

The Lived Experiences of Women Migrant Workers



Global Alliance Against Traffic in Women

**The Lived Experiences of Women Migrant Workers
GAATW, 2019**

Cover photo: National Workers' Welfare Trust (NWWT)

GAATW International Secretariat
191/41, 6th Floor, Sivalai Condominium
Soi 33 Itsaraphap Road, Bangkok-Yai
Bangkok 10600, Thailand
Tel: +66-2-864-1427/8
gaatw@gaatw.org

Contents

Acronyms	4
Executive Summary.....	5
Chapter 1: Introduction and Methodology.....	8
Introduction	8
Methodology.....	8
Chapter 2: Women Migrant Workers and Labour Migration Governance.....	16
Introduction	16
Women’s labour migration.....	16
Labour migration governance.....	18
Gender-based violence (GBV) in the world of work	21
Chapter 3: The Lived Experiences of Women Migrant Workers	23
I. The decisions and preparations to migrate	23
1) Gender restricted access to decent work opportunities	23
2) Inadequate protections from gender-based discrimination and violence	24
3) Limited legal pathways for “safe and fair” migration.....	26
II. The experience of migrating to, and working in, a foreign country	30
III. Violence in the world of work.....	30
1) Insufficient, impractical preparations.....	31
2) Migrant status.....	32
3) Gendered occupations which have no legal protections	33
IV. Reacting to and escaping from violence.....	36
1) Seeking support and assistance from non-government organisations	36
2) Losing regular migrant status	38
3) Last resort	39
V. Women migrant workers’ access to justice.....	40
1) Access to justice in destination countries.....	40
2) Access to justice in home countries.....	41
VI. Life upon return: A never-ending cycle of violence.....	42
Chapter 4: Reflections and Conclusions.....	45
Acknowledging gender dynamics	45
The changing world of work	46

Building trust and solidarity with women migrant workers	46
Building bridges across countries of origin and destination.....	47
Structural inequalities for each identity: Woman, migrant, worker	48
Bibliography	49
Country Reports	49
Reference List.....	49

Acronyms

AMKAS	Aaprabasi Mahila Kamdar Samuha, Nepal
CEDAW	Convention on the Elimination of Violence Against Women
CoD	Country of Destination
CoO	Country of Origin
CSO	Civil Society Organisation
FGD	Focused Group Discussion
FPAR	Feminist Participatory Action Research
GAATW	Global Alliance Against Traffic in Women
GAATW-IS	International Secretariat of the Global Alliance Against Traffic in Women
GBV	Gender-Based Violence
GCC	Gulf Cooperation Countries
GCM	Global Compact for Safe, Orderly and Regular Migration
IOM	International Organization for Migration
ILO	International Labour Organization
KSHR	Kuwait Society for Human Rights
MDW	Migrant Domestic Worker
MENA	Middle East and North Africa
NGOs	Non-government Organisations
NWWT	National Workers Welfare Trust
OHCHR	Office of the United Nations High Commissioner for Human Rights
OKUP	Ovibashi Karmi Unnayan Program
UAE	United Arab Emirates
UN	United Nations
UNGA	UN General Assembly
WHO	World Health Organisation

Executive Summary

With the increasing availability of sex-disaggregated data, quantitative information about women migrant workers (WMW) has become easier to find; personalising this data remains less so. Women's voices remain marginalised in the global migration policy development processes and their perspectives are sometimes completely absent in the national labour mobility frameworks.

About the Research

In 2018, the International Secretariat of the Global Alliance Against Traffic in Women (GAATW-IS) began working with civil society partners in nine migrant-sending and receiving countries, documenting the lived experiences of women workers with regard to their migration and violence in the context of migration for work¹. The research went beyond taking note of the types, forms and levels of violence that women migrant workers faced: it took a close look at the structural inequalities embedded into the current migration regime that allow such violence to persist, and it encouraged women to conduct and share their own analysis.

This Report draws on the findings of the research project "*Power in Work and Migration: Documenting the Lived Experiences of Women Migrant Workers*"². Using a mix of qualitative research and feminist participatory action research (FPAR) methodology, the project partners held conversations with 214 women migrant workers across nine countries. Most of the women migrant workers came from Bangladesh, Ethiopia, India, Nepal and Sri Lanka, although some researchers in the destination countries also interacted with women migrant workers from Benin, Guinea and the Philippines. For most women who participated in this research, the Gulf Cooperation Countries (GCC), Lebanon and Jordan were the main destinations.

Since gender-based violence (GBV) in the context of work and migration is the overarching theme of the research, the researchers broke it down into the issues of violence in the world of work, access to justice, and safe and fair migration. Each project partner has prepared an in-depth country report which would be more relevant for those looking into specific country conditions for WMWs – both in terms of the national labour migration regimes as well as the specific concerns surrounding WMW's experiences of GBV in the world of work. This report provides insight into the thematic issues that came out across all the individual country reports³.

Making the decision to migrate

Many of our research countries have placed restrictions on women's labour migration. While restricting women's access to employment opportunities abroad, States have at the same time not made any efforts to integrate women in the domestic labour market - especially for women whose education, ethnicity, caste and class already act as barriers to employment opportunities.

¹ GAATW gratefully acknowledges the support of the Swiss Agency for Development and Cooperation for this research. The contents of this report do not necessarily reflect the official opinion of the Swiss Agency for Development and Cooperation.

² The research was led by Aaprabasi Mahila Kamdar Samuha, AGAR Ethiopia, AMEL Foundation, Caritas SEDEC, Ovibashi Karmi Unnayan Program, Migrant-Rights.org, and the National Workers Welfare Trust. We also acknowledge the contributions made to the research by Ali Mohamed, Melkie Tilahun, Samantha Paithirathna and other colleagues in the field. The research was coordinated by Ratna Mathai-Luke for GAATW.

³ This report was written by Ratna Mathai-Luke with editorial support from Borislav Gerasimov (GAATW).

This project focuses on women's experiences of gender-based violence (GBV) in the migration cycle. All the participants, even if they were not familiar with the term "GBV", had experienced violence in their lives. Street-level violence and harassment were common occurrences and violence from employers was the common experiences, as was domestic abuse and tight social control on women's choices. Many women used migration as a means to escape violence and discrimination in their home societies.

When making their decision to migrate, women rely on information and advice from their friends and families, and other returnee women migrant workers who were perceived to have had "successful" migration experiences. Almost none of the women who participated in this study had received any of the government-provided messaging on safe migration, prior to their migration.

Potential migrants rely on returnee migrants for advice; yet the research partners noted the reluctance of many WMWs to talk openly about their experiences in destination countries – both in the context of everyday conversations, as well as when they are asked for advice by potential migrants in the community.

