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RECEIVING COUNTRIES

Republic of Singapore



A. COUNTRY CONTEXT

Singapore is a small city-state located in South-East Asia. It is comprised of a main island linked by a causeway and a bridge to the southern tip of Malaysia, and around 50 smaller islands. Singapore's population of approximately 5.2 million¹ is made up largely of ethnic Chinese (74.2 per cent) as well as Malays (13.4 per cent) and Indians (9.2 per cent).² Singapore is a high-income country³ and is ranked "very high" on the UNDP's latest human development index.⁴ Gross national income was placed at 42,930 US dollars per capita in 2011.⁵

Singapore's robust economy is driven by electronics manufacturing and financial services, and more recently by major investments in pharmaceutical and medical technology production.

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|---|--|
| Human Development Index (2011) | Rank 26 (Very high human development) ⁶ |
| Stock of Immigrants (2010) | 1 970 000 ⁷ |
| Annual growth rate of immigrant population (2010) | 4.1% ⁸ |

1 Available from: <http://data.worldbank.org/country/singapore>

2 Singapore, Department of Statistics, *Yearbook of Statistics - Singapore (2010)*. Available from: www.singstat.gov.sg/pubn/reference/yos10/yos2010.pdf

3 Available from: <http://data.worldbank.org/country/singapore>

4 Available from: <http://hdrstats.undp.org/en/countries/profiles/SGP.html>

5 Available from: <http://data.worldbank.org/country/singapore>

6 Available from: <http://hdrstats.undp.org/en/countries/profiles/SGP.html>

7 World Bank, *Data page - Singapore* (webpage, n.d.). Available from: <http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1199807908806/Singapore.pdf>

8 Available from: www.migrationinformation.org/feature/print.cfm?ID=887

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|--|--------------------------|
| Immigrants as share of population (2010) | 40% (2010) ⁹ |
| Proportion of female immigrants (2010) | 56% (2012) ¹⁰ |

Singapore is a primarily a receiving country for migrant labour. The number of foreign work permit holders in 2009, including household workers, was 856,000. There were no reliable estimates of the number of foreigners working illegally.¹¹ Foreign-born workers often fill low-skilled, low-pay positions that Singaporeans are reluctant to take. The Singapore Yearbook of Manpower Statistics published a study in 2009, showing that the construction and manufacturing industries have the highest proportions of foreign workers, with 71 and 48 per cent respectively. Additionally, at the end of 2010, there were an estimated 201,000 migrant domestic workers living and working in Singapore households. Domestic workers originate mainly from Indonesia and the Philippines, and to a lesser extent Sri Lanka, India, Thailand, Myanmar and Bangladesh.¹²

In recent years there has been growing discontent among Singaporeans about the increase in foreign labour, as it has led to greater competition for jobs, housing, transportation and space. As a result, in August 2009, Prime Minister Lee Hsian Long said that the Government would slow the pace of its intake of foreigners, maintaining foreign workers at about 30 per cent of the workforce. He cited physical and social constraints for this move.

B. KEY GENDER AND HUMAN RIGHTS

Singapore has ratified only two of the nine core international human rights treaties, the CEDAW and the Convention on the Rights of the Child (CRC), making it the country with the lowest number of ratifications within the ASEAN region (tied with Brunei Darussalam). Singapore was also one of only nine states that did not vote for passage of International Labour Organization (ILO) Convention No. 189 on Decent Work for Domestic Workers.¹³

Despite this, Singapore has affirmed its commitment to the promotion and protection of human rights, but insists that “while everyone must adhere to a universal standard of human rights, the interpretation and implementation of rights could not be divorced from their societal context and would evolve as society evolves.”¹⁴ During the 2011 Universal Periodic Review of Singapore’s

9 Available from: <http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1199807908806/Singapore.pdf>

10 Available from: <http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1199807908806/Singapore.pdf>

11 US State Department, *Human Rights Report 2011 - Singapore* (2011), p. 29.. Available from: www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper

12 Transient Workers Count Too (TWC2), *Fact Sheet: Foreign Domestic Workers in Singapore (Basic Statistics)*, (webpage, n.d.). Available from: <http://twc2.org.sg/2011/11/16/fact-sheet-foreign-domestic-workers-in-singapore-basic-statistics/>

13 Human Rights Watch, *World Report 2012 – Singapore* (New York, 2012). Available from: www.hrw.org/world-report-2012/world-report-2012-singapore

14 Human Rights Council, *Report of the Working Group on the Universal Periodic Review - Singapore* (Geneva, Eighteenth session, July 2011), p. 3.

human rights record, the Government said it would consider ratifying other core human rights instruments, including the Convention on the Rights of all Migrant Workers, and withdrawing reservations made to the two Conventions it has ratified.¹⁵ It also agreed to consider creating a national human rights institution in accordance with the Paris Principles.¹⁶

While Singapore generally respects the human rights of its citizens, the government has broad powers to limit citizens' rights and to inhibit political opposition. While Singapore's Constitution guarantees the rights to freedom of expression, peaceful assembly, and association, it is often criticized for broad restrictions it places on these activities in the name of security and public order. For example, outdoor gatherings of five or more persons require a police permit, and the Public Order Act of 2009 mandates that a permit is needed for indoor assemblies as well, if all speakers are not citizens of Singapore.¹⁷ Other criticisms of Singapore's human rights record include the facts that: the Internal Security Act and Criminal Law allows suspects to be arrested and detained indefinitely without charge or judicial review; suspected drug users may be sentenced to "rehabilitation" centres for up to three years without trial; judicial caning is a common punishment for those found guilty of drug trafficking, rape, or immigration offences, and the death sentence is mandatory for at least 20 drug-related offences.¹⁸

