

Compliance with Women's Rights Standards

The Case of Migration of Domestic Workers from Indonesia and the Philippines in Brunei Darussalam



Brunei Council on Social Welfare

Solidaritas Perempuan

Women's Legal and Human Rights
Bureau (WLB), Inc.



Southeast Asia Women's Caucus
on the ASEAN

Table of Contents

I. Introduction	4
II. Critical Bundle of Rights of Migrant Domestic Workers in Brunei.....	19
A. International Human Rights Standards on the Rights of Migrant Domestic Workers.....	19
B. The Policies of Indonesia, Brunei and the Philippines on Migrant Domestic Work	24
C. Policy Gaps	33
D. Condition and Issues of Domestic Workers.....	40
E. Summary	54
III. Analysis on Migrant Domestic Work in ASEAN	56
Factors that lead to migrant domestic work.....	56
The continuing struggle of migrant domestic workers.....	58
Efforts of social movements to protect the rights of migrant domestic workers	59
Ambiguous and insufficient policies on the rights of migrant domestic workers	60
IV. Conclusion and Recommendations	63
Recognition of domestic work as real work.....	63
Role of women's and other progressive social movements.....	63
Role of States to protect the rights of women migrant domestic workers.....	64
References	70
International Treaties and National Laws.....	70
Works Cited.....	71

List of Acronyms

ACWC	ASEAN Commission for the Promotion and Protection of the Rights of Women and Children
AICHR	ASEAN Intergovernmental Commission on Human Rights
ASEAN	Association of Southeast Asian Nations
BLA	Bilateral Labor Agreement
BNP2TKI	Agency for the Placement and Protection of Indonesian Migrant Workers
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
CRC	Convention on the Rights of the Child
HSWRP	Household Service Work Reform Package
FAB	Filipino Association of Brunei Darussalam
ILO	International Labour Organization
MKM	Majlis Kesejahteraan Masyarakat or the Brunei Council on Social Welfare
NGO	Non-governmental organization
OFW	Overseas Filipino Workers
OWWA	Overseas Workers Welfare Administration
OUMWA	Office of the Undersecretary for Migrant and Workers Affairs
POEA	Philippine Overseas Employment Agency
TKI	Tenaga kerja Indonesia or Indonesian Migrant Workers
UDHR	Universal Declaration of Human Rights
VAW	Violence against women

I. Introduction

A. Phenomenon of Migration of Domestic Workers in Southeast Asia (SEA)

The Southeast Asian region displays a highly active migration regime, hosting two of the topmost source countries in the world (Indonesia and the Philippines), destination countries (Singapore and Malaysia), and countries with significant numbers of both immigrants and emigrants (Malaysia and Thailand). Almost all Southeast Asian countries also figure as transit countries through which migrant workers make their way to other Asian regions, North America, Europe and the Middle East. Today, labor migration is no longer the emergent phenomenon that it was in late 60s and 70s but a definitive trend that shows no sign of abating as social and economic conditions grow more difficult in the sending countries.

Various push and pull factors contribute to labor migration in the Southeast Asian region. Since its establishment in 1967, the Association of Southeast Asian Nations (ASEAN) has been a mechanism mainly to promote and accelerate economic growth and thresh out impediments posed by conflict to this major thrust. Far from democratizing assets and resources, ASEAN member countries continue to pursue an economic growth track that mainly benefits a handful of politically powerful and already wealthy local elites. Member states remain, by and large, neglectful and unmindful of grassroots communities' rights, the sustainability of local economies and production for domestic needs.

In Indonesia, for example, the implementation of the Master Plan Policy on Indonesian Economic Growth Acceleration led to land grabbing, adding to the economic constraints and vulnerabilities already experienced for decades by grassroots women, farmers, fishers, indigenous peoples and other marginalized groups. The same is true for the Philippines, where small and medium enterprises (SMEs), of a which a number are managed by peoples'

organizations in the country are feared to “fall by the wayside once ASEAN economic integration comes into force by 2015” (Amojelar, 2013).

According to Philwomen on ASEAN (2012), a Philippine network of women’s rights groups engaging ASEAN, working women in Southeast Asia are already disproportionately impacted in their home countries by such practices as flexibilization of labor, contractualization of workers, low wages, lack of protections and poor working conditions. These very same practices are further bound to strengthen under ASEAN’s neoliberal economic agenda, which persists in its export orientation and drive for foreign investments.

This agenda also points to further undermining the land rights of peoples and heightening food insecurity, with extractive industries such as large-scale mining corporations encroaching on ancestral and agricultural lands. Local economies, where large numbers of grassroots women producers locate are at the losing end of policies pushing for the removal of all tariff protections, in line with the drive for free trade. There is dearth in opportunities for women to pursue local trade or viably sustain micro and small-to-medium enterprises (MSMEs)

The consequences of such policies prove particularly harsh for domestic production activities such as smallholder farming and MSMEs. While not impositions of ASEAN per se, these policies find reinforcement in ASEAN directions and policies that exacerbate conditions for seeking livelihood opportunities elsewhere. Rural women, often deprived of basic education and highly subject to patriarchal beliefs, are among those often drawn to domestic work abroad, which requires no “professional” skill.

In turn, pull factors in the form for instance, of high demand for female domestic workers (specifically Filipino and Indonesian domestic workers in some regions) interact with push factors in the home countries, and further spur the migration trend. States exploit these

pull factors, as part of their drive for growth, albeit growth without employment creation, but consumption-led due to migrant workers' remittances.

Almost every year since the 80s, thousands of Indonesians have been leaving for work overseas. According to BNP2TKI (2011), 72- 80 percent of Indonesian migrant workers abroad is comprised of women who enter domestic work. The same trend can be said of the Philippines where the number of domestic workers deployed abroad "continues to soar" (Tubeza, 2012). In 2010, 45 percent of the total new hires are domestic workers and in 2008 – 2009, deployment increased by 12 percent and in 2009-2010, by 11 percent (POEA, 2010). Rural women, who usually have been unable to finish their schooling due to many socio-economic constraints, find domestic work accessible because it does not require so-called professional skills. In the rural areas where patriarchal and traditional notions of service and fealty, they also come under strong pressure as mothers, daughters and wives to grab economic opportunities that could bring in additional support for their families and even extended family members.

The majority of migrating women increasingly deployed by these push and pull factors into unrecognized and lower-paid care/domestic work find themselves again in situations of invisibility, perhaps greater than before, and are pushed farther away from the limited probes of rights promotion and protection standards. Hidden in the implicit privacy of households, domestic workers are open to a wide range of discrimination and abuse, which includes maltreatment and the exploitation of women's unvalued and unpaid time and labor.

One characteristic of domestic work employment in Brunei, similar to countries in Western regions, is the preference for Filipino and Indonesian women domestic workers over other nationalities such as Malaysians, Thais and Vietnamese. This is due mainly to the similarities in language, religion, and culture, as well as, the reduced travel costs due to the proximity of the home countries.

For Indonesians, the preference to work in Brunei comes from the perception that it is a safe place for migrant workers since few cases of abuse by Bruneian employers is reported by the media. Indonesian domestic workers in Brunei numbered 17,000 or 30.9 percent of the total number of 55,000 Indonesian nationals in the country as of December 2012. The ease of travel from Kalimantan, Indonesia through Sarawak, Malaysia and finally Brunei allows many Indonesian migrant domestic workers to go to Brunei undocumented.

Smaller in number than the Indonesians, Filipino domestic workers in Brunei totalled 4,884 during the same period, or 23.2 percent of the 21,028 Filipino nationals employed there. Mostly Muslims, they originate from the southern Philippine island of Mindanao where the reputed “backdoor” gateway of Zamboanga Province affords a way to cross by sea to Sandakan, Sabah and by land to Brunei. Given this unofficial portal, it is highly possible that the actual number of Filipino domestic workers in Brunei is more than the official count.

In addition to perceiving Brunei as a migrant-safe country, a consistently strong factor behind Brunei’s attraction as a destination for the foreign labor force is the strength of the Brunei dollar. The oil-rich Sultanate is almost impervious to foreign exchange fluctuations.

Historically, certain developments caused marked swells in the entry of migrant workers in the country. The demand for foreign domestic workers started to rise in the late 60s as Bruneian women, encouraged by their government, pursued higher education and took on full-time work. In the late 80s until the late 90s, the boom in infrastructure in Brunei made even more room for migrant workers, both those deemed “skilled” and “unskilled”. Significantly, as the ranks of professional and so-called skilled migrant workers rose, so did demand for foreign domestic workers.

Increasing and persistent reports¹ of abuse of migrant workers in Brunei – albeit relatively lower compared to other destination countries in Southeast Asia (UNFPA, 2006) – puts it in the same league as many other receiving countries worldwide rife with well-documented accounts of various human rights violations committed by employers. On top of ineffectual state policies and elite-privileging development thrusts, the mix of unscrupulous recruitment agencies and inhumane employers adds in no small measure to the difficulties migrants and especially domestic workers face daily.

Through the migrant workers' own efforts, they formed advocacy and campaigning organizations, self-help groups, livelihood associations, etc., to address the enduring and ever graver precariousness of their condition. Over time, they won gains that have improved their welfare, strengthened their voice and invested them with a more meaningful say in claiming their human and legal rights. The passage of the Republic Act 8042 or the Migrant Workers and Overseas Filipinos Act of 1995, amended by R.A. 10022 in the Philippines and the Law No. 39/2004 in Indonesia are such examples, of the fruits of migrant workers' struggles everywhere. Though far from perfect, these laws open more opportunities to strengthen the specific fight for the recognition of domestic work as work and of domestic workers to be recognized in their own right as workers, fully invested with all the rights and entitlements enshrined in long-standing normative standards.

B. The Promotion and Protection of the Rights of Migrant Domestic Workers in ASEAN

For the most part of its history, ASEAN has remained silent on human rights issues, ignoring in large part deplorable conditions in individual member states and attempting no

¹ From the report of the Philippine embassy in Brunei, the cases under the category, “alleged sexual abuse/ harassment” increased from 2011 to 2012; from a single case in 2011 to 5 cases in 2012. While the total number of cases reported is lower in 2011 (total number of cases in 2011 is 37; and 34 for 2012); aside from sexual abuse or harassment, the following cases also observe an increasing trend: unpaid/ low/ late payment of salaries, inadequate or no food provision, overworked/ long working hours, too many employers to serve; and payment of exorbitant fees to agents. The number of actual cases may be higher as the report does not include the cases of other Filipino domestic workers who did not/ were not able to report their complaints due to various reasons.

intervention at the regional level to address the same. It was only with moves towards establishing an integrated regional community by 2015, that came with the adoption of a Charter and a Human Rights Declaration, did the ASEAN definitively give institutional focus to the migrant labor and the many human rights and developmental issues around it.

The plan to elaborate an ASEAN instrument on the protection of migrant workers came with the Vientiane Action Program in 2004; and at the 12th ASEAN summit in Cebu, Philippines in January 2007, the ASEAN Heads of State adopted the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers. The Declaration mandates ASEAN countries to promote fair and appropriate employment protection, payment of wages, and adequate access to decent working and living conditions for migrant workers. Having adopted this Declaration, ASEAN is now at the juncture of defining a regional regulatory framework for managing migration.

All ASEAN members are also bound as signatories and/or state parties to two legally binding treaties – the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The CEDAW, a comprehensive instrument also known as the Women's Convention, particularly holds relevance for women domestic workers. A discussion paper (Buenaventura, 2010) on the implication of ASEAN to women's rights asserts that "in an increasingly globalized world, many human rights concerns have gone beyond the confines of national territories" (p. 14). This was further substantiated by the study (WLB, forthcoming) on the obligation of the Philippines to domestic workers under the CEDAW which underscored the differential consequences on women of labor migration, especially domestic workers compelled by difficult circumstances to invest their reproductive roles as women in the global care chains that form part of the global gender division of labor.

Among the ASEAN member states are two of the highest sending countries of domestic work in the world – Indonesia and the Philippines – and two receiving countries– Singapore and Malaysia. Innumerable reports expose the numerous human rights violations – ranging from sexual abuse to economic exploitation -- committed against Indonesian and Filipino migrant domestic workers worldwide. The accounts cited in this study further add to a large and growing body of evidence that, in implicating several states press the need for cross-country policy decisions and for interventions involving both sending and receiving nations.