Life as a woman migrant worker

Almost all the women shared how their expectations did not match the realities of their new lives abroad. Many found that the preparations they had made prior to their travel – the information and pre-departure programmes they had participated in – had not adequately prepared them. Almost all the returnees demanded practical pre-departure information that will help them maximise their migration.

Almost all the research participants shared stories of abuse and violence. Many women indicated a high threshold for what constitutes violence – only extreme incidences of abuse (physical, verbal and sexual violence in some cases) were recounted since other "lesser" forms of violence (contract violations, or smaller instances of violence) were tolerated by the women.

In countries where sponsorship systems such as the *kafala* apply, women knew that their success and survival depended on the kindness of their employers. When their employers held all the power, the women had very limited options: try to appease their employers as much as they can, and when that fails, find a way to return home or run away and lose their legal status. For irregular migrants (especially those who had travelled on visit visas), the knowledge that they could be arrested and deported at any time made them even more frightened to pursue complaints. The irregular status of many WMWs had also prevented them from reaching out to their embassies – many felt that they would be turned away from the embassy because they had not migrated through the proper channels.

In addition to the vulnerability that arises from their migration status, for women migrants, especially for those in domestic work, the added restrictions that their employers can impose on them coupled with their isolation, placed them in a situation where they became invisible. However, the research revealed that domestic work in itself cannot be considered monolithic. Some of the MDWs in this research were contracted to specific cleaning companies, while others were working as "freelance" workers – the nuances and vulnerabilities for workers in each of these types of domestic work are discussed in the report.

When WMWs are not legally allowed to change employment or return home without their current employer's permission, it can be difficult for those who have had altercations with their employers and need to find a way to exit a tense workplace.

The stigma of return

New life experiences change every person. Most women felt they had experienced personal growth, but return brought a new set of challenges that many women did not anticipate. While some were welcomed home, others were treated with hostility and suspicion. In contrast to male returnees, women's personal characters were questioned if they came back either too early, or if they came back with savings. Some were stigmatised and shared by their communities and wanted to migrate again. Migration offered them an escape from the daily humiliation that they experienced.

Many returnees complained about the lack of opportunities back home to invest their savings or to find new meaningful employment. Women generally lack control over their money and upon return have to revert back to traditional gender roles, deferring financial decisions to their husbands/fathers/brothers.

From the research, concrete policy considerations emerge:

- By not acknowledging the structural inequalities in labour migration policies, governments cannot ensure that their migrant workers are treated fairly.
- Sending countries need to remove the restrictions they have imposed on women's labour mobility and focus on ways to ease legal migration pathways which need to be gender-sensitive. They need to evaluate the effectiveness of the restrictions in consultation with women migrant workers, and identify how to facilitate women's access to legal routes for migration.
- While pre-departure trainings do provide valuable information to migrants, CSOs and government agencies who provide such services have to re-evaluate their curricula based on the feedback provided by returnee WMWs as well as their counterparts in the destination countries.
- Information on safe migration needs to reach potential migrants, not at the *pre-departure* phase, but at the *pre-decision* phase. Safe migration messaging is not reaching the target community through the current channels of communication. Since WMWs trust the messages given to them by other returnees and the recruitment brokers/agents, government agencies should consider reaching out to migrant communities through trusted peer community educators who can provide reliable information and advice.
- CSOs in both countries of origin and destination should work together to identify existing social/migrant networks that new migrant workers to a destination country can access.
- Despite the vital role that they play in improving the lives of women migrant workers, there is limited interaction between civil society organisations across sending and receiving countries. Cross-regional knowledge and information sharing can support both programme and advocacy planning and implementation.
- The WMWs who participated in this study do not ask for rescue but for the tools that will equip them to renegotiate the power dynamics between migrants and the agents, and between workers and employers: they want to be able to report, reduce, and remove themselves from situations of violence without fear of criminalisation and further violence. Such tools will require policy interventions that consider the lived experiences of WMWs.

The experience of violence is endemic in the lives of women migrant workers; the need to escape structural violence becomes the cause for migration as well as the predominant experience for many migrant workers during their migration. But as many women share, there is no space for them to escape violence.

Chapter 1: Introduction and Methodology

Introduction

The vital role that migration plays for the development of our societies has been acknowledged⁴ and by undertaking many of the jobs that locals no longer wish to do, migrant workers make positive contributions to both their host and home countries. Even so, labour migration frameworks treat workers as commodities, ignoring their humanity. States do not prioritise workers' rights and welfare until a particular incident shines media attention on the violence they experience. Women migrant workers in particular, are undervalued - they contribute at near-equal levels of global remittances despite being engaged in low-paying jobs, and in ageing societies the taking over of care work by women migrant workers has enabled more local women to take up jobs contributing to the formal economy.⁵

In 2018, the International Secretariat of the Global Alliance Against Traffic in Women (GAATW-IS) began working with civil society partners in nine migrant-sending and receiving countries, documenting the lived experiences of women workers in the context of migration for work. Using a mix of qualitative research and feminist participatory action research (FPAR) methodology, the project partners worked directly with migrant women workers, to highlight their voices in the larger context of labour migration governance.

Violence and abuse against migrant workers have been well-documented,⁶ and studies have noted that they are not provided with adequate rights protections and remedy. While not all violence against migrant workers is exclusively linked to an individual's gender, the fact remains that the vast majority of migrant workers who are employed in the informal sector are women, and the violations of their rights deserves consideration from a gender lens. This Report draws on the findings of the research project *"Power in Work and Migration: Documenting the Lived Experiences of Women Migrant Workers"*. The conversations that took place with 214 women migrant workers across nine countries documented their experiences and reflections on gender-based violence in the context of work and migration.

Within the overarching theme of gender-based violence in the world of work, the specific objective of the research was to listen to the experiences of women migrant workers, and in particular:

- Their experiences of problems, exploitations, violence and abuse in the context of migration and work
- What, if anything, was done about it, especially with regard to access to legal remedies
- Their recommendations to make migration safe and fair.

Methodology

The overall objective of the project was to *"to incorporate the lived experiences of women migrant workers into the work of GAATW and its partners, by using qualitative research tools to actively listen, document and analyse the experiences of women migrant workers"*. Documenting the 'lived experiences' of women migrant workers required a qualitative research methodology.

⁴ For example, migration receives multiple references in the Sustainable Development Goals.

⁵ Nishimoto (2018), *Why we need to recognize migrant domestic workers' contribution to our economies?*, ILO, available at https://www.ilo.org/asia/media-centre/news/WCMS_632454/lang--en/index.htm

⁶ ITUC (2019), Gender-based violence at work, online resource, <https://www.ituc-csi.org/gender-based-violence-at-work-583>

At the same time, the purpose of this project was not just to take note of all the types, forms and levels of violence that women migrant workers faced; such documentation has been occurring regularly, both in countries of destination and origin, and we would not have been contributing anything new to improving our collective understanding about the lived experiences of women migrant workers. This project went one step further: it took a close look at the structural inequalities embedded into the current migration regime that allow such violence to persist, and it encouraged women to conduct and share their own analysis. To enable this, Feminist Participatory Action Research (FPAR) directed the research process.

