

RESEARCH PAPER

# MYANMAR DOMESTIC WORKERS - DRIVING DEVELOPMENT AT HOME AND ABROAD

**STUDY ON THE IMPACT OF PROTECTIVE POLICIES FOR  
MYANMAR MIGRANT DOMESTIC WORKERS IN THAILAND  
AND SINGAPORE:**

Strengthening protection through the Myanmar National  
Strategic Plan for the Advancement of Women (2013-22),  
CEDAW and the SDGs



JUNE 2017  
UN WOMEN



Ministry of Labour,  
Immigration and  
Population



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# ABBREVIATIONS AND ACRONYMS

AEC	ASEAN Economic Community
ASEAN	Association of Southeast Asian Nations
ASEAN Declaration	ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers
C189	ILO Convention on Domestic Workers, 2011 (No. 189)
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEDAW Committee	United Nations Committee on the Elimination of Discrimination against Women
CSO	Civil society organization
GR26	General Recommendation 26 on Women Migrant Workers (of CEDAW)
H.O.M.E.	Humanitarian Organization for Migration Economics
ICRMW	International Convention on the Protection of the Rights of Migrant Workers and Members of their Families
ILO	International Labour Organization
IOM	International Organization for Migration
MOEAF	Myanmar Overseas Employment Agencies Federation
MOLIP	Ministry of Labour, Immigration and Population (Myanmar)
MOU	Memorandum of Understanding
MYR	Myanmar Ringgit
NGO	Non-governmental organization
NSPAW	National Strategic Plan for the Advancement of Women
SDGs	Sustainable Development Goals
SGD	Singapore Dollar
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women

# EXECUTIVE SUMMARY

In 2014, in response to a number of high-profile cases of abuse of foreign domestic workers, the Government of Myanmar issued a ban on women migrating for domestic work. Notwithstanding the ban, women's migration for domestic work continues, as do cases of abuse and exploitation.

This report considers the situation of women migrating to Thailand and Singapore for domestic work in light of the ban, highlighting their realities and risks at each stage of migration. The report addresses the situation of women in the broader context of domestic and care work, in particular the impacts that the low value placed on this critical — yet socially mandated, feminized sector of work — has on the attitudes and practices that lead to exploitation and abuse. The report also presents recommended policy approaches that focus on promoting and protecting migrant women's human and labour rights. These recommendations are practical and achievable in the context of Myanmar and align with the country's commitments under national and international policy frameworks.

## Context of women's migration

Experiencing steady growth for a number of years, Myanmar has committed to people-centred development. However, while the economy has strengthened, opportunities for women have remained limited; most are based in low-paid and low-skilled work in the agriculture and manufacturing sectors. Displacement caused by conflict and environmental degradation has exacerbated the lack of livelihood options and increased household expenses. Women's low education and literacy levels are also significant in rural and ethnic states, such as Chin State and Shan State. In a country with a minimum wage of approximately US \$2.63 (MYK \$3600) per day (approximately US \$67 per month), women with limited economic opportunities are easily attracted to the promise of earning US \$400 per month to work as a domestic worker abroad. Myanmar currently bans women from migrating regularly into domestic work. Coupled with inconsistencies in data reporting, the irregular nature of their migration makes it difficult to know accurately how many Myanmar women work in domestic work in neighbouring countries. The Government of Myanmar has, however, cited estimates that there are around 28,000 undocumented Myanmar migrant domestic workers in Thailand and between 30,000 and 40,000 in Singapore.

## Policy and legislative framework

Myanmar has committed to working towards the Sustainable Development Goals (SDGs), which include goals focused on building the resilience of the poor (SDG 1.5); eliminating the exploitation of women (SDG 5.2); protecting the labour rights of women migrant workers (SDG 8.8); and facilitating orderly, safe, regular and responsible migration (SDG 10.7). In addition, Myanmar has ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which includes, in its General Recommendation Number 26 on women migrant workers, responsibilities on states of origin that migration policy be gender responsive (GR26, para. 23). The recommendation also specifically provides that domestic work should be protected by labour laws, including wage and hour regulations, and that the laws should include mechanisms for monitoring workplace conditions (GR26, 26 (b)).

At the national level, the current ban on migration for domestic work means that actors who facilitate the migration of women for domestic work do so in contravention of labour migration regulations, in particular the Law Relation to Overseas Employment. In the Concluding Observations of Myanmar's 2016 CEDAW review, the CEDAW Committee has made a request for more information on the status of women domestic workers (para. 37d). Myanmar's National Strategic Plan for the Advancement of Women 2013–2022 (NSPAW) commits to increasing research into the situation of female migrant workers and implementing specific policies addressing economic opportunities for women migrant workers.

Both Singapore and Thailand are also states parties to CEDAW. At the national level, both countries provide protections for migrant domestic workers, including the provision of one day off per week. However, neither country affords domestic workers the full labour law protection. Singapore, which does not seek to implement Myanmar's ban, provides work permits to domestic workers from Myanmar who comply with their requirements. As such, while these workers are contravening regulations in leaving Myanmar with the intention of migrating for domestic work, the same workers are considered regular and documented in Singapore. In Thailand, the fluid and changeable nature of requirements for regular and documented migrant status has caused significant confusion, resulting in some domestic workers having no documentation and many others holding documents that cite inaccurate employer and employment details. Thailand does, however, provide regular amnesties that allow undocumented workers, including household workers, to obtain documentation.

## Pre-departure

Currently, Myanmar does not permit regulated recruitment agencies to recruit domestic workers for work abroad. As such, recruitment is facilitated by friends, family, unregulated actors and regulated agents acting illegally. The actors involved in recruiting women for migrant domestic work are also the primary means of disseminating information, setting fees and providing pre-departure training (if any). The amounts that these actors charge to facilitate migration are, in practice, unrestricted, with fees often described as loans that the recruited women can pay back with the first few months of receiving wages. With the minimum age for migrant domestic workers in Singapore set at 23, there are cases of falsifying passports to enable girls as young as 15 to migrate. At the borders, immigration officials who know or suspect that a woman is migrating for domestic work can be bribed. Those crossing the border to Thailand can use day passes or cross illegally at points where border crossing is not regulated. This report finds that the ban has contributed to significant, completely unregulated recruitment practices that leave Myanmar migrant domestic workers uninformed, unprepared and unprotected in the country of destination.

## At destination

Once employed in Thailand or Singapore, Myanmar domestic workers' living and labour conditions are almost entirely reliant on the employer. Contracts commonly seek to tie a workers' immigration status to a particular employer for two years. However, such provisions are optional and often not considered attractive by workers who want to maintain their ability to change employers. Many workers are not provided a day off. Further, they are often unable to access services or information that can help them understand and improve their employment situations. Long hours are commonplace, and it can take up to eight months before workers start seeing their wages and are able to send them home. In the absence of a supportive social network, domestic work can prove lonely and isolating. Verbal abuse is common, and living and working in a private household can increase a domestic worker's vulnerability to physical and sexual abuse. In Singapore, non-governmental organizations (NGOs) provide support, services and shelters for domestic workers in need; in Thailand, this support is increasingly coming from growing informal associations of domestic workers, supported by NGOs. Myanmar embassies in both countries have limited resources and are unable to respond fully to the need for support and services.

## Return and repatriation

Though they differ from person to person, domestic workers' goals and aspirations can largely be split into wishing to return home and aspiring to settle in the country of destination. For those who intend to move back to Myanmar, many aspire to save enough money so that they can establish their own small business, such as selling food or owning a small shop. The lack of livelihood opportunities for returning domestic workers can reduce the incentive to return in situations where a worker has no savings or alternate plan. Those who intend to settle in the country of destination may use domestic work as an entry point, with the intention of learning the language and developing a social network so that they can eventually seek employment in different sectors. There is little in the way of policy or service provision for these scenarios. Currently, women have limited access

to information to assist them if they have experienced exploitation or abuse in migration or to support them in deciding what to do after returning home.

## **Domestic workers' contributions to economic and social development**

Women migrant domestic workers contribute widely to development in both origin and destination countries. Financial and social remittances have the potential to improve the human development of families and communities through better food security, increased education and improved health. Returning women migrants can bring new ideas, cultural norms and an elevated status that can change women's position in their families, causing small but significant shifts in the way women are perceived in their communities. In countries of destination, domestic workers' labour and skills sustain and regenerate households, so that employers and their families, in particular women, have more free time to enjoy — or generate income. This can enhance social and economic well-being and support the destination country's economic growth and stability.

Migration benefits are not guaranteed, however. Migration for domestic work still attracts stigma; returnees can be stigmatized for being associated with the work. There are also social and economic costs associated with migration, particularly when migrants are discharging their care duties to others. Further, migrants who experience abuse and exploitation can face psycho-social challenges upon return. While the potential economic and social benefits of migration should be highlighted and maximized, it is important that policies that seek to do so balance contributions against costs, understand costs in relation to women's socially mandated reproductive labour role, and recognize the necessity to protect migrant domestic workers' labour and human rights.

## **Creating rights-based, gender-responsive migration policies**

It is important to ensure that labour migration policies are evidence-based, respond to the lived realities of women migrant workers and proactively recognize the interaction between women's migration and development. Accurate, sex-disaggregated data is central to understanding the specific needs and realities of men and women throughout all stages of migration. Myanmar has made commitments to the protection of women migrant workers and their inclusion in development through the SDGs and CEDAW; operationalizing these commitments is a key way to ensure that policies are gender-responsive, rights-based and aligned with the global development agenda. In addition, incorporating a human development framework into migration and development policies can help ensure that they aim for broader development outcomes, including those that improve gender equality. Interstate agreements can be effective at regulating migration but do not automatically lead to increased rights protection without specifically addressing it. The key to strengthening gender responsiveness and the rights-based nature of migration policies is ensuring that those who are responsible for developing such policies understand the nuances of both gender and migration.

## **Conclusions and policy recommendations**

In migrating for domestic work, Myanmar women are making the choice to leave their country and commit to at least two years of working in a private home of a stranger. Women make this choice to improve their livelihood and that of their families, either in desperation arising from the lack of alternative options or as a way of striking out into the world alone. The decision can be significant, brave and risky; the contributions of women who make it can be considerable. Yet, because domestic work is socially deemed to be a natural extension of women's duties and abilities — and not traditional labour — the domestic labour sector is continually devalued and riddled with discriminatory practices. In order to address the exploitation and abuse of migrant domestic workers, it is critical to address the nature of women's socially mandated labour and the feminized nature of the domestic

work sector itself. By improving women migrant domestic workers' access to labour and human rights throughout their migration, Myanmar has an opportunity to establish safe, orderly and regular migration into decent domestic work, so that the women involved can demonstrate to their country, their families and themselves the benefits that they can bring when their rights are fully protected.

This report sets out several recommendations for the Government of Myanmar to achieve this goal. Some key recommendations include:

- Lift the ban on migrating for domestic work and make the facilitation of migration for domestic work a regulated activity under the law;
- Increase access to reliable and easily understandable information on safe migration options, labour and human rights for potential migrants and migrant domestic workers at the pre-decision stage and throughout migration;
- Incorporate negotiation and communications skills into pre-departure training, so that women migrant domestic workers are better equipped to advocate for good working conditions;
- Through wide consultation, including with migrant domestic workers, develop a nationally agreed-upon cost structure for facilitating the recruitment and migration of domestic workers;
- Support the development and implementation of a transparent monitoring system for recruitment agencies;
- Implement initiatives that balance the power between recruiters and potential migrants, including considering new methods of financing migration and ensuring that sanctions for illegal practices are enforced;
- Demonstrate Myanmar's support for domestic workers' rights by addressing the need to recognize, reduce and redistribute women's socially mandated household and care duties;
- Strengthen the protection of domestic workers' labour and human rights under the law;
- Increase the number of labour attaches in Myanmar embassies and build the resources and capacities of embassies to address the needs of domestic workers;
- Extend the requirements for recruitment and placement agents to retain accountability for the well-being of workers throughout the migration cycle, with sanctions for those that do not;
- Establish a partnership between Myanmar embassies and civil society organizations, including informal associations, to provide social and cultural events and training on domestic workers' days off, with the intention of supporting associations and building social networks;
- Start wide consultations, including with migrant domestic workers, on establishing a welfare fund;
- Introduce training for social workers, faith-based leaders and community leaders to be able to provide assistance to returning migrant domestic workers and to know where to refer to in serious cases;
- Establish services that recognize and certify the skills, competences and equivalences of returning women, and link them to employment opportunities;
- Acknowledge the important contributions made by women migrant domestic workers;
- Strengthen gender-responsive research and sex-disaggregated data collection to inform evidence-based policymaking;
- Advocate for better treatment of domestic workers in countries of destination, citing the expanding contribution to global value and care chains as vital to ensuring economic growth and human development;
- Operationalize the SDGs, CEDAW and other key international labour and human rights instruments within migration policy;
- Strengthen processes to improve meaningful engagement with women migrant domestic workers to inform policymaking; and
- Ensure that interstate agreements are gender-responsive and rights-based, and that they incorporate monitoring and enforcement systems.

# INTRODUCTION

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According to International Labour Organization (ILO) data, there are currently 67 million domestic workers worldwide, of which 11.5 million are migrant domestic workers.<sup>1</sup> However, the protection of domestic workers continues to pose a significant challenge for many policymakers, with few having found a completely satisfactory resolution. A large part of this challenge relates to how domestic work is viewed and where it is undertaken. Domestic work can encompass household duties (such as cooking and cleaning) and care duties (such as caring for the young, elderly or disabled). Domestic work is essential for maintaining the well-being of individuals and society, sustaining and regenerating households so that others can engage in productive labour, generating income and supporting economic growth. It is traditionally undertaken by women as unskilled and unpaid labour, and is considered to be a natural extension of women's roles and abilities. Domestic work is primarily undertaken in private homes, which are not conventionally considered to be workplaces.<sup>2</sup> Combined, these elements result in a pervasive view that domestic work is not labour in the traditional form; it does not attract the same economic value or require the same regulations and protections for those that undertake it. As a result, it is common for states to exclude domestic work from the definition of labour and the full coverage of labour laws.

In recent years, aging populations, declining fertility rates and increasing female labour participation have resulted in an increased demand for domestic and care work.<sup>3</sup> In Southeast Asian countries, such as Thailand and Malaysia, this is coupled with an increase in the education levels of young rural women, who are moving into productive labour sectors rather than domestic work. As such, the growing demand for domestic work is increasingly outsourced to migrant women who see the ability to earn greater incomes abroad as an opportunity to improve their livelihoods and that of their families. Migration for domestic work has, however, been blighted by myriad exploitative and abusive practices, including high recruitment costs, low wages, debt bondage, restrictions on free movement and limited or no access to labour rights. For many sending countries experiencing rising numbers of cases of abuse and exploitation of migrant domestic workers, the response has been to implement protective policies restricting the migration of women into this work.

Across the Association of Southeast Asian Nations (ASEAN), restrictions on migration for domestic work have been issued by sending countries, including Cambodia, Indonesia, Lao PDR, Myanmar and the Philippines.<sup>4</sup> In implementing such bans, Myanmar and other sending countries seek to protect the labour and human rights of women migrants in work that is seen as low and degrading, and situations where women face abuse and exploitation. This intent to protect aligns with international normative frameworks, including the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW) and the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) General Recommendation No. 26 (GR 26), both of which seek to strengthen the protection of migrant workers. In addition, the SDGs call on all states to, “protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment” (Goal 8.8).

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1 ILO. 2015a. ILO Global Estimates on Migrant Workers. Geneva.

2 UN Women. 2016. Unpaid Care and Domestic Work, Issues and Suggestions for Viet Nam, Discussion Paper. Hanoi.

3 UN Women. 2015. Contributions of Women Migrant Workers to Development: Going Beyond Remittances. Background Note prepared for the Global Forum on Migration and Development Third Thematic Meeting: Recognizing the contributions of women migrants to economic and social development in countries of origin and destination and addressing their specific needs, 8 September 2015.

4 ILO and UN Women. 2017. Protected or Put in Harm's Way? Bans and Restrictions on Women's Labour Migration in ASEAN Countries. Bangkok.

However, in restricting women’s freedom of movement and access to their chosen work, protective policies are also in contravention of a number of international laws.<sup>5</sup> Specifically, GR26 provides that states should repeal gender-specific bans and discriminatory restrictions on women’s migration (para. 24a). Indeed, the international legal framework — through the ICRMW, CEDAW GR26 and, more recently, ILO’s Domestic Workers Convention, 2011 (No. 189) — strives to set out the ways by which states can ensure that those who choose to migrate into domestic work do so freely and with the benefit of all labour and human rights, enhancing the value of the work and its status.

While bans are used with the intention of protecting those who are vulnerable to exploitation, they do not address the situation of those that are unable to earn a livelihood at home or those that continue to migrate, nor do they recognize women’s resilience and ability to adapt, learn and achieve positive outcomes. It is through strengthening domestic worker labour protections, improving pay and conditions, and addressing the devaluation of ‘women’s work’ that the value of this work and its contribution to societal well-being and the effective functioning of economies will be recognized.<sup>6</sup> Indeed, the importance of the need to “recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate” is affirmed in Goal 5.4 of the SDGs.

When labour and human rights are protected, migration can also be a significant and positive experience for women. Migrant women can inform and change social, cultural, political and gender norms and can influence positive social change across households and communities in sending and destination countries. For example, when women’s new earning capacity has the effect of elevating their status in the family and/or community, they may also have more influence on how that money is spent and in other significant decision-making processes that might previously have excluded them.<sup>7</sup> When women are in charge of remittances, funds are also more likely to be spent on health, education, family and community development, which can complement national policies for social and economic development.<sup>8</sup>

What has been seen in Myanmar and across ASEAN is that, instead of reducing women’s migration into domestic work, the use of restrictive policies results in women pursuing migration through irregular, unregulated and unprotected channels, often with the assistance of unregulated actors.<sup>9</sup> In the absence of regular migration options, women migrants lack access to comprehensive and reliable information about terms and conditions of work, thus becoming vulnerable to unscrupulous recruiting agents and traffickers, and at risk of physical, emotional and sexual violence.<sup>10</sup>

What has also been seen across ASEAN is the introduction of strengthened protection for migrant domestic workers that can follow the lifting of bans when countries of origin pursue a policy agenda focused on safe and regular migration into decent work. Indonesia — a country that implemented a ban on sending women domestic workers to Malaysia between 2009 and 2011 — repealed the ban after a Memorandum of Understanding (MOU) was signed between the two countries guaranteeing domestic workers a formal contract, a day off, leave, fee structures, a visa and access to dispute resolution services.<sup>11</sup> The strengthened protection of Indonesian

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5 The Universal Declaration on Human Rights, 1949 (UDHR), International Covenant on Civil and Political Rights, 1966 (ICCPR), Committee on the Elimination of Racial Discrimination (CERD), and the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990 (MWC). UDHR Article 13(2), ICCPR Article 12(2), CERD Article 5(d)(ii), and MWC Article 8(1) guarantee all persons the right to leave any country.

6 Footnote 2.

7 M. Temin, et al. 2013. Adolescent Girls and Migration in the Developing World Policy Brief. New York: Population Council. p. 8.

8 UN Women. 2013. Managing Labour Migration in ASEAN: Concerns for Women Migrant Workers. Bangkok. p. 8; See also M. Orozco, L. Lowell and J. Schneider. 2006. Gender-Specific Determinants of Remittances: Differences in Structure and Motivation. Washington DC: The World Bank.

9 UN General Assembly. 2015a. Report of the Secretary-General: Violence Against Women Migrant Workers (A/70/205). 27 July. Para. 9.

10 Footnote 9, para. 6; See also UN General Assembly. 2016. Report of the Secretary General: Trafficking in Women and Girls (A/71/223). 27 July. Para. 67.

