills and knowledge acquired abroad than female workers, especially in terms of applying industrial work practices (44 per cent of men returnees, versus 33 per cent of women). The majority of economically inactive returnees, in other words those not seeking employment, were women. Regarding a possible explanation for this pattern, in the UN Women-DOLAB research we found that some older women prefer to return to housework once they return home.

The UN Women-DOLAB research in Bac Giang Province supports the finding that upward occupational mobility among women is limited following migration, although we did not include comparative interviews with men. The majority of women workers returning to Bac Giang were currently engaged in either farming (36/55 cases), or informal sector or small business self-employment (14/55 cases). Two women were unemployed. From the in-depth interviews we learned that some women returning from abroad prefer to stay at home, doing housework and taking care of the children "to compensate their family for their long absence overseas". Having their own business may be a strategy that allows women with young children to be economically active and take care of their family at the same time. The limitation of these findings, both ILSSA and UN Women-DOLAB, is that they are based on samples of returnees who remain in their home province after returning and exclude those who may have moved elsewhere, possibly into higher skilled work. ILSSA is currently analysing data from a second research phase, which attempts to track returnees' employment outcomes, including those who move elsewhere.

Women's reported success in reaching their employment goals post migration and their satisfaction with employment following migration depended on their age as well as their pre-migration employment backgrounds. It appeared that whilst abroad, most women had not made plans regarding their employment situation post-migration, though the predominant preference expressed was to go into factory work in their local area. On returning home, women aged over 40 reported particular difficulties finding a satisfactory new job, even though they had returned home with more skills including English, Japanese and Chinese languages and cross-cultural communication skills. As one woman who had returned from working in Japan expressed:

“I am strong, healthy and capable, but I cannot get a job in a factory as I would like. The factory employers prefer younger employees. Also, I don’t want to travel far away to work.”

- **40 year old, Bac Giang**

Overall, the UN Women-DOLAB research found a preference among women to work in factories rather than set up their own business. One returnee had established her own internet service business with thirty computers, but she expressed that she would rather have a stable factory job with regular working hours, as the business has to stay open until late at night. A hesitation among returning migrants to establish a business has been noted elsewhere. Do Van Huong (2011) comments that the number of business owners before and after migration remains the same. Similar patterns have been found internationally. As Hugo and Stahl (2004) suggest, it may be that migrants tend to be workers rather than ‘risk-taking entrepreneurs’, and are cautious in making investments. Nevertheless, several women in the UN Women-DOLAB study had set up a business or expressed a desire to do so. They said that they would appreciate further investment advice and access to capital.

A striking and unprompted response from many of the women respondents in Bac Giang was that they would like more help from the authorities to find suitable employment following their return:

Ms. Thuy, returned to Bac Giang from five years in Cyprus, aged in her late 30’s, and is married with two children:

“There is no support available at all to find a job. I am fit and enthusiastic to work. The authorities don’t help after we come back. I don’t know what to do yet.”

Other women commented:

“I need a suitable job that will not be harmful to my health.”

“I need a job with stable working hours and a good income.”

This finding concurs with those of ILSSA (2011) and Belanger et al. (2010) that returning women and men migrants have limited access to employment advisory services. What is less clear is whether the services are available, but returnees choose not to use them, or whether services are not sufficiently developed. None of the 55 returnee women in Bac Giang and three women in Lam Dong had received employment counselling. However, the Bac Giang Province Women’s Union provides special assistance to women whose overseas contract was terminated early, including help with job placement, vocational training and loans for business investment. This good practice does not appear to extend to all returning women migrants.

The provincial labour sending steering committees tend to focus on the number of workers deployed overseas annually against targets, and strategies to promote labour migration. Although the study team learned that DOLISA, and sometimes the Youth Union, introduce returnee migrants to employment opportunities, in general, there are limited services for returnees. In fact, the Bac Giang Provincial Communist Party recognizes this deficiency, noting in their report: “There is no policy in support of this group [returnees], no policy encouraging them to invest in production and do business or how to use the savings and

remittances effectively, and no information and guidance on finding a proper job upon their return” (Bac Giang Provincial Communist Party, 2011).

On a more encouraging note, some labour sending companies such as SIMCO, interviewed by the authors, reported exemplary practices in terms of assisting migrants who have a good employment record abroad to take up employment opportunities in their operations in Viet Nam, mainly in manufacturing plants.

Repeat migration

The interest in repeat migration was quite high among women in Bac Giang and Lam Dong interviewed by UN Women-DOLAB. Several expressed their aim to work overseas again. At least five of the 58 women returnees had migrated for work more than once. All three returnees who had worked in Malaysia were single, divorced or widowed and intended to re-migrate. Each wanted to re-migrate to a higher income country, but as they could not afford to go to Japan or the Republic of Korea they planned to go to work in Russia.

Reliable nationwide statistics on repeat labour migration of Vietnamese women and men are not available, nor do the existing studies shed much light on this issue. From our survey, it is interesting to note that some women first went to Taiwan, China, and then to Cyprus, in each case as domestic workers. Several women returning from Taiwan, China as domestic workers expressed an interest in going to Cyprus as domestic workers in the future. The rules regarding repeat contracts abroad vary per destination country. Until recently, the maximum stay for migrant workers in Taiwan, China under three year contract extensions was nine years, but in January 2012 this was extended to twelve years under an amendment to the Employment Services Act.¹² Domestic workers are allowed a follow-up contract if they have a good employment record in Taiwan, China. In the case of Cyprus, the contract may be renewed annually with the mutual agreement of employer and employee. The Republic of Korea’s Employment Permit System allows workers who have completed a contract term of 4 years and 10 months to apply for a further contract after six months.¹³ However, under Japan’s ‘internship programme’ contracts are of fixed duration and migrants are not allowed to return under a second contract.

High rates of repeat migration would suggest that opportunities at home are still lacking when migrants return. Given the lack of substantive research data on the social and economic impacts of repeat migration, it would be useful from the point of view of women’s social and family welfare to investigate the impacts of repeat migration on women, both single and married, and their families.

¹² <http://www.taiwantoday.tw/ct.asp?xItem=185160&CtNode=436>. Accessed on 30/4/2012.

¹³ The Republic of Korea’s Ministry of Employment and Labour have announced an amendment to be introduced in July 2012 allowing foreign workers to re-apply for a contract with the same enterprise after three months. Currently returning migrants can access online language testing for their second contract. http://www.moel.go.kr/english/topic/employment_policy_view.jsp?&idx=896. Accessed on 30/4/2012

Conclusion

To sum up, we find that considerably more attention needs to be paid to gender-responsive employment advice and skills development for returning migrants in national policy and local programmes. Such employment advice needs to be tailored to individual experience and skills, taking women's age and family situation into account, and linked with realistic labour market information and employment opportunities. This would benefit both women and men labour migrants and better harness migrants' skills in the long-term development of the economy.