C. Description/ Background and Objectives of the Study

This study is a joint-undertaking of three member-organizations of The Southeast Asia Women's Caucus on ASEAN (Women's Caucus), a region-wide alliance of women's organizations that engages ASEAN to advance women's human rights in the region. It proceeds from the Women's Caucus aim to produce a series of thematic papers that reflect women's issues and women's rights perspectives in ASEAN. These thematic papers expound on the key areas of concern of the Caucus and at the same time, the priorities of migration and corporate social responsibility adopted by the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC). The joint study on women migrant domestic workers covering three countries -- Brunei, Indonesia and the Philippines -- serves as the Women's Caucus' thematic study on migration.

This expository study on the rights of domestic workers in Southeast Asia, particularly Filipino and Indonesian domestic workers who work or used to work in Brunei, was undertaken by the Brunei Council on Social Welfare, Kalyanamitra (Indonesia) and the Women's Legal and Human Rights Bureau (Philippines). It surfaces and calls attention to the human rights issues of foreign domestic workers, particularly Indonesian and Filipino domestic workers in Brunei

Darussalam, in the hope of contributing to the advocacy and calls for the recognition and protection of domestic workers in the region.

The study also hopes to contribute to a feminist and rights-based analysis of migration in the region. It seeks to look into the (a) critical bundle of rights of domestic workers as set by international human rights standards particularly CEDAW, since all ASEAN countries are state parties to the said Convention; (b) constitutions, specific national laws and bilateral labor agreements between the Philippines, Indonesia and Brunei; (c) feminist critique and analysis of the dimension of state obligations of the “conduct” and “result” of both sending and receiving countries to respect, protect and fulfill the rights of domestic workers and; (d) areas of policy reforms for sending and receiving countries, and the ASEAN particularly to the Senior Labor Officials Meeting.

This paper is composed of four chapters. The first chapter provides an introduction to the context of migration of domestic workers in Southeast Asia and lays the basis for the focus on the migration of Indonesian and Filipino women domestic workers in Brunei. The second chapter centers on the critical bundle of rights of women migrant domestic workers, particularly their right to work and access to justice. The third chapter applies a feminist point of view to the issues surfaced and also examines them in relation to global trends and factors rooted in economic and socio-cultural systems. The fourth and last chapter of this paper puts recommendations forward, both in the immediate and practical sense, as well as more long-term and strategic areas of intervention, towards the fulfilment of women's rights in the ASEAN region.

D. Significance of the Research

The gendered dimension of migration and the cases of Filipino and Indonesian women domestic workers have been the agenda of many studies and research. Studies on human rights abuses suffered by domestic workers in Southeast Asia usually focus on those working in

Malaysia and Singapore. So far, little is known about the conditions of migrant workers in Brunei, especially women domestic workers, which has been projected as a relatively safe destination.

This study shows that Filipino and Indonesian women domestic workers undergo similar human rights violations as their more numerous counterparts in Malaysia and Singapore. In documenting their experiences, the study makes a contribution to strengthening claims on the government of Brunei Darussalam, as a signatory of the CEDAW to respect, promote and fulfill the rights of foreign domestic workers within their jurisdiction. It also brings to the fore the responsibility on the part of the Philippine and Indonesian governments, also CEDAW states parties, to exercise due diligence in ensuring that the rights and welfare of their nationals are protected and upheld beyond their respective territories.

The study attempts to weave the compliance of three ASEAN member states on their duties particularly to women domestic workers. The issues and conditions presented in the study are stories shared by domestic workers themselves. Their stories are often unheard, the same way that human rights issues of women such as violence against women are often unheard and overlooked with the market and trade-oriented frame of the ASEAN.

Concretely, the outputs and recommendations of this study will be submitted to the pertinent ASEAN bodies, such as the AICHR and the ACWC, as basis for advocating stronger measures at the regional and national levels for the promotion, protection and realization of Filipino and Indonesian domestic workers' rights in Brunei. Moreover, this study underscores the need for more in-depth and systematic research that ASEAN member-states should undertake, as a measure necessary for more responsive policy-making and effective compliance with human rights obligations.

E. Research Methodology and Activities Conducted

The research conducted six focus group discussions (FGDs) and 39 key informant interviews (KIIs) in West Java and Jakarta, Indonesia; Manila, Philippines; and Muara District and Belait District, Brunei Darussalam.

The FGDs were conducted separately with the following groups:

- (a) former Indonesian domestic workers in Brunei
- (b) Indonesian non-government organizations (NGOs) and government agencies that work on the protection of migrant domestic workers
- (c) employment agencies of migrant domestic workers in Brunei
- (d) Filipinos currently working as domestic workers in Brunei
- (e) Indonesian domestic workers currently working in Brunei
- (f) Bruneian/Expatriate employers of Filipino and Indonesian domestic workers in Brunei

At the same time, KIIs were conducted with (a) government agencies in the Philippines and Brunei working on the protection of migrant domestic workers; (b) a Philippine NGO working on advocacy for the protection of migrant workers in ASEAN; (c) former domestic workers in Brunei from the Philippines and Indonesia; and (d) Filipino and Indonesian domestic workers currently working in Brunei.

In addition to KIIs and FGDs, the three Women's Caucus member-organizations constituted themselves as research teams in their home countries to look more closely at country-level data. The Philippine and Indonesian research teams studied secondary data, consisting mostly of studies and policy documents of international and Indonesian and Philippine NGOs as well as the Indonesian and Philippine governments. The research team of Brunei on the other hand, used survey questionnaires as its data-gathering tool among Filipino domestic workers currently working in Brunei.

Profile of research respondentsWomen domestic workers

At the onset of the study, the Philippine research team was able to contact six domestic workers formerly working in Brunei. However, two of them returned to Brunei leaving only four people available for interviews. The four interviewees, ranging in age from 32 to 53 years, varied in the level of educational attainment but all were unable to complete their schooling. One of them graduated from elementary school, two reached second year high school, and one managed two years in college.

In Indonesia, 20 former domestic workers who had worked in Brunei took part in a FGD conducted in Kerawang, West Java. Three former domestic workers were interviewed following the FGD.

The research team of Brunei was able to tap currently employed Filipino and Indonesian domestic workers in the country. Initially, the team asked 10 Filipino women domestic workers to accomplish questionnaires while on spending their day off at a church compound in Bandar Seri Begawan. Also, five women domestic workers who at the time of the interview were sheltered at the Welfare Center of the Philippine Embassy accomplished the questionnaire and were later interviewed. On the other hand, 10 Indonesian domestic workers were interviewed in the household premises of their employers.

FGDs were also conducted separately among five Filipino domestic workers and five Indonesian domestic workers in Kuala Belait and Bandar Seri Begawan, respectively. Filipino domestic workers who took part in the FGDs ranged in age from 23 to 52 years old; all had graduated from high school (with some reaching college level); and have been working in Brunei from one to twelve years. The Indonesian domestic workers, on the other hand, aged 20

to 38 years, had mostly completed primary education; and have been working in Brunei from two to eight years.

Government agencies

The Philippine research team interviewed personnel from migrant-focused government agencies such as the Philippine Overseas Employment Agency (POEA), the Overseas Workers' Welfare Administration (OWWA) and the Office of the Undersecretary for Migrant and Workers Affairs of the Department of Foreign Affairs (OUMWA). They shared insights on (a) the impact of migration on women's rights and on the development of the country; (b) international human rights conventions and standards, and national policies that guide the state in fulfilling its obligations to migrant domestic workers; (c) human rights issues of Filipino migrant domestic workers in Brunei as reported to the state agencies; (d) programs and services of the state; and (e) the role of ASEAN in promoting and protecting the rights of migrant domestic workers. Due to limited information from these agencies, the Philippine research team was not able to reach as many Filipino women domestic workers who could have taken part in the study.

In Indonesia, nine representatives from government agencies and from migrants' rights NGOs met for a joint FGD in Jakarta. The government agencies represented in the FGD were the Ministry of Foreign Affairs, Ministry of Women Empowerment and Child Protection, Ministry of Manpower and Transmigration and Agency for the Placement and Protection of Indonesian Migrant Workers or BNP2TKI.

In Brunei, the team conducted interviews with Brunei's Assistant Labour Commissioners from the Department of Labour, Ministry of Home Affairs. It also conducted three separate interviews with the Labor Attachés of the Embassies of the Philippines and Indonesia in Brunei to complement and/or validate information gathered from the FGDs and interviews with other respondents.

The Philippine research team initially requested to conduct interviews with nine migration-focused NGOs. However, the team learned that there were no Filipino domestic workers among the clients served by these NGOs. They also had limited contact with domestic workers working in Brunei and those who had returned to the Philippines. Another NGO actively involved in migrant advocacy in ASEAN was instead interviewed on the issue of domestic work in the region.

Employment Agencies

Five employment agencies registered under the Philippine Embassy in Brunei Darussalam took part in an FGD conducted by the research team of Brunei at the Philippine Consular Building in Bandar Seri Begawan. The employment agencies that participated in the FGD are as follows:

- (a) Winzel Employment Agency
- (b) Tabah Ali and Mat Employment Agency
- (c) Multi-Star Company Sdn Bhd
- (d) Kosh Employment Agency
- (e) Narita Employment

The research team of Brunei also talked with eight Bruneian and two expatriate employers of Filipino domestic workers (five through a FGD and five through KIIs), and 10 Bruneian employers of Indonesian domestic workers (all through KIIs) in the study.

E. Limitations of the Research

Women migrant domestic workers who participated in this study are composed of those formerly employed in Brunei and had returned home to the Philippines and Indonesia, and those still working in Brunei at the time of the study. Considering the small number of

respondents, the research findings may not be representative of the collective experiences of domestic workers in Brunei but they give a sense of the conditions and issues faced by migrant domestic workers in the sultanate. Some of them had been repatriated more than a decade ago (late 1990s), while others are currently employed and have been working in Brunei from at least a year to almost two decades. It is recognized that the study would have benefited from a historical analysis of the conditions reported by the respondents or from identifying trends within a given period but these were not pursued due to time constraints as well as limitations in available data.

The domestic workers currently working in Brunei were interviewed during their break from work or on a day-off. Interviews conducted with Indonesian domestic workers in their place of work met with some difficulty because the presence of their employers prevented the interviewers from probing deeper into the issues raised. Some employers, however, who were present during the interviews and with whom Indonesian domestic workers have been able to establish long-term working relationships, also took part as respondents in this study.

Data collection was limited mainly to respondents from West Java, Manila and Muara District and Belait District of Brunei Darussalam. Due to budget constraints the study was not able to conduct fieldwork in other areas where former or current domestic workers in Brunei may be based. Similarly, due to resource limitations, fieldwork was only conducted from two to four weeks in each of the areas mentioned. Future studies may consider the possibility of data collection or fieldwork in other areas and for a longer period of time—for example, in Zamboanga, Philippines which is allegedly the “backdoor entry” to Brunei as well as other areas in Indonesia— to enrich the findings presented in this study.

The study looked into the national legal regimes and reviewed the Constitutions and specific laws of the Philippines, Brunei and Indonesia, and bilateral labor agreements between these countries, specifically those affecting women migrant domestic workers’ rights to work and to access justice. However, the research teams were unable to get a copy of the agreement

still being discussed as of writing between the Philippines and Brunei and thus, there is no review of its content. As for the bilateral agreement on migrant workers between Indonesia and Brunei, since this was undergoing revisions at the time of the study, it was not possible to do a comprehensive critique and analysis of the said document's reported weaknesses and potential impacts on Indonesian migrant workers.

Also lacking is a thorough discussion of multilateral legal regimes specifically those entered into by ASEAN as a regional body or by ASEAN member states that implicate the rights of Indonesian and Filipino women domestic workers in Brunei. Although this is beyond the scope of the research, it is important to locate States vis-à-vis external factors/constraints that might affect their compliance with women's rights standards. Further, a discussion on effective strategies or possible state-led initiatives for effective state compliance with international human rights commitments would have enriched this study but time and resource challenges, as well as the lack of available data, impeded attempts to fully address this concern.

II. Critical Bundle of Rights of Migrant Domestic Workers in Brunei

In examining the compliance of the states with women's rights standards on the rights of migrant domestic workers, the study indentified international human rights treaties that hold relevance or directly pertain to the rights of migrant domestic workers. These are: the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICMW) and the International Labour Organization Convention No. 189 otherwise known as the Convention Concerning Decent Work for Domestic Workers. Highlighted are the human rights standards in relation to the right to work and access justice that must be accorded to Filipino and Indonesian migrant women engaged in domestic work in foreign countries, Brunei in particular. With these standards in mind the existing policies are examined as to their efficacy in the promotion and protection of domestic workers, particularly Filipino and Indonesian domestic workers in Brunei, Indonesia and the Philippines.