Instead of merely extracting information from the research participants, the research partners made efforts to engage women migrant workers in discussions pertaining to the issues of “gender”, “gender-based violence”, “safe and fair migration”, “*how they thought their actions, how they perceive their power to engage with their employer, refuse work, or lodge a complaint, and how they navigated formal and informal support systems*”.⁷

Through their own self-reflection and self-analysis of the issues that affect them, women migrant workers become co-creators of knowledge, they shift from being passive beneficiaries to pro-active policy-framing participants. Partners who were able to apply FPAR principles in a more comprehensive manner noted that this “*particular methodology breaks down the binary of researcher and researched, and adds complementarity of knowledge and experiences between these two parties. Whilst participants to the research add their lived experiences, researchers add knowledge on global concepts and frameworks*”.⁸ Particularly in destination countries, one research partner noted “[t]he marginalization of migrant women’s voices is why Feminist Participatory Action Research (FPAR) is a particularly disruptive methodology in the region. The framing of our questions encouraged interviewees to reflect openly about their experiences, rather than submit to a pre-formed narrative”.⁹

All the research partners have direct links with women migrant workers – some offer them services and assistance while others are composed of returnee migrant workers. As civil society organisations who work towards promoting and protecting the rights of women migrant workers, knowledge production serves not only to provide evidence for our advocacy, but also when applied through a feminist lens, it can contribute towards self-reflection, “*the ways in which power affects our assumptions, on the continually revealed exclusions and inclusions of research, on the relationships among its stakeholders...in our research, and on the ways in which our own decisions about how to conduct our research are linked to our particular social and political location*”.¹⁰

For this Study, GAATW-IS worked with eight NGOs (research partners) across nine countries – four South Asian countries, three Gulf countries, Ethiopia and Lebanon. The individual country researchers were not academics but project staff/volunteers of these NGOs who had the experience of working with the communities, of interviewing and documenting cases. These skills are important because even though the researchers are not academics, they were able to expand their skills in conducting qualitative

⁷ Migrant-Rights.Org, Lived Experiences of Women Migrant Workers in the GCC Countries, to be published (hereafter referred to as the Migrant-Rights.Org Report).

⁸ AMEL Foundation, Lived Experiences of Women Migrant Workers in Lebanon, to be published (hereafter referred to as the AMEL Report)

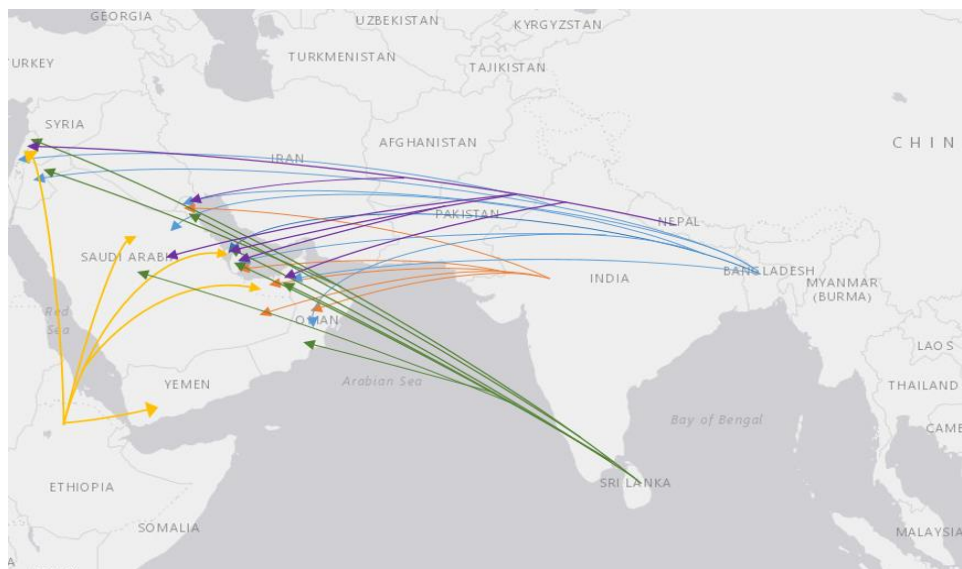
⁹ Migrant-Rights.Org Report

¹⁰ Ackerly and True (2010), pg3, Doing Feminist Research in Political and Social Science, Macmillian press.

research. In one country where the researchers were themselves returnee migrants, “conducting FPAR has also taught us that non-academic (returnee women migrant workers) with long-term experience in our own issue can also conduct research gaining more in-depth knowledge from the participants. Both participants and researchers can be producers of knowledge and not only the sources for information providing lived experiences to bring about change in the lives of many”¹¹.

About the women migrant workers who participated in this study

Of the 214 women migrant workers who participated in this study most were returnees interviewed in their home countries, while some were still working in destination countries and took time – either during their off-hours or in shelters where they were living temporarily – to share their stories. Most of the women came from Bangladesh, Ethiopia, India, Nepal and Sri Lanka, although some researchers in the destination countries also interacted with women migrant workers from Benin, Guinea and the Philippines. For most of the women, the Gulf Cooperation Countries (GCC),¹² Lebanon and Jordan were the main destinations. In addition, a few of the Ethiopian participants had returned from Yemen, whereas in South Asia, a few participants had come back from Malaysia (Bangladeshi and Nepali returnees), Maldives (Indian returnees), Mauritius (Bangladeshi returnees), and Singapore (Indian returnees); China, Iran and Israel were some of the other, less common, destination countries.



The major destination countries for the participants in this Study include Bahrain, Jordan, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia, and UAE.

The main sending countries are Bangladesh, Ethiopia, India, Nepal and Sri Lanka.

Figure 1: Major destinations for the women migrant workers who participated in this Study.

Most of the women were between the ages of 25 and 40. There were some exceptions – researchers in Ethiopia and Sri Lanka interacted with returnees below the age of 20 and a small number of women were in the 50+ age group. Most of the women had worked abroad continuously for a period of 4-7 years; in Ethiopia, on average, the women had worked abroad only for a year or less. Some participants had the experience of migrating before and had worked in other countries.

¹¹ AMKAS, Power in work and migration: Learning from the experiences of women migrant workers of Nepal (A Study of Returned Women Migrant Workers in Nepal), to be published (hereafter referred to as the AMKAS Report)

¹² The GCC countries are Saudi Arabia, Kuwait, the United Arab Emirates, Qatar, Bahrain, and Oman.