6.2 Gendered Family and Social Impacts of Labour Migration

In Viet Nam, as observed across Asia, migration poses personal challenges for women and men labour migrants. The impacts on family and social relationships are different for women and men as a result of the gendered cultural roles and expectations in Viet Nam. It is a challenge for migrant workers with families to be separated from their spouses and children for periods of up to six years. However, some studies (HealthBridge 2008, for example) suggest that for most women and men migrants their family relationships are the same or even improved after they return.

Regarding migrant women's status within the family, the UN Women-DOLAB field research found some indications that migration provides benefits for women's empowerment in the family. Among the 55 Bac Giang survey respondents, 33 reported an increase in their decision making power and respect within the family. The survey data provided no further detail on how their decision making position improved, but in the in-depth interviews several women described their overall increase in self-confidence and status in the family, mainly attributed to their economic contribution. Further research is suggested to substantiate these observations, and to compare the impact on men's status.

Both women and men returning from working overseas face a variety of challenges in re-settling in terms of their relationships with their spouses and family members and their re-integration into the community. The cultural gender roles and stereotypes that operate in Viet Nam regarding responsibility for the well-being of children and standards of morality differentiate women's experiences from men's. The available studies suggest that women more often find that their spouse has been unfaithful or has not looked after the well-being of their children (Belanger et al. 2010; HealthBridge 2008). A number of respondents in the UN Women-DOLAB study, including women returnees and local authority representatives, commented that marital separations sometimes occur among families where one of the spouses migrates. Family disharmony following the migrant worker's return was a significant issue for many families in Thai Binh, according to HealthBridge (2008), including some cases of legal separation, though not divorce. More returning women than men appear to encounter family disharmony due to the spouse's poor behaviour or infidelity; or have to contend with rumours among neighbours that their husband has 'behaved badly'. In Vietnamese society, where men expect to have greater sexual freedom than women, before and following marriage, studies such as HealthBridge (2008) report that it is common practice for men to have affairs when their spouse is working overseas. Given the double standard that operates regarding sexual infidelity, women tend to tolerate men's infidelity in the interests of maintaining family stability. The experience of one woman returning to Bac Giang from Cyprus is illustrative:

“I heard from my neighbours that my husband behaved badly while I was abroad. However, I trust my husband and I talked with him and told him that... We are now a happy couple and I know I am the most important person in the world to him... I did not use my earnings to buy new clothes and fancy things. My husband is easily jealous, so I prefer to be modest and simple.”

- **Respondent, 40 years old, Bac Giang.**

Another respondent commented that if their husbands are badly behaved the wife is also partly responsible and that women have to be patient with their men.

On the other hand, some women become disenchanted with their spouses on return.

“While they are abroad, some women find that foreign men are more well-mannered and attractive than Vietnamese men.”

- **Respondent, Bac Giang.**

From a gender equality perspective, such findings should not be used to discourage married women from labour migration. However, it may be helpful, to both women and men migrants, to increase the availability of family counselling prior to migrating and to enhance counselling and support networks available to returnee migrants. Recognizing the vital role of women in Viet Nam in family cohesion and welfare, the Viet Nam Women’s Union in Ha Tinh Province runs clubs for family members of migrant women under the name ‘*Khi me vang nha*’ (‘When mother is away from home’), which help husbands and other family members to maintain the care of the children. This also reflects the traditional expectations in Viet Nam regarding the proper roles of women and men in the family.

Anecdotal comments provided to the study team by a representative of the central Viet Nam Women’s Union suggest that gender stereotypes and discriminatory attitudes towards women migrants returning home manifest themselves among members of the community. For example, women who are successful in earning money while they are abroad and return wearing fashionable new clothes can be suspected of having had ‘loose morals’ while they were away. Such attitudinal barriers to women returning from working overseas deserve further investigation.

This brief discussion raises just a few of the potential issues regarding the different impacts of working abroad on family and social relationships of women and men migrants and their families. The available research suggests that gender-sensitive and non-discriminatory family support needs to be taken into account in planning social support services for migrant workers and their families.

7. Technical Cooperation on Overseas Labour Migration and Gender

7.1 UN Agencies

Several UN agencies are engaged in technical cooperation on international labour migration and rights protection under the framework of the One UN Initiative in Viet Nam. Broadly speaking, these initiatives aim to assist the Vietnamese Government and non-governmental agencies to develop policies and programmes that optimize the benefits of outgoing labour migration for individuals and the national interest. The main agencies assisting on issues of overseas labour migration in Viet Nam are ILO, IOM and UN Women. Several agencies also cooperate in a joint programme on mobility and development, which encompasses internal, incoming as well as outgoing migration flows. A number of other UN Agencies are working on the intersecting issue of human trafficking for purposes of labour and other forms of exploitation.

This section briefly maps international agency support to identify potential avenues for cooperation and collaboration in addressing women overseas labour migrants' needs and improving the gender-responsiveness of relevant policies and programmes.

International Labour Organization (ILO)

Under the five-year ILO TRIANGLE project, (Tripartite Action to Protect Migrants Within and From the Greater Mekong Subregion (GMS) from Labour Exploitation) Viet Nam is one of six countries (Thailand, Cambodia, Lao PDR, Malaysia, Viet Nam and China) where assistance is being provided through government, private sector and workers' organizations to protect and promote the rights of migrant workers. The project focuses on improved regulation of recruitment practices in origin countries and increased protective strategies in destination countries. One of the project's key initiatives in Viet Nam, in partnership with DOLAB, is to establish provincial Migrant Labour Centres. These centres will be based within the employment services section of provincial DOLISA offices. The centres will initially be established in the targeted provinces of Thanh Hoa and Quang Ngai.

A second initiative underway under the TRIANGLE project is to support DOLAB in the development of a standard pre-departure orientation curriculum to be used by recruitment service providers, initially for workers going to Malaysia and Taiwan, China. This curriculum will include information for living and working abroad and life-skills components to help prepare migrant workers for the challenges that they might encounter when working overseas. The curriculum will introduce a learner-centred training approach with training of trainers for the service providers. The curriculum draft is expected to be completed in early 2012. This is also an initiative where UN Women plans to contribute its expertise in developing appropriate gender-sensitive content for the curriculum.

The ILO is also engaged in coordinating inter-agency policy dialogue through the Interagency Task Force on Mobility around the issue of mobility and development, encompassing the three streams of international outgoing, incoming and internal migration. This policy development process is based on the rationale that different labour migration

movements are inter-related and that policies and programmes across the three streams need to be consistent and mutually supportive.