11 Footnote 4.

domestic workers is also seen in the requirements for hiring Indonesian domestic workers in Singapore, where their starting wage is among the highest for foreign domestic workers.<sup>12</sup>

Because of the existing ban on migration from Myanmar for domestic work, recruitment for such migration is not a regulated activity. In the absence of regulation, initial recruitment largely occurs through word of mouth and social networks. The process of migrating, the information provided and the fees charged are all controlled by unregulated actors or regulated agents acting illegally. Significant fees and debts from loans can mean that migrant women work for months without any pay. These women have little control over their conditions, limited freedom of communication and movement, and significant language barriers (the many ethnic minority groups in Myanmar speak languages that differ from the official language).<sup>13</sup> These elements increase vulnerability to exploitation and abuse. The isolation that domestic workers face as a result of their living and working conditions can have similarly significant effects. Trapped in physical and structural spaces they do not understand, with limited agency or power and no mechanisms through which to make a complaint or change their employer, many migrant women are forced to run away from their employers, leaving both the women themselves and their families at risk of repercussions from such employers, brokers and other unscrupulous actors involved.

In the Concluding Observations of Myanmar's 2016 CEDAW review, the CEDAW Committee has made a request for more information on the status of women domestic workers (para. 37d).<sup>14</sup> At the national level, Myanmar's National Strategic Plan for the Advancement of Women 2013–2022 (NSPAW) commits to increasing research into the situation of female migrant workers and to implementing specific policies related to the economic opportunities for women migrant workers.<sup>15</sup>

## METHODOLOGY

This report was developed on the basis of a desk review of secondary data from NGOs, development partners and media reports. Qualitative data was obtained through face-to-face and Skype interviews with NGO and development partners, with unstructured interviews conducted during February, March and April 2017. Qualitative data collected by third parties has been used to illustrate trends and commonalities in experiences. Quantitative data from third-party reports has also been analysed and incorporated. A policy analysis was undertaken to identify the national and international legal and policy frameworks relevant to the whole of migration cycle for both the Myanmar–Thailand and Myanmar–Singapore corridors. The primary research questions were:

- What are the lived realities and key risks of Myanmar women domestic workers in all stages of migration to and from Thailand and Singapore?
- To what extent does the ban exacerbate these risks (if at all)?
- How could policy interventions reduce these risks?

The report was presented to the government of Myanmar for comment in May 2017 and was validated by civil society partners in a workshop held in Yangon on 4th May 2017.

12 Fai, L. K. 2015. "Myanmar Helpers Could be Preferred After Wage Rise for Indonesians: Maid Agencies." Channel News Asia. 13 November. <http://www.channelnewsasia.com/news/singapore/myanmar-helpers-could-be/2258354.html>

13 Humanitarian Organization for Migration Economics (H.O.M.E.). 2015. Home Sweet Home? Work, Life and Well-Being of Foreign Domestic Workers in Singapore. March. Singapore.

14 Committee in the Elimination of Discrimination against Women (CEDAW). 2016. Concluding observations on the combined fourth and fifth periodic reports of Myanmar (CEDAW/C/MMR/CO/4-5). 25 July.

15 Government of Myanmar. 2013. National Strategic Plan for the Advancement of Women (2013-2022). Nay Pyi Taw: Myanmar National Committee for Women's Affairs, Department of Social Welfare, Ministry of Social Welfare, Relief and Resettlement.

# CONTEXT OF WOMEN'S MIGRATION FROM MYANMAR

## Socioeconomic context

Although among the poorest members of ASEAN, growth since 1991 has put Myanmar on a steady path to middle-income country status.<sup>16</sup> The government's Framework for Economic and Social Reforms focuses on sustained industrial development and equitable sharing of resources. The framework specifies that effective implementation of people-centred development through community-driven participatory approaches will be a policy priority, along with reliable and accurate gathering of data to better inform public policy decisions.<sup>17</sup>

With progress and reform being largely urban-centred, however, poverty remains high in remote rural regions, including Chin and Rakhine, where respective 2010 poverty rates were 73 per cent and 44 per cent.<sup>18</sup> In these regions, where the majority of the labour force is made up of landless and casual labourers, agriculture employed 63 per cent in 2012.

While the Framework for Economic and Social Reforms and the 2011–2030 Comprehensive National Development Plan reference violence against women, human trafficking and women's health, it has been noted that neither the framework nor plan addresses gender or women in structural terms in relation to macroeconomic and inclusive growth policies and strategies.<sup>19</sup> In particular, these strategic documents do not address how gender inequalities interact with social exclusion to affect resource allocation and employment generation in places where women live. This need to integrate gender equality and women's rights into the reform agenda through sectoral policies, plans and programmes was addressed in the development of Myanmar's National Strategic Plan for the Advancement of Women 2013–2022 (NSPAW).<sup>20</sup> NSPAW outlined a set of strategic objectives for women's advancement in the 12 priority areas of the Beijing Platform for Action, including: at number one, to "improve women's livelihoods and reduce poverty;" at number six, to "ensure fairness and equal rights for women in relation to employment, access to credit, resources, assets and economic benefits;" and at number nine, to "ensure the protection, promotion, and fulfilment of women's and girls' economic, social, cultural, civil, and political rights."

In light of NSPAW, indicators of economic and social status demonstrate progress in relation to women and gender equality. Progress in girls' primary and secondary education has ensured that the gender gap in education attainment is now zero, and the percentage of women with tertiary education is higher than that of men.<sup>21</sup>

16 ADB, UNDP, UNFPA, UN Women. 2016. Gender Equality and Women's Rights in Myanmar: A Situational Analysis. Mandaluyong City. p. 11.

17 Footnote 16, p. 12.

18 Footnote 16, p. 15.

19 Footnote 16, p. 17.

20 Notably, in Concluding observations on the combined fourth and fifth period reports of Myanmar, the Committee on the Elimination of Discrimination against Women recommended that the state party provide the Myanmar National Committee for Women's Affairs with adequate resources and institutional statute to be able to coordinate activities as the national machinery for the advancement of women, and that cooperation with the Myanmar Women's Affairs Federation and gender units of government departments be clarified to enable efficient gender mainstreaming (para. 21).

21 Literacy rates are 86.9 per cent for females 15 years and older and 92 per cent for males 15 years and older (2015); see footnote 16, p. 20. See also: Friedrich Ebert Stiftung (FES), UN Women, ASEAN, Australian Aid. 2015. Projected Gender Impact of the ASEAN Economic Community. Jakarta. p. 3.

In addition, Myanmar has one of the region's highest female labour force participation rates of approximately 50 per cent.<sup>22</sup> However, success against these indicators does not provide the full picture. While education and labour force participation are relatively high, there is little data to show that this has improved women's position in the labour market in terms of quality of work, skills development or pay. As highlighted by the CEDAW Committee, concerns include the wide gender-based wage gap, limited implementation and monitoring of the principle of equal pay for work of equal value, and the concentration of women in informal employment.<sup>23</sup> The labour market is also marked by gender-based occupational and sectoral segregation. Women employed in agriculture and agriculture-based activities (approximately 51 per cent of women in the workforce) continue to be paid less than men due to gendered notions of women's work.<sup>24</sup> Garments and textile manufacturing is a growing sector, with expectations that it will employ hundreds of thousands of internally migrating young women in the coming years. Progress is limited, however, in relation to women's labour market leadership; for example, female share of employment in garments and textiles is 97 per cent, yet women fill only 10 per cent of managerial and above positions.<sup>25</sup> Women continue to be concentrated in traditionally female-dominated fields of vocational training.<sup>26</sup> In addition, discriminatory admission criteria require women to attain specific grades in order to enrol in certain traditionally male-dominated courses, such as engineering and medicine, at the tertiary level.

In the concluding observations of the combined fourth and fifth Myanmar periodic reports, the CEDAW Committee indicated concern that the Constitution still refers to women as mothers, which may reinforce the stereotype that the primary role of women is to bear children.<sup>27</sup> Indeed, notwithstanding their formal labour roles, women continue to perform the majority of unpaid care and domestic work — directly limiting the amount of time women have to undertake paid work, while simultaneously and continuously affirming the notions that domestic and care work is a natural extension of a woman's role and that women's work requires less skill and has lower value than men's. Undertaking the greater share of unpaid domestic and care work also limits women's ability to engage in rest and leisure time or to access information, training or alternative employment opportunities.<sup>28</sup> In addition, unpaid labour is excluded from national labour force statistics, calculations of gross domestic product and economic growth projections, rendering such work invisible in the country's economic context.

The CEDAW Committee has also raised concern about the lack of information on domestic workers in Myanmar.<sup>29</sup> Such concern was spurred by numerous cases of abuse and exploitation of domestic workers, including children.<sup>30</sup> While domestic worker earnings are covered by the country's Minimum Wage Law enacted in 2013, their labour rights are not addressed by legislation, reinforcing the notion that this feminized sector does not warrant the status of labour in the traditional sense.<sup>31</sup>

Structural gender inequalities contribute to the lack of women's empowerment. Such structural issues include the practice of child marriage sanctioned by customary law,<sup>32</sup> the lack of legal provisions addressing domestic violence<sup>33</sup> and women's limited access to financial services, with less than a third having bank accounts.<sup>34</sup> In an analysis of the Myanmar legal framework, the World Bank identified several factors that cumulatively reduce or

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22 Labour force participation rate calculated in 2010 was 82.1 per cent for males 15 years and older and 53.9 per cent for females 15 years and older; see footnote 16, p. 40. See also: FES, UN Women, ASEAN, Australian Aid. 2015. Projected Gender Impact of the ASEAN Economic Community. Jakarta. p. 26.

23 Footnote 14, para. 36.

24 FES, UN Women, ASEAN, Australian Aid. 2015. Projected Gender Impact of the ASEAN Economic Community. Jakarta. p. 88.

25 Footnote 24, p. 98.

26 Footnote 14, para. 34 (a) and (c).

27 Footnote 14, para. 14 (a).

28 Footnote 16, p. 38.

29 Footnote 14, para. 36.

30 Indications are that a significant number of domestic workers in Myanmar are children.

31 N. Nyein. 2016. "Parliament to Discuss Legal Protection for Domestic Workers." The Irrawaddy. 18 November. <https://www.irrawaddy.com/news/politics/parliament-to-discuss-legal-protection-for-domestic-workers.html>

32 Footnote 24, p. 44. Concern about child marriage was also raised by the CEDAW Committee; see footnote 14, para. 25 (d).

33 Footnote 24, p. 48. The need to introduce the bill on the prevention and protection of violence against women was also noted by the CEDAW Committee; see footnote 14, para. 27 (g).

34 Footnote 24, p. 41.

exacerbate gender inequalities and impede women's economic opportunities, including a lack of legal provisions for equal pay for work of equal value, no provision for non-discrimination in hiring, industry restrictions that prevent women undertaking certain jobs and a lack of protection from sexual harassment in employment.<sup>35</sup> Though women comprise 13 per cent of Myanmar's national parliament, very few integrated initiatives address women's needs.<sup>36</sup> Above all, budgetary allocations to key sectors that impact gender equality remain low.<sup>37</sup> Consequently, public services are seldom gender-responsive. National research indicates that 50 per cent of government officials believe that women and men have identical needs, even though more than 75 per cent of women report having different needs than men.<sup>38</sup>

In this context — living in largely rural communities, with limited job opportunities and growing household expenses — women in Myanmar look to migration to increase household income, ensure income security and improve their livelihoods.<sup>39</sup>

## Restrictions on women's migration

It was not until 2009 that Myanmar permitted its citizens to register to work abroad; formal mechanisms to facilitate migration were established later. Migration for domestic work remained prohibited until 2013, when restrictions were lifted in the case of two schemes piloted in Hong Kong and Singapore. However, this permission was curtailed in 2014, with a ban related to women's migration for domestic work and with restrictions on women's migration to worksites where they would work with fewer than five other women.<sup>40</sup> The government imposed these restrictions in light of concerns about the lack of mechanisms for securing workers' rights, safe employment conditions and fair pay.<sup>41</sup> At the same time, the restrictions did not apply to predominantly male construction workers, who continued to be permitted to leave Myanmar for Singapore and elsewhere despite migrating as irregular and undocumented workers into unsafe work conditions.<sup>42</sup>

Experts see this focus on restricting women's migration as a reflection of the protectionist approach to women in Myanmar:<sup>43</sup> such restrictions reinforce the notion that women need state protection more than their male counterparts, and affirm the stigma of domestic work as bad work, both arising from deeper assumptions about women's inferiority. The approach produces complex outcomes; for example, stigma over domestic work simultaneously impacts the value of reproductive labour while contributing to its invisibility. As discussed later in this report, notwithstanding the intention to protect, these restrictions have often had the opposite effect, with women continuing to migrate without access to verified information or services necessary to ensure that their human and labour rights are protected.

It is also arguable that the lack of clarity surrounding changing permissions for women's migration — compounded by the relatively small period of time within which women were permitted to migrate without restriction — has limited restriction effectiveness. This lack of clarity is exacerbated by the incongruent policies

35 World Bank Group. 2015. *Women, Business and the Law 2016: Getting to Equal*. Washington. p. 178.

36 One of the initiatives that does exist is the Parliamentary Committee on Women and Children.

37 The Department of Social Welfare, the government department tasked with spearheading efforts aimed at achieving women's empowerment, received only 0.2 per cent of union budget allocations in 2015/16. See: J. Burnley, M. Hilton, P. Phyu and N. Tun. 2016. *A Case for Gender Responsive Budgeting in Myanmar*. March. Yangon: Oxfam GB, ActionAid, Care, Women's Organisations Network.

38 J. Burnley, M. Hilton, P. Phyu and N. Tun. 2016. *A Case for Gender Responsive Budgeting in Myanmar*. March. Yangon: Oxfam GB, ActionAid, Care, Women's Organisations Network.

39 In most families, men are the first to migrate. Due to debt cycles that families enter into (they take on loans at 70 to 80 per cent interest rates to pay off local money lenders, to consequently pay brokers or agents), women often migrate to help alleviate the family debt bond. See also footnote 16, p. 72.

40 In total, when migration for domestic work was allowed in Myanmar during 2013–14, one agency officially sent 174 domestic workers to Hong Kong (China) and six agencies sent 130 women domestic workers to Singapore; see footnote 4, p. 18.

41 L. Wa. 2015. "Maid Death Draws Attention to Flouting of Domestic Worker Ban." *Myanmar Times*. 23 October. <http://www.mmmtimes.com/index.php/national-news/17170-maid-death-draws-attention-to-flouting-of-domestic-worker-ban.html>

42 B. O'Toole. 2014a. "Govt Backtracks on Sending Domestic Workers to Singapore." *Myanmar Times*. 22 September. <http://www.mmmtimes.com/index.php/national-news/11717-govt-backtracks-on-sending-domestic-workers-to-singapore.html>

43 Footnote 4, p. 46.

of destination countries: Singapore, despite the ban, has continued to permit the migration of Myanmar domestic workers over the age of 23,<sup>44</sup> and Thailand allows undocumented domestic migrant workers to register for documentation during regular amnesties.

While the restrictions' intentions and outcomes have been called into question for disproportionate impact on women, the opportunity for progress and improved policies as a result of the restrictions must not be overlooked. In imposing these restrictions and highlighting the demand for mechanisms that provide better employment conditions, the Government of Myanmar has recognized the importance of gender-responsive worker migration systems that ensure women migrants' labour and human rights. In recognizing that undocumented domestic workers in Thailand do not have legal protection, Thein Swe, the Myanmar Minister of Labour, Immigration and Population stated, "They don't get fair wages, and it is difficult to protect them in the case of violence."<sup>45</sup> He similarly noted that "the Burmese Embassy in Singapore receives complaints almost daily regarding abuses inflicted by home owners or requests for help changing jobs."<sup>46</sup>

Recognizing and responding to the drivers and root causes of undocumented, exploitative and abusive labour migration will also contribute to addressing the CEDAW Committee's request to intensify efforts to address the root causes of trafficking for the purposes of labour exploitation.<sup>47</sup>

## Data on women migrants

Due to the restrictions placed on Myanmar women's regular documented migration into domestic work and the inconsistencies in country reporting, it is difficult to accurately detail the actual numbers of women migrating for work and the destination sectors and countries.

According to data from Myanmar's Ministry of Labour, Immigration and Population, 136,480 documented workers from Myanmar were employed in 15 countries between 1990 and 2012.<sup>48</sup> ILO reported the number of Myanmar women who registered to work abroad in 2014 as making up just 19.5 per cent of the total of around 65,000.<sup>49</sup> It is likely, however, that this figure would be higher if irregular migration were included. Indeed, figures reported in Myanmar's 2014 census put the number of household members living abroad at 2,021,910, including 788,742 women (39 per cent). Of these women, 605,647 (77 per cent) were living in Thailand, 58,224 (7.4 per cent) in Malaysia and 40,581 (5 per cent) in Singapore.<sup>50</sup> These figures correlate with those of the Thai Government, which reported the number of registered Myanmar migrants employed in Thailand in 2016 as 977,560, of which 43 per cent were women.<sup>51</sup> Of the 344,951 Myanmar women registered under the Nationality Verification scheme, 21,821 are domestic workers, and of the 68,976 Myanmar women registered under the MOU scheme, 1,308 are domestic workers.<sup>52</sup>

In December 2016, the Singapore Ministry of Manpower reported a total of 239,700 foreign domestic workers.<sup>53</sup> However, because the provided data is not disaggregated by country, it is not possible to assess the proportion of foreign domestic workers who are from Myanmar. Data from the Myanmar Ministry of Labour, Immigration and Population estimates that 56 per cent of all Myanmar migrant workers in Singapore in 2013 were employed as domestic workers, the majority of these comprised of women without legal status under the 2012 Overseas

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44 Footnote 4, p. 26.

45 H. Zaw. 2016. "Govt Seeks Work Permits for Undocumented Domestic Workers Abroad." *The Irrawaddy*. 4 August. <https://www.irrawaddy.com/news/burma/govt-seeks-work-permits-undocumented-domestic-workers-abroad.html>

46 Footnote 45.

47 Footnote 14, para. 29 (b).

48 Meeting with Ministry of Labour, Employment and Social Security staff on 14 January 2013; see footnote 16, p. 70

49 ILO. 2016a. *International Labour Migration Statistics Database in ASEAN*. June. Geneva.

50 ILO. 2015b. *Myanmar Citizens Abroad: What the 2014 Census Tells Us about Migration: Information Note*. Yangon.

51 Government of Thailand. 2016. *Statistics on the Number of Aliens Allowed to Work in the Kingdom of Thailand*. Bangkok: Ministry of Labour, Office of Foreign Workers Administration, Department of Employment.

52 Footnote 51, p. 63 and 65.

53 Government of Singapore. 2017a. *Foreign Workforce Numbers*. Ministry of Manpower. <http://www.mom.gov.sg/documents-and-publications/foreign-workforce-numbers>.

Employment Law.<sup>54</sup> A 2014 report from the Humanitarian Organization for Migration Economics (H.O.M.E.), a Singapore NGO, estimated the number of Myanmar domestic workers in Singapore at approximately 30,000, with estimates by embassies and agencies suggesting that the numbers of domestic workers from Myanmar may have increased by 50 per cent in the two years preceding 2014–2015.<sup>55</sup>

Following the visit of State Counselor Aung San Suu Kyi to Thailand in July 2016, the Myanmar Government has been collecting figures on undocumented domestic workers from different sources. It estimates that there could be as many as 28,000 undocumented domestic workers in Thailand and between 30,000 and 40,000 in Singapore.<sup>56</sup>

## Demands and drivers

The primary motivation behind seeking work abroad is the prospect of higher wages in the context of un- or underemployment and low wages that are insufficient to pay for basic family needs.<sup>57</sup> With the current daily minimum wage in Myanmar being approximately US \$2.63 (MYK \$3600), employment overseas can provide the possibility of higher earnings. The minimum wage in Thailand is roughly three times that in Myanmar;<sup>58</sup> the earning potential (in the absence of a minimum wage) in Singapore is up to six times that in Myanmar.<sup>59</sup>

Peer and family pressure can be a significant compounding factor behind the decision to migrate, with expectations of dutiful daughters going overseas to provide for their families — particularly when male members of the family that were able to migrate have already done so. The logic behind this kind of pressure is that if you can access higher earnings, you should, and because others have done so, you must do so too. This social pressure is made all the more persuasive when actors facilitating the migration are connected to a given community.<sup>60</sup> Because domestic work still attracts stigma, it is notable that the pressure to migrate might be matched by the pressure to not engage in domestic work, which causes a heightened burden when women feel that migration for domestic work is their only option.