A. International Human Rights Standards on the Rights of Migrant Domestic Workers

The Universal Declaration of Human Rights (UDHR) – the foundational document of the international human rights regime and system – brings together three important elements of the domestic migrant workers' conditions and interests. First, it establishes that, “everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment” (Art. 23, sec. 1). Second, it provides that “everyone has the right to leave any country, including his own, and to return to his country” (Art. 13, sec. 2) Finally, it states that access to justice is a fundamental right and that “everyone has the right to an effective remedy by competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law” (Art. 8).

Of the many human rights conventions and treaties that provide for the rights of workers, only the International Labour Organization Convention No. 189 otherwise known as

the Convention Concerning Decent Work for Domestic Workers, recognizes domestic work as work and specifically makes mention of gendered aspects in its preamble:

“[D]omestic work continues to be undervalued and invisible and is mainly carried out by women and girls, many of whom are migrants or members of disadvantaged communities and who are particularly vulnerable to discrimination in respect of conditions of employment and of work, and to other abuses of human rights.”

The study hence is anchored on the human rights standards as provided by Convention No. 189. The ILO Convention No. 189 is a ground-breaking instrument that paves the way for the recognition of domestic work as work and for strengthening the rights-based and legal claims of domestic workers. Rightly so, since Convention No. 189 is the product of years of rigorous lobbying by national and international domestic workers' coalitions and organizations.

The Convention mandates members to take measures to ensure the effective promotion and protection of the human rights of all domestic workers. Under the Convention, members have the duty to respect, promote and realize the fundamental principles and rights at work of domestic workers, which include (a) freedom of association and the effective recognition of the right to collective bargaining; (b) the elimination of all forms of forced or compulsory labor; (c) the effective abolition of child labor; and (d) the elimination of discrimination in respect of employment and occupation. The convention also stipulates the rights of domestic workers to effective protection against all forms of abuse, harassment and violence. Furthermore, the convention accords the right of domestic workers to enjoy fair terms of employment as well as decent working conditions and, if they reside in the household, decent living conditions that respect their privacy.

While Convention No. 189 concretely mandates the protection of the rights of all domestic workers, such standard cannot be applied to countries that are not party to it. Of the three countries in this study, only the Philippines ratified the Convention. Indonesia's President Susilo Bambang Yudhoyono pledged commitment to protect the rights of domestic workers within and outside the country but to this day, Indonesia has not ratified Convention No. 189.

Aside from the Convention on Domestic Workers, the study also looks into other conventions, which set the overarching human rights standards for the promotion, protection and fulfillment of rights of migrant domestic workers. These are the CEDAW or the Women's Convention, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW).

The fullest expression so far of the gender differentials in migration lies in CEDAW General Recommendation ²No. 26. , stating that,

“[A]lthough both men and women migrate, such is not a gender-neutral phenomenon. Female migrants are in a different position as compared to men in terms of legal migration channels, the sectors into which they migrate, the forms of abuse they suffer and the consequences thereof. To understand the specific ways in which women are impacted, female migration should be studied from the perspective of gender inequality, traditional female roles, a gendered labor market, the universal prevalence of gender-based violence and the worldwide feminization of poverty and labor migration (par. 5)”.

² General recommendation is the term used by CEDAW to refer to general comments. General comments are a treaty body's interpretation of the content of human rights provisions, on thematic issues or its methods of work. CEDAW General Recommendations are made on any issue affecting women to which the State parties should devote more attention to. They provide guidance on the interpretation of procedural and substantive requirements of the treaty.

CEDAW GR 26 goes further to address the situations of specific categories of migrant women such as domestic workers who face a high risk of abuse and discrimination. Article 20 notes that “[d]omestic workers are particularly vulnerable to physical and sexual assault, food and sleep deprivation and cruelty by their employers. Sexual harassment of women migrant workers in other work environments, such as in farms or in the industrial sector, is a problem worldwide.”

GR 26 under Article 21 also notes that “access to justice may be limited for women migrant workers. In some countries, restrictions are imposed on the use of the legal system by women migrant workers to obtain remedies for discriminatory labor standards, employment discrimination or sex- and gender-based violence.”

A treaty convention dedicated to migrant workers and their families – the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families— came into force in with the ratification of 20 countries. The convention mandates that,

“State Parties undertake, in accordance with the international instruments concerning human rights, to respect and to ensure to all migrant workers and members of their families within their territory or subject to their jurisdiction the rights provided for in the present Convention without distinction of any kind such as to sex, race, color, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status” (Art. 7).

The CMW reiterates non-derogable rights enshrined in the UDHR, namely, the right to life, right against slavery or servitude and compulsory labor; and the right to be free from torture and other inhumane or degrading treatment or punishment. It recognizes access to justice of migrant workers and their families, by stating that “migrant workers and members of

their families shall have the right to equality with nationals of the State concerned before the courts and tribunals” (Art. 18).

As mentioned, Brunei, Indonesia and Philippines have ratified the CEDAW. As to the status of ratification to CMW and ILO Convention no. 189, as of late however, Brunei, like other destination countries in Southeast Asia, has not made themselves state parties to the two conventions. Indonesia as of this writing has not also ratified ILO Convention no. 189. The following is the status of ratification of Brunei, Indonesia and Philippines to CEDAW, CMW and ILO.

Status of ratification CEDAW, ICMW and ILO³

Country	CEDAW		ICMW		ILO Convention No. 189	
	Status of ratification	Date of ratification	Status of ratification	Date of ratification	Status of ratification	Date of ratification
Brunei Darussalam	✓	24 May 2006 a	X	--	X	--
Indonesia	✓	13 Sep 1984	✓	22 Sep 2004 (Signed) 31 May 2012 (Ratified)	X	--
Philippines	✓	5 Aug 1981	✓	15 Nov 1993 (Signed) 5 Jul 1995 (Ratified)	✓	05 Sep 2012

³ Compiled from UN Treaties, see http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-13&chapter=4&lang=en,

B. The Policies of Indonesia, Brunei and the Philippines on Migrant Domestic Work

The existing laws and policies in Brunei, Indonesia and the Philippines are examined with respect to how they define domestic work and domestic workers, the right to work and the right of access to justice. Without delving into details, relevant laws in the three countries are examined as to how they fulfill and protect the rights of domestic workers. Studying them also gives one a sense of the legal framework of the respective governments in viewing domestic workers and the rights accorded to them. The discussion on the policy gaps does not look into individual laws, but at the general legal landscape of the three countries and how this legal environment prevents or constrains the protection and realization of the rights of domestic workers.

Definition of domestic work in existing policies

Though benefitting tremendously from domestic work, whether as sending or receiving states, none of the countries in this study has a strong and clear definition of this labor activity.

The Philippines' Labor Code, short of directly using the term *domestic work*, contains a provision on "househelpers", which it defines as "persons rendering services in households for compensation". It further characterizes "domestic or household service" as service in the employer's home which is usually necessary or desirable for the maintenance and enjoyment of the said employer's home (Art. 141 – 142). In provisions on working conditions, the Code also refers to "domestic helpers" among other types of workers (Art. 82).

On the basis of the Labor Code, the Philippine Overseas Employment Association (POEA) was created in 1982, specifically to give attention to the promotion and monitoring of Filipino

overseas workers.⁴ However, it gives no particular attention to domestic workers and the fact that women comprise the majority in this category. Migrant domestic workers are included in the broad category of “household service workers”, which includes drivers, gardeners, beauticians, houseboys and masseurs.

Under Indonesia’s Law No. 13/2003, a worker is defined as “every person capable of doing work in order to produce goods and/or services to meet their own needs and that of other people”. The same law also defines a worker as one “who works for a wage or other remuneration”. Both Laws No. 13/2003 and No. 13/2004 on labor contain no definition of domestic work or even a passing reference to the type of labor that domestic workers render. Predictably, domestic workers and their rights are invisible in these laws.

The term “domestic work” remains in Indonesia, a term largely used by civil society, which began advocating for the protection of domestic workers in 1992. Yogyakarta-based civil society groups in particular, have been at the forefront of legislative advocacy and lobbying since 1997 for legislation protecting domestic workers. The organization of the National Network for Domestic Workers Advocacy (Jala PRT) in 2004 emerged from these activities and it continues to press for the enactment of a dedicated law on domestic workers. After nine years, the Indonesian parliament is still in the process of discussing the draft of the law on domestic workers’ protection as it is still met with resistance by some parliament members.

Meanwhile, under Brunei Laws, domestic worker refers to “any house, stable or garden worker or motor vehicle driver employed in, or in connection with the domestic services of, any

⁴ POEA is granted with the power to (1) promote the overseas employment of Filipino workers through a comprehensive market promotion and development program; (2) secure the best possible terms and conditions of employment of Filipino contract workers on a government-to-government basis and to ensure compliance therewith; (3) recruit and place workers for overseas employment on a government-to-government arrangement and in such other sectors as policy may dictate; and (4) act as secretariat for the Board of Trustees of the Welfare and Training Fund for Overseas Workers. See Article 17 of the Labor Code. The creation of the POEA is also provided in Executive Order no. 797, “Reorganizing the Ministry of Labor And Employment, Creating the Philippine Overseas Employment Administration, and for Other Purposes”; Sec 4 (a)

private premises and not in connection with any trade, business or profession carried on by the employer in such premises” (Employment Order, 2009).

The Republic Act 8042 also known as Philippines’ Migrant Workers and Overseas Filipinos Act of 1995, though a comprehensive instrument, contains no definition of domestic work. It broadly defines the migrant worker as “a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a state of which he or she is not a legal resident to be used interchangeably with overseas Filipino worker” (Sec. 3a). The Amended Migrant Workers and Overseas Filipinos Act (Republic Act No. 10022) expanded the definition of “migrant worker” but only to include those on board a vessel navigating foreign seas (Sec. 2a). More importantly, active civil society-led efforts, brought into the act as amended, the terms “regular” and “irregular”, alongside “documented” and “undocumented” (Sec. 1f) replacing “legal” and “illegal” as descriptions of a migrant worker’s status.

After ratifying Convention No. 189, the Philippine Congress passed the Republic Act 10361 also known as Domestic Workers Act of 2013 or *Batas Kasambahay*⁵ of 2013. The law only applies, however, to domestic workers or *kasambahay* employed in the Philippines. *Batas Kasambahay* defines domestic workers as:

“...any person engaged in domestic work within an employment relationship such as, but not limited to, the following: general house help, nursemaid or ‘yaya’, cook, gardener, or laundry person, but shall exclude any person who performs domestic work only occasionally or sporadically and not on an occupational basis” (Sec. 4d)

⁵ *Kasambahay* is the Filipino term for domestic workers.

Policies that Pertain to the Rights and Protection of Domestic Workers

Indonesia, Brunei and the Philippines operate under different legal regimes. These legal regimes have, in turn influenced state understanding of migrant workers rights and access to justice, and shaped the scope and content of policies related to migrant work and domestic work in particular.

This section also looks into a major call of many campaigning migrant organizations -- “domestic work as work” -- the framework that primarily advocates the legal recognition of domestic work and the full and guaranteed enjoyment of the inalienable right to work and its attendant entitlements by those who engage in this activity. This section asserts that human rights are indivisible and interrelated, hence the right to work should be fought for alongside the promotion and realization of access to justice and other rights. Integrating the right to access justice in calling for the recognition of domestic work emphasizes the “protection” dimension of state obligation with regard migrant domestic workers. Part of access to justice is developing and putting in place effective remedies and redress mechanisms, including comprehensive and multidisciplinary support services and programs, easily accessible to migrant domestic workers whether in their home or destination countries.

Right to Work**Overarching laws on migrant work**

Brunei, Indonesia and the Philippines have national and labor-specific laws that cover, in varying degrees of promotion and protection, the rights of migrant workers and to some extent, domestic workers.