International Organization for Migration (IOM)

As the intergovernmental agency specializing in migration, IOM in Viet Nam works closely with the Government, notably the Ministry of Foreign Affairs, and the Ministry of Public Security, the Ministry of Labour, Invalids and Social Affairs, as well as with mass organizations and civil society partners.

One of IOM's ongoing projects is support for Viet Nam's participation in the Colombo Process. The Colombo Process is the Ministerial Consultation on the Management of Overseas Employment and Contractual Labour for Countries of Origin in Asia, initiated in 2003 in Sri Lanka. Representatives of related ministries have been supported to attend subsequent meetings in Manila, 2004, Bali, 2005 and Dhaka, 2011. The Colombo Process provides an opportunity to share best practices and enhance dialogue with destination countries.

The Abu Dhabi Dialogue, held in 2008 as an offshoot of the Colombo Process, served as a forum at ministerial level to mobilize new ideas and concrete activities towards development of a comprehensive and practical regional framework for contractual labour mobility in Asia, promoting the welfare and well-being of workers and the development of countries of origin and destination, with the active support of international and regional partners.

In December 2011, IOM and DOLAB embarked on a new technical cooperation project to establish a "Migrant Resource Centre" in Hanoi, which will provide services to intending and returning labour migrants, and promote safe and sustainable migration. The project will assist DOLAB with developing and delivering direct services to migrants, through the Migrant Resource Centre, with outreach and awareness-raising activities in areas of high out-migration. Staff of DOLAB and the Viet Nam Women's Union will be trained to provide integrated migrant support services and relevant information to prospective, actual and returning labour migrants. The Centre, which will be located in DOLAB's Ha Noi premises, will receive additional funding from the Vietnamese Government. The project will also foster the exchange of good practices in providing comprehensive migrant support services between Viet Nam and other Asian countries.

While the project is in its infancy, the intention is that the services developed and piloted by the Centre will eventually be provided through provincial DOLISA offices in provinces of high out-migration throughout the country. This project represents an opportunity for UN Women to collaborate to provide expertise on gender-sensitivity and responsiveness in the services provided.

UN Women

Under the project "Empowering Women Migrant Workers in Viet Nam", UN Women has completed a number of activities aimed at capacity building on gender and rights related to international labour migration:

- Delivered a series of training workshops on the application of CEDAW to provincial representatives of MOLISA, MOLISA's Gender Equality Department, Viet Nam Women's Union Economic Development Department, staff of provincial DOLISAs, provincial Women's Union representatives and staff from 100 recruitment enterprises.
- Translated and printed relevant international conventions and ASEAN instruments into Vietnamese and the *Vietnam Law on Workers Working Overseas Under Contract* into English.
- (With ILO) provided support to DOLAB for the development of the new database on overseas contract workers, with facility for sex disaggregated analysis.
- (With ILO) provided technical inputs to the Viet Nam Association of Manpower Supply Code of Conduct, launched in 2010.
- (With IOM) released a factsheet on gender and mobility for International Women's Day, 2012.

UN Inter Agency Project on Human Trafficking (UNIAP)

The work of the UN Inter Agency Project on Human Trafficking in the Greater Mekong Subregion (GMS), is relevant to international labour migration given the nexus between labour migration and trafficking for labour exploitation. The governments of the GMS have made progress towards cooperation in combating trafficking through the Coordinated Mekong Ministerial Initiative on Trafficking (COMMIT), for which UNIAP serves as Secretariat. Under COMMIT, the Sub-regional Plan of Action, as well as research activities, encompass monitoring of formal and informal labour recruitment processes and violations of migrant workers' rights at destination.

7.2 International NGOs

Considerable work on safe migration has been supported by international non-governmental organizations in the past decade or so, under the umbrella of safe migration and counter-human trafficking (though note that this paper does not deal with trafficking). Oxfam Quebec, for example, is currently working with the Women's Union in Nghe An, Ha Giang and Quang Ninh provinces on providing safe migration information to potential migrants, with a focus on women and ethnic minorities. Under its regional programme, Oxfam Quebec plans to work with government and civil society organizations in GMS countries (Viet Nam, Lao PDR, Cambodia, Thailand and southern provinces of China) towards the protection and promotion of migrant workers' rights at origin and destination, with a focus on irregular and informal migrants crossing borders within the GMS region. The central strategy is to link information and services provided to migrants on both sides of national borders.

8. Recommendations

The following recommendations are intended to inform the development of more gender-sensitive and rights-based policies and programmes for international labour migration from Viet Nam. The recommendations are directed towards Government agencies as well as international development agencies, highlighting where UN Women may offer support along with other UN agencies under the One UN framework. Some recommendations could be implemented almost immediately; while others are of a longer-term nature and relate to Viet Nam's economic and social development policy on labour migration as well as regional dialogue and bilateral agreements with destination countries. The recommendations are organized under the following themes, some of which include recommendations for policy as well as service delivery improvements:

- Data collection system and monitoring
- Research priorities
- Gender equality in the national overseas labour strategy
- Bilateral and multilateral advocacy on rights and gender equality
- Gender and culture-sensitive pre-migration services
- Monitoring and regulation of recruitment channels
- Capacity building for rights and gender-sensitive services in-country
- Economic and social integration services for returning migrants

Data collection system and monitoring

1. DOLAB should develop measures to improve data collection on migrant worker deployment through the four registered channels (recruitment agencies, company internships, overseas investment activities, individual channels). DOLAB should also coordinate with the Ministry of Public Security (Immigration Bureau) and the Ministry of Foreign Affairs to compile more complete international labour migration data. In particular, there is a need to fill gaps in occupation data by sex for Lao PDR and Cambodia. Measures to improve labour migration data collection could include stricter monitoring of labour sending agencies and compliance incentives.
2. DOLAB (Labour Management Section) should analyse overseas deployment trends disaggregated by sex on a six-monthly and annual basis. The variables of destination, age of migrant, channel of labour migration, and occupation should be analysed on a routine basis; and the occupation analysis should separate out the employment categories of domestic workers, home-based caregivers and health care workers in health or elderly care facilities. The outcomes for migrants, again disaggregated by sex, should also be included in the database and analysed, including contract completion and early returns.

3. DOLAB (Inspection Department) should collect and report sex-disaggregated statistics and provide an analysis of cases of overseas labour contract violations, violence and sexual harassment, paying particular attention to the occupation sectors and destinations where such violations occur, to inform policy development on migrant workers' protection in line with CEDAW Committee General Recommendation 26. This could be an area for UN Women advocacy and capacity building.