In its most recent review of Singapore, the CEDAW Committee praised the Government for enacting legislative measures to better promote and protect women's rights but also expressed concerns that marginalized women in Singapore are confronted with systemic discrimination. In particular, the Committee noted that foreign wives, foreign domestic workers, Muslim women and women with disabilities suffer from: the absence of clear anti-discrimination mechanisms; the lack of human rights institutions; and inequality before the law and in practice. Additionally, the Committee criticized the fact that migrant domestic workers are excluded from the Employment Act and are deported if found to be pregnant or living with HIV/AIDS.¹⁹

C. KEY STAKEHOLDERS

The Ministry of Manpower is charged with maintaining and developing workplace relations and standards. The Ministry's Foreign Manpower Management Division (FMMD) is mandated to facilitate the well-being of foreign workers during the period of their employment in Singapore. The FMMD includes: (1) the Employment Inspectorate Department, which focuses on illegal employment and other violations of labour regulations; (2) the Well-Being Department, which promotes compliance with regulations regarding accommodation, working conditions, and physical well-being; and (3) the Planning and Organization Development Department,

¹⁵ *Ibid.*, p. 18.

¹⁶ *Ibid.*, p. 19.

¹⁷ Human Rights Watch, *World Report 2012 - Singapore*

¹⁸ *Ibid.*

¹⁹ CEDAW Committee, *Concluding Observations of the Committee on the Elimination of Discrimination against Women – Singapore* (CEDAW/C/SGP/CO/4/Rev.1) (Forty-ninth session, 2011). Available from: www2.ohchr.org/english/bodies/cedaw/

which raises awareness about policies related to foreign workers.²⁰ The FMMD also manages what its mandate calls the “professionalism” of the recruitment industry, and plays a key role in overseeing and enforcing the Employment Agencies Act.²¹ The Government has also established the Ministerial Steering Committee on Foreign Workers to look into and provide for the needs of foreign workers, from housing to recreation.

There are several Civil Society Organizations (CSOs) which advocate on behalf of the rights of women migrant workers. These include:

AWARE, a non-profit gender equality advocacy group that campaigns against laws, public policies, and mindsets that discriminate against women. AWARE has contributed towards the strengthening of laws dealing with domestic violence, provides training to empower women to achieve independence, and provides educational programmes to organizations and the public on issues that affect women. AWARE’s support services provide crisis counselling, assistance in dealing with the authorities, and legal advice to women in need.

The Humanitarian Organization for Migration Economics (HOME) develops research and education on the socioeconomics of migration in Singapore and countries of origin, and provides programmes and direct assistance in response to the special needs of migrant communities, including victims of trafficking and forced labour.

Count Too (TWC2) campaigns for decent wages, medical leave, annual paid holidays, regulated work hours for migrant workers. They have also appealed for the ratification of the Domestic Workers Convention and for the inclusion of domestic workers in the Employment Act of 1968

D. RATIFICATION RECORD

The following table illustrates Singapore’s ratification status of international treaties related to women migrant workers.

| TREATIES | RATIFICATIONS |
|----------|------------------|
| MWC | - |
| CEDAW | 5 October 1995 a |
| ICCPR | - |
| ICESCR | - |
| ICERD | - |

20 Singapore, Ministry of Manpower, *Foreign Manpower Management Division* (webpage, n.d.). Available from: www.mom.gov.sg/aboutus/divisions-statutory-boards/Pages/foreign-manpower-management-division.aspx

21 HOME and TWC2, *Justice Delayed, Justice Denied: The Experiences of Migrant Workers in Singapore* (Singapore, 2010). Available from: <http://twc2.org.sg/2011/06/19/justice-delayed-justice-denied-2010/>

| | |
|---|-----------------|
| ILO C29 Forced or Compulsory Labour | 25 October 1965 |
| ILO C87 Freedom of Association | - |
| ILO C97 Migration for Employment | - |
| ILO C98 Right to Organize and Collective Bargaining | 25 October 1965 |
| ILO C100 Equal Remuneration | 30 May 2002 |
| ILO C105 Abolition of Forced Labour | - |
| ILO C111 | - |
| Discrimination in Employment | - |
| ILO C143 Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers | - |
| ILO C181 Private Employment Agencies | - |
| ILO C182 Prohibition Worst Forms of Child Labour | 14 June 2001 |

E. COMPLIANCE WITH CEDAW

Singapore acceded to the CEDAW in 1995, but reserves the right not to apply provisions of article 2 paragraph a-f and article 16 paragraphs 1(a), 1(c) and 1(h) and paragraph 2, stating these reservations are designed “to protect the rights of minorities in the practice of their personal and religious law... and maintain the delicate balance of Singapore’s multicultural society.”²² The Government has also justified maintaining its reservation to article 11 paragraph 1, “in order to safeguard the welfare of women and their unborn children from certain hazardous occupations... in view of Singapore’s small population and low total fertility rate.”²³ The CEDAW Committee has urged the Government to withdraw these reservations, stating they are contrary to the objectives of the Convention.

