

The Groningen Model United Nations 2017

United Nations General Assembly



Image Source: OHCHR Regional, Office for Europe

The Protection of Female Migrant Domestic Workers

By Maxime Voorbraak & Tim Vrieling

Welcome Letter

Distinguished delegates,

We are very pleased to welcome you to the United Nations General Assembly at GrunnMUN 2017. We will use this background paper to ease you into the topic and your research. After careful consideration we decided upon a topic which we believe is both contemporary and will spark a lively debate. We would also like to use this opportunity to introduce ourselves.

My name is Maxime Voorbraak and I am from Leiden, the Netherlands. I am now in my fourth year of my Bachelor in Law at Utrecht University. I very much enjoy eating, moderately enjoy cooking and love travelling. I started doing MUN when I was 16 and have been a MUN nerd ever since. I am very thrilled about the topic, as I am very interested in gender equality.

Working together with Maxime is me, Tim Vrieling. I am a third year International Relations student at the University of Groningen. Although I was born in China, I have been raised in the Netherlands and am pretty much as Dutch as it gets. My hobbies include Ballroom dancing, Salsa dancing and finding new ways to challenge myself. I took part in my first MUN when I was 17 and ever since have participated in multiple other conferences, of which OxIMUN is the latest.

We look forward to meeting all of you and to seeing your spirited debate and, ultimately, your resolution. If you have any questions about the guide, the topic or life in general, please feel free to contact us at anytime. Here's to an interesting and amazing GrunnMUN 2017!

Kind regards,

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Introduction

The number of migrants is at an all time high and will most likely only increase over the coming years.¹ The migration flow is increasingly feminized, with female migrants now making up almost half of the migrant population.² Female economic migrants have proven to be more likely to end up in elementary occupations, such as care and domestic work, or work part-time, and have less job security than their male counterparts and native women. Female migrants are also more likely to be employed in an occupation that is beneath their level of education and/or skill.³ Women in these positions also find themselves more vulnerable to both exploitation and abuse. The physical, mental and at times sexual abuse of migrant domestic workers is a further problem that occurs globally.⁴

Human rights activists and the media have increasingly reported on the abuse in the Gulf States, yet this problem also occurs elsewhere and is often overlooked. It is important that the international community looks at the problems faced by female migrant domestic workers worldwide, identifies where the commonalities lie and how their human rights situation can be improved consistently and comprehensively. At GrunnMUN, delegates will have the opportunity to take up this task within the United Nations General Assembly (GA). The GA is one of the six main organs of the UN, established by the UN Charter in 1945. All 193 member states take part in the GA and it is one of the main legislators of international law. Actions and resolutions by the GA are not binding for member states. However, the committee has issued many recommendations and declarations that have a real impact in the world and constitute soft law. An excellent example is the Universal Declaration of Human Rights (UDHR), which is widely considered to be customary international law.⁵

The Growing Demand for Female Migrant Domestic Workers

It is important to establish why there is such a massive increase in the

¹ '244 million international migrants living abroad worldwide, new UN Statistics say', United Nations, January 12th 2016, <http://www.un.org/sustainabledevelopment/blog/2016/01/244-million-international-migrants-living-abroad-worldwide-new-un-statistics-reveal/>