Research priorities

4. Conduct destination-specific research on the rights protection situation, labour conditions and access to health and social services of Vietnamese workers, women and men, prioritising those countries (or territories) that have not received a great deal of research attention or where rights violations are being reported. Malaysia and Macao SAR might be considered for priority research studies.
5. MOLISA, related ministries and the National Assembly Social Affairs Committee should carry out an in-depth review of Viet Nam's bilateral labour sending agreements from a rights and gender perspective. UN Women and UN agencies might support Vietnamese authorities in this analysis.
6. Conduct research on the pre-migration needs and overseas experience of ethnic minority migrants, especially women, to guide advisory services provided to them and to support rights-based implementation of Decision 71 on labour deployment from poor districts.

Gender equality in the national overseas labour strategy

Gender mainstreaming in overseas labour migration policy and programmes

7. MOLISA (Gender Equality Department) together with DOLAB should develop a gender checklist that can be applied by DOLAB and relevant agencies to the development and management of the overseas labour strategy; including the identification and promotion of country markets which demonstrate equitable treatment of women and men migrants, gender-equitable bilateral agreements on labour supply, and gender sensitivity in the practices of labour sending enterprises. UN Women could support this process under its project with DOLAB.

Skills development for women migrants

8. DOLAB should cooperate with MOLISA (General Department of Vocational Training) to provide more skills training in rural areas, with the aim of achieving more skilled employment overseas placements for women. This should be linked to research on specific employment sectors in emerging destination markets. At province and district level, this strategy could prioritise sending localities where women migrants are currently concentrated in lower skilled occupations and lower paid destinations, and aligned with Decision 71.

Bilateral and multilateral advocacy on gender equality

9. The Government, through MOLISA and other relevant ministries, should review its bilateral and other agreements on labour sending from a gender equality standpoint and take steps to ensure gender equity when negotiating bilateral agreements, including the principle of non-discrimination on the basis of gender. Following such agreements, DOLAB and MOLISA, in consultation with the Gender Equality Department, should issue policy amendments requiring that labour sending enterprises incorporate principles of gender equity in labour supply contracts with employers or agencies in destination countries, covering for example, eligibility of male and female workers for contracts.
10. The Government should pursue agreements with destination countries, and through regional migration forums, for standard contracts of employment for domestic workers and caregivers. This should be based on experiences under the UN Women regional programme, including the recognition of domestic work as a labour sector and incorporating protections and decent work conditions in line with the international Domestic Workers Convention. Once standard conditions are accepted bilaterally, DOLAB should require the use of such contracts by labour sending enterprises within labour supply agreements, through the issue of a Government circular. As a matter of good practice, Viet Nam should consider developing its own standard contract for national domestic workers, which would place it in a stronger negotiating position. UN Women and other UN agencies could take up advocacy activities on these issues.
11. UN Women and UN agencies should advocate for ASEAN countries to sign and ratify the international Domestic Workers Convention.
12. In its forthcoming phase, UN Women should advocate to the Government of Viet Nam that the issue of women migrant workers' reproductive health rights, such as maternity provision, should be included on the agenda of multilateral labour migration dialogue, including the ASEAN process on labour migration. Such discussions could draw on the experience of Hong Kong SAR where migrant workers are accorded the same rights as national workers.

Gender and culture-sensitive sensitive pre-migration services

Reaching the community with gender-sensitive labour migration and vocational advice

13. Vocational counselling services (provided by labour departments, mass organizations and training centres at province, district and commune level) should develop their capacity to provide advice regarding employment options overseas as well as at home to women and men considering overseas employment. Special attention should be given to ensure that potential migrants from ethnic minorities are fully informed of the pros and cons of working overseas.
14. Currently, IOM is supporting DOLAB to establish an information and advisory service for intending and returnee migrants, through a centre based in DOLAB's Ha Noi offices; and ILO, through the TRIANGLE project, plans to support the development of migrant labour resource centres within employment service centres in

selected pilot provinces. The UN Women-DOLAB project should provide technical expertise to ensure that these new services integrate gender-sensitive information and special communication strategies for ethnic minorities in communication packages. This should include reproductive health advice and services abroad, cultural practices in destination countries, how to seek help and redress in cases of sexual harassment or violence overseas, examples of positive as well as negative experiences of women in particular destinations, and advice to help potential migrants compare opportunities abroad with opportunities in Viet Nam.

15. Labour sending steering committees and DOLISA employment service centres (and the migrant labour resource centres, where they exist), should develop linkages with lower-tier local authorities and civil society organizations to reach out to women and men in the community with safe migration information. The Women's Union, together with local authorities, could support the establishment of migrant women returnee groups as peer educators, including identifying contact points of returnee women migrants with exemplary experience. Returnee migrant women could play a role in encouraging intending migrants to approach recruitment agencies, or their accredited representatives, rather than use intermediaries.
16. At the community level, local authorities and the Women's Union should play a role in providing financial management training for women intending to migrate overseas. They should provide information on the range of banking and remittance sending options available in both the destination country and Viet Nam, and discuss all the options, including the possibility of women maintaining their own bank account in Viet Nam.

Pre-departure orientation training by labour sending agencies

17. The ILO TRIANGLE project, with DOLAB, should develop a more learner-centred and rights-based standard pre-departure orientation curriculum for use by labour sending agencies. UN Women should provide technical assistance to ensure the inclusion of the following gender-sensitive content: Life skills training appropriate for women and men migrants, health services available at destination, contact addresses of organizations providing support to migrant workers at destination, guidance on safe and affordable remittance sending options, reproductive health advice, sources of support in case of sexual assault, and information on the gendered risks in certain occupations, including domestic work and seafaring.
18. MOLISA should issue a decree or circular to supplement Decision 18 and the Law on Vietnamese Workers Working Abroad Under Contract requiring enterprises or agencies sending labour overseas to include gender-sensitive and rights-based training within the standard pre-departure training curriculum packages. This should draw on CEDAW Committee General Recommendation 26. This could be included under UN Women's policy advocacy activities.

Monitoring and regulation of recruitment channels

19. DOLAB and MOLISA (Labour Inspection Department) should discuss the system for monitoring recruitment agencies with all stakeholders and ensure strengthened monitoring mechanisms are put in place. Recruitment agencies with a poor track

record should be put on an internal watch list, and any legal sanctions applied as appropriate. There should also be an easy to access means for women and men migrants to be able to lodge complaints about fraudulent recruitment agencies.

20. Local authorities and labour sending steering committees at province and district level, as well as commune level authorities, should be required to monitor labour recruitment practices for overseas employment and ensure that individual brokers are not operating illegally in their localities; and to report any malpractices to DOLISA or DOLAB as part of their routine reports.