Most of the women were not educated to a high level (many had not completed schooling). The majority were married, with their husbands living in their home countries. Most women engaged in paid domestic work; some women (Bangladeshi) also worked in garment manufacturing; in Nepal, one returnee used to work as a security guard in Bahrain, whereas a couple of returnees had worked in Malaysia as factory workers. The respondents included women workers who had migrated through both regular and irregular channels, as well as those who had completed their employment period successfully and also those who had been repatriated.

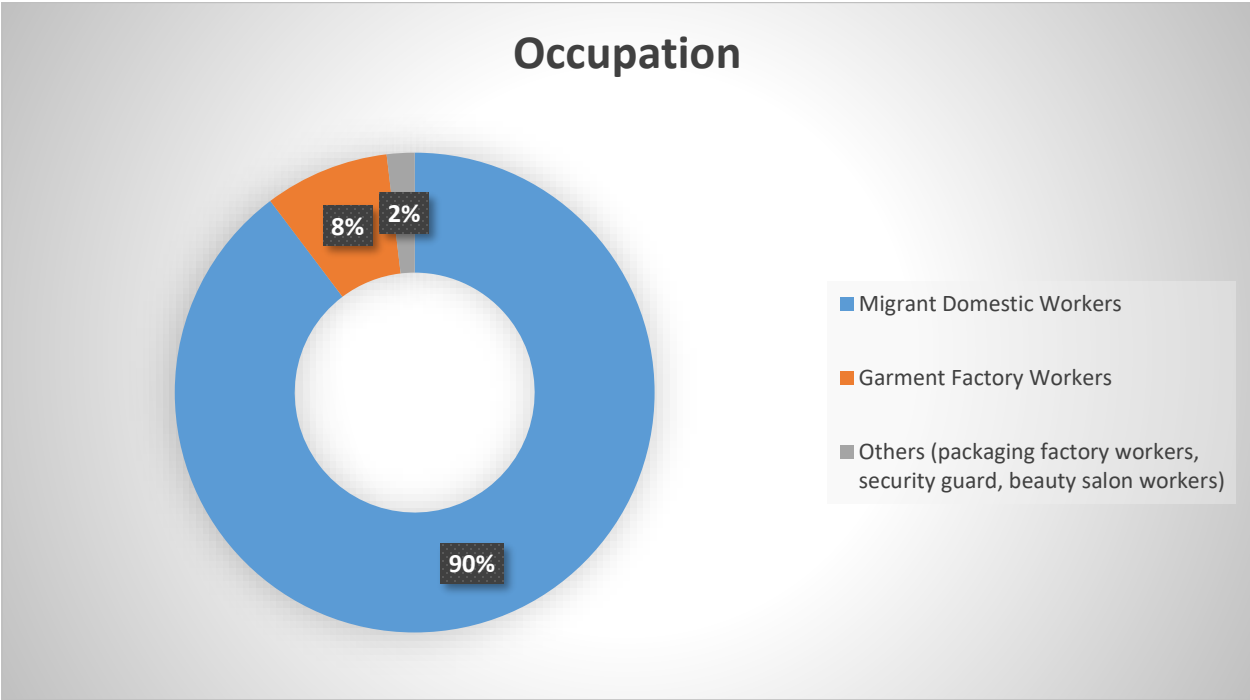


Figure 2: Occupation of the research participants in destination countries

The large majority of the women were migrant domestic workers (MDWs). Since MDWs are a ‘hidden’ group due to the isolated nature and location of their work and the restrictions on their freedom of association and mobility, most of the researchers could only gain access to those women migrant workers with whom their organisations had some prior contact. Because the majority of women reach out to NGOs only when they need assistance (for example, if they need shelter accommodation or legal assistance to seek compensation for contract breaches, or if they need repatriation assistance), the experiences documented here reflect their particular situation, and thus are potentially biased. However, the violence against migrant domestic workers has been documented in other studies¹³ so the experiences in this Report are not unique to our research participants.

In some countries where the researchers tried to reach out to migrant domestic workers who were not supported by any NGO, they found it difficult because of the restrictions placed on the movement and assembly of migrant domestic workers in destination countries – in some cases, there were no independent safe spaces available to meet with women migrant workers.

¹³ See, for example, OHCHR (2015), *The human rights of migrant domestic workers in an irregular situation*, available at <https://www.ohchr.org/EN/Issues/Migration/Pages/GlobalAction.aspx>

Gender based violence in the world of work and migration

Since gender-based violence (GBV) in the context of work and migration is the overarching theme of the research, the researchers broke it down into the issues of violence in the world of work, access to justice, and safe and fair migration. The research themes were unpacked, through the following questions that were identified by the research partners at the beginning of the research:

<i>Research themes</i>	<i>Overall questions that guided the research</i>
Violence in the world of work	<ul style="list-style-type: none">• What are WMWs' perceptions of GBV encountered throughout the labour migration cycle? What are their workplace conditions? What assistance and protection mechanisms are available for WMW?
Access to justice	<ul style="list-style-type: none">• What are gaps in the justice system for WMWs to seek legal remedy against GBV? How do they perceive justice?
Safe & fair migration	<ul style="list-style-type: none">• Does the messaging of "safe and fair" migration target a specific gender? If so, in what ways is it present for women and in what ways is it not? What type of information do WMW receive prior to migrating? How much of it is implemented to secure safe and fair migration?

The above questions were addressed in all the country-level researches, and after initial consultations with the communities the questions were adapted to the specific local context, situation and interests of the women migrant workers participating in the research. It should be noted that in some countries it was not possible for the researchers to work with the same group of WMWs for the entire duration of the project. For example, when the field work was carried out in shelters (many shelters only provide temporary accommodation for WMWs as they await repatriation or are in the process of going to a more secure accommodation). In some countries the limitations on physical and political spaces available for women and migrant workers mean that there are not many opportunities for them to come and meet freely to discuss sensitive issues related to their human rights, so the researchers had to rely on informal networks and connections to access WMW communities. As a result, knowing the restrictions of time that such projects entail, some of the country research teams adapted the overall guiding questions to the country context in advance, relying on their previous experiences of working with WMWs and knowledge of the working conditions for WMWs in their countries.

Given the personal nature of the questions and sensitive political conditions of the destination countries, respecting the confidentiality of WMWs who participated in this study was key. The researchers explained the scope of the research to each respondent, seeking their consent and guaranteeing anonymity, unless consent was specifically given to disclose their information. Respondents were also allowed to withdraw their consent from participating in the interviews and focus group discussions at any point. Where possible, consent forms were used but, in some cases, verbal consent were sought.