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*“I left our village because we are so poor and daily life is difficult. So, I was ready to face hard work and difficulties in another country to help my family... If I work hard, then my family will be able to survive.”<sup>61</sup>*

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Lack of livelihood options, intensified by displacement caused by conflict and environmental degradation, has resulted in cross-border migration attracting as much as 10 per cent of the population in some states.<sup>62</sup> This is the case in Chin State, one of Myanmar’s poorest states, with the country’s third highest infant mortality rate. Historically, women from this state have less education and fewer job opportunities than in most of the country.<sup>63</sup> It is anecdotally estimated that the majority of women’s migration to Singapore for domestic work is from Chin State, through informal social networks.<sup>64</sup>

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54 Footnote 16, p. 70.

55 A. Tan. 2014a. “New Rules for Hiring Myanmar Maids Cover Minimum Monthly Wage, Day Off,” The Straits Times. 24 March.

56 Footnote 45.

57 ILO and MDRI. 2015. Safe Migration Knowledge, Attitudes and Practices in Myanmar. Bangkok. p. x.

58 At approximately \$9 per day.

59 Hnem was attracted to Singapore on the promise of \$370. See: K. Arnold. 2016a. “Women Fear Ban on Working as Foreign Maids Puts Them at Risk.” The Irrawaddy. 7 June. <https://www.irrawaddy.com/news/burma/women-fear-ban-on-working-as-foreign-maids-puts-them-at-risk.html>

60 For example in Chin State, where recruitment often occurs within the church. See also footnote 59.

61 Interview with Van Biak, a prospective domestic worker in Myanmar. See: K. Arnold. 2016b. “Myanmar Women Put in Danger by Ban on Maids Working Overseas.” Thomson Reuters Foundation. 6 June. <https://www.theguardian.com/global-development/2016/jun/06/myanmar-women-put-in-danger-by-ban-on-maids-working-overseas>

62 10.7 per cent of Chin State householders live abroad; see footnote 50.

63 Footnote 50; footnote 4, p. 40.

64 Footnote 61.

Shan State has the second lowest literacy rate, according to the 2014 Census. This is also the state that reported the highest proportion of female householders living abroad.<sup>65</sup> Bordering Thailand, Shan State has historic social and cultural ties with its neighbour; the majority of people in Shan State are exposed to the Thai language and are able to pick it up quickly.<sup>66</sup> This is significant for Thai employers who are particularly keen that their domestic workers speak their language.

Many women, particularly older women, consider domestic work as preferable, as it is seen as less physically challenging than employment on construction sites or in garment factories.<sup>67</sup> University-educated women and business owners also opt to migrate for domestic work due to the significantly higher wages that they can expect, facilitating their ability to pay off family debts or invest in Myanmar, often by building a family home.<sup>68</sup> While the wage for domestic work may not be the highest that a migrant worker can expect in other sectors, it is considered more financially secure, as the worker does not need to spend money on accommodation or transport; it can also be preferred by women who consider it risky to live alone in a new city. As such, women may use domestic work as a gateway to a new life in the country of destination and as a safe space in which to learn the language, build a social network and understand the culture before seeking alternate and better paid work.<sup>69</sup>

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*“We should be able to improve to the better future. I wanted to know how it is like in the outside world.”<sup>70</sup>*

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High wages are commonly cited as the motivation for people to migrate to Singapore. Within Singapore, however, Myanmar migrant domestic workers are associated with lower wages. In the absence of any government-negotiated minimum terms and conditions, wages are negotiated by the actors facilitating the migration; the need to be economically competitive is the primary factor that overrides the worker rights. Subsequent to Indonesia imposing a minimum salary, Indonesian domestic workers became among the highest paid in Singapore; the Association of Employment Agencies in Singapore cited this as one of the reasons for the increased recruitment of domestic workers from Myanmar.<sup>71</sup> In addition to being associated with lower wages, Myanmar domestic workers are also seen as more compliant.<sup>72</sup> In a growing and largely unregulated sector, market factors such as cost and compliance can increase demand for such workers. This is significant in Singapore, where one in five households hires a domestic worker, and it is estimated that this share will grow as population ages and more women enter the labour force.<sup>73</sup>

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*“Agencies are bringing them in in larger numbers, because you can pay Burmese domestic workers less, so it’s about cost.”<sup>74</sup>*

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65 Footnote 50.

66 ILO and UN Women. 2016. Worker, Helper, Auntie, Maid: Working Conditions and Attitudes Experienced by Migrant Domestic Workers in Thailand and Malaysia. Bangkok. p. 19. See also footnote 57, p. x.

67 Interview, Thai NGO, 10 April 2017.

68 Footnote 4, p. 11.

69 Interview, Thai NGO, 10 April 2017.

70 Interview with Myanmar domestic worker in Thailand; see: ILO and UN Women. 2016. Worker, Helper, Auntie, Maid: Working Conditions and Attitudes Experienced by Migrant Domestic Workers in Thailand and Malaysia. Bangkok p. 77.

71 Footnote 12.

72 Footnote 59.

73 Hui and Tai, 2015; and Tan and Gibson, 2013; cited by ILO and UN Women in footnote 4, p. 11.

74 Interview with Jolovan Wham, Social Worker at Singapore NGO H.O.M.E. See: Al Jazeera. 2016. Maid in Singapore. 29 Sept. <http://www.aljazeera.com/programmes/101east/2016/09/maid-singapore-160928090502296.html>

# POLICY AND LEGISLATIVE FRAMEWORK

## International

At the international level, commitments to labour and human rights are made through the global development agenda (The 2030 Agenda towards Sustainable Development), international UN human rights conventions and ILO conventions. Tables 1 and 2 set out the commitments related to the key countries of this report: Myanmar, Singapore and Thailand.

## Sustainable Development Goals

The SDGs address the urgent environmental, political and economic challenges facing the world. The SDGs have a universal mandate and make a commitment to “leave no one behind” in realizing the human rights of all, and achieving gender equality and the empowerment of all women and girls. See Table 1 for SDG aspects particularly relevant to the situation of Myanmar migrant domestic workers.

**TABLE 1: SUSTAINABLE DEVELOPMENT GOALS THAT ARE PARTICULARLY RELEVANT TO THE SITUATION OF MYANMAR DOMESTIC WORKERS**

SDG	Goal Description	Interaction between SDGs and Myanmar women migrant domestic workers
<b>Goal 1: End poverty in all its forms everywhere</b>		
1.5	By 2030, build the resilience of the poor and those in vulnerable situations and reduce their exposure and vulnerability to climate-related extreme events and other economic, social and environmental shocks and disasters.	Many women migrate out of poor, rural states that are susceptible to environmental degradation and conflict. Increasing these women’s resilience and reducing their vulnerability can increase opportunity to access safe, orderly and regular migration options and reduce precarious migration situations.
<b>Goal 4. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all</b>		
4.3	Ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university.	Discrimination in law and practice can preclude women from the educational opportunities available to men. Quality education can increase employment opportunities and reduces women’s dependency on informal, irregular and unprotected migration options.
<b>Goal 5. Achieve gender equality and empower all women and girls</b>		
5.2	Eliminate all forms of violence against all women and girls in the public and private sphere, including trafficking and sexual and other types of exploitation.	The risk of violence is heightened in informal and irregular sectors that employ Myanmar migrant women, such as domestic work.

5.4	Recognize and value of unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate.	The lack of value attached to care and domestic work impacts women in multiple ways. It sustains the invisible and informal nature of this employment sector and keeps wages low. The demand for domestic workers is commonly the product of the employment of another woman who is discharging her reproductive role. The reproductive role of the women migrant domestic worker also needs to be considered and is commonly further discharged to a female family member.
5.6	Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences.	Myanmar migrant domestic workers who do not have a regular status face challenges in accessing health and social services.
5.C	Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.	Mainstreaming gender into labour, migration and trafficking frameworks is necessary to ensure that specific realities and needs of women migrant workers are addressed.
<b>Goal 8. Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all</b>		
8.5	Achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value.	Women commonly migrate in order to improve their livelihoods. Productive employment and decent work options at home can prevent precarious situations and make migration a considered alternative — not a desperate necessity.
8.7	To take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking... and by 2025 end child labour in all its forms.	Providing regular and formal migration options for women reduces their exposure to the risk of trafficking and forced labour, which they face in pursuing migration through irregular channels.
8.8	To protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment.	Without regular and formal migration options, women pursue irregular migration into informal work that does not attract labour rights. Where migration into domestic work is regular and formalized, sending governments can lobby for greater labour rights, including those that ensure safe and secure working environments.
<b>Goal 10. Reduce inequality within and among countries</b>		
10.2	Empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status.	Ensuring that gender is substantively mainstreamed through the policy and legislative framework enhances social and political inclusion, providing women with the voice and agency necessary to inform policies that impact them.

10.4	Adopt policies, especially fiscal, wage and social protection policies, and progressively achieve gender equality.	Policies that recognize the value of women's work, ensure equal wages for work of equal value and support the social protection of women will provide the bedrock necessary to elevate and empower women in Myanmar.
10.7	To facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.	Policies for safe, orderly and regular migration reduce the number of women choosing precarious and irregular migration options and maximize the chances that migration can provide sustained benefit to the migrant and Myanmar.
10.c	To reduce to less than 3 per cent the transaction costs of migrant remittances and eliminate remittance corridors with costs higher than 5 per cent.	Increasing regular migration options is one way to improve access to lower remittance rates, ensuring that both the migrant and Myanmar receive the full benefit of migration.
<b>Goal 17: Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development</b>		
17.18	By 2020, to enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts.	Improving sex-disaggregated data on labour and migration in Myanmar is necessary to be able to ensure that policy and legislation respond to the risks and realities facing women migrant workers and women more broadly.

## International Conventions and Labour Standards

International human rights conventions contain rights that are universal, inalienable and independent of citizenship or migration status.<sup>75</sup> As such, states of origin, transit and destination are obligated to protect the rights of migrant women and girls within their territories, regardless of nationality, origin, religion, race or immigration status.<sup>76</sup> There are legal and normative instruments that apply more specifically to the particular needs and realities of women and migrants (see Table 2).

<sup>75</sup> With the exception of voting rights (for example in the ICCPR), which are limited to citizens.

<sup>76</sup> See, e.g., Human Rights Committee, general comment No. 31 (2004), para. 10; Committee on the Elimination of Racial Discrimination, general recommendation No. 30 (2004) on discrimination against non-citizens, para. 7; Committee on Economic, Social and Cultural Rights, general comment No. 20 (2009), para. 30.

**TABLE 2: UN CONVENTION PROVISIONS THAT RELATE TO WOMEN MIGRANT DOMESTIC WORKERS**

UN Convention	States parties	Relevance to women migrant domestic workers
International Covenant on Civil and Political Rights, 1966	Thailand (1996)	Art. 8: prohibits slavery and slave trade in all their forms as well as forced labour. Art. 13: establishes a due process for expulsion of an alien lawfully in the territory of a country. Art. 22: establishes the right to freedom of association.

International Covenant on Economic, Social and Cultural Rights, 1966	Thailand (1996)	Art. 7-10: recognizes the right of everyone to the enjoyment of equal and satisfactory working conditions, the right to form trade unions and join them and the right to enjoy social security, including social insurance and maternity leave.
UN Convention on the Elimination of All Forms of Discrimination against Women, 1979 (CEDAW)  Including General Recommendation No. 26 on Women Migrant Workers (GR26)	Thailand (1985)  Singapore (1995)  Myanmar (1997)	Art. 11: attends specifically to the elimination of discrimination in the field of employment.  Art. 15.4: accords to men and women the same rights with regards the movement of persons and freedom to choose their residence and domicile.  GR26: outlines responsibilities specific to states of origin, transit and destination and provides, among other things, that: migration policies are gender-responsive (para. 23. (a)); women migrant workers are involved in policy formulation (para. 23. (b)); data reflects the situation of women migrant workers (para. 23. (c)); people have the right to retain travel and ID documents (paras. 26. (d) and 24. (e)); remittances are safeguarded (para. 24. (g)); women in detention do not suffer discrimination (para. 25. (j)); states should lift discriminatory bans on the movement of women (para. 24. (a)); women have access to appropriate training pre-departure (para. 24. (b)); labour rights are protected (para. 26. (b)); migrants have access to health and social services (para. 26. (i)); migrants have access to legal and administrative assistance (para. 24. (f)); and that there be better cooperation between states (para. 27. (a) and (b)).
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, 1999	Thailand (2000)	Art. 2: provides the ability for individuals or groups of individuals claiming to be victims of violations of the rights set forth in CEDAW to communicate directly with the Committee.  Art. 4: communications to be considered by the Committee where all domestic remedies have been exhausted.
UN Convention on the Elimination of All Forms of Racial Discrimination, 1990  General Recommendation No. 25 on Gender related dimensions of racial discrimination (GR25)	Thailand (2003)	Art. 5 (e) (i): seeks to guarantee, without distinction based on nationality, rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, and to just and favourable remuneration;  GR25: seeks to elaborate States' obligations to address prevailing gender relations and the persistence of gender-based stereotypes that affect women, not only through individual acts by individuals, but also in law and legal and societal structures and institutions (para. 7).

<p>UN Convention for the Protection of the Rights of all Migrant Workers and members of their families, 1990 (ICRMW)</p> <p>General Comment No. 1 (GC1)</p> <p>General Comment No. 2 (GC2)</p>	<p>Not ratified by Myanmar, Thailand or Singapore</p>	<p>Art. 1: provides for the rights of migrant workers and their families without distinction on the grounds of sex.</p> <p>Art. 11: prohibits migrant worker to be held in slavery or be required to perform compulsory labour.</p> <p>Art. 28: establishes the right to receive urgent medical care on the basis of equality with nationals.</p> <p>Art. 43: establishes the right to equality of treatment in accessing educational services, vocational services, housing, social and health services and participation in cultural life.</p> <p>Art. 64: provides for cooperation between states to promote sound, equitable and humane conditions for migrant workers in relation to labour, social, economic and cultural needs;</p> <p>Art. 68/69: provides that states collaborate to prevent illegal or clandestine movements and employment of migrant workers in an irregular situation.</p> <p>GC1: provides guidance on how States can implement their obligations under the ICRMW with respect to migrant domestic workers who are recognized as at increased risk of certain forms of exploitation and abuse.</p> <p>GC2: addresses the rights of migrant workers in an irregular situation and members of their families and in particular provides that states should ensure that occupations dominated by women migrant workers, such as domestic work and some forms of entertainment, be protected by labour laws and subject to inspections.</p>
<p>UN Convention against Transnational Organized Crime, 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons (Palermo)</p>	<p>Myanmar (2004) Singapore (2015) Thailand (2013)</p>	<p>Art. 6: provides that states shall take into account the gender of victims of trafficking.</p>

ILO's international labour standards include conventions of general application and those that contain specific provisions on migrant workers. Several relevant ILO conventions have not been ratified by Myanmar, Thailand or Singapore (see Table 3).

**TABLE 3: ILO CONVENTIONS RELATED TO WOMEN DOMESTIC MIGRANT WORKERS**

ILO Conventions	Brief Description
<p>The Migration for Employment Convention (revised), 1949 (No. 97)</p>	<p>Art. 6: protects regular migrant workers from discrimination and exploitation and establishes the principle of equality of treatment in respect of social security.</p>

The Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	Includes explicit provisions on equality of treatment for migrant workers in an irregular situation and members of their families.
The Private Employment Agencies Convention, 1997 (No. 181)	Encourages states to enter into bilateral agreements to prevent abuses and fraudulent practices. It prohibits the denial of workers' rights to freedom of association and collective bargaining, the practice of discrimination against workers and the charging of fees to workers.
Domestic Workers Convention, 2011 (No. 189)  Domestic Workers Recommendation, 2011 (No. 201)	<p>Address the protection of all domestic workers, generally without distinguishing between nationals and non-nationals.</p> <p>Art. 6: ensures decent living conditions that respect workers' privacy;</p> <p>Art. 8.1: outlines the need for written contracts or a written job offer prior to migration;</p> <p>Art. 8.4: sets out terms for repatriation;</p> <p>Art. 10: provides entitlement to a minimum of 24 consecutive hours weekly rest;</p> <p>Art. 11: establishes the right to a minimum wage;</p> <p>Art. 12: requires that workers be paid directly in cash at least once per month;</p> <p>Art. 13: requires safe and healthy working conditions;</p> <p>Art. 14: provides for equal conditions to workers generally, in relation to social protection and maternity; and</p> <p>Art. 15: contains a specific provision on the regulation of private recruitment agencies and the investigation of complaints.</p>

## Regional framework

At the regional level, the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (2007) encourages ASEAN states to promote decent, humane, productive, dignified and remunerative employment for migrant workers (para. 15). The Declaration is not, however, binding and has no implementing mechanism.

Other key provisions include:

- to promote fair and appropriate employment protection, payment of wages and adequate access to decent working and living conditions for migrant workers (para. 8);
- to provide migrant workers, who may be victims of discrimination, abuse, exploitation or violence with adequate access to the legal and judicial systems of the receiving states (para. 9);
- to ensure access to employment and livelihood opportunities for their citizens as sustainable alternatives to migration of workers (para. 12);
- to set up policies and procedures to facilitate aspects of migration of workers, including recruitment, preparation for deployment overseas and protection of the migrant workers when abroad as well as repatriation and reintegration to the countries of origin (para. 13); and
- to establish and promote legal practices to regulate recruitment of migrant workers and to adopt mechanisms to eliminate recruitment malpractices through legal and valid contracts, regulate and accredit recruitment agencies and employers and blacklist negligent/unlawful agencies (para. 14).

## National

### Myanmar

The primary legislation concerning labour migration is The Law Relating to Overseas Employment (1999).<sup>77</sup> It provides for the mechanisms and institutions that manage labour migration but includes little on the rights of the workers themselves, save for a reference to their right to claim compensation for injury sustained at a foreign worksite (Article 24 (a)) and the right to take action for loss of rights and privileges relating to overseas employment (Article 24 (b)). There is nothing on minimum terms of contract, regulation of fees or pre-departure orientation. As the primary law regulating recruitment agents (described as “service agents”), the law sets out the conditions under which the agent might have their license cancelled or revoked, including failure to perform as promised for the employment seeker (Article 15 (b)) and charging service fees in excess of a prescribed amount (Article 15 (d)).<sup>78</sup> The Rules and Regulations of Overseas Employment Agent Licenses, introduced in 2014, provides more detail on licensing requirements, including capping the costs that agencies could charge based on the country of destination (for example, fees for Japan were set at \$2,800 and for Thailand \$150).<sup>79</sup>

The Ministry of Labour, Immigration and Population imposes restrictions on women’s migration to worksites employing fewer than five other women.<sup>80</sup> Women’s migration for domestic work, previously limited to specific countries, has been entirely banned since 2014.<sup>81</sup> This ban effectively means that actors who facilitate migration for domestic work do so in contravention of the Law Relation to Overseas Employment and all other regulations on labour migration. This limits the extent to which workers can use the specifics of the law to hold facilitating actors to account. It is arguable, however, that migrant workers can still pursue a complaint against the actor under the legislation.