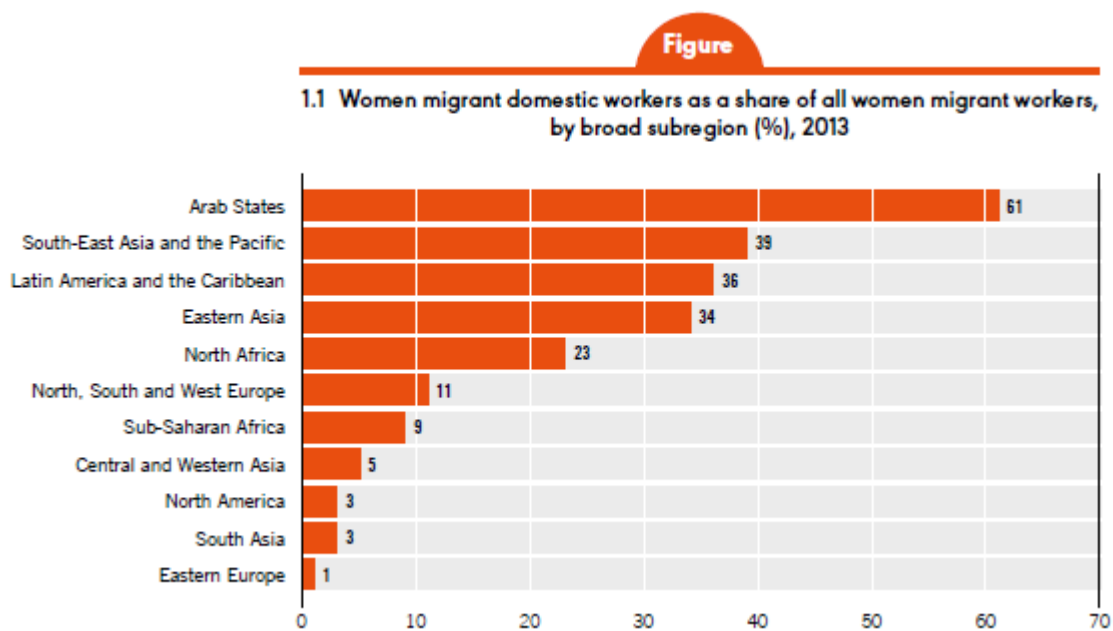
² UN Department of Economic and Social Affairs social division, OECD, 'World Migration in figures, October 3-4 2013, <https://www.oecd.org/els/mig/World-Migration-in-Figures.pdf>

³ M. Kontos, (March 23, 2011). *Between Integration and Exclusion: Migrant Women in European Labor Markets*.

⁴ 'Working to prevent and address violence against women migrant workers', International Organisation for Migration, accessed February 14, 2017, http://www.iom.int/jahia/webdav/shared/shared/mainsite/microsites/IDM/workshops/ensuring_protection_070909/prevent_violence_against_wmw_2009.pdf

⁵ "Digital Record of the UDHR," United Nations Human Rights Office of the High Commissioner, accessed January, 31, 2017, <http://www.ohchr.org/EN/NEWSEVENTS/Pages/DigitalrecordoftheUDHR.aspx>

demand for female migrant domestic workers. The Domestic Workers Convention of 2011 defines domestic work as “work performed in or for a household or households.”⁶ The Convention further defines a domestic worker as “any person engaged in domestic work within an employment relationship”.⁷ Worldwide there are 11.5 million migrant domestic workers, of whom 8.5 million (73.4 %) are women. Most of these female domestic workers are located in South East Asia and the Pacific (24 %), followed by Europe (22.1 %), and the



Arab States (19%).⁸

Figure 1: Women Migrant Domestic Workers as a Share of All Women Migrant Workers, International Labour Organisation.

The migration of domestic workers mainly takes place in three different ways. Domestic workers may migrate between neighbouring countries, for example from Peru to Chile. Secondly, they can migrate between sub-regions. This happens for example from South Asia to East Asia. The movement may also take place in interregional flows, often from Latin America, Africa and Asia to Europe and North America.⁹

⁶ “Convention No. 189 Decent work for domestic workers,” International Labour Office, accessed december 30,2016, http://www.ilo.org/wcmsp5/groups/public/@ed_protect/@protrav/@travail/documents/publication/wcms_161104.pdf

⁷Ibid

⁸ ILO Department of Statistics. *Global estimates on migrant workers: Results and methodology*. Geneva: International Labour Organisation, 2016,. accessed January 2, 2017. http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_436343.pdf

⁹Tayah,Marie-José. *Decent work for Migrant Domestic Workers: Moving the Agenda Forward*. Geneva: International Labour Organisation, 2016, accessed January 2, 2017.