The Inter-Ministry Committee on CEDAW, established in 1996, oversees the implementation of the Convention in Singapore. It represents 16 ministries and public sector agencies which coordinate and implement initiatives to address the needs of women. The Office for Women’s Development within the Ministry of Community Youth and Sports is the Secretariat to the Committee and is responsible for initiating and implementing government policies relating to women.²⁴

²² <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/334/28/PDF/N1133428.pdf?OpenElement>

²³ <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/334/28/PDF/N1133428.pdf?OpenElement>

²⁴ <http://app.msf.gov.sg/AboutMSF/OurPeople/DivisionsatMSF/SocialDevelopmentandSupport/OfficeforWomensDevelopment.aspx>

DISCRIMINATION

Singapore's Constitution guarantees equality before the law and the entitlement of all persons to equal protection of the law²⁵. However there is no specific definition of discrimination against women in legislation, including the Women's Charter. Thus the CEDAW Committee has urged Singapore to "incorporate in its Constitution or other legislation a definition of discrimination, in line with article 1 of the Convention, and also to include provisions to prohibit all forms of discrimination against women on all grounds".²⁶

Recently Singapore revised its legislation to better align Shariah, or Islamic, law with civil law. In particular it amended the Administration of Muslim Law Act to raise the minimum age of Muslim marriage to 18. However, the Government has been criticized by the CEDAW Committee for preserving a dual marriage system, and for maintaining discriminatory laws related to marriage, divorce and nationality that deny women equal rights with men²⁷.

Singapore's Employment Act provides for the basic terms and working conditions for every employee, regardless of nationality, who is under a contract of service with an employer, including migrant workers, however the law specifically excludes domestic workers²⁸. Additionally, foreign domestic workers in Singapore are not eligible for limited free legal assistance that is available to other migrant workers, nor are they allowed to marry Singaporeans.²⁹ Also, unlike other migrant workers, foreign domestic workers face deportation if they become pregnant.³⁰ These discriminatory laws violate foreign domestic workers' rights to privacy and to marriage which are guaranteed by the Universal Declaration of Human Rights. They also violate CEDAW article 11 on equal employment, article 15 on equality before the law and article 16 on matters related to marriage. The CEDAW Committee expressed concern about the prohibition on pregnancy and marrying Singaporeans in its 2011 Concluding Observations³¹.

POLICY MEASURES

Several aspects of Singapore's labour migration policy, particularly as it relates to domestic migrant workers, are not gender-sensitive and exacerbate domestic workers' isolation in homes and their risk of abuse. Specifically, Singapore requires that employers post a security bond of 5,000 Singapore dollars (over 4,000 US dollars) for each domestic worker hired. The employer forfeits the bond if their domestic worker runs away or if they fail to pay for the domestic worker's repatriation. This policy was enacted partly to ensure that employers are able to pay for their domestic help to return home at the end of their contract. However, the

25 Singapore, *Constitution*, article 12(1).

26 CEDAW Committee, *Concluding Observations*

27 Ibid.

28 Singapore, Ministry of Manpower, *The Employment Act: Who it covers* (webpage, n.d.). Available from: www.mom.gov.sg/employment-practices/employment-rights-conditions/employment-act/Pages/default.aspx

29 US State Department, *Human Rights Report 2011*, pp. 29-30.

30 Singapore, *Employment of Foreign Manpower Act*, chap. 91A (S 569/2012) (2012). Available from: www.mom.gov.sg/Documents/services-forms/passses/WPSPassConditions.pdf

31 CEDAW Committee, *Concluding Observations*

result has been that some employers severely restrict the movement of their domestic help, and in the most egregious cases, lock them in the house, out of fear that the domestic worker will run away. This violates article 15 of the CEDAW's guarantee of freedom of movement³².

Another policy that contributes to abuse is the rule prohibiting migrant workers from performing jobs or working for anyone other than what is indicated on their work permit. Only migrant domestic workers and those employed in the construction industry are allowed to switch employers, but they must first receive approval from their current employer. If an employee dares to complain about abuse, they are unlikely to receive permission to change jobs, thus many migrant workers, including construction and domestic workers, endure abuse at work rather than risk termination and deportation³³. This is not the case for highly skilled expatriate workers who are encouraged to work in Singapore and integrate into Singaporean society. Their visas are not required to be tied to a specific employer and they can apply for permanent residence following a period of two to 10 years³⁴.

The policy linking visas and work permits to a specific employer contributes to the specific vulnerability of many women migrant workers, and contradicts the CEDAW Committee's General Recommendation 26 which affirms that migrant women should not be discriminated against in any sphere of their life. "While States are entitled to control their borders and regulate migration, they must do so in full compliance with their obligations as parties to the human rights treaties they have ratified or acceded to. This includes the promotion of safe migration procedures and the obligation to respect, protect and fulfil the human rights of women throughout the migration cycle."³⁵

TRAFFICKING AND FORCED LABOUR

According to the US State Department's 2012 Trafficking in Person's Report, "Singapore is a destination country for men, women, and girls from China, India, the Philippines, Indonesia, Sri Lanka, Bangladesh, Thailand, Viet Nam, and elsewhere in South-East Asia, subjected to sex trafficking and forced labour."³⁶ Many of these individuals are labour migrants who have been deceived about the nature of their work. Upon arrival in Singapore their salaries are withheld, passports confiscated, movement restricted, and some are physically or sexually abused. Debts associated with migrant workers' employment, that can be up to 10 months' wages, also makes them vulnerable to forced labour³⁷.