Myanmar’s National Plan of Action for the Management of International Labour Migration (NPA 2013–2017) was built around four thematic areas: governance, empowerment and protection, data collection, and labour migration and development. Progress in implementing NPA 2013–2017 has largely been in governance, and institutional development in particular, with less progress in migrant empowerment and protection areas. Progress in protection has focused on the recruitment and pre-departure periods, as opposed to those of employment and return.<sup>82</sup> The government has identified progress gaps including: formulating new legislation to protect irregular workers and adopt international standards; empowering and protecting returning migrants, including skills recognition; mainstreaming migration into development plans; and strengthening data management capacity.<sup>83</sup> As such, these areas form the key policy objectives for 2017 and beyond.

NSPAW includes some provisions for addressing the rights of migrant women. Under Section 12, Women and the Economy, NSPAW recognizes the need for an assessment of the situation of female migrant workers as part of the strategy to strengthen the systems, structure and practices that ensure fairness and women’s equal rights to employment, credit, resources, assets and economic benefits.<sup>84</sup> The need to implement specific policies related to the economic opportunities of migrant women workers is also recognized at para. 12 (d) 3.

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77 Government of Myanmar. 1999. Law Relating to Overseas Employment, Law No 3/99. 9 July. Yangon: The State Peace and Development Council.

78 In practice, very few workers are aware of the provisions of this law and have access to the resources necessary to pursue legal action against agents who breach this law. Interview, Myanmar NGO, March 2017.

79 Government of Myanmar. 2014. Rules and Regulations of Overseas Employment Agency License. 13 June. Nay Pyi Taw.

80 There is some confusion over whether this restriction was introduced in 2011/2012 under orders 3/27/DLA (Work-3) 2012 (001), issued on 1 January 2012, and 3/27/DLA(Work-3) 2011 (12124), issued on 28 December 2011— or later in 2014, along with the domestic worker ban.

81 N. Ghosh. 2014. “Myanmar Imposes Temporary Ban on Maids to Singapore.” The Straits Times. 13 September.

82 PowerPoint presentation on the National Plan of Action for the Management of International Labour Migration in Myanmar, by Daw May Thu Nyo, Deputy Director, Department of Labour, of the Ministry of Labour, Immigration and Population. 30 January 2017.

83 Footnote 82.

84 Footnote 15, para. 12 (a) 6.

## Thailand

The primary labour law in Thailand is the Labour Protection Act B.E.2541 (1998). The 2012 Ministerial Regulation No. 14 (B.E. 2555), issued under the Labour Protection Act to improve workplace rights for domestic workers, aligns the legislation with several aspects of C189 by setting the minimum age for domestic work at 15 and granting domestic workers (including migrant domestic workers) rights to a weekly rest day, traditional public holidays, sick leave and payment for unused leave.<sup>85</sup> However, domestic workers remain excluded, from limitations on their working hours, overtime compensation, minimum wage coverage, social security protection and maternity leave.<sup>86</sup>

The Thai Government has progressively implemented a policy to reduce the numbers of undocumented and irregular migrants working in the country. Among these, the Alien Working Act B.E. 2551 (2008), section 54, fines employers between \$290 to \$2,800 for each undocumented worker. An undocumented worker can be fined up to \$2,800 and sentenced to a prison term of up to five years under section 51 of the same act.

The Thai Government has used different processes to regulate undocumented workers. The National Verification System allows employers to apply for migrant employee work permits. Such a permit lasts one year and can be extended on verification of nationality from the migrant workers' country of origin.<sup>87</sup> Alternative methods of applying for documentation have been made available to migrant workers (including household workers) through regular amnesties.

The Government of the Kingdom of Thailand and the Government of the Union of Myanmar signed their first joint MOU on Cooperation in the Employment of Workers in 2003, although it did not expressly include migration for domestic work. The MOU established the terms for sending workers to Thailand, including the need for a signed contract, the use of authorized agencies and the obligation to return workers home after two years. The agreement also introduced the countries' intent of working together to integrate illegal workers already in Thailand and to strengthen initiatives that prevent illegal border crossings. The MOU did not, however, address migrant social protection or rights at work.<sup>88</sup> In June 2016, Myanmar and Thailand signed a new MOU that allows migrants to work for a two-year period with the ability to extend for two further years, establishes centres in three areas to provide information to migrants, provides for a new system of temporary border passes and expands the countries' cooperation on skills development.<sup>89</sup>

Migrants who have completed the registration phase of the National Verification process are required to register under the Migrant Health Insurance Scheme, which provides an annual health check-up and medical insurance for an annual fee.<sup>90</sup> Further, the Social Security Act B.E. 2533 (1990) (SSA), as amended in 1999 (third amendment), provides social security protections, addressing non-work-related illness and injury, invalidity, death and old age pensions. The ability for domestic workers to access these benefits, on a voluntary basis or otherwise, is currently unresolved.<sup>91</sup>

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85 ILO. 2013a. Thailand: New Ministerial Regulation Offers Better Protection of Domestic Workers' Rights, *Developments in Law and Practice* 2013. Geneva.

86 Footnote 85.

87 Footnote 70, p. 21.

88 ILO. 2013b. Review of the Effectiveness of the MOUs in Managing Labour Migration Between Thailand and Neighbouring Countries. Bangkok. p. 8.

89 Footnote 70, p. 21.

90 Footnote 70, p. 22.

91 Footnote 70, p. 22.

## Singapore

In Singapore, the primary labour law is the 2009 Employment Act.<sup>92</sup> While this law covers foreign employees, it does not cover domestic workers. The 2012 Employment of Foreign Manpower Act (Work Passes) Regulation outlines responsibilities in relation to employing foreign workers in line with the Employment Act. As the Employment Act does not cover domestic workers, a separate set of provisions has been developed for employing foreign domestic workers.<sup>93</sup> Foreign domestic workers must meet eligibility criteria to be employed in Singapore, including being 23 to 50 years old, originating from an approved country (including Myanmar) and having had eight years of formal education. Domestic workers must be employed in the employer's home and attend a settling-in programme if it is their first instance of such employment. The employer is required to pay a security bond of up to \$5,000, to be used if the employer does not pay the worker or the worker is not returned home or goes missing. Medical checks for pregnancy, syphilis, HIV and tuberculosis are required every six months.<sup>94</sup>

# PRE-DEPARTURE

## Recruitment of domestic workers

Recruitment for migrant domestic work is currently prohibited due to the ban in Myanmar. As a result, women's migration into domestic work is facilitated by unregulated actors or licensed agents acting illegally.<sup>95</sup> "Most of the [legitimate] Myanmar agencies are not interested in sending domestic workers abroad because it's such a sensitive issue — only the illegal agents are recruiting girls and sending them to Singapore."<sup>96</sup> Information on opportunities for migrant domestic work is largely disseminated through informal social networks; women hear about or seek migration opportunities through friends or family members.<sup>97</sup> In reality, some of those described as friends and family are likely to be acting as brokers. However, the term "broker" has negative connotations, with the pervasive belief being that friends and family are the most reliable sources of information about migrating for work.<sup>98</sup> Some of these informal networks of friends and family are centralized community and religious groups.<sup>99</sup>

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*"My recruiter is my mother's friend. She said I must say that I am 24 years old. I listened to her because I want to earn money for my family."*<sup>100</sup>

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92 The Statutes of the Republic of Singapore. Employment Act (Chapter 91). Revised Edition 2009.

93 Allows regular rest days — entitled to one day per week for work permits issued after 1 Jan 2013. Provides details on accommodation and food and specifies need for safe working conditions. See: Government of Singapore. 2017b. Rest Days and Well-Being for Foreign Domestic Workers. Ministry of Manpower. <http://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-domestic-worker/employers-guide/rest-days-and-well-being>

94 Government of Singapore. 2017c. Six-Monthly Medical Examination (6ME) for Foreign Domestic Worker (FDW). Ministry of Manpower. <http://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-domestic-worker/eligibility-and-requirements/six-monthly-medical-examination>

95 In recognition that there are a range of actors that facilitate migration (including both regulated and unregulated brokers and agents), the report describes these as facilitating agents.

96 Thein Than Win, Director of Health and Education at Singapore NGO H.O.M.E. see C. Stuart. 2015. "Servitude in Singapore." Democratic Voice of Burma. 21 February.

97 Reports have found that half of all migrants migrate irregularly, with the help of friends and family; see footnote 57, p. xi.

98 73 per cent of potential migrants surveyed held this belief; see footnote 57, p. xiii.

99 For example, in Chin and Kayin States, the networks that disseminate information about domestic work opportunities are based in or around the church; see footnote 61.

100 Myo Myo (16 years old), Myanmar domestic worker in Singapore; see: A. Tan. 2012. "Myanmar Agents Send Underage Maid Here." The Straits Times. 23 July.

The reliance on friends, family and unregulated brokers also extends to the information available to potential migrants on legal rights, working conditions and other expectations. Telecommunication is largely limited to voice calls; there is limited access to information published online.<sup>101</sup> For those in ethnic regions, available information may not be accessible due to language or literacy barriers.<sup>102</sup> Lack of access to full and reliable information about legal channels and the terms and conditions of work can make women vulnerable to unscrupulous recruiting agents and traffickers, increasing the risk of physical, emotional and sexual violence.<sup>103</sup>

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*“The agent did everything for me. I didn’t need to go anywhere. It took about two weeks to make arrangements, and after that they called me and I went.”<sup>104</sup>*

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A network of actors (agents, brokers and sub-brokers) facilitate each stage of migration. Actors who recruit women directly in their villages may simply be paid a finder’s fee.<sup>105</sup> The next actor or broker may then facilitate migration up to the border, with other brokers and agents taking over in a country of destination. Each of these actors at each stage earns money from the worker’s migration.

## Agency fees

In Myanmar, the amount that an agent can charge a potential migrant is fixed by the government and based on the destination country (e.g. the total cost for migration to Thailand, including costs of the passport, visa and travel, is limited to \$150).<sup>106</sup> The amount that actors facilitating migration for domestic work are able to charge is, however, unrestricted in practice. Amounts commonly charged cover actual costs (including flights and visas), with an additional fee element for each of the actors involved in facilitating the migration. The average costs to migrate to Singapore range between \$2,500 and \$3,000, but can be as much as \$4,500.<sup>107</sup> High placement fees are often charged to the worker, because agencies control pricing.<sup>108</sup>

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*“I didn’t need my identification card or money. I didn’t need extra clothes or family documents. They said age was not an issue. We’d get \$400 a month, and pay them back by giving them our salary for the first seven months”<sup>109</sup>*

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Fees for Thailand can be much lower, with costs of around \$250 to \$300 to cross the border and up to \$600 to get documentation from an employment agent in Thailand.<sup>110</sup>

Whether migrating to Singapore or Thailand, actors facilitating migration through irregular channels often charge disproportionate and exploitative fees, causing women — who generally have fewer assets or access to formal loans than men — to suffer greater financial hardships than men as a result.<sup>111</sup> While the costs to migrate to Thailand may be lower than those of migrating to Singapore, migrant domestic worker wages are also lower in Thailand, so the expenditure may result in the same amount of wage deductions in relative terms. Brokers commonly represent their fees as loans, providing them on a “fly now, pay later” basis — especially so

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101 Interview, Myanmar NGO, 19 February 2017.

102 Interview, Myanmar NGO, 19 February 2017.

103 Footnote 9, para. 6.

104 Interview with Naw Mue Yal Say, former Myanmar migrant domestic worker in Singapore, see footnote 74.

105 Interview, Thai NGO, 10 April 2017.

106 Footnote 79.

107 M. Malay, M. 2014. “Buy a Discount Maid at Singapore’s Malls.” Aljazeera. 27 June. <http://www.aljazeera.com/indepth/features/2014/06/buy-discount-maid-at-singapore-malls-201462495012940207.html>

108 Jolovan Wham, Social Worker with Singapore NGO H.O.M.E, see footnote 107.

109 Interview with Man Deih Hau, recruited for domestic worker in Singapore, see footnote 74.

110 Interview, Thai NGO, 18 April 2017.

111 CEDAW Committee. 2008. General Recommendation No. 26 on Women Migrant Workers, CEDAW/C/2009/WP.1/R. 5 December. Para. 10.

in the case of migration to Singapore.<sup>112</sup> As much as the first six to ten months of salary can be taken by brokers as repayment of their fees/loans.<sup>113</sup> In many cases, the agent sells the debt to the employer, and that employer holds back worker pay until the debt is paid. As discussed in more detail in the following sections, domestic workers employed in private homes are bound to their employment situation by way of this debt, which creates situations of debt bondage, enhances vulnerability to exploitation and abuse, and restricts workers' ability to escape such conditions.<sup>114</sup>

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*“It leads to situations of forced labour. The women feel compelled to continue working for the employer because they haven't paid off their debt. And the debt also compels them to work under very exploitative and abusive conditions, because if they are unable to pay it off, they are afraid that they might be harassed or their families might be harassed in their countries of origin.”<sup>115</sup>*

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The Singapore migration system did not always utilize the current practice of charging fees to the workers themselves. Before 1997, employers would pay agency fees, commonly valued at around three months of worker salary. Arguably, such fees were lower because power was relatively equally balanced between facilitating agencies and employers, thus agents had to maintain competitive pricing.<sup>116</sup> This is not the case with individual domestic workers, who have little to no bargaining power, control or information on the fees being charged to them in advance of their placement with an employer.

Prior to the ban, the Government of Myanmar mandated that migrant domestic workers in Singapore received a monthly wage of at least \$450 and that recruitment fees did not exceed four months' salary (\$1,800).<sup>117</sup> For other migrant recruitment from Myanmar, agency costs are restricted to around \$150.<sup>118</sup>

## Falsified identity documentation

Young rural women in Myanmar have limited access to information about the legalities of migration or the restrictions in place. Such women rely heavily on what they hear from friends, families and actors facilitating migration; prospective migrants will do whatever is necessary, including falsifying their age, so that they can go and earn money for their families.<sup>119</sup>

Htet Htet was 15 when she was recruited; the agent falsified the date of birth in Htet's passport. “My agent knows I am 15 years old. But she lied about my age and everything. The agent told me if someone asks my age, I should say 23.”<sup>120</sup> Despite the requirement that domestic workers be 23 to work in Singapore, H.O.M.E. reported encountering a number of underage workers. In the space of two months in 2016, the NGO came across 16 underage domestic workers from Myanmar.<sup>121</sup>

Some workers are as young as 15 when they migrate to Singapore, despite Myanmar imposing a minimum age limit of 18 years to go abroad.<sup>122</sup> In many cases, workers are visibly underage. On the Singapore side, reports indicate that officials are unlikely to contend the age stated in a passport, relying instead on the Myanmar

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112 UN Women. 2013. *Managing Labour Migration in ASEAN: Concerns for Women Migrant Workers*. Bangkok.

113 Footnote 74.

114 H.O.M.E. and MWRN. 2015. *Myanmar: A Submission by H.O.M.E. and MWRN for the 23rd Session of the Universal Periodic Review, November 2015*. 22 March.

115 Interview with Jolovan Wham, Social Worker from Singapore NGO H.O.M.E. See footnote 74.

116 *Transient Workers Count Too (TWC2)*. 2016. *The Price of a Job: New Domestic Workers and Efforts to Reduce the Costs in Starting Employment in Singapore*. Singapore. p. 3.

117 Footnote 55.

118 Interview, Myanmar NGO, 19 February 2017.

119 Footnote 100.

120 Interview with Htet Htet, former Myanmar migrant domestic worker in Singapore; see footnote 74.

121 Interview with Jolovan Wham, Social Worker from Singapore NGO H.O.M.E. See footnote 74.

122 Footnote 114.

recruitment agencies to check a worker's age.<sup>123</sup> This reliance appears to ignore the reality that Myanmar-based actors who facilitate migration for domestic work act illegally and without government regulation.

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*“My agent said it was OK for me to come, and she could make false documents to change my age.”*<sup>124</sup>

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A H.O.M.E. case study found that all underage workers had received their false identification from the actors facilitating their migration in Myanmar. This false identification comes at an additional cost, which is added into the fee ultimately paid by the worker.<sup>125</sup>

In falsifying identification details, unregulated actors facilitating migration for domestic work are enabling girls who are under the minimum age for regular migration to leave Myanmar, putting such girls at significant risk, as they may not be sufficiently equipped to deal with the demands of migration or work.<sup>126</sup>

## Pre-departure training

Actors who facilitate migration for domestic work provide very little training to the women they send abroad. In the event that training is provided, it will not be to any agreed minimum standards, will not emphasize labour rights or legal requirements, and will focus on how to be a good housekeeper.<sup>127</sup> As a result, reports from Singapore are that many new recruits are inadequately trained. Poor training leads to high numbers of complaints, with reports from Singapore in 2014 indicating that domestic workers may change employers at least twice in their first six months.<sup>128</sup> Interviews by H.O.M.E. found that varying levels of training were provided to migrant domestic workers from Myanmar, but that in all cases, workers felt they lacked the required knowledge, skills or experience to do their job.<sup>129</sup> Many of the domestic workers interviewed also reported that they felt that language was an issue, with 58 per cent of them reporting communication problems when talking to the employer's family.<sup>130</sup> This issue of language can be complicated further when domestic workers come from states where the language spoken differs from the Myanmar language. In these cases, workers can also experience difficulties communicating with migration facilitators and Myanmar authorities.

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*“Common issues are language issues and a lack of efficiency in housekeeping and cooking. These problems arise due to a lack of training.”*<sup>131</sup>

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There is also criticism of pre-departure training for regular migration as not adequate to equip potential migrants. All pre-departure training is currently overseen by the Myanmar Overseas Employment Agencies Federation (MOEAF), and, while training should inform migrants of the labour laws and cultural norms of destination countries, sessions have not been consistent. They do not provide information on the nature and condition of the work, and there is some doubt that agency-run training sessions would want to provide information about the realities of migration, if to do so might discourage potential migrants.<sup>132</sup>

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123 Footnote 4, p. 27.

124 Interview with Naw Sar Gay Say (17 years old), former Myanmar domestic worker in Singapore; see footnote 74.

125 Footnote 114.

126 Footnote 114.

127 Footnote 114.

128 Footnote 55.

129 Footnote 114.

130 Footnote 114.

131 Interview with recruitment agent in Myanmar; see footnote 74.

132 B. O'Toole. 2014b. “Concerns Raised as Employment Agencies Take Over Training,” Myanmar Times. 22 September. <http://www.mmmtimes.com/index.php/national-news/11790-concerns-as-agencies-take-over-training.html>

## In transit

For migration to Singapore, there are allegations of corruption on both sides of the border, with reports of immigration officials being bribed to ensure that they turn a blind eye when they suspect or know that a woman is migrating in contravention of immigration requirements. These extra costs are charged to the worker.<sup>133</sup>

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*“The agencies find ways to bribe the authorities so that their workers can leave Myanmar even though there is a ban.”<sup>134</sup>*

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The Government of Singapore includes Myanmar on its list of accepted countries of origin for domestic workers. It does not enforce Myanmar’s ban on migration for domestic work.<sup>135</sup> This means that workers may be contravening Myanmar policy by leaving the country for the purposes of domestic work, but as long as they have the required paperwork to enter Singapore (i.e. the “In-Principle Approval” issued by the Ministry of Manpower), they are not contravening Singapore’s policy. An alternative method of gaining access to Singapore is to cross through Myanmar and Singapore immigration points using paperwork relevant to one of the Myanmar-approved migration sectors (e.g. factory or agricultural work). On arrival in Singapore, the worker is then hired out for domestic work.<sup>136</sup>

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*“They get tourist visas made, and they show them to Myanmar immigration. They can say that they will stay for a month and show them their travel dates. That’s how they pass Myanmar immigration. In Singapore, they show their government-issued work approval letters and bond letters, that’s how they get through Singapore immigration.”<sup>137</sup>*

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Those migrating to Thailand will commonly cross at land borders, often using a day pass. Others will go through unregulated border crossings without any documentation at all. Women and girls are particularly vulnerable to abuse, violence and even death along these irregular migratory routes.<sup>138</sup> Without full knowledge of the legal requirements of migration and work overseas, migrants can be completely reliant on information provided by friends, family and brokers. This leaves them vulnerable to entering illegal situations, without full knowledge of the risks. In the case of two women from Rakhine who unknowingly entered Thailand with false passports and visa documents, this resulted in arrest and three months in jail.<sup>139</sup>

## Licensing of recruitment agencies

For regular migration into formal sectors, such as construction or factory work, there remain challenges in regulating recruitment agency practices. While Myanmar has introduced licensing requirements for agencies, including limits on their fees, the practice of overcharging workers continues.<sup>140</sup> The current regulation structure uses MOEAF as the oversight mechanism for recruitment agencies and vests the Ministry of Labour, Immigration and Population with the power to issue legal sanctions. As identified by the Mekong Migration Network in a

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133 Reports include airport officials in Myanmar asking for bribes of \$50 per domestic worker to allow them on the flights to Singapore. See: A. Tan. 2014b. “Myanmar Government Ban Fails to Stop Maids Heading to Singapore.” The Straits Times. 29 September.