Naturally there are many differences between the regions. However, a number of interacting patterns have been observed worldwide. These are believed to directly affect the demand for home-based paid care and cleaning services, causing this demand to grow. The patterns are:

- An increase in women's employment and the subsequent transformation from single to dual wage-earning families.
- Rapid population ageing, increasing life expectancy and lower fertility rates.
- Tight fiscal policies and social policy budgets, weakened public care services and government delegation of care services to families.¹⁰

In Africa and Asia, the main driving force behind the increased demand for domestic workers is the integration of women into the labour market, as well as the growing middle class. However, in both Asia and the Gulf states, the cultural acceptance to outsource elderly care to private individuals, such as domestic workers, rather than the private sector, for instance in the form of elderly care homes, plays a major role. In Europe, it is mainly a combination of an active policy encouraging women to integrate into the labour market, growing life expectancy, the ageing of society and the downsizing of the welfare system that is boosting the demand for domestic workers.¹¹

Issues Arising from the Increase in Demand for Domestic Workers

The problem of abuse and exploitation of female migrant domestic workers is very broad and has many facets. This section highlights some key aspects, namely selective migration policies, abuse by recruitment agencies, discrimination, and ambiguous legal status. Some of these conditions affect both women and men, but women are especially affected as they often operate in more informal sectors covered even less by labour legislation and inspection services.¹²

Governments have been inclined to underestimate the demand for domestic workers and tend to progressively restrict migration channels for what they consider low-skilled labour market needs. This sealing off of conventional migration channels often causes workers to look for alternative channels, such as human traffickers or private recruitment agencies. This increases their informality and vulnerability to exploitation and abuse, including gender based

http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_535596.pdf

¹⁰ ibid

¹¹ ibid

¹² Women and men migrant workers: Moving towards equal rights and opportunities: http://www.ilo.org/wcmsp5/groups/public/@dgreports/@gender/documents/publication/wcms_101118.pdf.

violence.¹³

Recruitment agencies make a lucrative business based on insufficient national laws protecting migrant domestic workers. They often charge large fees for the recruitment relative to the income of the workers, and are deceptive in their portrayal of the nature of the work and the working conditions.¹⁴ In this respect, the ILO has conducted a study into the recruitment process in Bangladesh, where women are recruited for domestic work in Lebanon and Jordan. It has shown that workers sometimes do not even know the people they pay the fees to or the people they will work for, until they have migrated. Additionally, it showed that recruiters almost never see the women they recruit as their 'clients' but regard them more as financial assets than people. In line with this, the study concludes that the financial incentives for employers and recruiters often outweigh any interest in the workers' well being. On top of that, the study explicitly mentions the lack of outside involvement, stating that "[w]omen are, in the absence of explicit and targeted support from external sources such as NGOs or trade unions, essentially without 'agency' in this recruitment process".¹⁵ (see Appendices 1 and 2 for a graphical overview of the recruitment process)

Furthermore, female migrant domestic workers face discrimination at several levels, related to cultural norms and values about the role of women in societies to the wage gap between national domestic workers and migrant domestic workers.¹⁶ In addition to these types of discrimination, migrants also face language barriers. These barriers, combined with the aforementioned discrimination, cause problems concerning integration and can lead to isolation. The isolation of in-house domestic workers also further increases the probability of abuses by employers. Moreover, these factors cause an information deficit on the side of the migrants, as they are often unaware of their rights and options. This of course further increases their vulnerability to abuse.¹⁷

¹³ *ibid*

¹⁴ Gallotti, Maria. *Making decent work a reality for migrant domestic workers*. Geneva: International Labour Organisation, 2015, accessed January 2, 2017. http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_436974.pdf.

¹⁵ Jones, Katherine. *For a fee: The business of recruiting Bangladeshi women for domestic work in Jordan and Lebanon*. Geneva: International Labour Organisation, 2015. Accessed January 2, 2017. http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/documents/publication/wcms_377806.pdf.

¹⁶ Gallotti, Maria. *Making decent work a reality for migrant domestic workers*. Geneva: International Labour Organisation, 2015, accessed January 2, 2017. http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_436974.pdf.

¹⁷ "Between Integration and Exclusion: Migrant Women in European Labor Markets," accessed January 3, 2017, <http://www.migrationpolicy.org/article/between-integration-and-exclusion-migrant-women-european-labor-markets>

Lastly, the legal status of female migrant domestic workers is problematic in many cases. As mentioned before, poor labour laws and policies contribute to much of the vulnerability of migrant women. For women staying in a state illegally it is nearly impossible to report abuse to the authorities. While in many states it is possible for employers to sponsor their domestic employees for their residence permits, this issue remains problematic. The reason for this is that there have been cases in which employers have misled their employees, pretending they will sponsor them but in the end refusing to do so.¹⁸ However, women who possess a work permit can also face problems arising from their legal status. For example, most of the Arab League States do not recognise female migrant domestic workers as employees. Therefore, they are not protected by labour laws.¹⁹

Past International Actions

As outlined above there are many improvements to be made in regard to the position of female migrant domestic workers, and in fact the international community has taken action in the past. In the interest of the length of this background paper, this section provides an overview over the actions delegates should pay special attention to.