The Philippines has comparatively stronger *de jure* compliance to standards than Indonesia and Brunei where migrants' rights are concerned. Currently, it has in place, the following instruments:

- The 1987 Constitution, recognizing the rights of Filipino workers in the country and providing protections. The rights of workers include self-organization, collective bargaining and negotiations, peaceful concerted activities, including the right to strike in accordance with law, security of tenure, humane conditions of work and a living wage; and to participate in policy and decision-making processes.
- The Labor Code, stipulating the rights of overseas workers
- R.A 8042 or the Migrant Workers' Act, affording full protection to migrant labor whether local or overseas
- R.A. 10022 amending the Migrant Workers' Act, created to improve the standard of protection and promotion of the welfare of migrant workers, their families and overseas Filipinos in distress. The duty of the state was expanded to include inter alia, "continuously [monitoring] international conventions, [adopting/signing and ratifying] those that guarantee protection to our migrant workers, and [endeavoring] to enter into bilateral agreements with countries hosting overseas Filipino workers" (Sec. 1a). The definition of migrant workers now covers "those who are on board a vessel navigating the foreign seas" (Sec. 2a). The "regular" and "irregular" status is now recognized under the law, mentioned alongside "documented" and "undocumented." (Sec. 1f). The definition and penalties of illegal recruitment have also been broadened and strengthened, to include foreign recruiters (Sec. 6).
- The Household Service Work Reform Package (HSWRP) of 2007 was a move to "to dignify the status of Filipino domestic workers, professionalize their ranks, and protect and promote the welfare of household service workers" ("New Reform Package for Filipino Overseas Household Service Workers", 2007). The policy, which applies to overseas Filipino women domestic workers, arose from various studies on the plight of Filipino women domestic

workers employed abroad (POEA, 2007). Among others, it sets the minimum age of domestic workers at 23 years and specifies the minimum entry salary of US\$400⁶.

In Brunei, the main legislation covering migrant workers is Employment Order 2009, which covers all persons employed under a written or implied contract of service. It prescribes the minimum terms and conditions of employment, defines range possible offenses by employers and sets out the penalties accordingly. Domestic workers (“domestic servants”), however, are explicitly excluded in the coverage of this law, including seamen (*sic*), and any person employed in a managerial, executive or confidential position. Civil servants and all employees of statutory bodies are also outside the coverage of this Order (Department of Labor, Brunei Darussalam, 2012, p.3).

Labor hiring activities in general come under scrutiny through the Employment Agencies Order, a measure adopted in 2004 to regulate employment agency activities within Brunei. An even older labor-specific law that covers migrant workers in Brunei is the Workmen’s Compensation Act of 1957, which continues to be applied when workers and/or their families claim compensation in cases of injury or death. (Ch. 74).

In Indonesia, Law No. 39/2004 regulates the duties and responsibilities of the government in managing, developing, implementing, and monitoring the implementation of the placement and protection of migrant workers abroad. However, in practice, issues involving domestic workers are addressed only through local government or provincial regulations. The Jakarta Provincial Government Regulation No. 6/1993 is one such measure; it does not use the term “domestic worker” but instead refers to those in this line of work as “housekeepers” (which it also failed to define). Technically, domestic workers should be covered under Law No. 13 of 2003 (Art. 1), as they can be considered workers hired by a person or company; however,

⁶ For more information on the standards set in the guidelines see http://www.poea.gov.ph/hsw/q&a_hsw.html

since domestic work is not recognized as a viable form of employment, it is not covered by existing laws and regulations in Indonesia.

As for specific legislation on domestic work in the three countries, only the Philippines' *Batas Kasambahay* or R.A. 10361 otherwise known as the Domestic Workers Act gives particular attention to local domestic workers. Domestic workers are invested with legal recognition and thus, standing, and on the strength of this law, can claim the attendant rights and entitlements enshrined therein. For instance, it sets forth a "standard of treatment" or a code of conduct prohibiting employers or any members of the household from "[subjecting] domestic workers to any kind of abuse nor inflict any form of physical violence or harassment or any act tending to degrade the dignity of a domestic worker;" among others (Sec. 4).

Women and the right to work

Filipino women enjoy a comprehensive body of women-friendly legislation, borne out in many ways from several decades of advocacy, organizing and campaigning for women's rights. The 1987 Constitution of the Republic of the Philippines pronounces that the state

"[S]hall protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation" (Art. XIII, sec. 14).

The push for the localization of CEDAW also gained ground after many years, reaching a successful culmination in 2009 with the passage of the Magna Carta of Women (Republic Act 9710). As the CEDAW domestic law, RA 9710 serves as the Filipino women's Bill of Rights comprehensively encompassing socio-cultural, political and economic aspects of their lives. RA 9710 offers protection to women migrant workers as it mandates state agencies to review and

forge bilateral and multilateral labor agreements to ensure safe migration and better work conditions that will curb violence against women migrant workers; conduct professional and personal development among women migrant workers through livelihood and skills development trainings, seminars, and scholarship grants; and mainstream entrepreneurship and gender and development (GAD) in skills training, counselling and other support services for the families of the migrant workers (Sec. 14). RA 9710 also outlines obligations of the state to returning women migrant workers.⁷

Indonesia's Law No. 13/2003, while keeping silent on domestic workers, includes provisions pertinent to women migrant workers, such as those mandating work hours and maternity leaves for pregnant women. The national law on Indonesian migrant workers (Law No. 39/2004) takes note of women only once, and in an indirectly discriminatory sense, as it stresses the prohibition of recruiting prospective migrant workers who are pregnant.

Access to justice as a right

The Philippines' Migrant Workers' Act further gained in strength with its amended version which stresses the need for concrete action in relation to its cognizance that poverty should not be an impediment to accessing justice. The expanded provision now reads as follows:

“[F]ree access to the courts and quasi-judicial bodies and adequate legal assistance shall not be denied to any person by reason of poverty. In this regard, it is

⁷ The Department of Foreign Affairs (DFA), Department of Labor and Employment (DOLE), Philippine Overseas Employment Administration (POEA), and Overseas Workers' Welfare Administration (OWWA) are responsible in protecting the rights and promoting the welfare of women migrant workers especially those classified under the vulnerable skills categories (See Sec. 25D of RA 9710)

imperative that an effective mechanism be instituted to ensure that the rights and interest of distressed overseas Filipinos, in general, and Filipino migrant workers, in particular, whether regular/documentated or irregular/undocumented, are adequately protected and safeguarded" (R.A. 10022. Sec. 1).

In comparison, Brunei and Indonesia's legislation excludes domestic workers in its coverage. Brunei's Employment Order, 2009 covers dispute settlement and complaint procedures for employees, but it directly states that "domestic servants" are beyond its coverage.

Similarly, Indonesia's Law No. 39/2004 speaks of the right of migrant workers to obtain guarantees of legal protection in accordance with legislation on measures that can lower their status and dignity, as well as violations of rights during their placement abroad. No reference is made to domestic workers.

The law also mandates that private placement agencies provide safeguards for migrant workers against the possibility of employers reneging on the terms and obligations of employment contracts (Art. 52, par. 2). Such safeguards include providing training and education,⁸ managing contract, ensuring the sufficiency of official documents, and submitting copies of placement agreements to the local office of the Ministry of Manpower. However, the law does not detail regulations for private placement agencies to follow should employers fail to fulfil their obligations.

Both Brunei and the Philippines have legislated protection for migrant workers against illegal recruitment or dishonest employment agencies. The Philippines' amended Migrant

⁸ Education includes information on recruitment activities; management of documents; the rights and responsibilities of prospective labor migrants; the situation, condition and risks in destination countries; and means of protection (Article 34, Sub-article 2).

Workers' Act, for example, now contains an expanded definition of illegal recruitment and strengthened penalties for violators, both domestic and foreign. Brunei's Employment Agencies Order, 2004 offers a similar protective measure. The Order mandates the Employment Agency Unit under the Department of Labour/Labor to ensure the registration and licensing of all employment agencies, the monitoring and control of the activities of employment agencies, as well as the proper investigation of complaints received against employment agencies in the country. The policy aims to keep licensed employment agencies disciplined and responsible towards foreign workers entering Brunei. It also seeks to guarantee the rights and needs of both employers and workers, and to ensure that Brunei brings in foreign workers of "high quality" and suited skills-wise to the work required.

Anti-trafficking laws of Brunei and the Philippines add another layer of access to justice mechanisms that can benefit migrant workers. The Anti-Trafficking in Persons Law (RA 9208) of the Philippines was strengthened in the Expanded Anti-Trafficking in Persons Act of 2012 (RA 10364) to include policies and institutional mechanisms aimed at eliminating and penalizing human trafficking, especially among women and children, and providing protection and support for trafficked persons. Brunei's Employment Agency Order 2004 works to prevent trafficking in persons and fraudulent transactions through employment agencies.

Two other recently enacted labor laws in the Philippines are potentially of use to migrant domestic workers in the fulfilment of their right to access justice. The first is "Strengthening Tripartism," which amends Article 275 of the Labor Code to allow employers and workers to become part of policy-making bodies of the government. The second is the law that amends Article 228 of the Labor Code, which decrees mandatory conciliation of all issues arising from labor disputes.

C. Policy Gaps

In surfacing policy gaps, this section evaluates the migrant policies of the Philippines, Indonesia and Brunei against international human rights standards. In particular, it maps out deficiencies or inconsistencies of existing policies vis-à-vis the CEDAW, ILO Convention No. 189 and the Convention on Migrant Workers. The conditions of women migrant domestic workers, and the insufficiency of protective mechanisms in both labor-sending and receiving countries, underscores the importance of ratifying and localizing international human rights conventions and revisiting national policies to ensure that they are responsive to and enabling of the needs and rights of women migrant domestic workers.

The invisibility of women migrant domestic workers in national policies

The Philippine government has a long and continuing history of promoting labor exportation. What started as a temporary measure to alleviate unemployment in the country has now evolved to become the government's "strategic measure toward the attainment of the country's development objectives".

Past Philippine Development Plans' (PDPs) mention of migration are limited to job generation and remittance regulation but the current PDP (2011-2016) has set its course in mainstreaming migration in the development agenda through the following measures:

- Ensuring welfare and protection of the millions of Filipinos working overseas
- Leveraging remittances as a tool for economic development
- Tapping overseas Filipinos' (OF) capital such as skills, talent, network gained overseas
- Participation of OFs in securities market
- Observing and implementing statutory mandates on gender and development, including protection from VAW

In effect, the Philippine government commits to OFWs rights and welfare in the context of mainstreaming migration in market-based, export-oriented development plans and agenda.

Clearly, government's praise of OFWs as "modern day heroes" is linked to their billion-dollar contributions to consumption-led growth. Various government projects aim to facilitate "cheaper, faster and more secure ways to send remittances". Through public-private partnerships, the government takes on projects with money-transfer businesses to "create a model for channeling remittances" and "harness the power of remittances from migrant workers to drive sustainable economic development in the Philippines" (Gomez, 2011).

The government also utilizes remittances from Filipino with a permanent residency or immigrant status in their countries of destination. For example, the Philippine government through National Economic Development Authority (NEDA) and the Commission on Filipino Overseas (CFO) and some local government units, together with the UNPD and Western Union embarked on the project "OF-ReD" or "Overseas Filipinos/Diaspora Remittance for Development: Building a Future Back Home" with the objective of putting in place policies that would "facilitate the use of remittances for productive and job-creating investments and address the policy deficiencies that impede the optimum use of remittances for productive activities...to harness overseas Filipinos remittances for investments and capital mobilization" (Commission on Filipinos Overseas, 2011).

Likewise the Commission on Filipinos Overseas D2D or Diaspora to Development Program, seeing that "diaspora is fast emerging as one of the forces for development in the globalizing world" has similar aims but includes welfare and protection in its scope. It assists overseas Filipinos in setting up business partnerships in the country, facilitates skills and technology transfer, mobilizes donations for development projects, develops investment portfolios , extends legal and medical assistances to OFs and provides information for successful reintegration of returning OFs and retirees (Commission on Filipinos Overseas, n.d.).

These efforts, however, show the lack of a more nuanced understanding of the differentiated-impacts of migration and remittances on peoples and communities. Gender, for example, hardly figures in examining the cycles of sending, receiving and utilizing remittances nor is it explored as a dimension of development directions as a whole.

Valuing migration as a stimulus for consumption-led growth and lauding OFWs as agents of poverty reduction among families, works to the benefit of a government that has failed in providing economic security at home. The surge in labor migration allows it to evade pressure arising from increasing unemployment, even greater underemployment and the persistent inadequacy of its job-creating efforts. On a less valued scale, migrant workers are also credited for generating “social remittances” such as knowledge transfer, skills upgrade, global perspectives and awareness on exercising civil and political rights (Sec. B. Arce, electronically transmitted official response of the OUMWA, 24 March 2013), but these are neither as widely recognized nor as valued as their dollar remittances.

It is significant to note that while the majority of women OFWs are employed or are in high demand for domestic work, the Philippine government fails to address their situation in a more comprehensive manner. Except for the national law on domestic workers, the Philippines has no other legal instrument that mentions this major form of productive labor activity abroad conducted almost entirely by Filipino women. Hence, migrant domestic workers have to make do with laws such as the Migrant Workers’ Act and the Magna Carta of Women that address their concerns in a general sense, but laws reflective of the complexity of their situations and responsive to their particular issues and needs, are yet to materialize.