Since the context and understanding of concepts such as "gender" and "GBV" can differ across regions and countries, common understanding had to be developed at the beginning of the research to ensure that the information that was shared by WMWs would be based on a shared conceptual understanding. So in terms of exploring concepts of GBV in the world of work, not only did the field researchers have to gain clarity about what concepts of "gender", "GBV", "world of work" meant for their daily work, but they also they had to spend time with the WMWs to go through these concepts and flesh out the links between policy language and their daily lives. While not a deliberate outcome of the research, the knowledge-building initiated through the research process did contribute towards the capacity

development of the research partners as well as the women migrant workers who participated in this study; consciousness raising of the structural issues that hinder their enjoyment of their rights is one of the first steps for women migrant workers to organise and advocate for themselves.

It should be noted here that “gender” as it often appears in the current migration policy language refers largely, if not exclusively, to women. The definition of gender is much broader and certainly not a binary construct. However, since the focus of this research was on women workers, we have not explored how gender affects the migration of other groups (such as men or gender non-conforming people).

Although at times difficult to translate into local language, gender is understood as a social construct *“such as norms, roles and relationships of and between groups of women and men. It varies from society to society and can be changed. While most people are born either male or female, they are taught appropriate norms and behaviours – including how they should interact with others of the same or opposite sex within households, communities and work places. When individuals or groups do not “fit” established gender norms they often face stigma, discriminatory practices or social exclusion”*.¹⁴

Gender-based violence (GBV) has been defined as violence that is directed against a person on the basis of their gender. It constitutes a breach of the fundamental right to life, liberty, security, dignity, equality between women and men, non-discrimination and physical and mental integrity; violence against women (VAW) is an act of gender-based violence that is directed against a woman because she is a woman or that affects women disproportionately.¹⁵

Since this research focuses on GBV in the context of migrant work, the research’s main task was to find out details of GBV related to the woman’s experience as a migrant worker. A woman migrant worker’s identity does not exist in a vacuum so it is quite likely that she may have experienced GBV in other contexts too, in her own country, community and household. These experiences have an impact on how a person addresses GBV.

At the time when the research was being conducted, the *ILO Convention on Ending Violence and Harassment in the World of Work*¹⁶ was being negotiated so the common understanding of ‘violence and harassment’ and ‘world of work’ were drawn from discussion briefs of the ILO Convention. For the purpose of this paper, “Violence and harassment” draws on the definition provided in (the now adopted) ILO C190, where it “refers to a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment”.¹⁷

Violence and harassment particularly affect workers in the most vulnerable work situations who have poor access to labour rights such as freedom of association, collective bargaining, decent work, non-

¹⁴ WHO, “Gender”, Gender, Equity and Human Rights, <https://www.who.int/gender-equity-rights/understanding/gender-definition/en/>

¹⁵ Paragraph 6, UN Committee on the Elimination of Discrimination Against Women (CEDAW), CEDAW General Recommendation No. 19: Violence against women, 1992, available at: <https://www.refworld.org/docid/52d920c54.html>

¹⁶ ILO Convention C190, Convention concerning the elimination of violence and harassment in the world of work, available at https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190

¹⁷ Ibid, Article 1.a

discrimination and access to justice. Women who experience multiple discrimination already (e.g., caste, class, language, ethnicity) are disproportionately affected by violence and harassment at work.

The “world of work” is not limited to a workplace, but also includes for instance, commuting/travelling and accommodation provided by the employer. It can also include the impact of domestic violence in the workplace.¹⁸

The experience of many service-providing NGOs show that GBV for migrant workers is widely prevalent. Yet many cases are not reported. The few that are reported, rarely reach the courts and result in justice. Stigma surrounding violence against women prevents victims from reporting incidents; at the same time, lack of faith in the justice system discourages many migrant workers from seeking legal help.

As NGOs and migrant representative organisations, the theme of “**safe and fair migration**” is a common aspiration for the research partners. “**Safe**” migration usually refers to migration as a process, to the entire migration cycle (all the stages of migration from departure to return, all the actors involved directly or indirectly, all the spaces of migration including origin, transit and destination).

Fair migration is linked to the notions of “decent work” and labour migration governance. According to paragraph 18 of the ILC 2014 report, fair migration “*respects fundamental rights of migrant workers*” and “*offers them real opportunities for decent work.*” Fair migration is a generic framework and it has to be translated into specific contexts; it has to consider an individual’s decision within the system that is in place. Each migration is in relation to the context – social and economic; decent work in each context is different.

Safe migration emphasises the migration journey and fair migration emphasises governance and the role of institutions but both can overlook migrant stories, context, cultural explanations and power dynamics. Therefore, they should be unpacked from the perspective of women migrant workers. By addressing violence in the world of work as the underlying narrative, we can see how violence (especially gender-based violence) affects safe and fair migration objectives, and also how violence and discrimination lies at the heart of injustice.

Limitations of the research

The research took place in nine countries with over 200 WMWs and provides an insight into how women migrants experience and address GBV in their work. There are some limitations to this research which should be taken into account:

- Constraints of language – the research was carried out in eleven languages (Amharic, Arabic, Bangla, English, French, Hindi, Nepali, Sinhala, Tamil, Telugu and Urdu); at the end of every interview and FGD, the transcripts from the original language were translated into English with the research partners then comparing the translations to see if the original context was the same. In some countries, the researchers had to work in three or more languages. While every effort was taken by the research partners to retain the original meaning in the translations, it is invariable that the constrictions of language may not capture adequately some of the original sentiments of the interviews.
- Constraints of time - the research was carried out in the latter half of 2018. Already having their full-time jobs as case-workers and NGO coordinators, the partners took on additional roles as

¹⁸ See Article 3 of the ILO Convention C190 on the definition of the “world of work”.

researchers. While this had improved the quality of the discussions (because of the trust and contact they had with the women migrant worker communities), the researchers were working under time pressures and in some cases, would have been unable to explore certain topics in detail even if they wanted to. For those who were interacting with women migrant workers in shelters, the research participants were not always available for follow-up interviews and discussions.

- Constraints of space – in almost all the countries where the research took place, the political spaces for NGOs is restricted. In some countries, it was difficult for the research partners to interact with women migrant workers, since there are restrictions on their movements. Meetings could not be planned in advance because it was uncertain when the women would be able to attend. This meant that the research process had to be delayed as researchers worked according to the schedule and convenience of the women.
- Constraints of methodology – for almost all the project partners, this was the first time they were exposed to the FPAR methodology. This project was a useful experience to build capacity and knowledge of new research methodologies but it may not perhaps be possible to see all the findings based on the application of a “pure” FPAR methodology. The research partners had to work with both operational and political constraints. While some have been more successful in following FPAR methodology, in all cases, the research partners have tried to follow and apply the principles of FPAR to the extent that it was possible.