Capacity building for rights and gender-sensitive services in-country

21. DOLAB should develop and pilot a gender training and counselling skills training package for delivery to labour section representatives under MOLISA, MOFA consular staff as well as labour sending enterprises based in major destination countries. UN Women and other UN agencies could support DOLAB and MOFA in developing the training packages.
22. MOFA and DOLAB should cooperate to ensure that there are easy to access systems in place in all receiving countries and territories for women and men to seek redress and access to justice in cases of labour or rights violations.

Economic and social integration services for returning migrants

23. The Government should provide returning migrants with employment assistance services, including vocational advice, vocational training and employment introductions, matched to the skills gained overseas and appropriate to their age and family circumstances. These services could be provided through multiple channels including DOLISA employment services and associated migrant resource centres, civil society organizations and recruitment enterprises. The Government could establish public-private partnerships in provinces with large numbers of overseas migrants with major employers in Viet Nam to assist returnees in gaining employment. Viet Nam Association of Manpower Supply (VAMAS) could also promote the practice of assisting returning migrants to access employment in Viet Nam based operations.
24. MOLISA, other relevant ministries and the Women's Union should provide social reintegration services to returning migrants, identifying and responding to any important issues that individuals, and especially women, face in re-settling, including provision of gender-sensitive family counselling where needed.
25. The Women's Union (or other non-governmental organizations) should help form returnee migrant women's groups or clubs. These could provide peer support for returning women to support their social re-integration and provide assistance (e.g. direct prospective migrant women to the appropriate authorities) to seek redress in cases of rights violations whilst they were overseas. UN Women could support the establishment of pilot peer support groups.

26. The Women's Union, Youth Union and local authorities at district and local levels should conduct communications activities that enhance respect for women migrants returning from overseas, valuing their contribution to their families and community.

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Annex A. Relevant International Conventions and Agreements

International Agreements	Year of Ratification
UN Conventions	
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (2003) ¹⁴	--
Palermo Protocol (2000) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations International Convention on Transnational Organized Crime.	--
Convention on the Elimination of All Forms of Discrimination Against Women (1979) and General Recommendation No. 26 on Migrant Women Workers (2008)	1982
International Covenant on Economic, Social and Cultural Rights (1973)	--
ILO Conventions	
Eight core conventions:	
C29 Forced Labour Convention (1930)	2007
C87 Freedom of Association and Protection of the Right to Organize Convention (1948)	--
C98 Right to Organize and Collective Bargaining Convention (1949)	--
C100 Equal Remuneration Convention (1951)	1997
C105 Abolition of Forced Labour Convention (1947)	--
C111 Discrimination (Employment and Occupation) Convention (1953)	1997
C138 Minimum Age Convention (1973)	2003
C182 Worst Forms of Child Labour Convention (1999)	2000
Other relevant conventions:	
C81 Labour Inspection Convention (1947)	1994
C97 Migration for Employment Convention (Revised) (1949)	--
C143 Migrant Workers (Supplementary provisions) Convention (1975)	--
C181 Private Employment Agencies Convention (1997)	--
Convention Concerning Decent Work for Domestic Workers (2011)	--

Sources: ILO Database of International Labour Standards (ILOLEX); UN Treaty Collection: <http://treaties.un.org/pages/Treaties.aspx?id=4>

¹⁴ Date each of the respective Conventions came into force. A Convention comes into force when it has been ratified by a minimum threshold of 20 states.

Annex B. Viet Nam Legal and Policy Instruments on Labour Migration

Listed in chronological order, according to the date of issue (most historic to most recent):

Law No.72/2006/QH11. Law on Vietnamese Workers Working Abroad Under Contract. National Assembly, Dated 29 November, 2006. Effective July 2007.

Joint Circular No. 08/TTLT-BLĐTĐBXH-BTP. Issued by the Ministry of Labour, Invalids and Social Affairs and the Ministry of Justice. Instructing the content of guarantee contract and liquidating guarantee contract for workers going to work abroad. 11 July, 2007.

Decision No. 18/2007/QĐ-LĐTĐBXH dated 18 July, 2007 of the Ministry of Labour, Invalids and Social Affairs. Issuing the pre-departure orientation curriculum for migrant workers.

Decision No. 19/2007/QĐ-LĐTĐBXH dated 18 July 2007 of the Ministry of Labour, Invalids and Social Affairs. Issuing the “Regulations on the organisation of the apparatus for sending workers abroad and specialized apparatus for pre departure orientation”.

Decree No. 126/2007/ND-CP dated 1 August, 2007 Detailing and Guiding the Implementation of a Number of Articles of the Law on Vietnamese Workers under Overseas Employment Contracts. 1 August, 2007. Retrieved from:
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Decision No. 144/2007/QĐ-TTg dated 31 August, 2007 of the Prime Minister on the establishment, management and use of the Fund for Overseas Employment Support.

Decision No. 20/2007/QĐ-LĐTĐBXH dated 2 August, 2007 of the Minister of Labour, Invalids and Social Affairs, Issuing certificates for pre departure orientation for workers.

Joint Circular No. 16/2007/TTLT-BLĐTĐBXH-BTC of the Ministry of Labour, Invalids and Social Affairs and Ministry of Finance dated 4 September, 2007. Detailing the brokerage charge and service charge in sending workers to work abroad.

Joint Circular No. 17/2007/TTLT-BLĐTĐBXH-NHNNVN dated 4 September, 2007 of Ministry of Labour, Invalids and Social Affairs and State Bank of Vietnam regulating the management and use of deposit of enterprise and workers who work abroad.

Decree No. 144/2007/ND-CP dated 10 September, 2007. Providing for Sanctions for Administrative Violations in the Sending of Vietnamese Workers Abroad for Contractual Employment.

Joint Circular No. 21/2007/TT-BLĐTĐBXH dated 8 October, 2007 of the Ministry of Labour, Invalids and Social Affairs. Detailing a number of articles of the Law on Vietnamese Workers Working Abroad under Contract and Decree No. 126/2007/ND-CP dated 1 August, 2007 of the Government, detailing and instructing some articles of the law on Vietnamese Workers Working Abroad Under Contract.

Joint Circular No. 11/2008/TTLT-BLĐTBXH-BTC dated 21 July, 2008 of the Ministry of Labour, Invalids and Social Affairs and Ministry of Finance. Instructing the management and use of the Fund for Overseas Employment Support.

Decision No. 61/QĐ-LĐTBXH dated 12 August, 2008 of the Minister of Labour, Invalids and Social Affairs on brokerage charge paid by workers.