Similarly in Indonesia, economic gains from migrant-sending activities enjoy a higher level of priority over the protection of migrant workers. Law No. 39/2004 on the Placement and Protection of Indonesian Migrant Workers does not holistically address the problems of migrant workers, particularly the protection of their rights throughout the migration process.

Furthermore, the law does not include provisions on migrant domestic workers, undocumented migrant workers, and families of migrant workers, leaving them without specific channels of redress and exposing them to possibly greater exploitation, trafficking, marginalization and discrimination.

The Optional Protocol to CEDAW, which provides a redress mechanism for women in the face of non-compliance by states parties to the CEDAW, and ILO Convention No. 189 would have given additional protections to migrant domestic workers. Indonesia, however, has not ratified these instruments. Meanwhile, domestic compliance with treaties it has ratified, i.e., CEDAW and the CMW, also remains weak.

In Brunei, failure to clearly identify domestic workers in the main legislation governing employment or Employment Order 2009 bars their legal recognition, and in turn, the recognition of their rights. The law is supposed to apply specifically to compliance with standard contract agreements between employer and employee. Department of Labour officials argue that even without mention of domestic workers in the law, the provisions of Employment Order, 2009 are taken into consideration during the conciliation of domestic workers' disputes with employers and employment agencies. However, strong claims cannot be made against weak laws. Domestic workers need stronger assurance that can come from formally and legally defining migrant domestic workers and their rights and entitlements.

Convention No. 189 provides that domestic workers should have the same minimum labor rights and protection as all other workers, including fair terms of employment and decent working conditions. The continuing challenge for policy-makers is setting decent wages and salary schemes for domestic workers. The Philippine government attempted to achieve this through the HSWRP but since there is no standing agreement between the Philippine and Brunei governments, the latter cannot be compelled to adhere to such a policy. Brunei does not set minimum wages and instead, bases salaries and wages of domestic workers on agreed upon

contracts and common practice. Like Indonesia, it has not ratified Convention No. 189 but it has signed the Optional Protocol to the CEDAW.

Brunei would amend its existing laws or enact new ones should it decide to ratify Convention No. 189. For example, migrant domestic workers have the right to freedom of association and collective bargaining under the said convention. But the Emergency Act Order prohibits labor union organizing and collective bargaining agreements among workers, whether local or foreign. The country allows the formation of associations, local and foreign alike, only for purposes of socialization, charity and sports (Labor Attaché of Philippine Embassy in Brunei Darussalam, interview, February 2013).

Brunei's policy on repatriation is currently more aligned with Convention No. 189. The Convention instructs governments to specify the conditions under which domestic workers are entitled to repatriation and ensure that fees charged by agencies are not deducted from domestic workers' wages. The Brunei government requires a security deposit from the employment agencies to ensure proper repatriation of migrant workers without deducting the amount from their wages. Employment agencies recruiting Filipino and Indonesian domestic workers can only be licensed once a security deposit is made aside from fulfilling all the other requirements for the licensing process.

National policies' disregard for the rights of women

The Philippines has progressive laws on the rights of migrant workers, but these laws do not explicitly recognize the gender dimension of migrant work, and fall short of providing adequate and effective protections and guaranteeing rights specific to migrant domestic workers. The Domestic Workers' Law or *Batas Kasambahay* that the Philippine government enacted following its ratification of Convention No. 189 is a commendable step forward. However, because the law has no recognition of the gendered conditions of going into migrant

work, and particularly domestic work, it is still wanting in providing the appropriate measures for the protection and promotion of migrant women domestic workers.

Indonesia's Law No. 39/2004 suffers similarly from insufficient protections, thus inhibiting the women's enjoyment of their rights, including the right to be free from all forms of violence; a living wage; sexual and reproductive health; social and health benefits and over-time pay; freedom of religious belief; freedom of association; freedom of expression and communication; and to retain possession of passports and other important travel documents. Law No. 39/2009 on the other hand, succumbs to male-privileging cultural beliefs by requiring women to first secure a certificate or letter of approval from her husband to be able to work abroad (Art. 51c). Protections for migrant workers against physical, psychological, and sexual violence, and promotion of proper health care are also inadequate.

While Indonesia's Law No. 39/2004 contains a specific clause that protects the rights of women workers, such as the right to a safe working environment and to reproductive health, it is not clear whether domestic workers can benefit as they are not included in the law's definition of worker/laborer. The law has been criticized by many civil society organizations in Indonesia and is set to be revised by the House of Representatives.

Insufficient cooperation among labor sending and receiving countries

A bilateral agreement (BLA) in the form of a Memorandum of Understanding (MOU) on the placement of Indonesian Workers (TKI) both in formal and informal sectors currently binds Indonesia and Brunei. Recently revised, it includes placement procedures, the obligations of the private placement agency and the liabilities of the agency in case of non-compliance. It does not, however, cover or respond to the existence and conditions of undocumented migrant workers.

Unlike the case in Indonesia, there are no bilateral agreements between the Philippines and Brunei that specifically regulates migration workers including domestic workers. Despite the lack of a BLA and a clear effort to pursue one, the Philippines continues to deploy migrant workers, including domestic workers, to Brunei, in violation of the Migrant Workers Act (RA. 8042, s.4). The effectiveness of the HSWRP, whose intent is to ensure that Filipino domestic workers are placed only with capable and deserving employers, remains to be proven against the reality that the Philippine government lacks the capacity to ensure compliance of *employers* (vs. recruitment agencies).

D. Condition and Issues of Domestic Workers

Motivations for working abroad

Children are a major factor behind Filipino women's decision to work abroad. Filipino women who were interviewed said they wanted to provide for their children's needs and send them to school. Indonesian women cited the same reasons, along with the need to seek sustainable livelihood to improve their families' economic condition. Indonesian and Filipino women both shared that their low educational attainment makes it difficult to find employment in their home countries. Higher-paying domestic work abroad (as compared to local household work) is accessible to them as the required skills set is simply an extension of the roles and responsibilities they perform at home.

Women from Indonesia prefer Brunei as a destination country on account of its language, culture and religion. The rare reports of abuse of Indonesian migrant workers in Brunei society also project an image of the country as a relatively safe destination for work. In addition, Brunei offers fast and easy processing of visa applications and work placements.

On the other hand, Filipino women interviewed for this study did not intentionally seek out Brunei as a place of work—and domestic work for that matter. In their case, they opted for

domestic work in Brunei because they could not find adequately remunerated jobs elsewhere, including the Philippines. It was the only option available to them at that time.

Recruitment

Recruitment agencies play a crucial role in the migration and employment processes. In the Philippines, recruitment agencies are governed by policies and guidelines and are subject to sanctions for violations. A number of agencies found involved and/or complicit in illegal recruitment and trafficking in women have already been penalized. The POEA reports that from 2000 to 2010, there were 211 individuals arrested and 107 establishments closed due to illegal recruitment.

Recruitment agencies are private entities that exist to do business and profit from brokering employment. As a major conduit for bringing prospective workers into the migration chain, they are also relied upon by the Philippine government to contact or bring together an employer and a worker when cases of conflict arise. In practice, domestic workers are often more inclined to turn to their recruiting agency to report grievances or complaints about their employment, usually with unsatisfactory results. Recruitment agencies in the first place are not predisposed to facilitate or be involved in situations beyond brokering employment, and can easily wash their hands of problematic arrangements.

Filipino women domestic workers interviewed commonly shared the demeaning manner of recruitment agencies towards them. They said they were treated as commodities being sold to potential employers who could “try them out” for a week before formally contracting them for employment. Some of the Filipino women interviewed had also been previously employed in Singapore and the Middle East where domestic work turned out to be “all-around” work within or linked to the household. They were all surprised that they had to clean much bigger houses in Brunei. One of them recounted that the house of her employer was too big to finish cleaning in a day. The Pre-Departure Orientation Seminar (PDOS) should

have included this information as part of their scope of work. The domestic workers interviewed also cited how the PDOS lacked country-specific information such as those on Brunei's culture and labor policies.

Indonesian domestic workers expressed the same dissatisfaction with the information given them prior to their departure. Employment opportunities are usually transmitted by word of mouth by neighbours or returning family members thus there are no controls over the quality of information circulated. Migrant domestic workers are often able to leave the country through sponsors or brokers, and not through an accredited recruitment agency. These informal arrangements have resulted in the lack of adequate and relevant pre-departure preparations for migrant workers, which should include among others, training related to their work including basic financial skills; seminars on their rights; and the socio-cultural, political and economic situation in destination countries such as Brunei. Those who tap the services of a recruitment agency are usually trained by the government or by the private placement agency; however, according to the domestic workers interviewed, these fall short of providing the information that migrant workers would find useful in their countries of destination.

An added complicating factor is the inconsistencies in the fees being charged to Indonesian migrant workers for the processing of their documents and placement. Migrant domestic workers are often forced to borrow money from money lenders at usurious rates or gold from their neighbors for a chance to work abroad.

The costly and time-consuming procedures force many migrant domestic workers to go through irregular channels and risk undocumented status. Of the 52,280 Indonesian migrant workers as of 2011, only about 30,000 are documented (BNP2TKI, 2011). Undocumented migrant workers usually enter Brunei through Entikong, West Kalimantan, the most accessible entry point since it only requires land travel, facilitated by family and friends who had experienced working there. Indonesia's labor laws offer undocumented workers no protection.

On the other hand, the terms of Filipino women domestic workers' employment in Brunei – whether contracted through regular or irregular means – becomes final only when the contractual arrangement is sealed with their Bruneian employers. In effect, going through regular channels and gaining documented status does not translate to better chances for migrant workers in Brunei at securing rights protection and promotion. (See succeeding sections.)

Conditions at Work

1. Adherence to Contracts

Filipino women domestic workers interviewed for this study said their employment contracts are just for show, a mere piece of paper that employers do not intend to follow. In her own words, a former domestic worker from the Philippines said that, “a contract is just a piece of paper” (Interview, 06 February 2013).

This is because the status of Filipino women domestic workers in Brunei becomes legal and official only by successfully negotiating employment contracts with employers. Even with a standing contract, employers can still back out from hiring domestic workers for one reason or another.

Their Indonesian counterparts revealed that employers usually retain possession of the original copies of the contract and that they are provided only photocopies. Many of them have not read their contracts which are often only read or described to them. Not fully understanding their contracts, domestic workers are taken advantage of by employers, for example, through over-extended, unremunerated hours of work.

Some of employers' breaches of contract experienced by domestic workers in Brunei are (a) non-payment of salaries or delays in payments; (b) non-compliance with the agreed

salary rate; (c) non-payment of overtime; (d) salary deductions; (e) more than eight hours of work ; (f) non-observance of rest periods; (g) non-observance of day offs; and (h) assignment of duties beyond the scope of work (i.e., working for the employer's business or cleaning the houses of the employer's relatives without compensation). Overwork and deductions or withholding of salaries are oft-cited reasons of domestic workers who run away from their employers and seek the help of embassies to find better employment.

On breaches of agreed salary rates, Bruneian employers of Filipino domestic workers explained that they cannot afford the required starting rate of B\$480/monthly (USD 370) for newly hired domestic workers who have yet to prove their ability to do the job properly. Employers are willing to pay a minimum of B\$300 (USD 235) initially and some are willing to give a salary increase of B\$50 (USD 39) per contract renewal based on satisfactory job performance. The employers pointed out that what they give is net pay, without deductions for food, uniforms and toiletries of the domestic worker.

In contrast, most employers in the expatriates community (foreign office executives or senior managers) comply with the basic salary of B\$480 (SUD 370) for Filipino domestic workers and around B\$300 (USD 235) for Indonesian domestic workers. The disparity in wages between Filipino and Indonesian domestic workers is attributed to the higher educational attainment of Filipino domestic workers, most of whom are high school or even college graduates.

Filipino women domestic workers interviewed did not complain or report to authorities that they receive less than the prescribed starting salary. They reasoned that the prospect of getting another job is very low and having a salary of B\$250-350 (USD 190-270) is better than having nothing at all.

For Indonesian domestic workers, most of the cases of abuse shared pertain to hours of work ordinarily lasting from 12 to 17 hours daily. No overtime pay is paid for the extra hours

rendered. Indonesian domestic workers interviewed did not report to authorities about their unpaid extended hours of work thinking that this was still part of their regular duties.

The same is true for Filipino women domestic workers who typically work straight for more than eight hours. The site of their employment as domestic workers contributes to shaping many of the ways they are abused and exploited. As stay-in or live-in domestic workers, they are expected to be “always available” and cannot lay claim to private hours and spaces.