32 Human Rights Watch, *Maid To Order – Ending Abuses against Migrant Workers in Singapore*, (New York, 2005), p. 4. Available from: www.hrw.org/sites/default/files/reports/singapore1205wcover.pdf

33 HOME and TWC2, *Justice Delayed, Justice Denied*, p.9.

34 International Organization for Migration, *Labour Migration from Indonesia - An Overview of Indonesian Migration to Selected Destinations in Asia and the Middle East* (Jakarta, 2010). Available from: www.iom.int/jahia/webdav/shared/shared/mainsite/published_docs/Final-LM-Report-English.pdf

35 CEDAW Committee, *General recommendation No. 26 on women migrant workers*, (CEDAW/C/2009/WP.1/R) (UN Doc A/64/38 at 15, 2008) (Forty-second session, 2008). Available from: www2.ohchr.org/english/bodies/cedaw/docs/GR_26_on_women_migrant_workers_en.pdf

36 US State Department, *Trafficking in Persons Report 2012 – Singapore* (2012), p. 308. Available from: www.state.gov/j/tip/rls/tiprpt/2012/

37 Ibid.

PROSECUTION

Singapore is not a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and does not have a comprehensive law to combat trafficking and provide protection for victims. Instead, it criminalizes trafficking through the Penal Code, Women's Charter, Children and Young Persons Act, Employment of Foreign Manpower Act, Employment Agencies Act, Employment Agency Rules, and the Conditions of Work Permits. The US report notes that, while penalties for human trafficking include imprisonment, fines, and caning, the Government has demonstrated limited efforts to enforce the law and combat trafficking in persons³⁸.

In its 2011 Concluding Observations, the CEDAW Committee expressed its concern at the continued prevalence of trafficking in women and girls, and urged Singapore to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which supplements the United Nations Convention against Transnational Organized Crime. It also urged the Government to ensure the prosecution and punishment of individuals involved in trafficking.³⁹

PROTECTION

Because large debts to recruitment agencies contribute to conditions of forced labour for migrant workers, Singapore's Employment Agencies Act now prohibits recruitment agencies from charging job seekers more than one month's salary per year for a maximum of two years. The Government also recently introduced new tools for identifying victims of forced labour.⁴⁰ Importantly, these victims are not prosecuted for immigration or other related offences and are referred to a dedicated unit specifically trained to assist them⁴¹. Additionally, Singapore's Manpower Ministry recently issued a new regulation granting domestic workers a weekly day of rest. This will allow more opportunities for those domestic workers facing abuse to seek help, thus decreasing the likelihood of being trapped in a situation of forced labour.⁴² These are good examples of gender-sensitive policies in line with CEDAW article 6 related to trafficking.

PREVENTION

In March 2011, Singapore established an Inter-agency Task Force on Trafficking in Persons and adopted the definition of "trafficking in persons" as defined in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.⁴³ In March

38 Ibid.

39 CEDAW Committee, *Concluding Observations*, para. 26.

40 US State Department, *Trafficking in Persons Report 2012*, p. 310.

41 Human Rights Council, *Report of the Working Group on the Universal Periodic Review*, para. 55.

42 US State Department, *Trafficking in Persons Report 2012*, p. 310.

43 Singapore, *Statements to UN General Assembly* (July 2011). Available from: www.un.org/News/Press/docs/2011/wom1875.doc.htm

2012, the country's first National Plan of Action to coordinate anti-trafficking activities was launched. The government also increased efforts to educate work permit holders about the dangers of trafficking, through media campaigns and compulsory courses in native languages, on employment rights and responsibilities for all incoming foreign domestic workers and their employers. The CEDAW Committee commended the Government for these efforts but called on it to improve efforts to prevent trafficking by increasing "international, regional and bi-lateral cooperation with countries of origin and transit as well as through training of the judiciary, law enforcement officials, border guards and social workers."⁴⁴

EMPLOYMENT

Laws that regulate migrant labour include:

- A three-tiered categorization of labour migrants⁴⁵
 1. Highly skilled work permit holders who earn a minimum of 2,500 Singapore dollars per month;
 2. S-pass⁴⁶ holders who earn a salary of more than 1,800 Singapore dollars per month;
 3. Unskilled (temporary) workers who earn less than 1,800 Singapore dollars per month
- The Employment Act (EA) – the main labour legislation in Singapore, which covers both migrant and local employees, with the exception of foreign domestic workers. The EA regulates the terms and conditions of employment including rest days, hours of work, overtime, and annual and medical leave⁴⁷.
- The Employment of Foreign Manpower Act (EFMA) – which regulates the terms and conditions for hiring a migrant worker, including payment of salaries, health coverage and repatriation. The EFMA stipulates the responsibilities of employers and employees, including: requirements that migrant workers receive mandatory health check-ups; restrictions on marriage and pregnancy; family reunification; and prohibitions of undesirable and immoral activities⁴⁸.
- The Work Injury Compensation Act (WICA) – which provides for compensation to employees or their families if they are injured or killed in a work-related accident. The act covers all employees who are engaged under a contract of service or apprenticeship, except domestic workers who are excluded.⁴⁹
- The Employment Agencies Act (EAA) – which regulates private employment agencies by stipulating the rules on recruitment procedures, client confidentiality, and workers'