This report draws from the research findings carried out by project partners in five countries of origin and four countries of destination. Each project partner has prepared an in-depth country report which would be more relevant for those looking into specific country conditions for WMWs – both in terms of the national labour migration regimes as well as the specific concerns surrounding WMW’s experiences of GBV in the world of work. We encourage readers to go through the individual country reports.

This report provides insight into the thematic issues that came out across all the individual country reports. While this report shares insights from each individual country, we cannot claim to represent the opinions, or speak on behalf, of all the country partners. At the same time, while this document does not claim to speak directly for the 214 women migrants who contributed to the project, it does provide insight into their migration experiences and stays true to their reflections and opinions.

Chapter 2: Women Migrant Workers and Labour Migration Governance

Introduction

Women constitute nearly half (48.4%)¹⁹ of the global migrant population. The vast majority of migrants come from Asia (41%), Europe (23.7%) and Africa (14.1%) - with the largest increase in migrating populations between 2000 – 2017 recorded in Asia and Africa; the main destination regions were Asia, Europe and Northern America, indicating that intra-regional migration is greater than cross-regional migration. At a sub-regional level, West Asia and Northern America host 16% each of the global share of migrants, while Western Europe (14.4%), Northern Europe (13.4%) and Southern Europe (10.5%) host the largest share in Europe.²⁰

In recent years migration governance has received a lot of attention, especially the *feminisation* of labour migration, as the participation of women in the global migrant labour force increases. A lot of work has been done to provide sex-disaggregated data on migration²¹ and there is a growing acknowledgement that countries need to address the gender dimensions of migration in their policy frameworks.²² As of yet, the availability of qualitative information on women’s labour migration remains less accessible; qualitative studies, when read together with quantitative data, can help deepen our analysis of how migration frameworks impact women workers’ migration experiences. In 2018, GAATW-IS initiated its “Lived Experiences of Women Migrant Workers” project to understand how women experience migration in the highly regulated world of labour mobility.

The WMWs who participated in this project were mainly returnees from Bangladesh, Ethiopia, India, Nepal and Sri Lanka, for whom the Gulf Cooperation Council (GCC) countries, Lebanon and Jordan were the main destinations. The researchers also interacted with migrants of other nationalities and with those who had migrated to other countries, but because the numbers were so small, we have limited ourselves to the overall conditions surrounding women’s labour mobility for only the major regions of origin and destination. For more detailed information about national policies and processes, the individual country reports would provide a better resource.

Women’s labour migration

When looking at data on labour mobility, the ILO estimates the global migrant population of working age (15+ years) to be 234 million, out of which 107.2 million are women.²³ Nearly 41.6% of female

¹⁹ United Nations, Department of Economic and Social Affairs, Population Division (2017). International Migration Report 2017: Highlights (ST/ESA/SER.A/404). Available at https://www.un.org/en/development/desa/population/migration/publications/migrationreport/docs/MigrationReport2017_Highlights.pdf

²⁰ Ibid.

²¹ See for example, IOM’s work on gender and migration, available at <https://www.iom.int/gender-and-migration>, and World Bank’s data blog on women and migration, at <https://blogs.worldbank.org/opendata/women-and-migration-exploring-data>

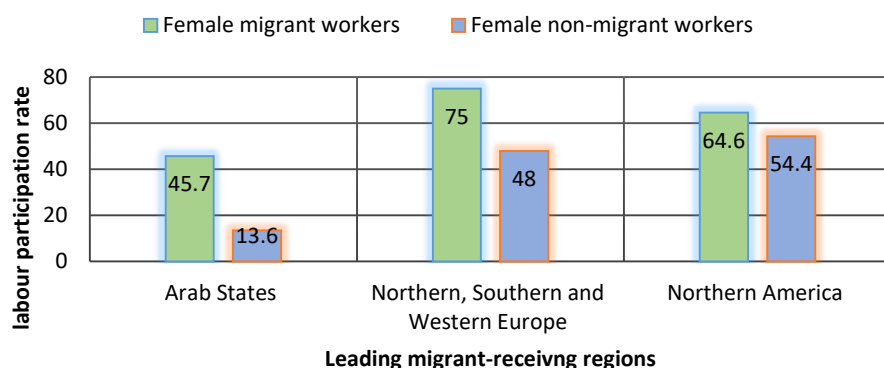
²² See for example, UNFPA’s “Five reasons migration is a feminist issue”, published 9 April 2018, <https://www.unfpa.org/news/five-reasons-migration-feminist-issue>

²³ ILO (2018), *ILO Global Estimates on International Migrant Workers – Results and Methodology*, 2nd ed. International Labour Office - Geneva: ILO, 2018. Available at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_652001.pdf.

migrants are migrant workers.²⁴ Northern, Southern and Western Europe (23.9%), Northern America (23%), and the Arab States²⁵ (13.9%) host the largest share of migrants of working age population, although at 40.8%, the Arab States as a sub-region host the largest share of migrant workers as a proportion of all workers.²⁶ South Asia migrants make up the largest share of the migrant labour workforce in the GCC countries. The Middle-East, especially the Gulf countries, is also a popular destination choice for Ethiopian migrants. Due to the 2013 ban by the Ethiopian government forbidding migrants from working in the Middle-East, migration to this region happens through irregular routes.²⁷

Although the Arab States host only 5.3% of women migrant workers (the lowest share of the three main destination regions), they account for the highest share of female migrants as a proportion of all workers (39.9%). As seen from the two graphs below, both female and male migrant workers have a higher labour force participation rate compared to the non-migrant population in the three main migrant worker receiving regions. The most significant percentage point difference for migrant to non-migrant labour participation lies in the Arab States – 32.1 points for female labour participation rate and 13.9 for men.

Female Labour Force Participation Rate (migrant and non-migrant populations)



Source: Data from ILO (2018), *Global Estimates on International Migrant Workers – Results and Methodology*, 2nd edition

²⁴ Ibid, Women migrant workers are estimated at 68.1 million (41.6%), and male migrant workers are 95.7 million (58.4%),

²⁵ ILO (2018), *ILO Global Estimates on International Migrant Workers – Results and Methodology*, 2nd ed. International Labour Office - Geneva: ILO, 2018. The Arab States in the ILO 2018 report include Bahrain, Iraq, Jordan, Kuwait, Lebanon, Occupied Palestinian Territory, Oman, Qatar, Saudi Arabia, Syrian Arab Republic, United Arab Emirates, and Yemen.

²⁶ Ibid, In Northern America the share of migrant workers in proportion to all workers is 20.6% and in Northern, Southern and Western Europe it is 17.8%. Other subregions with significant numbers of migrants in the labour force include Central and Western Asia (11.1 per cent) and Eastern Europe (9.1 per cent).