Both Filipino and Indonesian women domestic workers suffered the same condition of Bruneian employers curtailing their weekly rest periods or day-offs, obviously with the intent of preventing them from associating with other Filipinos or Indonesians. One said her employer did not allow her to talk to or befriend other Filipino workers in Brunei because she could be influenced to commit unlawful acts such as prostitution. Other employers feared they would get pregnant or run away with a man.

Recruitment and processing fees are supposedly shouldered by the employers but these costs are eventually passed on to the domestic worker. All Indonesian and Filipino domestic workers interviewed for this study reported that Bruneian employers exact payment for these costs through salary deductions over six-months or one-year periods. This is clearly an onerous practice considering that the employment contract is only for two years.

It is also common for domestic workers not to be informed of the actual amounts deducted from their salary (BNP2TKI, 2011). They were only told that these deductions were repayments for the costs incurred in processing their employment in Brunei. Both employers and employment agencies rationalized the practice as simply offsetting what they claimed as the high cost of recruitment process for domestic workers from the Philippines and Indonesia.

2. Treatment towards Domestic Workers

According to Filipino and Indonesian women domestic workers interviewed, they routinely experience various forms of abuse from their employers. Verbal abuse, though reported as infrequent by Filipino domestic workers⁹ does occur and violates human rights standards. Domestic workers cope by stopping work as a sign of protest, reasoning out, or keeping things to themselves and focusing on their concerns.

Bruneian employers interviewed argued that there are newly hired domestic workers who are stubborn and hard to train. They also cited “misbehavior” and “misconduct” among domestic workers, such as theft or leaving the house at night without asking permission from their employers. The employers explained that these misbehaviors result in loss of trust on the domestic worker.

Other than verbal abuse, women domestic workers also reported experiencing physical abuse. A Filipino woman interviewed for this study said that she was repeatedly abused by her employer. She suffered beatings, was punched in the face, kicked, and pushed down the stairs. She came to the point where she pleaded to the employer to allow her to go home:

“Sinaktan ako kaya gusto ko na nagresign noon. Pero hindi nila ako pinayagan. Sabi ko uwi na lang ako, ayaw pa rin nila pumayag.” (I wanted to resign because of the abuse. But they did not accept my resignation. I told them I wanted to go home to the Philippines but they did not allow me. (Interview, 13 February 2013)

⁹ The Filipino domestic workers interviewed were at the Welfare Center of the Philippine Embassy in Brunei for temporary shelter while waiting for their complaints to be addressed at the time of the interview

The recruitment agency did not believe her story when she tried to report her situation to them. She tried contacting the OWWA officer at the Philippine embassy but when her employer found out, she was banned from using her mobile phone. The OWWA officer acted on her case and decided to contact the recruitment agency. After several meetings, she was finally sent home. Despite this, she never felt that there was closure and that justice has been served. In her words:

“Hindi ako nabigyan ng hustisya. Gusto ko pagbayaran nila ang ginawa nila sa akin.” (I did not attain justice. I want them to pay for what they did to me. (Interview, 13 February 2013)

Women domestic workers are also easy targets of sexual abuse and violence by household members, including their employers. As what happens with cases of violence against women almost everywhere, stigma hounds the victims and makes the act of reporting to often unsympathetic, victim-blaming public authorities, exceedingly difficult. For migrant workers, the threat of losing one's employment and the huge financial investment that often goes with finding overseas employment further discourages reporting. Domestic workers are particularly vulnerable because their places of work are also private domiciles hidden from public view.

In this light, the Philippine Embassy's record of one or two complaints every two years raises more questions than answers about its role as part of a government that is a state party to the CEDAW and has enacted many laws committed to gender equality and combating VAW. According to an officer of the Overseas Workers Welfare Administration (OWWA), the embassy itself prevails upon women not to pursue sexual harassment cases because they are difficult to prove. For good measure, it uses the example of a domestic worker who made a complaint and was subsequently blacklisted in Brunei. In this specific case, the embassy facilitated the worker's safe return to the Philippines and did not pursue the matter further with Bruneian authorities (Interview, 13 February 2013).

Domestic workers are only able to report abuses and seek the assistance of embassies when they manage to physically separate themselves from their employer by running away. With impunity, employers refuse to hand over the passports which, in the first place, should not have been in their possession. Embassies, when they do decide to handle such cases, directly resolve issues with the employer or bring in the concerned employment agency to act as mediator. Other than the embassies, the Labour Enforcement Unit under the Department of Labour of Brunei maintains a dedicated telephone line for migrant workers' complaints. There are no reports however, as to how many calls from domestic workers are received and addressed through this particular line.

The option of finding another employer is close to nil. According to the same officer from the OWWA, a worker must have stayed for at least six months with her employer before she can be eligible for transfer of employment. She must also secure the permission for change of employer from the Department of Labour of Brunei. She could ask for assistance from her recruitment agency if they also offer part-time arrangements, but generally the prospects are slim. In instances when such is possible, domestic workers have to endure an incredibly dubious process. One Filipino woman domestic worker, already overwhelmed at the outset by the sheer amount of work she was expected to do, was later burdened with more work that went beyond the specifics of her contract. She tried pleading with her employer to "release" her or end her contract but they refused. She turned to the Bruneian authorities for assistance but was instead reprimanded for not being aware of her duties and for not being prepared for the work she had to accomplish. She then sought help from her recruitment agency but her case was not given attention to. As a last resort, she decided to protest against her employer by refusing to work. The employer retaliated by depriving her of food and complaining to the recruitment agency about her refusal to work. The agency, in turn, advised the Filipino woman domestic worker to just go home and 'exit' from Brunei, with the promise of new work under another employer after two weeks. For lack of other options, she went back to the Philippines without any assurance of work especially since she was never formally released by her employer and therefore cannot secure permission to change employers. The Filipino woman domestic worker

was lucky to have been called back after two weeks by her recruitment agency but she was aware that her case was more of an exception rather than the rule.

3. Health Protection

The Workmen's Compensation Act of Brunei aims to compensate an injured worker, or death of a worker, for the loss of earning capacity as a result of an injury or death arising out of and in the course of employment. In the hiring of migrant workers, every employer is required to provide an insurance coverage and protect the workers with insurance in order to claim the workmen's compensation (Department of Labor, Brunei Darussalam, 2012, p.29). Potentially, this policy can be interpreted as to include domestic workers and if so, documented domestic workers in Brunei would have access to insurance coverage against injury or sickness. Undocumented or so-called "freelance" domestic workers have no such safeguards and often survive by their wits and through sheer resourcefulness.

In practice, however, some employers of documented workers still manage to skirt the law mandating them to provide for the health needs of their domestic workers, including compensation for injuries suffered in the course of their employment. One of the Filipino domestic workers interviewed said she was unable to get compensation for an injury she suffered while cleaning her employer's car; the injury eventually disabled one of her hands. Her employers brought her to the hospital only for first aid treatment and refused to shoulder further treatment.

Among Indonesian domestic workers, employers generally shoulder the cost of medical check-ups and medicines for those with severe illnesses and allow them time for rest and healing. However, there is no affirmation that this behavior generally holds. One known case involves an employer who only provided medicine but refused to give the domestic worker time off to rest.

In connection with reproductive health concerns, domestic workers who become pregnant are usually sent back home by their employers. Some reports tell of employers who allowed their domestic workers to give birth in Brunei and later offered adoption of the children. A policy on maternity leave with pay, with the assurance of a job to return to after delivery, is yet to be applied to domestic workers in Brunei.

4. Possession of Documents

It is a common practice for employers of migrant workers to keep important documents such as passports and contracts in their possession, obviously to maintain their control and privileged bargaining positions. Bruneian employers of Filipino and Indonesian domestic workers are no exception. Bruneian employers rationalize this practice as a way of keeping domestic workers on a long leash, and dissuading them from crossing the border to the neighboring states of Sabah, Sarawak or Labuan to take a day off without the approval of their employers. Employers fear that domestic workers might spend their days at the borders where the environment is more liberal or cross the borders with their boyfriends. Some forms of leisure and entertainment, drinking wine and eating pork are not allowed inside Brunei. Employers would be held responsible by the authorities if any untoward incident or accident happened to their employees. In place of their passports, domestic workers are given identification cards by their employers or a photocopy of their employment contract. Employers also keep the passport of domestic workers to keep track of the validity of their employment pass and visa. Arbitrarily, employers determine when their domestic workers can be trusted to be in possession of their passports and contracts.

5. Access to Justice

The most obvious access to justice mechanisms in Brunei for Filipino and Indonesian domestic workers are their respective embassies. However, they are not that easily accessible, especially for domestic workers subjected to almost prison-like conditions. Most of the

Indonesian and Filipino women domestic workers shared that they did not have day-offs and were rarely allowed to go out of the house.

Even when migrant domestic workers are able to seek the support of embassies, other factors constrain their right to access justice. In the Philippines, the Philippine Overseas Labor Office (POLO) and the OWWA mediate and conciliate disputes between employers and migrant domestic workers. According to the OWWA personnel interviewed, there is only one welfare officer assigned for every 20,000 OFWs. The usual procedure is to try to reach conciliation between employer and employee through the recruitment agency. However, if employers refuse to make an appearance (as is usually the case), the mediation and conciliation process cannot proceed towards resolution.

One of the Filipino women domestic workers interviewed cited the lack of support from OWWA, particularly for her repatriation. She had been abused by her employers and wanted to seek compensation for the injuries she suffered by filing a case against her employer. OWWA merely sent one of its personnel to meet her at the airport when she was eventually sent home.

Another Filipino woman domestic worker interviewed said that OFWs have access to the Philippine embassy in Brunei. She had heard that the embassy has programs for migrant workers and knew that there was an embassy doctor, lawyer and a shelter in their service. She did not know what specifically these programs are and because she was not allowed a day-off, she could not avail of such programs and services.

6. Migrant Workers Organizations

Migrant workers are allowed to form and register organizations in Brunei but only for purposes of socialization, charity and sports. Organizations are not allowed to act as labor unions. Some Filipino domestic workers are members of the Filipino Association of Brunei Darussalam (FAB) in Kuala Belait (the second largest district in Brunei), but this group has no

mandate under Brunei's laws to receive reports of abuse by employers and advocate for their rights (Filipino domestic workers in Kuala Belait, interviews, February 2013). On the other hand, the Brunei Council on Social Welfare (Majlis Kesejahteraan Masyarakat or MKM), a non-government organization that conducts charity work for vulnerable groups in the country recently launched the MKM Legal Clinic to provide free legal advice and advisory to vulnerable groups including migrant workers in the country. The MKM Legal Clinic was recently launched last 8 March 2013 and supported by two law firms in Brunei.

Without civil society organizations supporting migrant workers' rights, domestic workers rely solely on the Philippine and Indonesian Embassies to raise their concerns and to help them in times of crisis.

7. Services Provided by Embassies

Domestic workers interviewed in Brunei shared the efforts of both the Indonesian and Philippine Embassies to address the needs of migrant workers in Brunei. Both Indonesian and Philippine Embassies run welfare centers where distressed migrant workers can stay and engage in social and capacity building activities while their cases are being investigated. The Indonesian embassy for example offers handicraft-making, Quran-reading and sports events, while the Philippine Embassy organizes livelihood programs, seminars on Brunei laws, financial literacy and basic computer training.

Encouraging membership in the Social Security System is one area that the Philippine embassy aggressively campaigns on. There is no such effort being conducted for migrant workers' social security in the Indonesian Embassy (Labor Officer at the Indonesian Embassy in Brunei, interview, February 2013).

On the regulation and monitoring of employment agencies, Brunei's Department of Labour conducted several consultation meetings with labor representatives from the

Indonesian and Philippine Embassies in Brunei last 2011. The Philippine and Indonesian Embassies have embarked on their respective registration processes for employment agencies, in compliance with Employment Agency Order, 2004 (Labor officers of the Indonesian and Philippine Embassies in Brunei, interviews, February 2013).

Reintegration

Most Filipino domestic workers interviewed described their labor migration experience as a period devoid of freedom and for those who had suffered abuse, a traumatic one. However, on the other side of the ledger, some of them acknowledged that through migrant labor, they were able to send their children to school. The Indonesian domestic workers similarly met this goal, in addition to paying off their debts, building a house in their hometown, helping neighbors in need, and even going on a pilgrimage to Mecca. Most of them earned enough to be able to send money home and also set aside savings.

The Filipino domestic workers did not earn enough for savings mobilization. One of them said that her salary was simply too small. Most of their wages went to their children's education.

Both Filipino and Indonesian women domestic workers experienced the fruits of their labors indirectly or vicariously, through the improvements whether social or economic, in the lives of their children, spouses and other family members. The Indonesians added that control over the final disposition of their wages lay in the hands of their fathers, husbands and possibly, other male kin.