134 Interview with Thein Than Win, see footnote 74.

135 Footnote 4, p. 26.

136 Workers may not always have prior knowledge of this plan; see footnote 4, p. 39.

137 Interview with recruitment agent in Myanmar; see footnote 74.

138 Footnote 9, para. 9 and 12.

139 Interview, Myanmar NGO, 19 February 2017.

140 The agency should charge no more than \$115, however some charge as much as \$300. Interview, Myanmar NGO, 19 February 2017. See also: Mekong Migration Network (MMN). 2017. Regulation of Recruitment Agencies in the Greater Mekong Subregion: Policy Brief. Kowloon & Chiang Mai. p. 4.

forthcoming report, in the absence of a formal investigative branch or monitoring system, agencies that were closed are able to reopen under different names, continuing their practices of overcharging, debt bondage and sending workers into exploitative conditions.<sup>141</sup>

The use of sub-agents and sub-brokers is commonplace in the recruitment of domestic workers, with different actors taking charge of different parts of the procurement, migration and placement stages. Different actors may also be used to obtain passports.<sup>142</sup> This chain of largely unregulated and unaccountable actors means that there is a number of different stages at which a worker may be overcharged or provided with erroneous information. Sub-broker involvement can also lead to significant differences between the work and conditions first promised and those workers ultimately face in the destination country.

Recent developments in recruitment practices include the requirement that migrant workers have specific “job passports” as a precondition to deployment; MOEAF has also launched a voluntary code of conduct, under which recruitment agencies agree to provide information on rights and transparency of fees.<sup>143</sup> The practice of employing a recruitment agency code of conduct has been identified as one of the more effective methods of reducing exploitative practices, as it creates a culture of self-regulation that can be more sustainable than external regulation mechanisms.<sup>144</sup> However, at the time of writing, only 94 of the 261 registered agencies had endorsed the code of conduct, and no monitoring mechanism was in place, despite the code specifying one.<sup>145</sup>

## Conclusion

In the absence of regulated agents facilitating migration for domestic work, it is currently undertaken by unregulated actors or licensed agents acting illegally. As such, migration for domestic work does not benefit from the efforts being made to improve the practices of regulated agencies. Lifting the ban and incorporating migration for domestic work as a regulated activity will be a step towards increasing recruitment by regulated agencies working to the terms of their code of conduct. At the pre-decision and pre-departure stages, improving access to information on migration options and safe migration practices can increase the likelihood of women migrating into domestic work doing so as an informed choice and being able to negotiate and navigate any risks involved. Promoting transparency of requirements, restrictions, practices and fees related to recruitment and placement of migrant domestic workers is essential. Balancing power between recruiters and potential migrants, including through exploring different approaches to financing migration, could be constructive in improving women’s ability to maintain control of the costs and conditions when pursuing migration options.

# AT DESTINATION

## Arrival and placement

Migrants arrive in Singapore with an In-principle Approval from the Ministry of Manpower in hand. In order to obtain their work permit, migrants must first pass a medical examination. In addition to checking for clear signs of illness, the examination ensures that the worker complies with two key policies for work in Singapore: that they are fit for the work and that they are not pregnant.<sup>146</sup> Before moving to their place of employment, migrants

<sup>141</sup> Mekong Migration Network. Forthcoming. *Safe From the Start: The Role of Countries of Origin in Protecting Migrant Workers*, cited by: MMN. 2017. *Regulation of Recruitment Agencies in the Greater Mekong Subregion: Policy Brief*. Kowloon & Chiang Mai. p. 4.

<sup>142</sup> MMN. 2017. *Regulation of Recruitment Agencies in the Greater Mekong Subregion: Policy Brief*. Kowloon & Chiang Mai. p. 4.

<sup>143</sup> Footnote 142.

<sup>144</sup> Footnote 142, p. 7.

<sup>145</sup> Interview, Myanmar NGO, 19 February 2017.

<sup>146</sup> A condition of the Singapore work permit is to not get pregnant; see: <http://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-worker/sector-specific-rules/work-permit-conditions>

stay at agency boarding houses. While the Ministry of Manpower inspects these houses, reports indicate that workers are spread across multiple sites, not all of which are subject to inspection.<sup>147</sup>

Before arriving in either Singapore or Thailand, many migrants will not have specific employment secured. Those who do not require a further placement stage. In Singapore, a method to secure employment for domestic workers is to place them “on display” in shopping malls. In such cases, a woman may simply sit and wait for an employer to choose her, or she may demonstrate her skills. For most women, the time in a shopping mall lasts no longer than a week, with malls acting as transition points.<sup>148</sup> However, some domestic workers return to malls and can end up staying there for as long as a month. In employment agency language, these women are “transfer maids” who have either been released by their original employers or requested to leave after experiencing problems at work.<sup>149</sup>

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*“Many Myanmar maids are not trained... that is why the turnover is so high.”*<sup>150</sup>

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Early employer changes have been identified as a method for agents in Singapore to increase their fees. If an employment relationship ends in the first six months, the agent is required to pay back one month of their fee, whereas the worker will accrue a full two months’ fee when placed with a new employer. This practice has been referred to as “churning” or “recycling” and sees workers purposefully placed with inappropriate employers to encourage a change.<sup>151</sup>

In Thailand, workers secure employers through informal social networks or by paying a broker (who may also be part of a worker’s informal network). In practice, a domestic worker can be placed with an employer and work with them without any documentation. However, many employers require that workers are documented,<sup>152</sup> and workers widely prefer being documented.

The Government of Thailand has instituted a number of policies to provide papers to undocumented migrants. Many stakeholders report that Thailand’s evolving documentation systems have made the situation confusing. Unclear processes are unattractive to many domestic employers, who are often not keen on getting involved in the process of securing worker documentation.<sup>153</sup> In this environment, agents and brokers offer their services to secure migrant worker documentation for a cost. The National Verification system requires employers to apply on behalf of their workers and the migrant workers to have their nationality verified by their own government. This process presents a particular challenge for domestic workers, who, due to the ban, are unable to get verification from the Myanmar Government in this sector of work.

In order to get past this challenge, agents and brokers facilitate registration for domestic workers by registering them in other sectors, such as construction or manufacturing. This service, and the documentation itself, can cost up to \$600.<sup>154</sup> In addition to the fee, workers pay for their medical insurance, a requirement of being documented.<sup>155</sup> The law provides, however, that a worker must be in the employment of the employer named in the worker’s registration. The act of registering with an incorrect employer puts both the employer and the domestic worker at risk of prosecution, with the employer facing a fine and the worker facing a fine and up to a five-year prison sentence.<sup>156</sup> The worker also faces deportation, having been found to be effectively working as

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147 Footnote 4, p. 45.

148 Footnote 107.

149 Footnote 107.

150 Best Home Employment Agency owner Tay Khoon Beng; see footnote 55.

151 Footnote 116, p. 17.

152 Ex-pat employers are especially likely to require their domestic workers to be documented. Interview, Thai NGO, 18 April 2017.

153 Interview, Thai NGO, 21 April 2017.

154 Interview, Thai NGO, 18 April 2017.

155 Interview, Thai NGO, 18 April 2017; see also footnote 4, p. 54.

156 Thailand’s Alien Working Act B.E. 2551 (2008), section 54, imposes an employer fine of between 10,000 and 100,000 Thai baht (THB) (approximately \$279–2,794) for each undocumented worker. Section 51 of the same act imposes a fine of up to THB100,000 and a prison sentence of up to five years for the worker.

an undocumented migrant. Because of the risk of imprisonment and deportation, workers who have inaccurate documentation may be less likely to access support, legal or health services in situations of need.

More recently, the Government of Thailand has increased its use of the “pink card” system, which uses an identification card as proof of a worker’s migration status and allows holders to temporarily live and work in restricted areas of the country. There is also a Certificate of Identity system, which gives workers more freedom to move around and return home. Regular government amnesties also provide undocumented workers — including domestic workers — the opportunity to become documented. However, domestic workers may be less likely than workers of other sectors to have access to full and reliable information about these systems and how to access them.

## Employment terms and conditions

According to a 2016 survey of migrant domestic workers in Thailand, only 7 per cent have contracts.<sup>157</sup> Thai employers generally do not consider contracts appropriate for domestic workers, and workers associate contracts with the lack of freedom to leave an employer.<sup>158</sup> In the absence of a formal labour relationship, undocumented migrant domestic workers still have the right to one day off per week, traditional public holidays, sick leave and payment for unused leave.

In Singapore, use of contracts is optional. Minimum standards of employment are prescribed by the Ministry of Manpower, including worker entitlement to a weekly rest day (with a provision that payment may be made in lieu of providing a day off) and an employer requirement to provide safe and private accommodation and adequate food. These minimum standards do not encompass minimum wage. The ability to leave employment is subject to employer approval, creating a significant barrier to changing employment when conditions are not right.<sup>159</sup>

Consistent with global challenges to regulating domestic labour conditions, neither Singapore nor Thailand has a standard practice for inspecting domestic work environments. When a domestic worker is employed in a private home, that home becomes a workplace; however, the private nature of a home presents particular problems in gathering information that enables labour inspectors to provide appropriate protection to workers.<sup>160</sup>

## Freedom of movement and working hours

Reports demonstrate that working hours for migrant women in Thailand reach 13.5 hours per day, well above the established eight-hour work day.<sup>161</sup> The widely accepted notion that domestic work is not real or productive work can influence some employers’ decision of what amount of work is appropriate for their domestic workers. An hour of domestic work might be considered to include time where the worker is “taking it easy” or “not really working,”<sup>162</sup> resulting in the employer deciding it appropriate to require more hours to be worked.

Working in a private home also affects domestic workers’ freedom to move outside the home. The perception that it is reasonable to expect a domestic worker to be on call at all times can influence the level of autonomous time off that an employer is prepared to provide. Similarly, employers often choose to restrict workers’ autonomous movement outside of the home due to concerns that range from the worker running away to her getting pregnant or being vulnerable to crime. This combination of factors creates situations where employers find it

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157 Footnote 70, p. xvii.

158 Footnote 70, p. xvii.

159 Footnote 114, p. 5.

160 ILO. 2016b. Labour Inspection and Other Compliance Mechanisms in the Domestic Work Sector: An Introductory Guide. Geneva. p. 17. See also: UN Women and ITUC. 2013. Domestic Workers Count Too: Implementing Protections for Domestic Workers – A Briefing Kit. New York. p. 20.

161 Footnote 70, p. xviii.

162 Footnote 70, p. xviii.

necessary to provide specific permission for workers to leave the house, even on their rest day.<sup>163</sup> Similar rationale underpins employers' decision to hold worker passports and immigration documents.<sup>164</sup>

In Singapore, weekly rest days are not mandatory and can be negotiated for pay, making them hard to enforce — especially when a worker has not paid off their loan — and resulting in 40 per cent of domestic workers having less than one day off per week.<sup>165</sup> Arguably, the sense of employer responsibility or control is enhanced in Singapore by the imposition of a security bond of approximately \$3,600, used when domestic workers go missing. However, the introduction of insurance to cover this bond can mean that the actual amount paid in practice is nominal. Further, the bond can empower employers to unilaterally terminate employment and repatriate workers.<sup>166</sup> Restrictions and employer control are also evident in the increasing use of closed circuit television recording equipment to monitor domestic workers' movement and activity.<sup>167</sup>

In Thailand, there is also evidence of the widespread belief that employers should be able to restrict their worker's movements.<sup>168</sup> There is, however, growing advocacy for employer compliance with the Thai regulation providing all domestic workers (including undocumented workers) with the right to one day off per week.<sup>169</sup> There are also reports of increasing numbers of individual workers successfully advocating and negotiating with their employers to exercise their right to their day off, bolstered by the growth of informal domestic worker associations supported by Thai NGOs and increasing use of mobile technologies that connect workers.<sup>170</sup>

## Wages and social protection

Irregular migration status tends to increase vulnerability to labour market abuses, in particular low wages, long hours and insufficient rest.<sup>171</sup> A recent survey on wages in Thailand indicates that migrant domestic workers (likely those in Bangkok and larger cities) are paid above the minimum wage of \$9 per day, with an average monthly salary of approximately \$300.<sup>172</sup> In Singapore, where there is no minimum wage, average salaries are approximately \$350 per month,<sup>173</sup> with domestic workers from Myanmar among the lowest paid foreign domestic workers.<sup>174</sup> Notably, when extended working hours and lack of rest are added to the equation, workers' hourly wages decrease significantly.<sup>175</sup>

In Singapore, employers are responsible for all domestic worker medical needs that develop after the initial medical check-up, including the full cost of any medical care, hospitalization, and medical and personal accident insurance.<sup>176</sup> In Thailand, migrant workers must take out health insurance when registering for documentation, thus gaining access to the public health care system; workers also undergo a medical check-up and receive treatment under their insurance for any disease found. However, NGOs working in Thailand report that in practice, migrants struggle to access medical services due to language barriers and discrimination.<sup>177</sup>

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163 Footnote 70, p. xviii.

164 A recent survey result that found that more than 67 per cent of domestic workers' passports were in employer possession, notwithstanding that this is prohibited under Singapore's Employment of Foreign Manpower Act and the Passports Act; see footnote 114, p. 7. See also footnote 13, p. 12.

165 Footnote 13. See also footnote 114.

166 Footnote 114.

167 Hui and Tai, 2015, and Au-Yong, 2016, cited by ILO and UN Women; see footnote 4, p. 41.

168 S. Sandford. 2016. "Domestic Workers from Myanmar Overworked in Thailand." Voice of America. 22 March. <http://www.voanews.com/a/domestic-workers-overworked-in-thailand/3248937.html>

169 Or full pay in situations where the worker voluntarily and willingly wants to work in lieu of the day off.

170 Interview, Thai NGO, 10 April 2017.

171 Footnote 9, para. 7.

172 Footnote 70, p. 69.

173 Footnote 13.

174 Footnote 13 p. 28 and 23.

175 Footnote 70, p. xviii.

176 Footnote 93.

177 Interview, Thai NGO, 21 April 2017.

The Government of Thailand has affirmed domestic workers' right to sick leave, and reports indicate that employers accept that sick pay falls within their duty. However, sick pay and medical insurance appear to be the limit of the benefits afforded to migrant domestic workers in Thailand and Singapore. Neither country ensures that migrant workers receive maternity leave or benefits, disability benefits or pensions. In Myanmar, the ban on migration for domestic work precludes mechanisms for worker transfer of social benefits back to Myanmar.

## Abuse and exploitation

When a foreign individual enters a domestic employment situation in a private home, the power relations between the worker and the employer are immediately unequal. Working in an invisible and unregulated workplace, workers may face limited access to information and restricted autonomous movement outside the home, heightening their vulnerability to exploitation and abuse.<sup>178</sup> For example, a number of cases of violence and sexual abuse of Myanmar domestic workers have been reported in Singapore, ranging from rare to regular physical assaults and beatings through to serious assaults resulting in death.<sup>179</sup>

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*“How could I run away... I owed my agent eight months' salary. The agent said if I ran away during those eight months they would ask my parents to pay.”<sup>180</sup>*

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Studies in Singapore have found that language and communication problems compound Myanmar domestic workers' situation. In one study, 58 per cent of Myanmar domestic workers report having some communication problems when talking with employers and their families.<sup>181</sup> Workers from Myanmar are also less likely to have weekly contact with friends and family in Singapore, adding to their isolation.<sup>182</sup> Studies show that approximately one-third of all domestic workers in Singapore experience economic abuse and half experience verbal abuse,<sup>183</sup> with Myanmar workers least likely to seek external help when facing emotional problems.<sup>184</sup>

Myanmar workers face the highest rates of nutritional neglect and invasion of personal privacy; they are also the least likely to communicate with the outside world compared to migrants from other countries. As such, domestic workers from Myanmar may be at a heightened mental health risk.<sup>185</sup> Two in five domestic workers exhibit poor mental health, with language barriers, invasions of privacy and restrictions on freedom of communication identified as key mental health risks.<sup>186</sup>

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*“She hit me a lot. As time went on, she didn't just hit me with her hands. For instance, if she was near a chair she would throw the chair at me. If she had an umbrella, she would throw that at me. Sometimes she used her legs to kick me.”<sup>187</sup>*

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In Thailand, one study found that all migrant domestic workers interviewed had encountered some form of violence or abuse by their employers, with more than a third reporting that they had been sworn at and threatened. Workers between 15 and 24 were more likely to have experienced sexual abuse and unwanted touching.<sup>188</sup>

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178 Footnote 9, para. 7.

179 Case of domestic worker killed by employer (mother and daughter); see footnote 74.

180 Interview with Mo Mo, former domestic worker in Singapore; see footnote 74.

181 Footnote 13, p. 30.

182 Footnote 13, p. 21.

183 Footnote 13, p. 17.

184 Footnote 13, p. 21.

185 Footnote 13.

186 Footnote 13.

187 Interview with Naw Sar Gay Say, former Myanmar domestic worker in Singapore; see footnote 74.

188 ILO. 2010. Domestic Workers in Thailand: Their Situation, Challenges and the Way Forward. Bangkok. p. 17.

## Remitting money

Remittances provide essential support to livelihoods, education and health. Half of remittance transactions to Myanmar take place outside of the formal banking system.<sup>189</sup> Access to and awareness of remittance transfer services can be lower for women migrants employed in the informal sector, including domestic work.<sup>190</sup> Women migrants may be unable to transmit savings safely through regular channels due to isolation, lack of information, cumbersome procedures or high transaction costs.<sup>191</sup> When workers migrate to Thailand from border states such as Shan State, the use of friends and families to remit money is high. Notably, many of these friends and family members may, in effect, act as brokers in facilitating migration and remittances. Distrust of the formal banking system, lack of understanding of financial services, and the absence of physical and electronic infrastructure force most Myanmar citizens to use informal systems to transfer money.<sup>192</sup>

A common informal remittance method used is the *hundi* system: A person with money in hand is on each side of the transaction. Once a phone call or text message confirms that the person in the destination country has received a specific amount of money, the person in the country of origin can pass that same amount (minus fees) to the intended recipient of a worker's remittances.<sup>193</sup> The system is heavily reliant on trust and is increasingly effective with the growth of mobile telecommunications. There is little data, however, on whether the related charges are fair, although they are commonly less than the SDG 10c target of reducing transaction costs to less than 3 per cent of the transferred amount.

In Thailand, the *hundi* system and other informal schemes are a necessity for irregular migrant domestic workers who do not have the documentation necessary to access formal banking services. In Singapore, however, where workers are documented, *hundi* is still proving more competitive, as migrants associate it with cheaper transaction costs, better exchange rates and — with increasing door-to-door services — much more efficient access than formal channels.<sup>194</sup> Indeed, while workers in Singapore might have access to formal banking systems of remittance, the absence of a bank account on the receiving side may preclude using established financial institutions.