²⁷ See Kefale and Mohammed (2015), *Ethiopian Labour Migration to the Gulf and South Africa*, Forum for Social Studies (FSS), available at https://www.researchgate.net/publication/327791296_Ethiopian_Labour_Migration_to_the_Gulf_and_South_Africa

Labour migration governance

“Safe, orderly and regular” migration has increasingly become a policy priority as labour migration has become a part of national economic development strategies;²⁸ the **Sustainable Development Goals** (SDGs) highlight multiple connections between sustainable development and migration.²⁹ As the IOM 2018 World Migration Report notes in relation to South Asian countries, “migration has relieved labour pressures, while helping to reduce poverty through remittances...In 2016, remittance inflows to India amounted to USD 62.7 billion, the largest in the world; and in countries such as Pakistan, Sri Lanka and Bangladesh, remittances exceeded 5 per cent of GDP in the same year”.³⁰

The **Global Compact for Safe, Orderly and Regular Migration (GCM)** was adopted in 2018 by the UN General Assembly (UNGA) with the “aim to facilitate safe, orderly and regular migration, while reducing the incidence and negative impact of irregular migration through international cooperation and a combination of measures put forward in this Global Compact.”³¹ But even though the GCM was non-binding, the fact that many governments refused to endorse “this unbalanced, biased and pro-migration document”³² is indicative of how fractious global migration governance has become; the rights-based approach to migration that was adopted by the GCM was the bone of contention for many governments.³³

For the majority of WMWs who contributed to this study, the regional and bilateral agreements undertaken by the members of the **Colombo Process** and the **Abu Dhabi Dialogue** will have more relevance to their migration journeys. The Colombo Process and the Abu Dhabi Dialogue are the main regional processes for Asian countries³⁴ to facilitate cooperation on labour migration governance between migrant sending and receiving countries. The space for civil society interaction in these dialogues remains very restricted and most of the discussions happen at the government-to-government level. In November 2018, the Colombo Process adopted the Kathmandu Declaration which added

²⁸ See, for example, IOM’s Joint Migration and Development Initiative (JMIDI) which provides a toolbox (and e-course) developed by the International Training Centre of the International Labour Organization on migration and local development “on how to better manage migration for enhanced local development through the inclusion and empowerment of migrants and diaspora in development planning and policy-making”, <http://www.migration4development.org/en/resources/library/my-jmidi-toolbox-and-e-course-migration-and-local-development>

²⁹ See for specific references to SDGs 4 (education), 5 (gender equality), 8 (decent work and economic growth), 10 (reduced inequalities), 16 (peace, justice and strong institutions), 17 (partnerships for the goals).

³⁰ IOM (2017) 'Migration and Migrants: Regional Dimensions and Developments' in IOM (2017) World Migration Report 2018, IOM: Geneva., <http://www.migration4development.org/en/resources/library/my-jmidi-toolbox-and-e-course-migration-and-local-development>

³¹ Paragraph 11 of The Global Compact for Safe, Orderly and Regular Migration, A/RES/73/195, adopted on 19 December 2018, available at https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/73/195

³² Statement by the representative of Hungary to the UNGA, quoted in UN press, “General Assembly Endorses First-Ever Global Compact on Migration, Urging Cooperation among Member States in Protecting Migrants”, GA/12113, online article, available at <https://www.un.org/press/en/2018/ga12113.doc.htm>

³³ Prosdotti (2018), “UN Migration Agreement Leads to Splits in the European Union”, 30 November 2018, published on the Atlantic Council website, <https://www.atlanticcouncil.org/blogs/new-atlanticist/un-migration-agreement-leads-to-splits-in-the-european-union>

³⁴ The members of the Colombo Process are Afghanistan, Bangladesh, China, India, Indonesia, Nepal, Pakistan, Philippines, Sri Lanka, Thailand and Vietnam. The Abu Dhabi Dialogue comprises of these 12 Colombo Process members, and also includes six GCC countries and Malaysia.

migrant health, operationalising the migration-related elements of the SDGs, promoting equality of women migrant workers,³⁵ and consular support for migrant workers as crosscutting areas of work for its existing five thematic area working groups.³⁶

Regulating women's labour migration

With more women migrating independently for economic reasons, as opposed to women migrating traditionally for reasons of marriage and family reunification, policy-makers have started to recognise that women and men experience migration differently: gender, age, sex, class, caste, education all have an impact on the manner in which an individual experiences migration. However, based on the manner in which labour migration frameworks are being interpreted, there is a disconnect between policy objectives and women's lived experiences of labour migration.

Migration and labour policies may seek to be inclusive of all migrant workers but when they do not explicitly recognise the role of gender, they fail to address the specific needs of different population groups. A case in point is how the SDGs are articulated with regard to women migrant workers – while SDG Target 8.8 specifically seeks to provide decent working conditions for all workers *including migrant workers, in particular female migrants, and those in precarious employment*,³⁷ Target 10.7, which contributes to reducing inequalities between countries, is gender-neutral when it calls on States to facilitate *safe, regular and responsible migration and mobility of people*.³⁸ By not requiring migration policy design to be sensitive to women, migration governance at the national-level has so far failed to adequately include the needs and concerns of women migrant workers.

At the national level, many migrant-sending countries covered in this study, have taken initiatives to assist migrating nationals. Many of these initiatives involve compulsory pre-departure training (Bangladesh, Sri Lanka), restrictions on recruitment fees (Sri Lanka, Nepal), free visas (Nepal), registration of recruitment agencies (Bangladesh, Ethiopia, India, Nepal, Sri Lanka); migrant workers who register themselves with the government are entitled to insurance and welfare benefits (India, Sri Lanka). In Sri Lanka, the government has a zero recruitment fee policy for women migrating for domestic work. Many governments increasingly offer labour assistance (including legal aid and shelters) to their nationals who are working abroad; for returning migrant workers, schemes have also been made to assist in economic reintegration.

³⁵ The Kathmandu Declaration aims to “mainstream a gender lens into all working group discussions so as to strengthen the Colombo Process’ efforts to address specific needs and vulnerabilities of women migrant workers and promote equal opportunities for them, building on the existing initiatives of working groups to include gender-specific discussions, especially in relation to the domestic work sector and those in the care economy”. Colombo Process (2018), Colombo Process Ministerial Declaration (The Kathmandu Declaration), Sixth Ministerial Consultation on Overseas Employment and Contractual Labour for Countries of Origin in Asia (Colombo Process), available at <https://colomboprocess.org/cp-meetings/detail/kathmandu-consultation-2018>

³⁶ In 2016, the Colombo Process adopted five thematic priority areas, namely: skills and qualification recognition; fostering ethical recruitment practices; pre-departure orientation and empowerment; promoting cheaper, faster and safer remittances; and labour market analysis.