The most influential past action on the issues regarding migrant domestic workers is the adoption of the Domestic Workers Convention by the International Labour Organisation, which entered into force in 2013. The most significant aspect of this Convention is that it provides labour law and protection to millions of domestic workers across the globe. The Convention touches on multiple issues that were previously discussed, including but not limited to: protection against abuse from recruitment agencies (article 15), protection against physical abuse (article 5) and setting minimum standards for working conditions (article 10).²⁰

Although the Convention is elaborate and has created a much needed framework for the rights of migrant domestic workers, it does fall short in certain aspects. Firstly, the Convention does little to provide protection for the vulnerable status that specifically applies to women and girls. Furthermore, it has been argued that it is more focused on South-North than South-South migration.²¹ Lastly, the Convention is only binding on the state parties that have ratified it. Unfortunately, only 23 states have ratified the Convention so far, with

¹⁸ Parrenas, (2001). *Servants of Globalisation: Women, Migration and Domestic Work*.

¹⁹ International Labour Organisation, (2015). *Indispensable yet unprotected: Working conditions of Indian Domestic Workers at Home and Abroad*. p. 29

²⁰ Domestic Workers Convention, International Labour Organisation, ref:C189;

²¹ K. Carter and J. Aulette (2016), *The Domestic Workers Convention Is Not Enough: A Postcolonial Feminist View of Ethiopian and Filipino Domestic Workers in Iraqi Kurdistan*, Frontiers.

most large states and all P5 states not being included in this list.²²

A noteworthy endeavour to promote the rights of female migrant domestic workers can also be found in the UN Women and ILO joint project "Preventing the exploitation of women migrant workers in ASEAN". The project mainly sought to improve gender-sensitive evidence and knowledge regarding the prevention of exploitation and abuse of female migrant workers. Further aims were to advocate collaboration and create international standards for the prevention of exploitation and abuse of female migrant workers in ASEAN, as well as to improve public awareness.²³

The project builds upon the dynamic ILO labour migration programme in South-East Asia. In particular it builds on the work of the Australian and Canadian-supported 'GMS Triangle Project', which is operational in Cambodia, Laos, Malaysia, Myanmar, Thailand and Vietnam. In each country, tripartite constituents (government, workers' and employers' organizations) are engaged in strengthening policy and legislation, building the capacity of stakeholders, and providing services to migrant workers, through "Migrant Worker Resource Centres".²⁴

Conclusion

Recent years have seen an increase in the demand for female migrant domestic workers, due to several interacting patterns worldwide. This development is also one of the many factors resulting in an increase in the number of migrants across the globe. As this background paper has demonstrated, the group of female migrant domestic workers is especially vulnerable. These women are insufficiently protected under the current labour regulations and disproportionately suffer from abuse. The reasons for this are manifold and include selective migration policies, abuse by recruitment agencies,

²² Ratifications of C189 - Domestic Workers Convention, 2011 (No. 189)," International Labour Organisation. Accessed Januari 31, 2017, http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:2551460

"100th ILO annual Conference decides to bring an estimated 53 to 100 million domestic workers worldwide under the realm of labour standards," International Labour Organisation, Accessed, Januari 31, 2017.

http://www.ilo.org/ilc/ILCSessions/100thSession/media-centre/press-releases/WCMS_157891/lang--en/index.htm

²³ Preventing the Exploitation of Women Migrant Workers in ASEAN, by UN-Women and the International Labour Organisation, ref: RAS/15/01/UNW;

²⁴ "Tripartite Action to Protect Migrant Workers within and from the Greater Mekong Subregion from Labour Exploitation (GMS TRIANGLE project)," International Labour Organisation, accessed Januari 31, 2017,

http://www.ilo.org/asia/whatwedo/projects/WCMS_304802/lang--en/index.htm
http://www.ilo.org/global/topics/labour-migration/projects/WCMS_349077/lang--en/index.htm

discrimination and ambiguous legal status. As a consequence, the international community has attempted to improve the rights and protection of migrant workers in general, with the Domestic Workers Convention being a big step forward in this regard. Additionally, several projects aim at improving global awareness and reducing the vulnerability of female migrant workers. However, past actions have proven to be insufficient to comprehensively shield women and girls, and up until today the world lacks a comprehensive approach to the protection of the rights of female migrant domestic workers.