44 CEDAW Committee, *Concluding Observations*, para. 26.

45 International Organization for Migration, *Labour Migration from Indonesia*, p. 53

46 The S Pass allows mid-level skilled foreigners who earn a fixed monthly salary of at least \$2,000 to work in Singapore. Employers must make S Pass applications on behalf of a job candidate. (source: <http://www.mom.gov.sg/foreign-manpower/passes-visas/Pages/default.aspx>)

47 Singapore, *Employment Act*, chap. 91. Available from: <http://www.mom.gov.sg/Documents/employment-practices/changes-to-the-ea.pdf>;

48 Singapore, *Employment of Foreign Manpower Act*

49 Singapore, *Work Injury Compensation Act, Frequently Asked Questions* (webpage, n.d.). Available from: <http://www.mom.gov.sg/legislation/occupational-safety-health/Pages/work-injury-compensation-act-faqs.aspx#general>

wellbeing and repatriation issues. The EAA also addresses unethical practices by employment agencies.⁵⁰

Singapore's main labour laws, the Employment Act and Workmen's Compensation Act, exclude domestic workers from many of the legal protections extended to other workers. These exclusions, while seemingly gender-neutral in that they focus on a category of employment, have a discriminatory impact on migrant women, as these make up the overwhelming majority of domestic workers in Singapore. Singapore's employment law therefore discriminates on the basis of sex and national origin, in violation of article 11 of the CEDAW which requires parties to ensure that women are entitled to the same benefits and conditions of service as men.

In its 2011 Concluding Observations on Singapore, the CEDAW Committee commended the government for the legislative, administrative and educational measures it has taken to protect foreign domestic workers. However, it urged the Government to: ratify ILO Convention No. 11, concerning Discrimination in Respect of Employment and Occupation; ratify ILO Convention no. 189, concerning Decent Work for Domestic Workers; and review and amend Singapore's existing labour legislation so that it applies to foreign domestic workers, and entitles them to adequate wages and decent working conditions.⁵¹

EMPLOYMENT CONTRACT

The Singapore government has not developed a binding or official standard employment contract for migrant workers. Instead, employment contracts are usually formulated and implemented by private recruitment agencies. The Association of Employment Agencies of Singapore encourages members to use its model employment contract, and accrediting bodies have also created sample employment contracts. Provisions in these various models generally require adequate food, rest, and lodging for migrant workers, but may not provide specific guidelines on maximum hours of work, periods of continuous rest, or acceptable housing arrangements. These model contracts are a significant improvement over previous informal work arrangements, where there were no written terms of employment. However, they generally provide less protection in terms of benefits, wages, hours of work and rest, worker safety, etc. than that prescribed by the country's main labour law – which does not cover domestic workers.⁵²

Employment agencies have considerable influence over migrant workers and provide little opportunity for them to negotiate the terms of their employment contracts. For example, during domestic workers' first two-year contract, the labour agent typically sets the salary, despite the fact that Singapore's policies dictate that contracts be negotiated between the employer and employee. Additionally, although many domestic workers sign a contract before beginning work, very few retain a copy, and thus are unclear about the terms and conditions of employment⁵³.

50 Singapore, Ministry of Manpower, *New Employment Agency Regulatory Framework* (webpage, u.d.). Available from: <http://www.mom.gov.sg/foreign-manpower/employment-agencies/Pages/Employment%20Agencies%20Act.aspx>

51 CEDAW Committee, *Concluding Observations*, paras. 31-31.

52 *Human Rights Watch, Slow Reform, Protection of Migrant Domestic Workers in Asia and the Middle East* (New York, 2010), p. 12. Available from: www.hrw.org/sites/default/files/reports/wrd0410webwcover_0.pdf

53 Human Rights Watch, *Maid To Order*.

The imbalance of power between employers, employment agencies, and migrant workers, means that employees are easily coerced into signing away their rights when entering into a contract. This in turn increases their vulnerability to abuse in the workplace. This is a particularly serious problem for domestic workers who are not covered under the main labour law. This lack of protection for the rights of domestic migrant workers violates article 11 of CEDAW, which requires states to take measures to ensure an equal right to remuneration and equal treatment at work. A standard employment contract guaranteeing full protection equal to that given to other workers would help to ensure that Singapore complies with its international obligations to protect women migrants, and particularly domestic workers.

MINIMUM WAGE AND MINIMUM AGE

Singapore's lack of a minimum wage, combined with the inability of migrant workers to negotiate the terms of their employment, means these workers are often paid a substandard salary. For example, migrant domestic workers earn far less than Singaporeans who do similar work such as gardening and cleaning. Studies have also shown that industry standards assign different wages to domestic workers according to their national origin.⁵⁴ This is an example of gendered forms of racism and xenophobia against women migrant workers, which violates article 5 of CEDAW on discriminatory gender roles and stereotypes, article 11 on equal rights in employment, and article 15 on equality before the law.

To combat this problem some sending countries have enacted minimum wages for their citizens seeking employment in Singapore. For example, pursuant to an agreement with the Government of the Philippines, Singapore employment agencies and companies are allowed to recruit Filipino workers only if the employer is accredited by the Philippine Overseas Employment Administration (POEA), which requires that domestic workers are paid a minimum salary of 400 Singapore dollars per month, and receive free food and lodging, as well as round trip transportation costs⁵⁵.

Pursuant to Singapore's Employment Act the minimum age for an employee is 16, which applies to local as well as foreign workers. Domestic workers are not covered by this Act, however the Employment of Foreign Manpower Act requires that first-time applicants for domestic work be at least 23 years old.