## Support and services

Insufficient training and poor employment conditions can ultimately result in a situation where the domestic migrant worker feels there is no other choice than to run away.<sup>195</sup> There are a number of such cases; for example, between September 2013 and May 2014, 61 domestic workers who escaped or run away from their employment sought shelter with the Singapore NGO H.O.M.E.<sup>196</sup> Domestic workers may flee when they feel isolated, are unable to communicate, experience abuse and violence or otherwise feel there is no other option. Many seek to return to Myanmar. While they might be prepared to continue work with another employer, they will be reticent to do so if it means having to return to the agent first.

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*“Up to eight months of their salary goes to paying the recruitment fees. In the meantime, they can't send any money home. So many just give up and run away.”*<sup>197</sup>

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189 Myanmar Centre for Responsible Business (MCRB). 2015. Sector-Wide Impact Assessment of Myanmar's ICT Sector. Yangon: MCRB, Danish Institute for Human Rights, Institute for Human Rights and Business. p. 99.

190 Footnote 57, p. xiii.

191 Footnote 111, para 15.

192 70 per cent of Myanmar's adults do not have access to financial services. Moreover, research indicates that formal banking penetration is only around 10 per cent in urban areas alone. Under the country's Microfinance Law, the Government of Myanmar has set a target of 80 per cent financial inclusion by 2020.

193 Interview, Thai NGO, 10 April 2017; footnote 57, p. 33.

194 A. Ma. 2017. Labor Migration from Myanmar: Remittances, Reforms and Challenges. January. Migration Policy Institute, p. 5. <http://www.migrationpolicy.org/article/labor-migration-myanmar-remittances-reforms-and-challenges>

195 Footnote 55.

196 Footnote 55.

197 Jolovan Wham, Social Worker, Singapore NGO H.O.M.E.; see footnote 55.

A H.O.M.E study reveals that Myanmar domestic workers are less likely than other foreign domestic workers to seek outside help when experiencing emotional problems.<sup>198</sup> This may be due to the lack of a social network in Singapore and the difficulties of communicating with home. Workers may also choose not to seek support or services for fear of employer or agent retaliation in the form of verbal or physical abuse, non-payment of wages, restrictions on movement, termination of the contract or being returned to Myanmar. Those that seek assistance face physical and language barriers, which further limit access to legal services, NGO support or Myanmar embassy assistance.<sup>199</sup>

While it is uncommon for a domestic worker to seek assistance from the Myanmar embassy in Singapore, the number of migrants seeking support still overshadows available embassy resources. Despite the ban, the Myanmar embassy in Singapore has opened a 24-hour hotline and works closely with Singapore-based NGOs in order to provide support to migrant domestic workers.<sup>200</sup> Because most of the domestic workers in Singapore are legally employed, they are able to seek support and services from the Ministry of Manpower when necessary.<sup>201</sup> However, the ability and knowledge to do so is limited, as the guidelines on the treatment and conditions for domestic workers are not statutory, and there is no guarantee that the Ministry of Manpower will recognize the validity of a complaint or provide support.

Singapore prohibits domestic workers from unionizing, rendering them reliant on NGOs to organize and advocate for their rights.<sup>202</sup> While domestic workers still organize informally (with support of NGOs), they do so by country of destination, and there is currently no informal organization of Myanmar domestic workers. Both the government and NGOs provide training to domestic workers on their day off.<sup>203</sup> Established in 2016 by the National Trade Union Congress of Singapore, the Centre for Domestic Employees intends to eventually provide services and advice in the Myanmar language.<sup>204</sup> However, there are few provisions for workers who do not get any time off or have no access to communication or social networks.

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*“It’s hard for us to get connected with the domestic workers because they’re kept in private houses... it’s hard to get in, and hard for them to get out... many maids are abused with wages and rights abuse and sexual abuse.”*<sup>205</sup>

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In Thailand, small but increasing numbers of informal domestic worker associations are providing support and services to domestic workers. Information from and about these informal associations is disseminated by word of mouth. Studies show that women are much more reliant upon informal assistance from friends and family in times of need, and these informal groups fall into that category.<sup>206</sup> Workers meet informally on their days off and check in on each other by telephone. Such associations are becoming increasingly effective in providing information and support that can strengthen workers’ ability to advocate for their own rights and resolve problems with their employers directly.<sup>207</sup> These associations are particularly necessary and useful, as migrant workers in Thailand face barriers in seeking consular services, both because of inaccurate documentation and the under-resourced nature of the services themselves.<sup>208</sup>

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198 Footnote 13.

199 Footnote 114, p. 8.

200 Footnote 4, p. 43.

201 Footnote 4, p. 41.

202 Footnote 4, p. 12.

203 Footnote 4, p. 42.

204 L. Kit. 2016. “NTUC Launches Centre for Domestic Employees.” Channel News Asia. 24 January. <http://www.channelnewsasia.com/news/singapore/ntuc-launches-centre-for/2452248.html>

205 Interview, Thai NGO, see footnote 168.

206 Footnote 57, p. xv.

207 Interview, Thai NGO, 10 April 2017.

208 Interview, Thai NGO, 21 April 2017.

Lack of legal status in the migration cycle can, directly and indirectly, detrimentally impact the ability of victims of abuse, exploitation and violence to prosecute their abusers.<sup>209</sup> In Singapore, there are reports of workers forcefully repatriated by abusive employers before being able to make their claim.<sup>210</sup> Those with claims in Singapore must stay in Singapore until such claims are resolved, commonly in NGO shelters. It can take up to two years for cases of physical or sexual abuse to come to court.<sup>211</sup> During this time, the claimant worker is not earning income and may ultimately return home with very little money to show for their migration — especially if the abuse and claim occur relatively early on in the migration experience or before loans are repaid.

Domestic workers can face barriers in accessing legal services in Thailand. Depending on how connected they are to a social network, workers may have limited access to information on their legal rights or available services. In addition, many domestic workers are registered as working in different employment, which can create a reticence to seek legal services for fear that to do so may have negative repercussions for immigration status. In situations where a worker seeks to bring a claim against an employer (usually with the support of an NGO), there is increasing use of mediation processes as a method to more quickly and cheaply find a resolution that may restore the parties' relationship and possibly the employment arrangement.<sup>212</sup> In this regard, the focus of NGOs working in Thailand has been to build worker capacity to resolve disputes with their employers directly through improved communications. When workers are arrested for having registered with incorrect information, Thai law stipulates their access to legal services during their prosecution. In practice, however, language barriers and lack of understanding may mean that workers are unable to benefit from such services.

In Singapore, employers are responsible for the medical needs of the domestic workers, including the costs of hospitalization when necessary. While the practice is to take out medical insurance to cover such costs, employers can be reticent to use the insurance, especially when there are upfront costs. This may leave workers in a position where they do not receive needed medical attention and, in some cases, are returned home. Documented workers in Thailand are required to get health insurance that provides access to public health services. The public health system in Thailand can, however, be over-stretched and under-resourced, with anecdotal reports of migrants experiencing discrimination when seeking to access services.

## Conclusion

Domestic work is seen as different from labour in traditional terms. As a result, domestic work often does not afford the same level of labour rights as other employment sectors. This may impact working hours, wages and freedom of movement. The fact that it is undertaken within a private home, often by only one worker, is a compounding factor that may limit the worker's access to information on rights or services. In Thailand, the impact of the Myanmar ban is that migrant domestic workers are registering with false details, which further restricts access to available services.

Because of the ban, Myanmar domestic workers are poorly trained and employed for low wages. This may increase in the incidence of poor working conditions, with reports demonstrating that domestic migrant workers are less likely than other foreign workers to seek outside support when they experience problems. Lifting the ban and regulating recruitment practices would improve worker access to training and their ability to identify and negotiate for labour rights. The Myanmar embassy, in partnership with NGOs, could strengthen efforts to organize social events on workers' days off in order to encourage greater networking among migrants from Myanmar. The Myanmar Government could also advocate for better domestic worker minimum labour standards in Singapore and Thailand, and discuss approaches to workplace inspections.

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209 Footnote 9, para. 10.

210 Footnote 13, p. 8.

211 Footnote 114, p. 7; footnote 74.

212 Human Rights and Development Foundation (HRDF). 2017. Female Migrant Workers in Thailand: In Search of Human Dignity and Labour Rights through Justice System. Bangkok. p. 116.

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*“I don’t know when I can go back. I want to go back as soon as possible.”*<sup>213</sup>

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## RETURN AND REPATRIATION

When a domestic worker is found to have registered under a different employer or sector in Thailand, the worker is considered as working without documentation and may be deported back to Myanmar. Facing restricted livelihood opportunities in Myanmar, however, workers may choose to pay the costs of re-migrating rather than settling back.

In Singapore, employers are responsible for returning workers back to Myanmar. Official regulations stipulate that employers must resolve all outstanding employment issues (including salary), provide advance notice of departure, ensure that the departure date is within two weeks of cancelling the work permit and buy the air ticket to the international airport nearest to a worker’s home town.<sup>214</sup> All costs associated with sending the worker home, including the costs of air travel and check-in luggage allowance, must be borne by the employer.

In a recent study of domestic workers, many expressed their long-term goal as returning home to Myanmar to establish a small business, selling food or owning a small shop.<sup>215</sup> It was a common thread that workers who intended to return home would only do so once they had saved enough to be able to establish and sustain their own livelihoods.

Services for repatriating migrants can prove particularly necessary for domestic workers. Migration for domestic work continues to carry a stigma in Myanmar; women who return from domestic employment abroad may experience detrimental effects, as communities might view the work as low and degrading. It is important to address cultural norms that perpetuate this negative perception of domestic work. To help with reintegration, domestic workers who have experienced exploitation or abuse may also need psycho-social, legal and other support services on their return.

The Government of Myanmar has increased its focus on the return and repatriation of migrant workers under the Empowerment and Protection area of NPA 2013–2017. This effort has primarily focused on improving the monitoring and facilitation of return, and on addressing health services for returning migrants. Future priorities include providing information through migrant help desks at airports and improving access to complaint procedures and legal aid. Another identified area of focus is skills recognition, which facilitates a broad understanding of the work itself, increasing its value and contributing to formalizing and professionalizing the sector. ILO has established Regional Model Competency Standards on domestic work as a first step to achieving skills recognition and standardization for the sector. Skills recognition also provides a clearer breakdown of returning worker competencies, leading to better employment opportunities upon return.

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213 Interview with Naw Sar Gay Say, former Myanmar domestic worker in Singapore; see footnote 74.

214 Government of Singapore. 2017d. Working Permit for Foreign Domestic Worker. Ministry of Manpower. <http://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-domestic-worker/employers-guide/sending-an-fdw-home>

215 Footnote 70, p. 77.

# DOMESTIC WORKERS' CONTRIBUTIONS TO ECONOMIC AND SOCIAL DEVELOPMENT

Countries of origin often consider labour migration as an opportunity to contribute to economic growth through increased remittances. At approximately \$8 billion per year, inbound remittances to Myanmar constitute approximately 13 per cent of Myanmar's gross domestic product.<sup>216</sup> A 2012 survey by Pearson and Kusakabe demonstrates that migrant Myanmar women in Thailand remit almost as much as their male counterparts, despite lower wages.<sup>217</sup> This is consistent with regional and global research: while women's wages are typically lower, women migrants are more likely to send home a higher proportion of their earnings and to do so more frequently.<sup>218</sup> As such, there is an increasing focus on women migrants as remitters and agents of economic growth.<sup>219</sup>

The dominant approach to maximizing the potential of financial remittances is the “remittance for development” model. It encourages remittances channelled through formal systems, increasing the amount of financial resources in the banking system, which in turn increases available credit, promotes productive investments and entrepreneurship, and generates employment and growth.<sup>220</sup>

When examining women migrant workers' contributions, there can be a tendency to point to the broader benefit of women's economic participation, which in itself improves economies by increasing not only household productivity, but also living standards.<sup>221</sup> It is important, however, to consider the contributions of women migrant workers within the broader context of interactions among gender, migration and development.

In development terms, reliance on remittances has been criticized as creating a situation of development stagnation, with increased income from remittances generally unable to mitigate broader structural development constraints and a lack of livelihood opportunities.<sup>222</sup> In Myanmar, women have few livelihood options, limited access to economic or productive resources, and few mandated social support provisions, such as child and elder care or maternity leave. Women also carry the socially mandated and entrenched responsibility for household and care duties. In this context, many women choose to migrate in order to improve their livelihoods and those of their families. When migrating, women continue to shoulder household and care burdens. Thus, a large portion of migrant women's remittances are spent on health, education, food, clothing and housing of their families.<sup>223</sup>

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216 Footnote 189, p. 99.

217 R. Pearson and K. Kusakabe. 2012. “Who Cares? Gender, Reproduction, and Care Chains of Burmese Migrant Workers in Thailand,” *Feminist Economics*, 18 (2).

218 Footnote 112, p. 8; UN Women and UNDP. 2010. *Migration, Remittances and Gender-Responsive Local Development: Case Studies of: Albania, the Dominican Republic, Lesotho, Morocco, the Philippines and Senegal*, as cited in: UN Women and ITUC. 2013. *Domestic Workers Count Too: Implementing Protections for Domestic Workers – A Briefing Kit*. New York. p. 51.

219 UN Women. 2013b. *Gender on the Move: Working on the Migration-Development Nexus from a Gender Perspective, Training Manual*. Santo Domingo. p. 35.

220 D. Ratha. 2007. *Leveraging Remittances for Development*. Migration Policy Institute.

221 UN Women and ILO. 2012. *Official Background Paper for Round Table 3.3, “Protecting Migrant Domestic Workers: Enhancing their Development Potential.”* This paper was drafted for the Global Forum on Migration and Development 2012.

222 H. de Hass. 2012. “The Migration and Development Pendulum: A Critical View on Research and Policy.” *International migration*. 50 (3).

223 Footnote 112, p. 8.

Household and care duties are often passed to other women in the family — such as older women and grandparents or younger women and daughters — creating a care chain, in which part of a woman’s reproductive burden is passed to another woman. Indeed, in migrating into domestic work, a migrant woman is likely to be discharging part of her female employer’s reproductive burden.

A further complexity is the interaction among contributions that women migrants make through social remittances — such as the transfer of cultural practices, norms, identities and social capital — as balanced against the social costs associated with migration.<sup>224</sup> Through increased economic capability, independence and agency, women may be able to change their status in families and communities and may increase women’s influence over decision-making.<sup>225</sup> There is also evidence that exposure to new social and political practices and ideas can influence both social and gender norms in countries of origin.<sup>226</sup>

Notwithstanding these potential benefits, women migrant domestic workers face gender-specific risks and vulnerabilities inherent to migrating irregularly into an informal labour sector. Women who experience exploitative and abusive migration and labour conditions may lose self-esteem and self-worth and may be stigmatized, losing their confidence and agency upon returning home. Splitting families can also have adverse effects on children’s education and health. In the absence of central caregivers, school absenteeism may increase, particularly as children’s household duties increase as a consequence of caregiver migration.<sup>227</sup> This absence may also be detrimental to children’s physical and psychological health and well-being.<sup>228</sup>

In their employment, migrant domestic workers also contribute to the economic development of the destination country. A domestic worker’s labour and skills sustain and regenerate households, enabling employers and their families — women in particular — to have more time to generate income or simply enjoy, enhancing their economic and social well-being.<sup>229</sup> The commodification and outsourcing of domestic and care work to migrant women also relieves destination countries’ burden to provide such services through costly welfare and social protection policies.<sup>230</sup>

## Conclusion

To maximize the benefits to migrants, their families and Myanmar more broadly, migrants’ financial contributions must be viewed as part of a broader development strategy that also recognizes, reduces and redistributes women’s reproductive labour burden and increases their access to resources, social protection and broader livelihood opportunities. Social contributions must also be considered alongside social costs, so that policies highlight and address the detrimental impacts of labour migration and provide alternatives for those who choose not to pursue it. It is paramount to ensure that women who pursue migration have access to safe and regular migration into decent work.

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224 P. Levitt. 2001. *The Transnational Villagers*. Berkeley and Los Angeles: University of California Press.

225 Footnote 112, p. 24.

226 Footnote 112, p. 24.

227 UN Women. 2017a. *At What Cost? Women Migrant Workers, Remittances and Development*. New York. p. 39.

228 Footnote 227, p. 39.

229 UN Women and ITUC. 2013. *Domestic Workers Count Too: Implementing Protections for Domestic Workers – A Briefing Kit*. New York. p. 51.

230 Footnote 112, p. 34.

# CREATING RIGHTS-BASED, GENDER-RESPONSIVE MIGRATION POLICIES

It is important to ensure that migration and development policies are evidence-based and responsive to the lived realities of women migrant workers, while proactively identifying the links between women's migration and development. In the absence of gender-responsive policies, structural barriers will continue to limit women's ability to access legal and financial opportunities, and the benefits of migration will be uneven. Proactive policies are necessary to address such inequities.

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*“Improving the situation of migrant domestic workers requires both attention to policy and law — employment as much as immigration — but also the culture around domestic work, gender relations and attitudes to migration.”*<sup>231</sup>

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## Increasing data and evidence-based policies

Accurate, sex-disaggregated data is central to understanding the specific needs and realities of men and women throughout all stages of migration. Indeed, the primary methodological challenge to ensuring that migration policy is gender-responsive is the absence or scarcity of data. A starting point is to disaggregate existing migration data by sex.<sup>232</sup>

Improving data collection on the broad socioeconomic aspects of migration is necessary to inform policies that address the experiences and realities of those impacted by migration — both the migrant and those left behind. Such information can be incorporated into regular household surveys with, for example, questions on who sends, receives and spends remittances and how they are spent, and questions on the type of care duties left behind by the migrating party and who assumes them. Information on the use of formal financial systems can improve understanding of the gender dynamics in accessing such systems. Questions on accessing public services and social welfare benefits can also provide a broader picture of migration's influence on families.

## Incorporating key international human rights norms

Through the SDGs and CEDAW, Myanmar has made commitments to the protection of women migrant workers and their inclusion in development. Operationalizing these commitments into policy is a key way of ensuring that policy is gender-responsive, rights-based and aligned with the global development agenda.

In addition to the SDGs and CEDAW, Myanmar policymakers should consider ratifying and operationalizing international commitments to women migrant workers and development. These include the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), as further elaborated in General Comments No. 1 (2011) on migrant domestic workers and No. 2 (2013) on the rights of migrant workers in irregular situations; and ILO's international labour standards, including conventions of general application and those that contain specific provisions on migrant workers: the *Migration for*

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<sup>231</sup> Footnote, 70, p. 83.

<sup>232</sup> It is important to note, however, that the importance of improving data does not take priority over lifting the Myanmar ban, the detrimental impacts of which are ongoing.

*Employment Convention, 1949 (No. 97), the Migrant Workers Convention, 1975 (No. 143), and, more recently, the ILO Convention concerning Decent Work for Domestic Workers, 2011 (No. 189), and the attending Domestic Workers Recommendation, 2011 (No. 201).*

In September 2016, the UN General Assembly held a high-level meeting on addressing large movements of refugees and migrants. This meeting produced the New York Declaration for Refugees and Migrants. Annex II of the New York Declaration provides for a new Global Compact for Safe, Orderly and Regular Migration. In preparation, UN Women supported the development of Recommendations for Addressing Women’s Human Rights in the Global Compact for Safe, Orderly and Regular Migration, which incorporate the experiences and voices of a full range of stakeholders involved in migration and its governance, including migrant women.<sup>233</sup> Myanmar should consider using these recommendations as guidance for policy approaches that promote and protect the rights of women migrant workers in migration policy.