Decision No. 71/2009/QĐ-TTg dated 29 April, 2009 of the Prime Minister. Approving the project on supporting poorest districts in promoting the sending of workers abroad for sustainable poverty reduction in the period 2009 - 2020.

Joint Circular No. 31/TTLT-BLĐTBXH-BTC dated 9 September, 2009 of the Ministry of Labour, Invalids and Social Affairs and the Ministry of Finance. Instructing some contents of Decision No 71/2009/QĐ-TTg dated 29th Apr 2009 approving the project on supporting poor districts in promoting the sending of workers abroad for sustainable poverty reduction in the period of 2009-2020.

Joint Circular No 01/2010/TTLT - TANCTC - BLĐTBXH – VKSNDTC dated 18 May, 2010 of the Supreme Court, Ministry of Labour, Invalids and Social Affairs and the People's Supreme Procuracy. Instructing the application of some legal provisions in the dispute solving in guarantee contract for workers going to work abroad under contract at Supreme Court.

Annex C. List of Consultation Participants

Name	Title and Agency
Government of Viet Nam	
Mr. Dao Cong Hai	Deputy Director General, Department of Overseas Labour (DOLAB), MOLISA
Ms. Hoang Kim Ngoc	Deputy Director General, DOLAB
Ms. Vu Hong Minh	Chief of Office, DOLAB
Ms. Nguyen Thi Anh Hang	Officer, DOLAB
Mr. Nguyen Xuan Tao	Head, Labour Management Section, DOLAB
Ms. Tran Anh Thu	Deputy Head, Inspection, DOLAB
Mr. Nguyen Thanh Tung	Deputy Head, Labour Management Section, DOLAB
Mr. Vu Le Ha	Consular Department, Ministry of Foreign Affairs
Mr. Dinh Ngoc Quy	Deputy Director, Department of Social Affairs, National Assembly
Mr. Pham Ngoc Tien	Director, Gender Equality Department, MOLISA
Civil Society Organizations	
Ms. Nguyen Thi Minh Huong	Vice Director, Department for Supporting Women in Economic Development, Viet Nam Women's Union
International agencies	
Mr. Nguyen Quoc Nam	International Organization for Migration
Ms. Doan Thi Dung	International Organization for Migration
Ms. Dang Thuy Hang	International Organization for Migration
Ms. Nguyen Thi Mai Thuy	National Project Coordinator, TRIANGLE, ILO
Ms. Phan Thi Thu Huong	ILO
Mr. Andrea Silvini	ILO
Ms. Deepa Bharathi	Migration Programme Manager, UN Women Regional Office, Bangkok
Dr. Suzette Mitchell	Country Director, UN Women Viet Nam
Mr. Nguyen Hai Dat	National Programme Officer, UN Women Viet Nam
Ms. Vu Phuong Ly	UN Women Viet Nam
Non-governmental agencies	
Ms. Tran Giang Linh	Institute for Social Development Studies
Mr. Vu Ngoc Binh	Freelance consultant
Mr. Tran Long Khanh	SIMCO labour sending company
Ms. Nguyen Thi Tuyet Mai	HANIC labour sending company

Annex D. Field Research Methodology and Site Overviews

Background

The consultants conducted field research from 9-10 February 2012 in Bac Giang Province and from 20-21 February 2012 in Lam Dong Province.

Bac Giang Province was selected to represent a northern province with a large number of annual outgoing labour migrants. Lam Dong, in the Central Highlands of Viet Nam, was selected as a province targeted for labour sending, where there a smaller number of labour migrants and potential migrants from both majority Kinh and ethnic minority backgrounds.

Annual Deployment of Workers from Bac Giang and Lam Dong – 2006-2011

	2006	2007	2008	2009	2010	2011
Bac Giang	4272	8022	7588	2886	5300	4521
Lam Dong	550	150	87	150	605	525

Source: DOLAB 2012

Method

In each province, a questionnaire survey and in-depth interviews were conducted of women having returned from working overseas or intending to work overseas. One district was selected per province based on the large numbers of overseas migrants from each of these districts. The selected districts were Yen Dung District of Bac Giang and Lam Ha District in Lam Dong. The survey used a close-response questionnaire format, completed by the women themselves with guidance from the consultant team. The questionnaire covered the themes of motivation, pre-departure information, channel of labour migration, experience abroad and experience following return. The sample of returnees and women intending to work overseas was identified by DOLISA in each province. The selection criteria for women returnees was those who had returned in the past two years. The selection of migrant women was intended to cover the major countries of destination. However, limited time and resources and lack of access to a list of returned migrant women meant that the resultant sample was not representative of all destination countries. In-depth interviews were conducted among a selection of those who had completed the questionnaire, both a sub-group of women, returnees and a sub-group of women intending to migrate. These women were selected by the researchers among those who were willing to participate in an interview. The information provided by all women respondents was treated with confidentiality and an informed consent procedure was followed.

The interview guidelines covered the following themes:

- motivation and decision making
- pre-departure information accessed
- pre-departure training
- migration costs
- satisfaction with the experience of working overseas
- gender-specific experiences, such as sexual harassment and reproductive health issues
- employment following return

- adjustment on return to Viet Nam, including social and family issues.

The questionnaire survey sample composition was as follows:

Province	Women returnees	Women intending to migrate	Total
Bac Giang	55	4	59
Lam Dong	3	26	29
Total	58	30	88

Summary Data:

	Bac Giang	Lam Dong
Returnees	55	3
	<p>Age: Average: 37.2; range 26-52 yrs.</p> <p>Ethnicity: Kinh</p> <p>Marital status: 52 married 3 single</p> <p>Education: 2 Primary school 25 Lower secondary school 17 Upper secondary school 47 agricultural labour prior to migration</p> <p>Destination countries: Cyprus: 30 Taiwan, China: 17 Both Taiwan and Cyprus: 4 Japan: 1 Malaysia: 1 Singapore: 1 China: 1</p>	<p>Age: Average: 37; range 29-36 yrs.</p> <p>Ethnicity: Kinh</p> <p>Marital status: 1 widowed 1 divorced 1 separated</p> <p>Education: 1 Upper secondary school 2 Lower secondary school</p> <p>Destination country: Malaysia (factory work)</p>
Intending	4	26
	<p>Age: Average 23.5; range 22-25 yrs.</p> <p>Ethnicity: Kinh</p> <p>Marital status: 3 single, 1 married</p> <p>Education: 3 unskilled 1 basic vocational training</p>	<p>Age: Average: 21.8; range 15-28 yrs.</p> <p>Ethnicity: 11 K'hor ethnic minority 15 Kinh</p> <p>Marital status: 3 married; 22 single</p> <p>Education: 4 high school educated (all Kinh) 4 primary school (all ethnic minority) Remainder: no answer</p>

In each province the team conducted group discussions with province-level authorities, including the Department of Labour, Invalids and Social Affairs, Women's Union, Communist Party, Youth Union and Farmers' Union. At district level, group discussions were conducted with the labour representatives, Women's Union, Youth Union and Farmers' Union.