Questions A Resolution Must Answer (QARMAs)

The following questions will serve as the main focus points that must be addressed in a resolution:

1. In what ways can the U.N. aid in the protection of female migrants during the recruitment process and in combating discrimination against female migrant domestic workers by employers?
2. How, if at all, can the U.N. provide a framework that will improve national migration policy and the legal status of migrant workers?
3. How can female migrant domestic workers be encouraged to report abuse to the authorities, especially when they stay in the country illegally?

Additional Suggested Reading

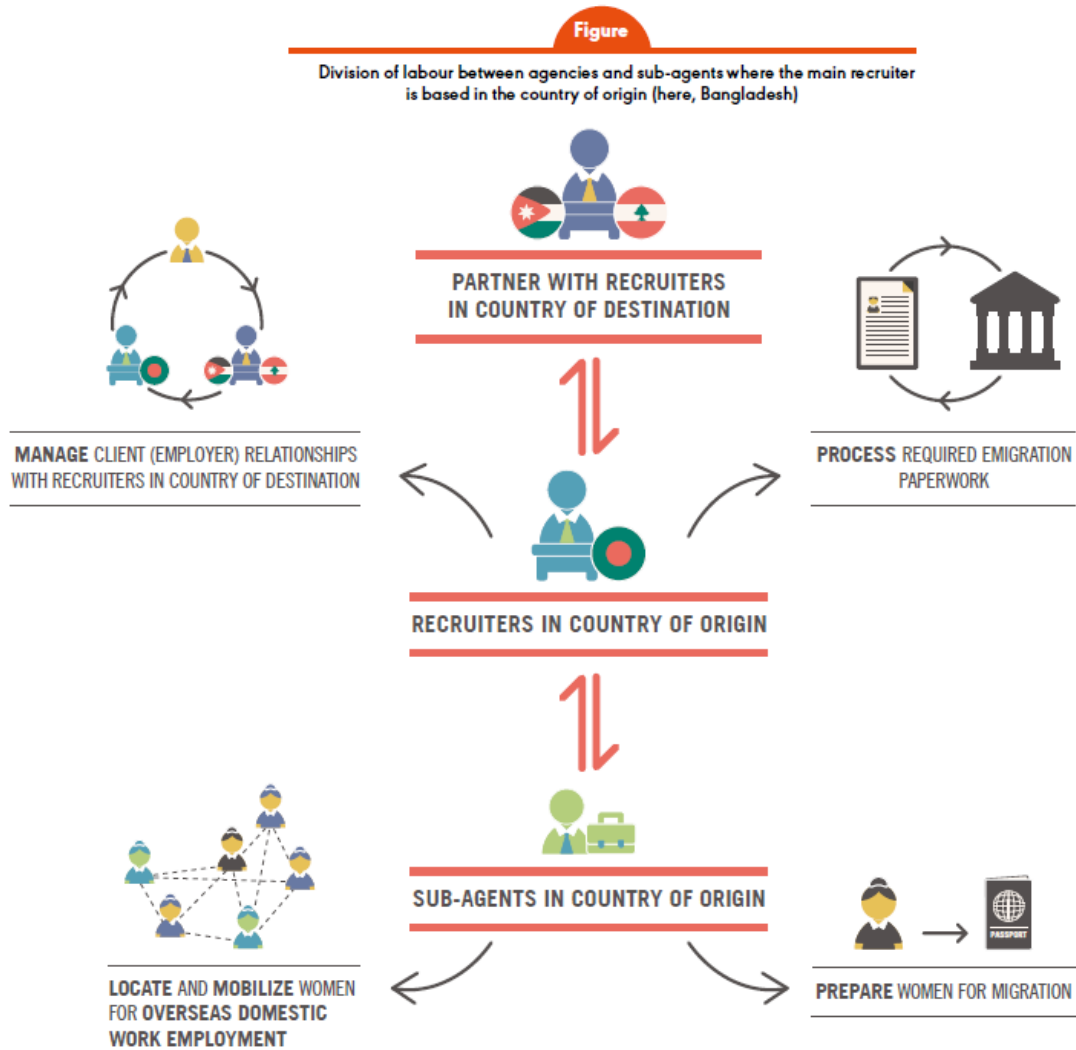
International Labour Office,. 2008. *The Labour Principles Of The United Nations Global Compact A Guide For Business*. Geneva: International Labour Organisation.