## Incorporating social development indicators

Migration policies that focus on economics alone assume that social development will follow. Incorporating a human development framework into migration and development policies can help to ensure that they aim for broader development outcomes, including those that are more gender equitable than the status quo. In particular, it is important to ensure that policies address:

- Gender discrimination in policy and practice, as it affects the drivers, governance and impact of migration;
- The impacts of migration on the reproductive labour performed by migrants and those left behind;
- The impacts of reproductive labour on migration, in terms of migration drivers and the value of domestic work;
- The interaction between migration and public services (health, education, social protection); for example, the lack of public services increasing the need for migration to increase household income and improve livelihoods;
- Reductions in access to public services as a result of migration;
- The contribution of remittances to substituting or supporting public services;
- Social contributions and costs of migration (social, cultural and political), and the need to mitigate the latter; and
- The importance of gender equality indicators in policy monitoring frameworks.

## Responding to the needs of domestic workers

Policymaking must respond to the factors that influence women to migrate, taking into account women’s decision-making. It is important to recognize, for example, that when provided with sufficient information, the navigation and negotiation of risk versus reward varies from woman to woman. To understand the influences on women who migrate is to also understand their expectations. Some women are driven purely by economics, the need to increase their livelihood and that of their families, or the need to pay off farming or health care debts. Other women see domestic work in the longer term, as an entry point to the destination country. Some pursue migration as a way of expanding their life options, either in terms of pursuing an adventure outside of what is available in Myanmar’s rural farming areas or escaping domestic violence or bad relationships at home.

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*“Domestic workers must educate lawmakers about the need for protections.”<sup>234</sup>*

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<sup>233</sup> UN Women. 2017b. Recommendations for Addressing Women’s Human Rights in the Global Compact for Safe, Orderly and Regular Migration: Outcome of Expert Meeting in Geneva. New York.

<sup>234</sup> Senator Savino’s key message, see footnote, p. 229.

In protecting rights, it is crucial that policymaking recognizes the power imbalance in the relationships between migrant domestic workers and their recruiters or employers. Migrant vulnerability to abuse and exploitation increases when the power to hire and fire lies solely with the other actor, whether an agent or an employer. It is important to take into account, for example, the will of domestic workers to not be tied to specific employers and to have the freedom to change employment, with notice, at all times — not just in cases of extreme abuse or exploitation.

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*“People treat you badly when they think that you have no choice.”*<sup>235</sup>

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Similarly, it is important to understand workers’ expectations: are they seeking straightforward contractual relationships with low emotional involvement or, alternatively, scenarios where workers are embedded in the family (referred to as “Fictive Kin”).<sup>236</sup> Women in the latter group may have lower expectations of free time and wages, if they are in an environment that meets their expectations of providing comfort and support. For this reason, many commentators and NGOs are increasingly focusing on strengthening domestic workers’ communications and negotiation skills to enable them to effectively negotiate terms and fulfil their expectations.<sup>237</sup> Focusing on building these skills during the pre-departure stage could be a critical method of ensuring that women have the skills necessary to negotiate the employment terms that suit them.

Establishing associations of domestic workers in countries of origin and destination is another method of strengthening workers’ ability to advocate for their own rights.<sup>238</sup> Organization of domestic workers is increasing in Thailand, with new (albeit informal) groups being established every year.<sup>239</sup> Many of these groups are part of the migrant domestic workers’ network, which forms part of HomeNet Thailand’s Network of Domestic Workers in Thailand. Access to time off is critical to domestic workers’ ability to meet and organize. Such organizing has, in turn, been seen as significant for work satisfaction.<sup>240</sup> In the Philippines, strong domestic worker associations in the country and abroad have forged the path for national legislative change and have been instrumental in creating global change through advocacy, which led to C189.<sup>241</sup>

An example of a domestic worker-led policy could address recruitment and other agency fees. While nations such as the Philippines have been lauded for prohibiting the charging of fees to recruit and send domestic workers abroad, the majority of workers feel that it is reasonable to make some form of payment in order to obtain a job and that, if they receive a service, they should pay for it.<sup>242</sup> As such, a new policy might explore options that increase cost transparency and reasonableness, and ensure that costs are linked to specific services (e.g. pre-departure skills training).

## MOUs and interstate agreements

The use of MOUs is often the central method for regularizing migration. Studies show, however, that MOU-based migration does not always result in benefits for the workers. For example, the inherent role of governments in MOU-based migration has been found to add time and cost to migration.<sup>243</sup> MOUs also limit the number of agents who can facilitate legal migration, thus facilitating such agents’ ability to charge high service fees. This combination of factors can, therefore, lead to MOU-based migration being more expensive for workers than

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235 Interview with Kamlee, a Myanmar domestic worker in Thailand, see footnote 70, p. 83.

236 Footnote 70, p. 81.

237 Interview, Thai NGO, 10 April 2017; footnote 70, p. 81.

238 Footnote 229, p. 43.

239 Migrant domestic workers are prohibited from joining unions as domestic workers and migrants. Interview, Thai NGO, 10 April 2017.

240 Footnote 70, p. 81.

241 Footnote 229, p. 28.

242 Footnote 116, p. 118.

243 One study identifies 25 formal and informal steps to deploying a Myanmar worker to Thailand through the current MOU procedures, which takes 89 days. See Huguët, 2014, cited by ILO in footnote 88, p. 11.

irregular routes.<sup>244</sup> In a study of the impacts of the Myanmar-Thailand MOU across sectors, data demonstrates that workers entering Thailand under the MOU commonly pay more in agency fees than those choosing irregular migration routes, without necessarily benefiting from better conditions, pay or safety at work.<sup>245</sup>

Developing strong rights-based MOU agreements can also be a challenge in cases where MOU provisions differ from the involved countries' existing legislation. It may be desirable for countries of origin to agree a minimum wage for domestic workers working abroad, but if the destination country does not impose a minimum wage (as in the case of Singapore), this will be a challenge. Agreement-based processes and regular channels need to be cheaper, quicker and safer than irregular channels in order to attract potential migrant workers. In order to achieve this, rights-based agreements need to be enforceable throughout the migration process.

Interstate agreements can be very effective in creating strength in joint advocacy. When countries of origin share technical expertise, experiences and best practices, and join together to develop agreed minimum standards, chances of seeing such terms met by destination countries improve.<sup>246</sup>

Recommended approaches to developing interstate agreements include:

- Considering the experiences of workers who have passed through all of the administrative stages of agreement-based regular migration and analysing where time and costs can be reduced;<sup>247</sup>
- Streamlining recruitment and migration procedures to be quicker and cheaper than irregular migration methods;
- Integrating sector-specific legal protections in line with international human rights laws and promoting women migrant workers' rights,<sup>248</sup> such as:
  - Standard contracts;
  - Details of costs and payment liability;
  - Provisions for pre-departure and on-arrival orientation;
  - Duration of visa and mechanism for changing employer;
  - Equality of treatment to national workers;
  - Minimum wage, including the right to be paid into a bank account;
  - One day off per week and provisions for holidays;
  - Health insurance and sick leave pay;
  - Worker right to hold her identity, immigration and work papers;
  - Details of complaints procedures;
- Establishing agreements with countries of destination that provide women migrants access to health and social protections regardless of migration status, such as:<sup>249</sup>
  - Processes for accessing lump-sum reimbursement for contributions to pensions and unemployment insurance;
  - Health and education rights for migrants' family members;
  - Procedures for medical check-ups with access to treatment and care;<sup>250</sup>
- Addressing return and repatriation through economic and social reintegration programmes that enable migrants to capitalize on their improved finances and skills and/or support migrant employment or further development;
- Developing agreed minimum standards for labour migration with other countries of origin; and

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<sup>244</sup> Interview, Thai NGO, 10 April 2017.; See also footnote 142.

<sup>245</sup> MAP Foundation. 2015. Regular Rights: A Study on the Impact of Regularization of Migrant Workers from Myanmar (Burma) in Thailand. Chiang Mai: MAP, CCFD – Terre Solidaire. p. 23.

<sup>246</sup> Footnote 142, p. 7.

<sup>247</sup> Footnote 88, p. 14.

<sup>248</sup> Footnote 233, para. 2.8.

<sup>249</sup> Footnote 233, para. 5.6.

<sup>250</sup> Footnote 88, p. 30.

- Establishing systems for monitoring, reporting and enforcing interstate agreements under the institutions, mechanisms and laws of each of the states involved, for example, by ensuring that workers' labour rights-related terms of the agreement are enshrined and enforceable in the labour laws of the destination country.

## Capacity development and consultation

Ensuring that those who are responsible for developing migration policies understand the nuances of gender and migration is key to strengthening such policies' gender-responsive and rights-based nature. In addition, mainstreaming gender and rights into policy can be achieved by institutionalizing training and capacity development on gender, migration and development for all personnel involved in policy development; including a gender and migration expert on the policy team; and ensuring the meaningful involvement of women migrants and women affected by migration in policy consultation processes.

# CONCLUSION AND KEY RECOMMENDATIONS

## Conclusion

In migrating for domestic work, Myanmar women make the choice to leave their country and commit to at least two years of working in the private home of a stranger. Women make this choice as a way to improve their and their families' livelihood, sometimes in desperation at the lack of alternative options and sometimes as a way of striking out into the world alone. The decision is significant, brave and risky, and the contributions of the women who make it can be considerable. Yet, because domestic work is socially deemed to be a natural extension of women's duties and abilities, and not considered labour in traditional terms, the domestic work labour sector continues to be devalued and riddled with discriminatory practices.

With no options for regular migration into domestic work, women rely on family, friends and unregulated actors to facilitate migration. Such reliance commonly results in women migrating uninformed and unprepared for domestic work. With no restrictions on the fees facilitating actors can charge, women migrant domestic workers can be employed for up to eight months before being able to send wages back home. Domestic workers in Thailand often register with false employers and employment details, rendering such documentation null and void and putting migrants at risk of prosecution and deportation. In Singapore, NGOs report that insufficient training can result in overwhelmed, isolated, exploited and abused workers who run away and seek shelter with NGOs.

On their return, migrant domestic workers may face stigmatization, with limited access to support and services in cases of exploitation or abuse. The lack of skills recognition for domestic work means that women's employment and livelihood opportunities rarely improve, unless she returns with sufficient savings to establish her own source of income.

Throughout the migration cycle, women's socially mandated responsibilities for domestic and care work dictate the value of such labour, while commonly creating a burden at home that must be discharged in order to be able to migrate. Women migrant domestic workers' financial and social contributions must be considered and balanced against the social and economic costs of migration. In particular, contributions and benefits of migration for domestic work must be considered in light of the risk of irregular migration, which reaffirms domestic work's position as an extension of women's natural ability and duty, and as unskilled and of low value — rather than recognized and remunerated as other skilled labour sectors.

In order to address the exploitation and abuse of migrant domestic workers, it is critical to address assumptions about women's labour and the feminized nature of domestic work. By improving women migrant domestic

workers' access to labour and human rights throughout migration, Myanmar has an opportunity to establish safe, orderly and regular migration into decent domestic work, enabling women migrants to demonstrate to their country, families and themselves the benefits that can be achieved when worker rights are fully protected.

## Key recommendations

The following recommendations are made to the Government of Myanmar and the stakeholders and partners that support and advocate for the protection and promotion of the rights of women migrant domestic workers. The recommendations have been designed to align with international guidance and legal frameworks, in particular the SDGs,<sup>251</sup> CEDAW GR26,<sup>252</sup> C189<sup>253</sup> and UN Women's Recommendations on Addressing Women's Human Rights in the Global Compact on Safe, Orderly and Regular Migration (WHR-GCM).<sup>254</sup> In addition, the recommendations have been designed to complement, align with and enhance Myanmar's national policy framework, in particular the National Plan of Action for the Management of International Labour Migration in Myanmar (2013–2017) and the National Strategic Plan for the Advancement of Women (2013–2022).

### Lift the ban

- Immediately lift the ban on migrating for domestic work and make facilitating migration for domestic work a regulated activity under the law.<sup>255</sup>

### Pre-departure

#### Increase access to reliable information

Access to reliable and easily understandable information is critical to potential migrants and their ability to understand their labour and human rights, to manage expectations and to make informed choices. Some initiatives that can strengthen access to reliable information include:

- Strengthen the grassroots, rural empowerment of women in order to enhance their preparedness for and ability to navigate many different circumstances;<sup>256</sup>
- Incorporate information on the critical nature and value of domestic and care work into NAP and NSPAW advocacy, identifying the skills necessary for the work and the value it brings;<sup>257</sup>
- Conduct consultations with returned workers on the most effective methods of disseminating information and the most important content for communication materials, in order to ensure that information and communication strategies respond to worker needs;<sup>258</sup>
- Introduce “pre-decision” and “migration information” centres that engage with local authorities, migration actors and potential migrants, and provide information on migration options in the local language;
- Consider the use of mobile clinics and campaigns in the absence of resources for multiple permanent centres;<sup>259</sup>
- Incorporate information on safe migration into school curriculum;
- Develop basic, clear and concise materials in all relevant languages, using pictures and multimedia where relevant in order to communicate safe migration practices;
- Strengthen pre-departure training and orientation to ensure that it includes skills training, including ASEAN-accredited training on professional skills for domestic and care work; communication and negotiation skills

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251 UN General Assembly. 2015b. Transforming our World: the 2030 Agenda for Sustainable Development, A/Res/70/1. 21 October.

252 Footnote 111.

253 ILO. 2011. Domestic Workers Convention, 2011 (No. 189). 5 September.

254 Footnote 233.

255 See GR26 para. 24 (a), footnote 111. See also C189 Article 3. 2 (d), footnote 253. See also WHR-GCM, para. 2.2, footnote 233.

256 See NSPAW para. 7.b.2, footnote 15.

257 See UN General Assembly. 2015b. Transforming our World: the 2030 Agenda for Sustainable Development, A/Res/70/1. 21 October. (SDG) 5.4. See also WHR-GCM para. 1.4, footnote 233.

258 See GR26 para. 23 (b) and 24 (b), footnote 111.

259 See GR26 para. 24 (b), footnote 111. See also, WHR-GCM para. 3.4 and para 5.14, footnote 233.

necessary to understand and negotiate decent terms and conditions of employment; and information on rights and expectations;<sup>260</sup> and

- Provide potential workers with relevant information on available help and services for migrant workers in destination countries (through collaboration among Ministry, MOEAF, and migrant and labour organizations).<sup>261</sup>

### **Promote transparency in regulations, practices and costs of migration**

Transparency in regulations, practices and costs can contribute to eliminating exploitative practices through initiatives that include:

- Developing, through wide consultation (including with women migrant domestic workers), a nationally agreed-upon cost structure for facilitating the recruitment and migration. The structure should be developed in partnership with recruitment agencies, migrant workers and other stakeholders, and should clearly identify costs to be borne by workers, agents, employers and governments;<sup>262</sup>
- Providing clarity about the laws and regulations that apply to labour migration, in order to identify the actors accountable for specific activities and processes, and specifically, when accountability for an unregulated or illegal act rests with brokers, employers and workers themselves;
- Supporting the development of a monitoring mechanism under the Code of Conduct, which includes a ranking system for self-regulation;<sup>263</sup> and
- Introducing a feedback system and complaint procedure for recruitment agencies to inform enforcement procedures (including financial and penal sanctions), and a blacklisting system for agencies or other facilitating actors found to breach regulations.<sup>264</sup>

### **Balance the power between recruiters and potential migrants**

One of the main challenges in recruiting women for domestic work is their reliance on unregulated actors who have complete control over their fees and the information that they provide. Implementing initiatives that balance out this power will improve potential workers' ability to avoid exploitative practices and reduce risks to rights violations:

- Ensure that all actors engaged in the recruitment and migration of domestic workers have agreed to the Code of Conduct and are directly accountable (or are agents of a body that is directly accountable) to the MOEAF and the Ministry of Labour, Immigration and Population for all recruitment practices;<sup>265</sup>

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260 Consider following the lead of the Philippines: through the Overseas Workers Welfare Association, the government delivers a free comprehensive pre-departure orientation programme for domestic workers migrating to Singapore; it lasts 4-6 days and is administered by the Philippines Overseas Employment Agency and NGOs; see footnote 112, p. 42. See also SDG 10.7, footnote 251. See also GR26 para. 24 (b), footnote 111. See also WHR-GCM, para. 5.14, footnote 233.

261 See footnote 114. See also GR26 para 24 (b), footnote 111. See also WHR-GCM, para. 5.14, footnote 233.

262 The Philippines prohibits agencies charging fees for migrating for domestic work. In Singapore, the Employment Agencies Rules (2011) provide that domestic workers can only be charged one month's fee for each year, up to a maximum of two months for two years. While the regulations are not completely adhered to and overcharging continues, the existence of regulations is seen to reduce the amount paid by Filipinas and the number of months over which they are paying; see footnote 116, p. 16. See also footnote 142, p. 5. See also GR26 para. 23 (b), footnote 111. See also WHR-GCM para. 5.10, footnote 233.

263 See SDG 8.7, footnote 251. See also GR 26 para. 24 (c), footnote 111. See also C189 Article 15.1 (a), footnote 253. See also WHR-GCM para. 5.10, footnote 233.

264 See footnote 142, p. 5. See also GR 25 para. 24 (b) and (c), footnote 111. See also, C189 Article 15.1 (a), footnote 253. See also WHR-GCM paras. 3.4 and 4.8, footnote 233.

265 See GR 26 para. 24 (c), footnote 111. See also WHR-GCM para. 5.10, footnote 233.

- Through broad consultation, including with migrant domestic workers, consider new methods of financing migration (including private banking loan schemes) that limit agency fees while ensuring that workers understand and have direct control of their debt liability;<sup>266</sup>
- Ensure that sanctions for illegal practices, trafficking and colluding with public officials are effective and enforced;<sup>267</sup> and
- Integrate gender considerations into the training of labour, immigration, customs, police and other officials to ensure they can identify when a migrant’s rights are at risk of violation and understand the challenges facing women migrant domestic workers.<sup>268</sup>

## At destination

### Increasing accountability

While numerous actors, processes and instruments are involved in domestic worker migration, few of these are expressly responsible for worker well-being. The following suggested initiatives could address this:

- Demonstrating Myanmar’s support for domestic worker rights by addressing the need to recognize, reduce and redistribute women’s socially mandated household and care duties, and strengthening the protection of domestic worker labour and human rights under the law;<sup>269</sup>
- Ratifying C189, further demonstrating Myanmar’s commitment to domestic worker rights and strengthening worker ability to negotiate better terms;<sup>270</sup>
- Demonstrating respect for domestic worker rights by advocating and formally requesting that destination countries strengthen their accountability to domestic workers through extensions of their labour laws and ratification of C189;<sup>271</sup>
- Expanding requirements on recruitment and placement agents to retain accountability for the well-being of the worker throughout the migration cycle (while not abdicating government responsibility), with sanctions for those who do not;<sup>272</sup>
- Increasing the resources of Myanmar embassies in Thailand and Singapore, particularly by increasing the number of labour attaches responsible for vetting employers;<sup>273</sup>
- Building the capacities of embassy staff to understand and respond to the needs of women domestic workers;<sup>274</sup>
- Promoting social dialogue among workers, employers, government officials and non-government stakeholders on ensuring decent work for domestic workers in destination countries, with periodic follow-up using social media and other means;<sup>275</sup>
- Developing joint liability schemes between Myanmar and each destination country to institutionalize cooperation across countries aligned with international human rights standards and to prevent abuses by recruitment agencies and actors;<sup>276</sup> and
- Advocating for and ensuring the effective separation of immigration enforcement activities and public service provision (or “firewalls”) throughout the migration process, so that immigration enforcement authorities

<sup>266</sup> In June 2016, the Indonesian Government launched the Household Service Workers Industry Scheme (HIS), a new migration financing initiative aimed at reducing the cost of migration for Indonesian domestic workers in Singapore. Under HIS, a worker borrows around SGD \$1,700 (approximately \$1,200) from scheme partner Maybank Indonesia to cover the costs of migration such as training, visa processing, medical exams and placement costs. This loan is repaid by the worker directly; her salary and repayments will be deposited and withdrawn from the same account linked between Singapore and Indonesia; see footnote 194, p. 6. See also SDG 10.7, footnote 251. See also GR 26 para. 23 (b), footnote 111. See also C189 Article 15.1 (e), footnote 253.