In addition, in Bac Giang Province the study team interviewed representatives of the Hoang Long labour sending company.

Annex E. UN Women-DOLAB Questionnaire

QUESTIONNAIRE FOR WOMEN RETURNEE MIGRANTS AND WOMEN INTENDING TO MIGRATE

Personal information will
be kept confidential

Office use

Please circle the number next to your answer

Questionnaire number:

Province of interview

1. Bac Giang
2. Lam Dong

Q1. Home location

- Province
District
Commune

Q2. Year of birth

Q3. Ethnicity group

1. Ethnic minority (specify) _____
2. Kinh

What languages do you speak at home?
What other languages are you fluent in?

Q4. Marital Status

1. Married
2. Single
3. Divorced/Separated
4. Widowed

Q5. Number of children:

Q6. Highest level of education:

1. Primary school
2. Year 6-9 (Lower secondary)
3. Year 10-12 (Upper secondary)

Q7. Technical or professional training:

- 1. Unskilled**
- 2. Some basic vocational training without certificate**
- 3. Formal technical training with certificate**
- 4. College/university**

Q8. Have you ever worked overseas?

- 1. Yes (Go to page 2)**
- 2. No (Go to page 10)**

QUESTIONS FOR RETURNEE MIGRANT WOMEN

Q9. Dates of the last migration: From: _____ **to:** _____
Total number of years abroad: _____
Duration of the last migration _____

Q10. Country of your last migration: _____

1. Cyprus
2. Japan
3. Korea
4. Macao SAR
5. Malaysia
6. Taiwan, China
7. Other (Specify)

Q11. Occupation before migrating: _____

1. Paid job in services
2. Paid job in factory/ manufacturing work
3. Agricultural work
4. Services in informal sector/ self employed in small business
5. Unemployed
6. Other (Specify)

Q12. Occupation overseas: _____

1. Domestic work
2. Care-giver
3. Hospitality
4. Factory work
5. Agricultural work
6. Other (Specify)

Q13. Did you finish your last contract? _____

1. Yes

- 2. No (please specify the reason for early termination of contract)**

Q14. Why did you decide to go to work overseas? (Choose only the most important reason)

- 1. To earn more money**
- 2. To get skills and work experience overseas**
- 3. To accompany my friends**
- 4. To gain life experience from overseas**
- 5. Other (Specify)**

Q15. How did you know about the employment opportunity abroad? (You can circle more than one source)

- 1. Contacted labour-exporting companies directly**
- 2. Contacted foreign employer directly**
- 3. Through employer in Vietnam**
- 4. Information distributed by local authority and/or civil society organization**
- 5. Information from friends and relatives**
- 6. Advertisement on public media**
- 7. With the help of a paid broker**
- 8. Can't remember**
- 9. Other (specify)**

Q16. What channel did you use for your labour migration?

- 1. Labour exporting company**
- 2. Registered individual contract**
- 3. Internship (i.e. worked in the headquarters of a foreign company having a branch in Vietnam)**
- 4. Vietnamese company with overseas investment / sub-contract**
- 5. Other channel (please specify)**

Q17. Did the agency/broker provide you with any pre-departure orientation and/or training?

1. Yes
2. No (Go to Question 20)

Q18. What types of preparation and/or training were given to you?

Q 18a Foreign language

1. Yes
2. No

Q 18b Vocational training

1. Yes
2. No

Q 18c Information on laws and regulations at destination

1. Yes
2. No

Q 18d Information on rights of migrants

1. Yes
2. No

Q19. Did the pre-departure service provider give information about any of the following?

Q19a Reproductive health services/sexual health issues abroad

1. Yes
2. No

Q19b Life skills training focusing on self protection overseas

1. Yes
2. No

Q 19c What to do in case of sexual harassment or violence

1. Yes
2. No

Q19d Avenues of complaint while overseas

1. Yes
2. No

Q 19e Contact details of support groups for Vietnamese migrants at destination

1. Yes
2. No

Q20. Did the service provider mention any risks that women face as migrant workers?

1. Yes
2. No

Q21. What costs were involved to arrange for your migration? How much for each ?

1. Visa
2. Ticket
3. Service fee for labour-exporting companies
4. Brokers' fee in Vietnam
5. Agent in destination country
6. Other (specify)
7. Don't know

8. Total

Q21a. How long did it take you to repay all the cost for migration ?

**Q22. From which source(s) below did you raise money to pay the fees?
(You can mark more than one source)**

- 1. From my own savings
- 2. From the Bank for Social Policy
- 3. From commercial bank/s
- 4. From my relatives and friends
- 5. From money-lenders
- 6. Other (specify)

Q23. Do you think women migrants can access finance sources for migration fees as easily as men migrants?

- 1. Yes, same for both
- 2. Women have more difficulty accessing credit/finance.
Why?

3. Don't know

Q24. Was your employment abroad the same as you expected before migrating?

- 1. Yes
- 2. Better
- 3. Worse

Q25. What was your experience like overseas?

Q25a Payment amount	1. Satisfied	2. Not satisfied	3. OK	<input style="width: 100%; height: 20px;" type="text"/>
Q25b Contract terms & conditions	1. Satisfied	2. Not satisfied	3. OK	<input style="width: 100%; height: 20px;" type="text"/>
Q25c Living conditions	1. Satisfied	2. Not satisfied	3. OK	<input style="width: 100%; height: 20px;" type="text"/>
Q25d Friendship and Social life	1. Satisfied	2. Not satisfied	3. OK	<input style="width: 100%; height: 20px;" type="text"/>
Q25e Personal safety	1. Satisfied	2. Not satisfied	3. OK	<input style="width: 100%; height: 20px;" type="text"/>
Q25f Relationship with family at home	1. Happy	2. Not satisfied	3. OK	<input style="width: 100%; height: 20px;" type="text"/>

Q26. Did you experience any difficulty relating to gender - e.g. Sexual harassment, sexual assault?

1. Yes (if yes, could you seek support? Where?)

2. No

Q27. Did you have any need for reproductive health services or advice?

1. Yes (Did you know of support services? Did you use support services? How helpful were they?)

2. No

Q28. Were there any services available to migrants in the destination country that provide information or support in case of difficulty with employment or working conditions?