Upon returning to the Philippines, most of the Filipino women interviewed took on jobs as caregivers and domestic workers because they did not want to become dependent on their children. Indonesian migrant workers on the other hand, turned to vending, retail distributorship, factory work or farming. Generally, they experienced no significant obstacle in

reuniting with their families and communities. They highly valued family support and acceptance in the reintegration process.

The majority of Indonesian migrant workers in this study said that if the opportunity arises, they will return to domestic work in Brunei. A major reason is the much higher financial returns offered in Brunei as compared to what is being offered locally for the same kind of work. They also cite the difficulty in Indonesia of finding other lines of work offering sustained and decent pay. Some of them however would have to negotiate with their husbands to allow them to work again in Brunei. There were also those who expressed misgivings about migrant work because of their desire to stay close to their families.

Most of the Filipino women interviewed lacked information about government reintegration programs and services and were thus unable to avail of them. OWWA runs a program that gives returning OFWs start-up capital of Php10,000 (USD 250). Proper systems of dispensing these resources may have to be sorted out, however. One returning OFW tried to access this facility through the local government unit but she found out that the wife of another OFW had already secured the funds using her name. Patronage in Philippine politics is such that making funds available can be discretionary, subject to the lobbying and influence of those close to or with access to people in power.

E. Summary

Many international human rights standards such as the CEDAW, the CMW and the ILO C189 strongly promote the rights of migrant women and countries like the Philippines have translated them into domestic law. However, there remain national laws in Brunei, Indonesia and the Philippines that serve to erode whatever limited gains migrant workers may have gained from these international instruments and their localization by signatories and states parties. A crucial gap is the failure of states to recognize domestic work as legitimate work. Thus

even as these countries cover in varying degrees the promotion and protection of the rights of women migrant domestic workers, they are still largely subject to discrimination and abuse.

While there have been steps to ensure *de jure* protection of migrant workers in general, women migrant domestic workers remain excluded and marginalized in national policies. Current laws do not remedy problems stemming from the gendered conditions of migrant domestic work, and thus fail to provide adequate and effective protections from women's rights violations.

The myriad ways by which women migrant domestic workers experience violations points to the greater needs of *de facto* realization of women's rights. The right to just, safe and humane working conditions (Art. 11 CEDAW, Art. 7 ICESCR) is violated when there is a breach of employment contract, when wages are reduced or are withheld, and when domestic workers are forced to work for long hours without adequate rest. So too are the rights to health and to safe working conditions (Art. 11f CEDAW, Art 12 ICESCR) contravened when domestic workers are deprived of adequate and nutritious food, time for rest and leisure, and proper medical treatment.

The right to bodily integrity (Art. 2 CEDAW) is likewise violated when women domestic workers are subjected to physical and sexual violence. States parties are bound to progressively address and eliminate values and practices that perpetuate discriminatory stereotypes and gender-based myths and misconceptions about women and sexuality that promote the impunity of VAW.

In terms of access to justice, the non-recognition of migrant domestic workers and their work underpins the human rights violations they experience in almost all aspects of their lives. Without such recognition before the law, they will continue to be treated as second-class citizens and will remain vulnerable to various forms of discrimination, exploitation and abuse. A major impediment to their right of access to justice lies in the absence of effective remedies

and mechanisms for redress as provided for under the UDHR and the core International Covenants of Civil and Political Rights and Economic, Social and Cultural Rights. The women involved in this study experienced first-hand how their very governments acted against their pursuit of justice by discouraging them or providing no support for exercising this right.

Women domestic workers' experiences also impress the need to further interrogate the gendered conditions and notions around migration of women for domestic work and the importance of applying a multi-treaty approach in securing their needs and promoting their rights.

III. Analysis on Migrant Domestic Work in ASEAN

Factors that lead to migrant domestic work

ASEAN's target of building a unified "community" by 2015 is largely of an economic and not a social nature, one that seeks the greater integration of production and markets in SEA and positions ASEAN as a major regional bloc trading in the global economic system. This direction towards an ASEAN community represents no paradigm shift from the neoliberal directions of individual country-members. If anything, it intends to intensify the neoliberal project of giving primacy to the market, removing state controls, producing for export, liberalizing trade and handing over its previous role of providing essential social services, to the private sector. This is the dominant paradigm that has led to debilitating impacts on whole nations, the environment and the climate system, peoples and communities, borne disproportionately by impoverished and disadvantaged groups such as indigenous peoples, smallholders, fishers and the women among them.

The trend of migrating for work under risky conditions and oppressive terms of employment is only one of the outcomes of this age of markets. It has proven to be a highly gendered terrain, with women domestic workers counting among the most adversely affected from the exploitation of their reproductive labors in the global service sectors and the gross undervaluation of their work in a profit-driven and male-privileging world.

It is no accident that migrant domestic work is feminized. As the women interviewed in this study pointed out, they do work that is the extension of the invisible, subordinate and unpaid care or social reproduction labors that they render at home.

Distinguishing it from biological reproduction which reproduces people, social reproduction or the range of work activities that women heavily bear, “reproduces” human society as we know it, allowing “productive”, and male-dominated paid activities to continue in their functioning. Projected unto the larger society, the region and the world, the social reproductive work heavily borne by women retains its invisibility and unvalued nature but services not only the family but the global care chains that help grease the wheels of the current capitalist and patriarchal order. It is not difficult to imagine that if all working women chose to stop doing their reproductive work, the world would come to a standstill.

Thus, the vigorous promotion of migrant work by the Indonesian and Philippine governments cannot be seen as gender-neutral. States are aware of the high demand for Filipino and Indonesian women domestic workers, and exploit this demand, especially in the light of their failure to create secure employment at home and ensure workers a living wage. Instead of looking at labor migration as a right one can freely choose to exercise, they promote the kind of labor migration today with full knowledge that it will draw in large numbers of economically disadvantaged women into lowly paid work and dangerous working conditions.

The continuing struggle of migrant domestic workers

To a great extent, women who go into domestic work overseas do so as an exercise of agency in the face of discrimination and systemic violations of their rights at home. Unfortunately, they end up meeting practically the same conditions abroad. Such agency deserves more attention, as it also contributes to the development among women of perspectives of resistance towards taking pro-active courses of action.

Upon their return, migrant domestic workers find out that little has changed in their home countries. In the Philippines, violence against women remains rampant in communities. The economy has grown according to government, besting other countries in the region, but so has income inequality between rich and poor. They find the same reasons prevailing behind their decision to become migrant domestic workers. In this situation, labor migration opportunities present themselves as livelihood options but as escape valves through which pressure on government over heightening economic difficulties can be released.

Furthermore, migrant women may also find little change in their homes. Indonesian domestic workers said that women do not necessarily gain control over their earnings abroad. In many instances, husbands or parents still determine the allocation and disposition of women domestic workers' incomes. They are in fact, compelled to repeatedly return abroad to support the seemingly unending needs of their immediate and extended families.

The terrain in migrant work is not only one where gender and economic inequalities are perpetuated. It is also a situation of several other power differentials, such as citizens vs. non-citizens, rich vs. poor women, professional vs. "unskilled" or menial labor, or the educated vs. the less lettered. These negatively impact on the enjoyment of almost all of their human rights, including the right to free speech and freedom of organization and peaceful assembly.

Women of the middle to upper class households or families in Brunei rely on services of migrants because it is cheaper than local hires and because no Bruneian would do the kind of work demanded of foreign domestic workers for the wages they receive. In many areas, migrant domestic workers are regarded as second-class workers, or inferior in rights than citizen-workers of host countries.

Their critical contributions to the societies and economies of both their home and receiving countries go unnoticed, and worse, repaid with human rights violations and low standard social protections. Women migrants bring with them experiences, knowledge and values that can potentially enrich their interactions with other nationals and culture, but this is nipped in the bud by the severely limiting terms of their employment. Moreover, women domestic workers are growing in numbers as family breadwinners or heads of households.

Efforts of social movements to protect the rights of migrant domestic workers

Through the unrelenting efforts of migrants' organizations and connected networks of social movements, there is greater awareness of the conditions and issues that migrant workers face. Among the forces driving the international and formal shift of perspective about domestic work is the decent work agenda of the ILO, which seeks the recognition of domestic work as a skilled and yet undervalued occupation. It brings to the fore the highly critical contributions to human society of social reproduction work, whether rendered within or without the home, and raises questions over its enduring invisibility and marginalized nature.

Tragically, governments often act only in extreme situations that raise public outcry. One example is the case of Flor Contemplacion, the Filipino domestic worker convicted and

executed in Singapore¹⁰. This spurred to fast-track government action, leading to the passage of legislation protecting the rights of OFWs.

Ambiguous and insufficient policies on the rights of migrant domestic workers

Ironically, while it was Contemplacion's story that captured public attention in the Philippines and increased pressure for more effective protections of Filipino migrant workers, the Migrant Workers Act of 1995 or RA 8042 does not explicitly recognize domestic work and its gendered nature. RA 8042 and its amendatory law RA 10022 do not have specific provisions on migrant domestic workers and thus, unsurprisingly, there are no provisions specifically addressing the rights and the conditions of the majority of women who migrate for domestic work.

With the exception of the Kasambahay Law, Philippine laws in general do not recognize domestic work as work. An attempt to raise the status of domestic workers came with the HSWRP, the policy that sets a minimum wage of USD400 for Filipino women domestic workers. However, one cannot hope for significant changes from this intervention alone, considering deeply embedded, market-shaped categories of what is considered "skilled" and "unskilled" work which, in turn, sets market-based salary standards.

In like manner, Indonesia's laws on migrant workers fail to recognize domestic work and do not include provisions for proactively ensuring the protection of migrant domestic workers. The lack of involvement of the Indonesian government is most evident in the recruitment and

¹⁰ In 1995, Flor R. Contemplacion was executed in Singapore for murder. She was sentenced to death by hanging, for having killed a Filipino domestic worker, Delia Magat, and the four-year old child Magat was taking care of. Contemplacion originally confessed to the murders but later claimed she did so under duress. There were also witnesses who appeared before the execution claiming Contemplacion was framed. The Singaporean court considered and rejected the testimonies of these witnesses. The execution caused a diplomatic rift between Singapore and the Philippines and many held protests against both governments. The case uncovered the abuses suffered by OFWs and to a greater extent the tragic implications of the Philippine policy on migration.

pre-departure procedures that migrant domestic workers undergo. It appears indifferent to the plight of its migrant workers, failing to ensure such minimum standards as providing Indonesians with the pertinent information to enable them to make informed decisions about work overseas or to communicate with host countries about the welfare of its nationals employed abroad. Even the draft of the revised law on migrant workers that is currently being discussed in the Parliament does not include domestic work and undocumented migrant workers.

A significant complication in the policy environment of migrant work lies in the inconsistencies in Philippine and Indonesian laws, which also attest to fragmentation and the inability to holistically study the labor migration milieu. Philippine laws claim that the state does not promote migrant labor, but has created various institutions with mandates to promote overseas employment for Filipinos. Successive Philippine administrations have persistently lauded OFWs as modern day heroes and saviors of the economy, reinforcing the commodification and exportation of labor as part of its development track.

The Philippine government also claims that it is in the process of reviewing domestic work, and considering a ban on sending domestic workers abroad, given their vulnerabilities and the risks they face. This is a clear example of government's lack of understanding of the CEDAW and the nature of certain protections that end up curtailing, among others, women's right to work, to freedom of movement, and freedom of fear from violence. Instead of working at removing or lessening vulnerabilities and asserting basic rights, it naively asks women to find other jobs elsewhere. At the same time, government mandates the professionalization of domestic work through the HSWRP which requires domestic workers to undergo certification and professional training on household service/work.

The same contradictions are present in Indonesia's Domestic Worker Roadmap 2017, an initiative of the Ministry of Manpower that seeks to stop sending Indonesian domestic workers abroad by 2017. However, the same roadmap speaks of raising the work competencies

of Indonesians who want to work abroad, including domestic workers. It also targets improvements in the formal education (from elementary to high school) of prospective migrant workers and the competencies and skills of workers particularly in budding industries and creative economies. The roadmap is expected to link businesses to graduates of schools offering alternative education. Based on this policy, prospective domestic workers will undergo language learning and job training specifically on housekeeping, cooking, babysitting and caregiving. These efforts send out confusing signals that ultimately strengthens views that the Indonesian government will continue to cash in on the demand for domestic workers abroad.