https://www.unglobalcompact.org/docs/issues_doc/labour/the_labour_principles_a_guide_for_business.pdf.

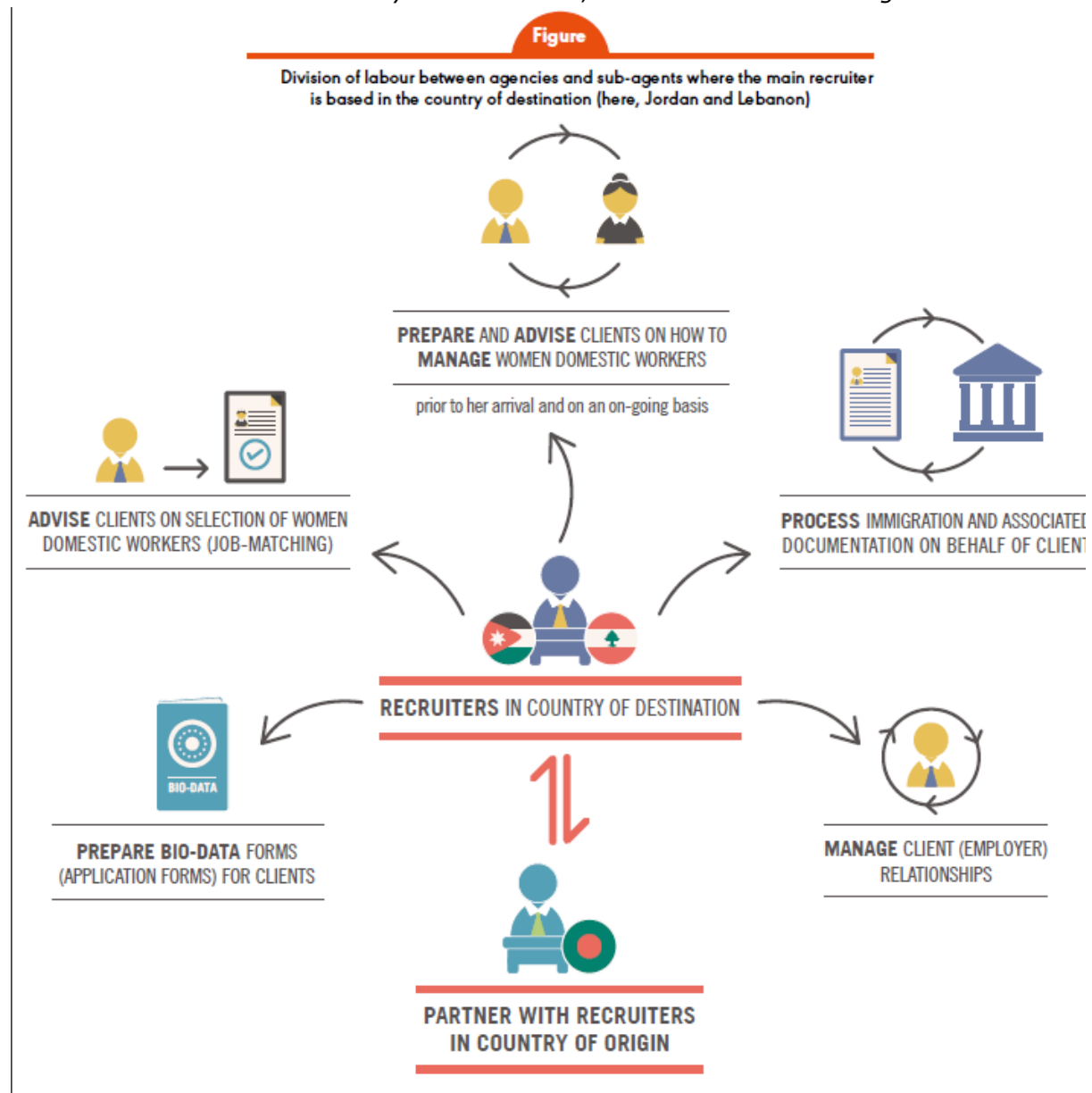
Rubin, Jennifer, Michael S. Rendall, Lila Rabinovich, Flavia Tsang, Constantijn van Oranje-Nassau and Barbara Janta. *Migrant women in the European labour force: Current situation and future prospects*. Santa Monica, CA: RAND Corporation, 2008. http://www.rand.org/pubs/technical_reports/TR591.html.