1. Yes (please specify)

2. No

3. Don't know

Q29. Were there any services specifically for women migrants?

1. Yes (what kind of services?)

2. No

3. Don't know

Q30. Did you save your income in overseas country during your employment term?

1. Yes (Go to Question 35)

2. I remitted partly

2. No

- Q31. To whom did you remit savings?**
- 1. Self**
 - 2. Sibling**
 - 3. Spouse**
 - 4. Parents**
 - 5. Other (please specify)**
- Q32. How satisfied were you with the means of remitting savings?**
- 1. Not satisfied**
 - 2. OK**
 - 3. Very satisfied**
- Q33. How satisfied were you with the use of your remittances?**
- 1. Not satisfied**
 - 2. OK**
 - 3. Very satisfied**
- Q34. Did you have any savings left when you came back?**
- 1. Yes (how did you/will you use those savings?)**
 - 2. No**
- Q35. Did you have any difficulty in settling back in Vietnam?**
- 1. Yes**
 - 2. No (Go to Question 37)**
- Q36. Where did the difficulty you encountered arise from?**
(You can mark more than one option)
- 1. Finding suitable work**
 - 2. My family situation**
 - 3. Administrative procedure**
 - 4. Money management**
 - 5. Other (please specify)**
- Q37. Did you have an outstanding debt due to migration costs when you came back?**
- 1. Yes**
 - 2. No**
- Q38. Are there any special issues for women in settling back?**

1. Yes (what are they?)

2. No

3. Don't Know

Q39. While re-settling, have you received any help from the following agencies regarding finding work in Vietnam? (You can mark more than one option)

- 1. Labour-exporting companies**
- 2. Local authority (DOLISA, etc.)**
- 3. Civil society organizations (e.g. Women's/Youth Union)**
- 4. Family and friends**
- 5. None of the above**

Q40. What are you doing now at home in Vietnam?

- 1. Paid job in services**
- 2. Paid job in factory/ manufacturing work**
- 3. Agricultural work**
- 4. Services in informal sector/ self employed in small business**
- 5. Unemployed**
- 6. Other (Specify)**

Q41. Do you think that the experience of migrating has been beneficial to you economically?

- 1. Yes**
- 2. No**
- 3. Other (Specify)**

Q42. Have you seen any change in your ability to contribute to decisions in your family since returning?

1. Yes (Specify)

2. No

3. Don't Know

Q43. Do you have any intention to migrate again?

1. Yes (to which country?)

2. No

3. Don't know

Q44. Do you have any recommendations or suggestions to help migrant women get the most benefit from migration?

Thank you for your support!

QUESTIONS FOR PROSPECTIVE WOMEN MIGRANTS

Q45. Country you intend to go for labour migration:

1. Cyprus
2. Japan
3. Korea
4. Macao SAR
5. Malaysia
6. Taiwan, China
7. Other (Specify)
8. Don't know yet

Q46. Your current occupation:

1. Paid job in services
2. Paid job in factory/ manufacturing work
3. Agricultural work
4. Services in informal sector/ self employed in small business
5. Unemployed
6. Other (Specify)

Q47. Intended occupation overseas:

1. Domestic work
2. Care-giver
3. Nursing
4. Hospitality
5. Factory work
6. Agricultural work
7. Other (Specify)
8. Don't know yet

**Q48. Why are you considering or planning to go to work overseas?
(Choose only the most important reason)**

1. To earn more money
2. To get skills and work experience overseas
3. To accompany my friends
4. To gain life experience from overseas
5. Other (Specify)

Q49. How did you learn about the employment opportunity abroad?

1. Contacted labour-exporting companies directly
2. Contacted foreign employer directly
3. With the help of local authority and/or civil society

organization

(DOLISA, Women’s Union, Youth Union, vocational training centres, etc.)

4. With the help of friends and relatives
5. Responded to advertisement in public media
6. With the help of a paid broker
7. Other (specify)

Q50. What channel of migration will you use for your labour migration ?

1. Labour exporting company
2. Registered individual contract
3. Internship (i.e. work in the headquarters of a foreign company having a branch in Vietnam)
4. Vietnamese company with overseas investment / sub-contract
5. Other channel (please specify)

Q51. Has the agency/broker provided you with any pre-departure orientation and/or training?

1. Yes
2. No (Go to Question 54)

Q52. What types of preparation and/or training were given to you?

Q 52a Foreign language

1. Yes
2. No

Q 52b Vocational training

1. Yes
2. No

Q52c Information on laws and regulations at destination

1. Yes
2. No

Q53. Did the pre-departure service provider give information about any of the following?

Q53a Reproductive health services/sexual health issues abroad

1. Yes
2. No

Q53b Life skills training focusing on self protection

1. Yes

<p>overseas</p> <p>Q53c What to do in case of sexual harassment or violence</p> <p>Q53d Avenues of complaint while overseas</p> <p>Q53e Contact details of support groups for Vietnamese migrants at destination</p>	<p>2. No</p> <p>1. Yes 2. No</p> <p>1. Yes 2. No</p> <p>1. Yes 2. No</p>	<table border="1" style="width: 100%; height: 100%;"> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> </table>				
<p>Q54. Has the service provider mentioned any risks that women face as migrant workers?</p> <p>1. Yes</p> <p>2. No</p>		<table border="1" style="width: 100%; height: 40px;"></table>				
<p>Q55. Do you know how much you will pay to arrange your migration?</p> <p>1. Yes</p> <p>2. No (Go to Question 57)</p> <p>3. Not sure (Go to Question 57)</p>		<table border="1" style="width: 100%; height: 20px;"></table>				
<p>Q56. How much will you have to pay to arrange your migration?</p> <p>1. Visa</p> <p>2. Ticket</p> <p>3. Recruitment fee</p> <p>4. Agent in Vietnam</p> <p>5. Agent in destination country</p> <p>6. Other (specify)</p>		<table border="1" style="width: 100%; height: 20px;"></table>				
<p>Q57. How do you plan to raise the money to pay the fees? (You can mark more than one source)</p> <p>1. From my own savings</p> <p>2. From the Bank of Social Policies</p> <p>3. From commercial banks</p> <p>4. From my relatives and friends</p> <p>5. From money-lenders</p> <p>6. Other (specify)</p>		<table border="1" style="width: 100%; height: 40px;"></table>				
<p>Q58. Do you know of any services available to migrants in the destination country that provide information or support in case of difficulty?</p> <p>1. Yes (please specify)</p>		<table border="1" style="width: 100%; height: 40px;"></table>				

2. No

Q59. Do you have any recommendations or suggestions to help migrant women get the most benefit from migration?

Thank you for your support!