<sup>267</sup> Footnote 229, p. 52. See also SDG 8.7, footnote 251.

<sup>268</sup> Footnote 229, p. 52. See also GR26 para. 25 (a), footnote 111. See also WHR-GCM para. 3.5, footnote 233.

<sup>269</sup> See SDG 5.4, footnote 251. See also C189 Article 6, footnote 253. See also WHR-GCM para. 5.13, footnote 233.

<sup>270</sup> See GR26 para. 29, footnote 111. See also C189, footnote 253. See also WHR-GCM para. 1.9, footnote 233.

<sup>271</sup> See C189 Article 6 and Article 10, footnote 253. See also WHR-GCM para. 5.1 and 5.2, footnote 233.

<sup>272</sup> See SDG 10.7, footnote 251.

<sup>273</sup> Footnote 112, p. 32.

<sup>274</sup> See GR26 para. 24 (j), footnote 111.

<sup>275</sup> Footnote 229, p. 52.

<sup>276</sup> See SDG 10.7, footnote 251. See also C189 Article 8.3, footnote 253. See also WHR-GCM para. 5.10, footnote 233.

are not able to access information concerning the immigration status of individuals who seek assistance or services from medical facilities, schools, local authorities or other social service institutions, or when they are seeking to access justice mechanisms.<sup>277</sup>

### **Strengthening support networks**

Establishing partnerships between Myanmar embassies and civil society organizations, including informal associations, to provide social and cultural events and training on domestic workers' days off, with the intention of supporting associations and building social networks, including establishing (with the benefit of consultation) voluntary registration schemes;<sup>278</sup>

- Advocating for destination countries to support informal associations of migrant domestic workers;<sup>279</sup>
- Connecting newly recruited migrant domestic workers with returnee domestic workers, informal associations and NGOs during pre-departure and post-arrival orientation; and
- Considering initiatives and mechanisms to provide domestic workers an easy method of remaining in regular contact with their networks in Myanmar.

### **Ensuring access to support services and justice**

- Starting wide consultations, including with migrant domestic workers, on establishing a welfare fund that provides support for workers who suffer loss or die due to exploitative recruitment practices or migration experiences, including legal assistance and emergency assistance funds;<sup>280</sup>
- Advocating for destination countries to end the use of visa schemes that tie workers' immigration status to specific employers;<sup>281</sup>
- Providing, in their own language, information to migrant domestic workers on their legal rights, the legal process and resources for making complaints in Myanmar and in the receiving country;<sup>282</sup> and
- Increasing the capacity of Myanmar embassies to work in partnership with civil society in order to improve support to victims of abuse, including supporting claims against employers or agencies.<sup>283</sup>

### **Return and repatriation**

- Establishing a voluntary reintegration centre to provide temporary shelter and post-repatriation services, such as travel, medical, legal and economic assistance;<sup>284</sup>
- Introducing training for social workers and faith-based and community leaders to enable them to provide assistance to returning migrant domestic workers, including referring serious cases to appropriate channels or specialists;
- Providing access to complaint and reporting mechanisms, while ensuring such mechanisms protect women against reprisals;<sup>285</sup> and
- Establishing services that recognize and certify the skills, competencies and equivalences of returning women, linked to employment opportunities.<sup>286</sup>

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277 See WHR-GCM, para. 3.12, footnote 233.

278 Footnote 114. See also C189 Article 3.2 (a) and 3.3, footnote 253.

279 See C189 Article 3.2 (a) and 3.3, footnote 253.

280 Note, this recommendation is made on the basis that the overall cost of migration decreases. See also footnote 112, p. 32. See also GR26 para. 23 (b), footnote 111.

281 Footnote 229, p. 52. See also WHR-GCM para. 3.9, footnote 233.

282 Footnote 114. See also WHR-GCM para. 5.2, footnote 233.

283 Footnote 114. See also SDG 8.8, footnote 251.

284 Footnote 112, p. 42. See also WHR-GCM para. 4.8, footnote 233.

285 See C189 Article 15.1 (b) and 17.1, footnote 253. See also WHR-GCM para. 4.8, footnote 233.

286 See SDG 8.5, footnote 251. See also WHR-GCM para. 4.8, footnote 233.

## Domestic workers' contributions to development

- Acknowledging the important contributions made by women migrants to sustainable development and social change in Myanmar, recognizing that development cannot be truly sustainable and inclusive until it encompasses and fosters the full economic, social and political empowerment and the leadership of women and girls at all stages of migration;<sup>287</sup>
- Conducting robust gender-responsive research and enhancing sex-disaggregated data collection, acquisition, analysis and accountability measures, in order to highlight the contributions made by women migrants, the gendered drivers of migration (including economic, racial or gender inequality, conflict, environmental degradation and disasters), and the situation and realities of women migrants in every phase of the migration process;<sup>288</sup> and
- Advocating for decent work for domestic workers in destination countries, citing their expanding contribution to global value and care chains as vital to ensuring economic growth and human development.

## Creating rights-based, gender-responsive migration policies

- Considering an increase to government budgetary allocation to supporting labour migration as a function of the proportion of the population living outside the country and remitting money;
- Ensuring that the development of the post-2017 National Plan of Action is rights-based, gender-responsive and specific in addressing the situation of migrant domestic workers;<sup>289</sup>
- Disaggregating existing data on migration by sex;<sup>290</sup>
- Incorporating into regular household surveys questions on remittances, spending decisions, care duties, and levels of access to financial systems, public services and social welfare;
- Operationalizing the SDGs and CEDAW into migration policy; operationalizing and potentially ratifying the provisions of UN and ILO migration-related conventions, in particular C189;<sup>291</sup>
- Incorporating the provisions of the Recommendations for Addressing Women's Human Rights in the Global Compact for Safe, Orderly and Regular Migration;<sup>292</sup>
- Incorporating social and human development factors into policymaking, including by addressing gender discrimination in policy and practice, the interaction between care and migration in economic and social terms, the interaction between migration and public services, the need to mitigate the costs of migration and the importance of incorporating gender indicators;<sup>293</sup>
- Responding to the needs, realities and influences on women who migrate by meaningfully engaging with women in migration, and the informal and formal associations that represent them in policymaking procedures;<sup>294</sup>
- Producing strong rights-based interstate agreements as specifically recommended in this report, including ensuring that such agreements are in line with human rights laws, promote the rights of women migrant workers and are enforceable in practice;
- Agreeing to minimum standards with countries of origin;
- Establishing agreements with destination countries that provide women migrants with access to health and social protection;<sup>295</sup>
- Ensuring that those responsible for policy development have the capacity and understanding to do so;
- Institutionalizing training and capacity development on gender, migration and development; and
- Including a gender and migration expert on the policy team, and including women migrants and women affected by migration in policy consultation processes.

287 See SDG 5.5, footnote 251. See also GR26 para. 24 (v), footnote 111. See also WHR-GCM para. 1.4, footnote 233.

288 See SDG 17.18, footnote 251. See GR26 para. 23 (c), footnote 111. See also WHR-GCM para. 1.5, footnote 233.

289 See SDG 10.7, footnote 251.

290 See SDG 17.18, footnote 251.

291 See GR26 para. 29, footnote 111.

292 Footnote 233.

293 See SDG 10.4, footnote 111. See also GR26 para. 23 (a), footnote 111. See also WHR-GCM para. 5.8, footnote 233.

294 See GR26 para. 23 (b), footnote 111. See also WHR-GCM para. 1.7, footnote 233.

295 See SDG 3.7, 3.8 and 10.7, footnote 251. See also GR26 para. 27, footnote 111. See also C189 Articles 14 and 15.1 (d), footnote 253. See also WHR-GCM para. 5.6, footnote 233.

# BIBLIOGRAPHY

- ADB, UNDP, UNFPA, UN Women. 2016. Gender Equality and Women's Rights in Myanmar: A Situational Analysis. Mandaluyong City. p. 11.
- Aljazeera. 2016. "Maid in Singapore." 29 Sept. <http://www.aljazeera.com/programmes/101east/2016/09/maid-singapore-160928090502296.html>.
- K. Arnold. 2016a. "Women Fear Ban on Working as Foreign Maids Puts Them at Risk." The Irrawaddy. 7 June. <https://www.irrawaddy.com/news/burma/women-fear-ban-on-working-as-foreign-maids-puts-them-at-risk.html>
- K. Arnold. 2016b. "Myanmar Women Put in Danger by Ban on Maids Working Overseas." Thomson Reuters Foundation. 6 June. <https://www.theguardian.com/global-development/2016/jun/06/myanmar-women-put-in-danger-by-ban-on-maids-working-overseas>.
- J. Burnley, M. Hilton, P. Phyu and N. Tun. 2016. A Case for Gender Responsive Budgeting in Myanmar. March. Yangon: Oxfam GB. ActionAid, Care, Women's Organisations Network.
- Committee in the Elimination of Discrimination against Women (CEDAW). 2016. Concluding observations on the combines fourth and fifth periodic reports of Myanmar (CEDAW/C/MMR/CO/4-5). 25 July.
- Committee in the Elimination of Discrimination against Women (CEDAW). 2008. General Recommendation No. 26 on Women Migrant Workers, CEDAW/C/2009/WP.1/R. 5 December. Para. 10.
- H. de Hass. 2012. "The Migration and Development Pendulum: A Critical View on Research and Policy." *International Migration*. 50 (3).
- Fai, L. K. 2015. "Myanmar Helpers Could be Preferred After Wage Rise for Indonesians: Maid Agencies." Channel News Asia. 13 November. <http://www.channelnewsasia.com/news/singapore/myanmar-helpers-could-be/2258354.html>
- Friedrich Ebert Stiftung (FES), UN Women, ASEAN, Australian Aid. 2015. Projected Gender Impact of the ASEAN Economic Community. Jakarta.
- N. Ghosh. 2014. "Myanmar Imposes Temporary Ban on Maids to Singapore." *The Straits Times*. 13 September.
- Government of Myanmar. 2014. Rules and Regulations of Overseas Employment Agency License. 13 June. Nay Pyi Taw.
- Government of Myanmar. 2013. National Strategic Plan for the Advancement of Women (2013-2022). Nay Pyi Taw: Myanmar National Committee for Women's Affairs, Department of Social Welfare, Ministry of Social Welfare, Relief and Resettlement.
- Government of Myanmar. 1999. Law Relating to Overseas Employment, Law No 3/99. 9 July. Yangon: The State Peace and Development Council.
- Government of Thailand. 2016. Statistics on the Number of Aliens Allowed to Work in the Kingdom of Thailand. Bangkok: Ministry of Labour, Office of Foreign Workers Administration, Department of Employment.
- Government of Singapore. 2017a. Foreign Workforce Numbers. Ministry of Manpower. <http://www.mom.gov.sg/documents-and-publications/foreign-workforce-numbers>.
- Government of Singapore. 2017b. Rest Days and Well-Being for Foreign Domestic Workers. Ministry of Manpower. <http://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-domestic-worker/employers-guide/rest-days-and-well-being>
- Government of Singapore. 2017c. Six-Monthly Medical Examination (6ME) for Foreign Domestic Worker (FDW). Ministry of Manpower. <http://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-domestic-worker/eligibility-and-requirements/six-monthly-medical-examination>
- Government of Singapore. 2017d. Working Permit for Foreign Domestic Worker. Ministry of Manpower. <http://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-domestic-worker/employers-guide/sending-an-fdw-home>

- Human Rights and Development Foundation (HRDF). 2017. Female Migrant Workers in Thailand: In Search of Human Dignity and Labour Rights through Justice System. Bangkok.
- Humanitarian Organization for Migration Economics (H.O.M.E.). 2015. Home Sweet Home? Work, Life and Well-Being of Foreign Domestic Workers in Singapore. March. Singapore.
- Humanitarian Organization for Migration Economics (H.O.M.E.) and Migrant Workers Rights Network (MWRN). 2015. Myanmar: A Submission by H.O.M.E. and MWRN for the 23rd Session of the Universal Periodic Review, November 2015. 22 March.
- ILO. 2016a. International Labour Migration Statistics Database in ASEAN. June. Geneva.
- ILO. 2016b. Labour Inspection and Other Compliance Mechanisms in the Domestic Work Sector: An Introductory Guide. Geneva
- ILO. 2015a. ILO Global Estimates on Migrant Workers. Geneva.
- ILO. 2015b. Myanmar Citizens Abroad: What the 2014 Census Tells Us about Migration: Information Note. Yangon.
- ILO. 2013a. Thailand: New Ministerial Regulation Offers Better Protection of Domestic Workers' Rights, Developments in Law and Practice 2013. Geneva.
- ILO. 2013b. Review of the Effectiveness of the MOUs in Managing Labour Migration Between Thailand and Neighbouring Countries. Bangkok. p. 8.
- ILO. 2011. Domestic Workers Convention, 2011 (No. 189). 5 September.
- ILO. 2010. Domestic Workers in Thailand: Their Situation, Challenges and the Way Forward. Bangkok.
- ILO and MDRI. 2015. Safe Migration Knowledge, Attitudes and Practices in Myanmar. Bangkok.
- ILO and UN Women. 2017. Protected or Put in Harm's Way? Bans and Restrictions on Women's Labour Migration in ASEAN Countries. Bangkok.
- ILO and UN Women. 2016. Worker, Helper, Auntie, Maid: Working Conditions and Attitudes Experienced by Migrant Domestic Workers in Thailand and Malaysia. Bangkok
- L. Kit. 2016. "NTUC Launches Centre for Domestic Employees." Channel News Asia. 24 January. <http://www.channelnewsasia.com/news/singapore/ntuc-launches-centre-for/2452248.html>
- P. Levitt. 2001. The Transnational Villagers. Berkeley and Los Angeles: University of California Press
- A. Ma. 2017. Labor Migration from Myanmar: Remittances, Reforms and Challenges. January. Migration Policy Institute, p. 5. <http://www.migrationpolicy.org/article/labor-migration-myanmar-remittances-reforms-and-challenges>
- M. Malay, M. 2014. "Buy a Discount Maid at Singapore's Malls." Aljazeera. 27 June. <http://www.aljazeera.com/indepth/features/2014/06/buy-discount-maid-at-singapore-malls-201462495012940207.html>
- MAP Foundation. 2015. Regular Rights: A Study on the Impact of Regularization of Migrant Workers from Myanmar (Burma) in Thailand. Chiang Mai: MAP, CCFD – Terre Solidaire.
- Mekong Migration Network (MMN). 2017. Regulation of Recruitment Agencies in the Greater Mekong Subregion: Policy Brief. Kowloon & Chiang Mai.
- Myanmar Centre for Responsible Business (MCRB). 2015. Sector-Wide Impact Assessment of Myanmar's ICT Sector. Yangon: MCRB, Danish Institute for Human Rights, Institute for Human Rights and Business.
- N. Nyein. 2016. "Parliament to Discuss Legal Protection for Domestic Workers." The Irrawaddy. 18 November. <https://www.irrawaddy.com/news/politics/parliament-to-discuss-legal-protection-for-domestic-workers.html>
- M. Orozco, L. Lowell and J. Schneider. 2006. Gender-Specific Determinants of Remittances: Differences in Structure and Motivation. Washington DC: The World Bank.
- B. O'Toole. 2014a. "Govt Backtracks on Sending Domestic Workers to Singapore." Myanmar Times. 22 September. <http://www.mmmtimes.com/index.php/national-news/11717-govt-backtracks-on-sending-domestic-workers-to-singapore.html>
- B. O'Toole. 2014b. "Concerns Raised as Employment Agencies Take Over Training," Myanmar Times. 22 September. <http://www.mmmtimes.com/index.php/national-news/11790-concerns-as-agencies-take-over-training.html>

- R. Pearson and K. Kusakabe. 2012. "Who Cares? Gender, Reproduction, and Care Chains of Burmese Migrant Workers in Thailand," *Feminist Economics*, 18 (2).
- D. Ratha. 2007. *Leveraging Remittances for Development*. Migration Policy Institute.
- S. Sandford. 2016. "Domestic Workers from Myanmar Overworked in Thailand." *Voice of America*. 22 March. <http://www.voanews.com/a/domestic-workers-overworked-in-thailand/3248937.html>
- C. Stuart. 2015. "Servitude in Singapore." *Democratic Voice of Burma*. 21 February.
- A. Tan. 2014a. "New Rules for Hiring Myanmar Maids Cover Minimum Monthly Wage, Day Off," *The Straits Times*. 24 March.
- A. Tan. 2014b. "Myanmar Government Ban Fails to Stop Maids Heading to Singapore." *The Straits Times*. 29 September.
- A. Tan. 2012. "Myanmar Agents Send Underage Maid Here." *The Straits Times*. 23 July.
- M. Temin, et al. 2013. *Adolescent Girls and Migration in the Developing World Policy Brief*. New York: Population Council. p. 8.
- Transient Workers Count Too (TWC2). 2016. *The Price of a Job: New Domestic Workers and Efforts to Reduce the Costs in Starting Employment in Singapore*. Singapore.
- UN General Assembly. 2016. Report of the Secretary General: Trafficking in Women and Girls (A/71/223). 27 July. Para. 67.
- UN General Assembly. 2015a. Report of the Secretary-General: Violence Against Women Migrant Workers (A/70/205). 27 July. Para. 9.
- UN General Assembly. 2015b. *Transforming our World: the 2030 Agenda for Sustainable Development A/Res/70/1*. 21 October.
- UN Women. 2017a. *At What Cost? Women Migrant Workers, Remittances and Development*. New York.
- UN Women. 2017b. *Recommendations for Addressing Women's Human Rights in the Global Compact for Safe, Orderly and Regular Migration: Outcome of Expert Meeting in Geneva*. New York.
- UN Women. 2016. *Unpaid Care and Domestic Work, Issues and Suggestions for Viet Nam*, Discussion Paper. Hanoi.
- UN Women. 2015. *Contributions of Women Migrant Workers to Development: Going Beyond Remittances*. Background Note prepared for the Global Forum on Migration and Development Third Thematic Meeting: Recognizing the contributions of women migrants to economic and social development in countries of origin and destination and addressing their specific needs, 8 September 2015.
- UN Women. 2013. *Managing Labour Migration in ASEAN: Concerns for Women Migrant Workers*. Bangkok. p.8.
- UN Women. 2013b. *Gender on the Move: Working on the Migration-Development Nexus from a Gender Perspective, Training Manual*. Santo Domingo.
- UN Women and ITUC. 2013. *Domestic Workers Count Too: Implementing Protections for Domestic Workers – A Briefing Kit*. New York.
- UN Women and ILO. 2012. Official Background Paper for Round Table 3.3, "Protecting Migrant Domestic Workers: Enhancing their Development Potential." This paper was drafted for the Global Forum on Migration and Development 2012.
- L. Wa. 2015. "Maid Death Draws Attention to Flouting of Domestic Worker Ban." *Myanmar Times*. 23 October. <http://www.mmmtimes.com/index.php/national-news/17170-maid-death-draws-attention-to-flouting-of-domestic-worker-ban.html>
- World Bank Group. 2015. *Women, Business and the Law 2016: Getting to Equal*. Washington. p. 178.
- H. Zaw. 2016. "Govt Seeks Work Permits for Undocumented Domestic Workers Abroad." *The Irrawaddy*. 4 August. <https://www.irrawaddy.com/news/burma/govt-seeks-work-permits-undocumented-domestic-workers-abroad.html>

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