Appendices

Appendix 1: *Division of Labour Between Agencies and Sub-Agents where the Main Recruiter is Based in the Country of Origin, International Labour Organisation*



Appendix 2: Division of Labour Between Agencies and Sub-Agents where the Main Recruiter is Based in the Country of Destination, International Labour Organisation



Bibliography

C189- Domestic Workers Convention, 2011 (No. 189), Geneva, 100th Session of the ILO

Galloti, Maria. 2015. *Making Decent Work A Reality For Migrant Domestic Workers*. Geneva: International Labour Organisation.

http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_436974.pdf.

ILO Special Action Programme to Combat Forced Labour, 2015. Indispensable Yet Unprotected: Working Conditions Of Indian Domestic Workers At Home And Abroad. Geneva: International Labour Organisation.

http://www.ilo.org/global/topics/forced-labour/publications/WCMS_378058/lang--en/index.htm.

International Labour Organisation, 2011. *Convention No. 189 Decent Work For Domestic Workers*. Geneva: International Labour Organisation.

http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/genericdocument/wcms_208561.pdf

International Labour Organisation, 2015. *Global Estimates On Migrant Workers: Results And Methodology*. Geneva: International Labour Organisation.

http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_436343.pdf.

International Labour Organisation, 2008. *Women And Men Migrant Workers: Moving Towards Equal Rights And Opportunities*. Geneva: International Labour Organisation.

http://www.ilo.org/wcmsp5/groups/public/@dgreports/@gender/documents/publication/wcms_101118.pdf.

International Organisation for Migration, 2009. *Working to prevent and address violence against women migrant workers*. Geneva: International Organisation for Migration.

http://www.iom.int/jahia/webdav/shared/shared/mainsite/microsites/IDM/works_hops/ensuring_protection_070909/prevent_violence_against_wmw_2009.pdf

Jones, Katherine. 2015. *The Business Of Recruiting Bangladeshi Women For Domestic Work In Jordan And Lebanon*. Geneva: International Labour Organisation. http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/documents/publication/wcms_377806.pdf.

Katherine Carter, and Judy Aulette. "The Domestic Workers Convention Is Not Enough: A Postcolonial Feminist View of Ethiopian and Filipino Domestic Workers in Iraqi Kurdistan." *Frontiers: A Journal of Women Studies* 37, no. 3 (2016):

175-203. doi:10.5250/fronjwomestud.37.3.0175.

Kontos, Maria. *Between Integration and Exclusion: Migrant Women in European Labor Markets*. Migration Policy Institute.

http://www.chicagomanualofstyle.org/tools_citationguide.html

R. S. Parrenas. 2001. *'Servants of Globalisation: Women, Migration and Domestic Work'*. Stanford University Press.

UN-Women and the International Labour Organisation.(2015-2016) *'Preventing the Exploitation of Women Migrant Workers in ASEAN'*, ref: RAS/15/01/UNW;

http://www.ilo.org/global/topics/labour-migration/projects/WCMS_349077/lang-en/index.htm

Sustainable Development Goals (Website). United Nations.

<http://www.un.org/sustainabledevelopment/>

Tayah, Marie-José. 2016. *Decent Work For Migrant Domestic Workers: Moving The Agenda Forward*. Geneva: International Labour Organisation.

http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_535596.pdf.

UN Department of Economic and Social affairs social division, OECD. 2013. *World Migration In Figures*. UNDESA, OECD.

<https://www.oecd.org/els/mig/World-Migration-in-Figures.pdf>.