REGULATION OF EMPLOYMENT AGENCIES

The Singapore government regulates employment agencies through legislation, specifically the Employment Agency Act, licensing conditions, and an accreditation programme. Licensing requirements include furnishing a security bond (not to exceed

54 Average salaries are 220-250 Singapore dollars for maids from Sri Lanka; 280-320 for maids from Myanmar and Indonesia; and 350 for maids from the Philippines. Available from: www.bestmaid.com.sg/faq.asp#22 (retrieved 16 September 2012)

55 Available from: www.philippine-embassy.org.sg/labor/employment-agency/

60,000 Singapore dollars), paying an annual license fee (400 Singapore dollars), and having no previous court convictions⁵⁶. Those agencies found to be in violation of regulations are subject to fines and imprisonment, however, the International Organization for Migration (IOM) has criticized the government for not adequately monitoring the activities of these agencies and relying on migrant workers to report problems before taking action⁵⁷. Recently, the Ministry of Manpower has enacted regulatory changes to improve compliance and minimize malpractice, these include: (1) discouraging transactions with unlicensed agencies; (2) expanding investigatory powers, increasing fines, and suspending the operations of agencies being investigated, for malpractice; (3) ensuring better minimum standards of service when employment agencies deal with employers; and (4) ensuring agencies comply with rules for dealing with vulnerable workers, including caps on recruitment fees which cannot exceed one month's salary per year of the contract⁵⁸.

As part of efforts to improve the professionalism of local employment agencies and to improve relations between employers and their domestic help, the Ministry of Manpower requires accreditation of all employment agencies that place foreign domestic workers. The accreditation process requires proper orientation for domestic workers, education programmes for employers to ensure they understand their obligations to their domestic help, and the facilitation of written contracts between employer and employees⁵⁹.

These improved regulations will help to stem the worst abuses against foreign workers, but more can be done to ensure employment agencies play a positive role in women migrant workers' experience while working abroad. The CEDAW Committee's General Recommendation 26 strongly urges countries to sensitize recruitment agencies to the rights of women migrant workers. In particular it suggests training agencies on the forms of sex and gender-based discrimination and exploitation that women migrant workers are likely to experience, and holds the agencies accountable for meeting their responsibilities to promote and protect women migrant workers' rights.

HEALTH CARE AND FAMILY PLANNING: ACCESS TO HEALTH SERVICES, WORK SAFETY AND MATERNITY PROTECTION

Discriminatory laws prohibit migrant domestic workers from becoming pregnant while living in Singapore. Those found in violation of the law will have their work permit canceled and are subject to immediate deportation. This has resulted in unequal access to health care services, including voluntary abortions, for migrant women, who fear that seeking an abortion will cause them to lose their job and be repatriated to their home country⁶⁰. Female

56 Singapore, *the Employment Agencies Act*. Available from: www.mom.gov.sg/Documents/foreign-manpower/Employment%20Agencies/EA%20Rules.pdf

57 International Organization for Migration, *Labour Migration from Indonesia*, p. 59.

58 Singapore, Ministry of Manpower, *Executive Summary of the Amendments to the Employment of Foreign Manpower Act (EFMA)* (webpage, u.d.). Available from: www.mom.gov.sg/Documents/foreign-manpower/EFMA/EFMA-Executive-summary.pdf

59 Migrant Forum in Asia, *Good Practices taken by Asian States to Effectively Supervise Recruitment Agencies* (Quezon City, Philippines, 14 October 2009), p. 8. Available from: www2.ohchr.org/english/bodies/cmw/docs/DGD/MigranForumAsia.pdf

60 Human Rights Watch, *Maid to Order*.

domestic workers are also obliged to undergo medical examinations every six months, including pregnancy and HIV/AIDS tests, which is not required of other foreign workers⁶¹.

Article 12(1) of CEDAW prohibits discrimination against women in the field of health care and obliges States parties to ensure equal access to health care services. Singapore's discriminatory laws, effectively denying migrant domestic workers the right to end unwanted pregnancies, are in breach of its international obligations to protect women's right to the highest attainable standard of health and to determine the number and spacing of their children. The CEDAW Committee raised this as an issue in its most recent concluding observations, and encouraged Singapore to "review and repeal the law requiring a work-permit holder, including foreign domestic workers, to be deported on grounds of pregnancy or diagnosis of sexually transmitted disease such as HIV/AIDS."⁶²

Under the Work Injury Compensation Act (WICA), workers (or their families) who have been injured or killed in an accident are entitled to compensation regardless of fault, as long as the injury arose in the course of employment. The act covers all employees who are covered under a contract, with the exception of domestic workers. Instead, employers of foreign-born domestic workers are required to take out medical insurance and personal accident insurance coverage for each worker. The WICA'S exclusion of domestic workers is discriminatory because it denies this segment of the workforce, the vast majority of whom are women, full protection under the law equal to that afforded other low-paid workers. Thus, Singapore is not meeting its obligations under the CEDAW, which guarantees women the equal right to protection of health and safety in working conditions⁶³.