IV. Conclusion and Recommendations

Recognition of domestic work as real work

This study affirms the struggle for the recognition of domestic work as decent work and for the valuation of reproductive work. The ILO Convention No. 189, as a step towards this end, must be ratified by ASEAN member states. Social protections for domestic workers must also be in place as redress for rights violations. For these to happen, society must take yet a larger step towards the elimination of grave and systemic violations of women and migrants' rights.

Role of women's and other progressive social movements

It is upon the progressive movements to surface issues and challenge governance, towards the promotion of women and human rights in the region. Women's movements have contributed greatly towards understanding the phenomenon of migration and domestic work through a feminist perspective. Likewise, other progressive social movements' struggles for democracy, justice, and human rights have all worked towards a better understanding of the phenomenon.

In this age of globalization, there are more opportunities for movements, organizations, individuals, and other progressive actors to connect bilaterally, regionally and globally. In ASEAN, where not all states comply with democratic and human rights standards, the need for an informed, progressive and organized civil society is all the more greater in women's rights-claiming and accessing justice.

Role of States to protect the rights of women migrant domestic workers

States are obliged to respect, protect and promote human rights of people. Furthermore, States are under the obligation to take measures addressing historical, cultural and other factors contributory to discrimination against women. The study thus makes the following recommendations:

For Governments of Labor Sending Countries (Indonesia and the Philippines)

- The governments of the Philippines and Indonesia should ensure the compliance of national laws and policies with the rights of migrant workers as stipulated in the CEDAW, CMW, and ILO C189.
- An effective, transparent, accountable and non-discriminatory system should be put up to protect Indonesian and Filipinos domestic migrant workers, both documented and non-documented, throughout the whole process of migration— from departure to their return to home countries.
- The role of labor attachés/diplomats to protect the rights of migrant workers should be maximized or expanded. They should be able to negotiate with the government of Brunei in terms of setting standards for the adequate salary of Indonesian and Filipinos domestic migrant workers, and ensuring that national policies are observed to protect the rights of migrant domestic workers. There should also be clear mechanisms of accountability.
- Indonesian and Filipino domestic workers should be provided with adequate support in seeking redress and remedies for human rights violations during the course of their employment in Brunei. The labor attaché/ diplomats and other staff at the embassies should be equipped with gender and human rights perspectives in handling the migrant workers' problems. Embassies, in cooperation with the government of Brunei, should also offer integrated services (psychological and medical services, legal aid, and shelter) which are gender-sensitive and can be easily accessed by women migrant domestic workers free of

charge. These services should also be made known to more migrant workers through a comprehensive information campaign.

- An effective monitoring system should be in place to ensure that the rights of women migrant domestic workers are respected by recruitment agencies during the placement process and by their employers while they work.
- A standard curriculum for the education of prospective migrant workers on women's human rights should be established. Such education should include forms of discrimination and exploitation based on sex and gender. The governments of Indonesia and the Philippines should also conduct a comprehensive education program on the working conditions, legal systems, and culture of destination countries, as well as of the responsibility of placement agencies. The education program should be done in the pre-departure phase and should be financially and linguistically accessible to women migrant workers.
- Effective reintegration programs and services should be created for returning domestic migrant workers. These include but are not limited to the provision of grants or highly concessional loans for use as capital in setting up home-based enterprises; tax relief or tax subsidies especially for women heads of household; training on basic financial management; functional literacy.

Specifically for the Indonesian government

- The revision of the MOU between Indonesia and Brunei should be expedited. The MOU's compliance with international human rights standards on the protection of migrant workers should also be ensured. The governments of Indonesia and Brunei should further ensure that the drafting process of the MOU will be open and participatory by involving civil society organizations and migrant domestic workers.

Specifically for the Philippine government

- Compliance of employers with the standard salary of Filipino domestic workers should be ensured. The government must warrant that the contract signed in the Philippines will be respected and recognized in Brunei as well as other destination countries.
- It is imperative for the Philippine government to push for strengthened cooperation with Brunei in the promotion of the rights of Filipino migrant workers, and women domestic workers in particular. Under RA 8042, the Philippine government should deploy Filipino workers only in countries where rights of Filipino migrant workers are protected as guaranteed by, among others, a bilateral agreement. There have been efforts from the Labor Attaché of the Philippine Embassy to come up with a draft labor agreement, technical discussions are still being undertaken with Brunei, and the labor agreement has yet to be finalized. It is not clear, however, how this draft will address issues of Filipino domestic workers in Brunei, much less whether Filipino migrant workers and their associations in Brunei were at least consulted.
- The enforcement of existing laws governing migrant workers should be strengthened. There is a tendency to regard violence against domestic workers as “isolated cases”. Abuses and violations must not be qualified as such, as women domestic workers have the right to be free from all forms of abuse. Mechanisms for redress for all kinds of violation of rights of domestic workers must be available and adequate.
- Laws that recognize and are specifically devoted to women migrant domestic workers should be enacted to address the complexity of their situations.

For Governments of Labor Receiving Countries (Brunei government)

- Brunei should recognize and protect the rights of both documented and undocumented migrant domestic workers from Indonesia and the Philippines. As a states party to the CEDAW, it is legally obligated to comply with the provisions of this treaty.
- Brunei should establish an effective monitoring system that will support the prosecution of those who inflict or instigate violence, coercion, deception, exploitation and/or

extortion on migrant domestic workers. Brunei should also uphold policies that will guarantee the rights of women migrant domestic workers and establish mechanisms for redress in cases of violation of such rights. These rights include:

- the right to fair remuneration, the right to overtime work remuneration, the right to day off (grant weekly days-off), the right to work safety and health, the right to perform their religions/beliefs, the right of association, the right of freedom of expression, the right to communicate, and the right to hold their own passports;
- the right of sexual and reproductive health of women migrant workers (including menstruation leaves, being allowed to work and not being deported during pregnancy, etc.), and the right to enter marriage;
- the right to work, for women migrant workers infected by HIV/AIDS (it is mandatory for prospective migrant workers to take HIV/AIDS tests, and they are deported once they are identified infected by HIV/AIDS);
- the right to adequate legal remedies for human rights violations, including the right to work and social protection. (This, too, is especially important for domestic workers who have ongoing cases in courts).

For the Association of Southeast Asian Nations

- Domestic work should be on the ASEAN agenda. The ASEAN is a region with diverse experiences on migration. Successes of and lessons from each member State on realizing human rights of women migrant domestic workers is already a rich source of solutions for gaps and issues on migration. As a governing body in the region, ASEAN is currently in an opportune position to spearhead the realization of human rights of ASEAN peoples throughout the process of migration.
- The ASEAN should adopt a legally-binding framework instrument on the protection of rights of migrants, including domestic workers, at par with international human

rights standards. It should not compromise fundamental rights and freedoms, nor derogate rights that have long been recognized by both international and local communities as essential to a dignified and empowered life. The processes of the ASEAN Committee on the Protection and Promotion of the Right of Migrant Workers (ACMW)— the body tasked to draft the framework instrument—must be inclusive, transparent and empowering to people whose conditions it seeks to alleviate. To date, the draft instrument of ACMW has not been circulated and stakeholders have not been substantially informed about its developments. Specific recommendations and ideas of stakeholders on the instrument to be drafted include the following:

- The instrument should be legally-binding and enforceable.
- It should not discriminate on the basis of sex, gender, citizenship or nationality, or any other distinction.
- A gender perspective should be integrated into the instrument.
- The instrument should include an explicit recognition of domestic work, or institute steps to progressively pave the way for a stronger legal document protecting the rights of domestic workers, specifically of women domestic workers in the region.
 - The sheer number of undocumented migrants in and from the ASEAN calls for the need to include protection of undocumented migrants and their families in the implementing instrument.
 - Labor standards should be integrated in the mechanism including: (1) a criteria for employers who will be allowed to avail of services of migrant domestic workers, (2) a standard curriculum for migrant workers based on human rights and gender justice, (3) medical service standards, and (4) standard deployment costs.
- ASEAN should strengthen mechanisms for rights protection. The main recommendation of state agencies is to move the draft instrument forward and strengthen

ACMW. The ACMW should be able to conduct more substantial projects such as defining a code of ethical recruitment in the region or identifying best practices.

- ASEAN should ensure people's substantive participation in decision-making processes. Substantive participation also means informed participation, where there is adequate and accurate information that can be the basis of a decision. Likewise, substantive participation necessarily requires a democratic environment where people are free to peacefully form associations, voice out their opinions and engage politically without pain of sanction from governments.
- ASEAN should open up spaces of cooperation among labor sending and receiving countries in efforts to:
 - provide free legal aid and integrated services for migrant workers, including providing shelter, social and psychological rehabilitation, and indemnity;
 - promote the ASEAN mechanism and relevant international mechanisms to the migrant workers' community and related parties;
 - eliminate trafficking in women and human smuggling practices;
 - increase the knowledge and capacity of migrant workers to participate in the whole process of creating regulations on migrant workers in origin countries and destination countries (starting from the formulation, discussion and decision-making);
 - standardize competency certification of Indonesian and Filipinos migrant workers such that those which are valid in and/or issued by a state are recognized and accepted in other ASEAN member countries.

References

International Treaties and National Laws

International Treaties and Conventions

Convention on All Forms of Discrimination against Women (CEDAW)

Convention on the Rights of Migrant Workers and their Families (CMW)

International Labor Organization Convention 189

Universal Declaration of Human Rights (UDHR)

Laws of Brunei Darussalam

Employment Order (2009), An Order relating to employment and for matters connected therewith incidental thereto

Workmen's Compensation Act (1957)

Laws of the Republic of Indonesia

Labor Law No. 13/2003 and

Labor Law No. 13/2004

Jakarta Provincial Government Regulation No. 6/1993

Laws of the Republic of the Philippines

Republic Act 8042 or the Migrant Workers and Overseas Filipinos Act of 1995

Republic Act 10022 or an Act Amending R.A. 8042

Republic Act 10361 or the Domestic Workers act, also known as Batas Kasambahay

Republic Act 9710 or the Magna Carta of Women

The 1987 Constitution of the Republic of the Philippines

Works Cited

- Amojelar, D. (2013, April 22). *Philippine SMEs not ready for Asean Economic Integration by 2015- PIDS study*. Retrieved July 2013, from <http://www.interaksyon.com/business/60046/>
- BNP2TKI. *Agency for the Placement and Protection of Indonesian Migrant Workers*. (2011).
- Buenaventura, M. (2010). *Some Thoughts on Women, Human Rights and the ASEAN: Understanding ASEAN from a women's human rights perspective*. A paper presented in the Consultation-Workshop titled "The ASEAN: A Strategic Terrain for Filipino Women's Human Rights Activism?", 14-15 October 2010. Mandaluyong, Philippines.
- Commission on Filipinos Overseas. (2011). *Overseas Filipinos Remittances for Development*. Retrieved March 2013, from <http://www.cfo.gov.ph/index/>
- (n.d.). *Diaspora to Development (D2D)*. Retrieved from Commission on Filipinos Overseas: <http://www.cfo.gov.ph/index/>
- Department of Labor, Brunei Darussalam. (2012). *Guide to Brunei Employment Laws*. Legal and Prosecution Division, Department of Labor, Ministry of Home Affairs Brunei Darussalam.
- Gomez, L. (2011, April 6). *Western Union Extends OFW Grants*. Retrieved July 2013, from The Manila Times: <http://www.undp.org.ph/>
- New Reform Package for Filipino Overseas Household Service Workers*. (2007, February 24). Retrieved July 2013, from <http://www.philippine-embassy.org.sg/news/2007/02/>
- Philwomen on ASEAN. (2012). *Women's Platforms on ASEAN: Philwomen Issues*. An outcome document of the series of national workshops on women's rights in ASEAN, organized by the Women's Legal and Human Rights Bureau, 2010 – 2012. Philippines.
- Todsadee, A. K. (2010). The Impact of Free Trade Agreements in ASEAN Using the CEPT Scheme: Comparative Study of Thailand and the Philippines. *Asian Rural Sociology IV: The Multidimensionality of Economy, Energy and Environmental Crises and their Implications for Rural Livelihoods* (pp. 14-25). Bicol University, Legazpi City, Philippines: College of Agriculture, University of the Philippines- Los Banos, Laguna Philippines.
- Tubeza, P. (2012, April 7). *Overseas deployment of Filipino domestic workers continues to rise*. Retrieved July 2013, from Inquirer Global Nation: <http://globalnation.inquirer.net/32067/>
- United Nations Food Programme (UNFPA). (2006). *Selling hope and sealing dreams: trafficking in women and exploitation of domestic workers*. Retrieved from UNFPA State of World Population 2006: http://www.unfpa.org/swp/2006/english/chapter_3/index.html