A positive development is a recent decision by the Manpower Ministry to grant foreign domestic workers a weekly rest day, beginning in January 2013. This is a basic labour right that will significantly improve the health and lives of domestic workers, and responds to the CEDAW Committee's recommendation that Singapore ensure that foreign domestic workers are entitled to a day off⁶⁴. The law has been criticized however, for allowing an employer to give the domestic worker monetary compensation in lieu of a rest day. "Given the imbalance of power between employers and domestic workers, there is significant risk of abuse that employers may coerce workers to sign away their day of rest."⁶⁵

EQUALITY BEFORE THE LAW: FREEDOM OF MOVEMENT

Singapore uses a sponsorship system for domestic workers that ties them to a specific employer. This system also requires the employer to post a security bond, ostensibly to ensure that it is financially capable of paying the domestic workers' return trip home. This system has

61 Singapore, Ministry of Manpower, *Medical requirements for Work Permit (Foreign Domestic Worker)* (webpage, n.d.). Available from: www.mom.gov.sg/foreign-manpower/passes-visas/work-permit-fdw/inform-mom/Pages/medical-examination.aspx

62 CEDAW Committee, *Concluding Observations*, para. 32(b).

63 CEDAW, Art. 12

64 CEDAW Committee, *Concluding Observations*, para. 32(a).

65 Human Rights Watch, *Domestic Workers to Get Weekly Day of Rest*, (New York, 6 March 2012). Available from: <http://www.hrw.org/news/2012/03/05/singapore-domestic-workers-get-weekly-day-rest>

led to restrictions on migrant domestic workers' freedom of movement as some employers, afraid that their domestic help will run away, forbid them from leaving the premises, strictly control their social interactions, and in worst cases confiscate their travel documents and lock employees in the house. Workers are hesitant to complain about such abuse out of fear of having their contract cancelled and being deported.⁶⁶

The CEDAW Committee expressed concern in its 2007 Concluding Comments that this security bond often results in a restriction on the freedom of movement of foreign domestic workers. The Committee requested that Singapore raise the awareness of employers of foreign domestic workers with regard to the purpose of the security bond so that they do not limit foreign domestic workers' freedom of movement⁶⁷.

WOMEN'S ACCESS TO JUSTICE

Singapore's Ministry of Manpower offers conciliation services for all employees, foreign or local. Migrant workers experiencing difficulties with their employer can access free advisory and mediation services from the Foreign Workers Unit. Claims are then referred to the Labour Court if no agreement can be reached. Migrant workers can also pursue salary claims in Singapore's Labour Court, but many do not due to limited access to information, limited experience in preparing formal hearings, and inability to support themselves financially during the lengthy period of time that it takes to resolve cases⁶⁸.

Singapore's work-permit regulations, which forbid workers from engaging in what it deems "immoral" and "undesirable" activities, also impede migrant women's access to justice⁶⁹. Employers sometimes use this vaguely worded rule to threaten and exploit workers, and submit negative feedback to authorities for the purpose of blacklisting them. The process by which this happens is neither transparent nor fair, and the threat of being blacklisted frequently deters workers who may have legitimate complaints from leaving abusive employment situations or seeking assistance from the authorities⁷⁰.

Singapore provides a free hotline for victims of violence or sexual exploitation, which migrant workers can use to obtain information about their rights. This is an example of best practice since migrant women subject to abuse require legal representation and other services to remedy violations of their rights⁷¹. The government also supports several NGO-managed shelters serving adult victims of crime or violence as well as shelters for child victims of trafficking, however there are no shelters dedicated to caring for victims of sex trafficking.

66 International Organization for Migration, *Labour Migration from Indonesia*

67 CEDAW Committee, *Concluding Comments of the Committee on the Elimination of Discrimination against Women – Singapore* (CEDAW/C/SGP/3) (Thirty-ninth session, 2007). Available from: www.un.org/womenwatch/daw/cedaw/39sess.htm#documents

68 US State Department, *Trafficking in Persons Report 2010 – Singapore* (2010). Available from: www.state.gov/j/tip/rls/tiprpt/index.htm

69 Singapore, *Employment of Foreign Manpower Act*

70 HOME and TWC2, *Justice Delayed, Justice Denied*, p. 23.

71 United Nations Department of Economic and Social Affairs, *2004 World Survey on the Role of Women in Development: Women and International Migration*, (A/59/287/Add.1) (ST/ESA/294) (New York, 2006). Available from: www.un.org/womenwatch/daw/public/WorldSurvey2004-Women&Migration.pdf

Some embassies, including the Philippine and Indonesian diplomatic missions, operate shelters for their nationals who have been abused by their employers, or are involved in employment disputes⁷².

Victims of trafficking are legally entitled to remain in Singapore and pursue civil cases against their traffickers. However, investigations and trials can take over a year to conclude and most foreign victims do not have the financial resources to wait out these lengthy periods with no income⁷³. These long waiting periods can dissuade other migrant domestic workers with complaints from coming forward, who might opt instead to transfer to another employer or return to their home country⁷⁴.

The Ministry of Manpower has the authority to approve migrant domestic workers' applications to seek new employment if they are abuse victims, or are acting as witnesses in criminal proceedings. However it has been reported that some of these women have had difficulty finding employers willing to hire them, and others were too traumatized to find another employer⁷⁵.

F. ANALYSIS AND CONCLUSIONS

Singapore has made some efforts to promote the well-being of women migrant labourers, particularly enhancing the oversight of recruitment agencies and mandating regular time off for domestic workers. Significantly, the State has removed blanket reservations to articles 2 and 16 of the CEDAW, and announced plans to ratify the International Convention on the Elimination of All Forms of Racial Discrimination⁷⁶. During the 2011 Universal Periodic Review, Singapore said it welcomed the review process as “a conversation with our citizens, civil society organizations, and fellow UN Member States on our achievements and challenges in the area of human rights”.

Examples of gender-sensitive and rights-based good practices for migrant workers in Singapore include:

- The Foreign Manpower Management Division has placed greater emphasis on managing the professionalism of the recruitment industry and overseeing and enforcing the Employment Agencies Act.
- Singaporean law criminalizes trafficking through its Penal Code, Women's Charter, Children and Young Persons Act, Employment of Foreign Manpower Act, Employment Agencies Act, Employment Agency Rules, and the Conditions of Work Permits. Penalties prescribed for sex trafficking and labour trafficking are sufficiently stringent.

72 US State Department, *Trafficking in Persons Report 2010*

73 Ibid.

74 Human Rights Watch, *Maid to Order*.

75 Ibid.

76 Human Rights Watch, *Singapore: UPR Outcome*, (webpage, 5 October 2011). Available from: www.hrw.org/news/2011/10/05/singapore-upr-outcome

- Model contracts outlining employer responsibilities regarding adequate food, rest and lodging for domestic workers are being encouraged by the Association of Employment Agencies. A standard contract offering enhanced protection to migrant domestic workers is currently under review by the Ministry of Manpower.⁷⁷
- Singapore's Ministry of Manpower has instituted mandatory orientation programmes for new employees and new employers, increased commitment to prosecuting cases of unpaid wages and physical abuse, and the introduction of an accreditation programme for employment agencies. The Ministry has also published an information guide advising employers on proper treatment of domestic workers and informing them of the penalties for physical assault and forced confinement.
- The Ministry of Manpower offers dispute resolution services for all employees, foreign or local, and the Foreign Workers Unit of the Ministry provides free advisory and mediation services to foreign workers experiencing problems with employers. In cases where agreement cannot be reached, claims may be referred to the Labour Court for adjudication.
- The government operates a hotline for domestic workers to seek assistance and report cases of abuse or exploitation.
- The authorities fine or imprison employers who abuse their domestic help. In 2009 the Ministry of Manpower collected unpaid wages on behalf of domestic workers in 219 cases.
- In January 2013 a new law will go into effect mandating one day off per week for domestic workers.
- Victims of trafficking are allowed to remain in the country to assist in the investigation and prosecution of their abusers.
- A National Plan of Action is in place to help co-ordinate anti-trafficking programmes and activities.

Despite these positive developments, a number of obstacles stand in the way of women migrant workers claiming their human rights: Singapore was one of only nine states that did not vote for passage of International Labour Organization (ILO) Convention No. 189 on Decent Work for Domestic Workers.

- However, Singapore does not include domestic workers under the country's main labour law, which leaves them vulnerable to abuse and exploitation. While domestic workers are recognized under Singapore's Employment of Foreign Manpower Act, the legislation does not regulate pay or working hours.
- Singapore has not ratified the Palermo Protocol nor has it enacted a comprehensive Anti-Human Trafficking law to provide victim protection and assistance.
- Vaguely worded prohibitions on undesirable and immoral conduct leave domestic workers at risk of blacklisting by employers.
- Foreign Domestic workers are not included under the Work Injury Compensation Act (WICA).
- Singapore has no minimum wage
- Government policies prohibiting domestic workers from marrying nationals, and deporting them if they become pregnant, are discriminatory.

77 Githu Muigai, *Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance*, Human Rights Council (A/HRC/17/40/Add.2) (Geneva, Seventeenth session, 25 March 2011). Available from: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/123/13/PDF/G1112313.pdf>

G. RECOMMENDATIONS

Policy reforms

- Incorporate the CEDAW Convention into Singapore's domestic laws
- Ratify the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children
- Ensure paid maternity leave for all women employees, regardless of nationality and marital status.
- Enact legal reforms to include domestic workers under main labour laws including WICA.
- Discontinue policy of cancelling employment contracts and deporting domestic migrant workers who become pregnant.
- Adopt legislation guaranteeing equal pay for equal value work
- Adopt legislation on sexual harassment at the workplace and including sanctions, civil remedies and compensation for victims, and ensure all migrant workers are covered by the law.
- Adopt legislation ensuring that foreign domestic workers are entitled to adequate wages, decent working conditions.
- Ratify the ILO Conventions No.111 concerning Discrimination in Respect of Employment and Occupation and the ILO Convention No.189 concerning Decent Work for Domestic Workers.
- Incorporate in the Constitution or other appropriate legislation a definition of discrimination against women, encompassing both direct and indirect discrimination, in line with article 1 of CEDAW, and also include provisions to prohibit discrimination against women on other grounds, in particular marital status, age, disability, and national origin.
- Lift bans that prohibit women migrant workers from marrying Singapore nationals and that mandate deportation in case of pregnancy.
- Revise the labour migration policy to ensure that it is gender-sensitive, rights-based and protects informal sector workers, including domestic workers.
- Amend the policy that ties migrant domestic workers' work permits to particular families. Ensure that women and girl victims of trafficking have adequate support so that they can provide testimony against their traffickers and have access to adequate assistance and remedies.
- Ratify the International Convention of the Protection of the Rights of All Migrant Workers and Their Families (ICMW) without delay.
- Adopt a fair minimum wage and ensure all women migrant workers are covered by the law.
- Earmark at least 50 per cent of the monthly levy on employers of domestic workers for services geared toward women migrant workers.
- Ensure that women migrant workers have the ability to access remedies when their rights are violated.

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