³⁷ Target 8.8: *protect labor rights and promote safe and secure working environments of all workers, including migrant workers, particularly women migrants, and those in precarious employment*. It applies to Goal 8: *Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all*, <http://indicators.report/targets/>

³⁸ Target 10.7: *facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies*. It applies to Goal 10: *Reduce inequality within and among countries*, <http://indicators.report/targets/>

In addition to these schemes, governments have also introduced age requirements, geographic or occupational restrictions on adult citizens who wish to work abroad as a way to protect them from labour exploitation and to prevent trafficking. The majority of these restrictions target only women, which effectively bans them from migrating overseas using legal channels. Multiple studies repeat the same findings: labour mobility bans on women do not work; on the contrary, they force women into irregular migration and increase the risks of exploitation. Placing restrictions on women’s mobility is in contravention of States’ international legal obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). CEDAW Committee’s General Recommendation No. 26 recommends states parties to “repeal sex-specific bans and discriminatory restrictions on women’s migration on the basis of age, marital status, pregnancy or maternity status. They should lift restrictions that require women to get permission from their spouse or male guardian to obtain a passport or to travel”.³⁹ Another consequence of these restrictions is that they negate the other more positive schemes that governments have introduced for departing migrants, because the majority of women migrants are unable to access these schemes.

Legal Restrictions on Labour Mobility	Bangladesh ⁴⁰	Ethiopia ⁴¹	India ⁴²	Nepal ⁴³	Sri Lanka ⁴⁴
Additional age requirements	✓		✓		✓
Educational requirements	✓		✓		
Bans prohibiting work in certain countries		✓		✓	
Additional conditions to work in certain countries	✓		✓		✓
Family restrictions	✓				✓
Restrictions on occupations				✓	
✓ applies to all adult migrant workers (men and women)		✓ applies to only adult women migrants			

³⁹ Paragraph 24.a of CEDAW’s General recommendation No. 26 on women migrant workers, adopted on 5 December 2008, CEDAW/C/2009/WP.1/R,

https://www2.ohchr.org/english/bodies/cedaw/docs/GR_26_on_women_migrant_workers_en.pdf

⁴⁰ Bangladesh used to place travel bans on its female nationals to work in the Middle East. While the bans have been removed, there are restrictions for female migrants going to Saudi Arabia: women must be in the age group 25 to 38 years, pass the interview before fingerprints are taken, study at least up to grade 3, be able to read the agreement provided by the recruiting agency that contains name, address and contact number, and have the physical and psychological ability to adjust in an alien culture. Besides, any woman with children below the age of five is not allowed to migrate.

⁴¹ Between 2013-2018, the Ethiopian government had banned all its nationals from working in the Middle-East. The ban was lifted in 2018 but details of the new laws have not been made available (online at least, as of the date of writing).

⁴² Migrant workers who do not have school leaving (class 10) qualifications are issued with ECR (Emigration Check Required) passports. Their visa needs to be endorsed if going to any of the 18 ECR countries identified by the Ministry of External Affairs. Women below the age of 30 are forbidden from going to the ECR countries for domestic work. <https://www.mea.gov.in/emigration-clearance-system.htm>

⁴³ Nepal currently forbids Nepali women to migrate to the GCC countries for domestic work.

⁴⁴ Sri Lanka currently prohibits women with children under the age of five from migrating overseas for work. Under the current policy, women with children over the age of five must provide a Family Background Report (FBR) to show that alternative care arrangements have been made for their children. Women who want to migrate as domestic workers to the Middle East may not be younger than 23 years (if migrating to Saudi Arabia, they have to be 25 years of age) and not older than 55 years. Women wishing to work as domestic workers in the Middle East must undergo a longer training (40 days) as opposed to those women who are going for non-domestic work (5 days). See the Caritas report for details on Sri Lanka’s policies on women labour migration.

Gender-based violence (GBV) in the world of work

The **ILO Convention No. 190 concerning the Elimination of Violence and Harassment in the World of Work** defines violence and harassment in the world of work as a “range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment”.⁴⁵

Gender-based violence (GBV) is violence that is directed against a person on the basis of gender. It constitutes a breach of the fundamental right to life, liberty, security, dignity, equality between women and men, non-discrimination and physical and mental integrity; violence against women (VAW) is an act of gender-based violence that is directed against a woman because she is a woman or that affects women disproportionately.⁴⁶ The World Health Organisation (WHO) estimates that 35% of women over the age of 15 have experienced sexual or physical violence at home, in the workplace or communities.⁴⁷

While women’s overall participation rate in the labour force has increased, the occupational choices available to women remain limited along gendered lines. More women are employed in the informal sector than men, especially in developing countries⁴⁸ – they are more likely to be engaged in labour-intensive, time-intensive, lower-paid, and lower-valued work; these patterns are also true for migrant workers.

Women migrant workers are more likely to be engaged in care work, especially domestic work - 11.5 million (17.2%) of the world’s 67.1 million domestic workers are international migrants; 8.4 million (73.4%) of migrant domestic workers (MDWs) are women or adolescent girls.⁴⁹ As women’s labour participation and aging populations in the Arab countries increase, migrant workers are filling the gaps created in care work (domestic work, child care, elderly care workers and nurses). The growing demand for domestic and care workers from countries in the Middle East is only likely to drive up migration for these sectors.

In both countries of origin and destination, governments are increasingly making efforts to regulate the recruitment and employment of domestic workers – from physical and health checks to mandatory, and longer, pre-departure trainings for migrating domestic workers in the sending countries, to implementation of domestic work legislation in destination countries which set out minimum labour standards that employers must respect.

⁴⁵ Article 1, ILO Convention No. 190,

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190

⁴⁶ Paragraph 6, UN Committee on the Elimination of Discrimination Against Women (CEDAW), CEDAW General Recommendation No. 19: Violence against women, 1992, available at:

<https://www.refworld.org/docid/52d920c54.html>

⁴⁷ WHO, Violence Against Women, Factsheet, available at <https://www.who.int/news-room/factsheets/detail/violence-against-women>

⁴⁸ ILO (2018), World Employment and Social Outlook: Trends for Women 2018 – Global snapshot International Labour Office – Geneva: ILO, 2018, https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_619577.pdf

⁴⁹ ILO (2015), ILO Global estimates of migrant workers and migrant domestic workers: results and methodology / International Labour Office - Geneva: ILO, 2015

Yet, the broader gender gaps in employment and lower job quality means that women across the world have limited access to employment-related social protection compared to men. For informal sector workers whose work is excluded from any formal labour inspection and regulation, their vulnerability to abuse, violence and exploitation is compounded not just by their gender, but also by a missing labour protection framework as well as other structural barriers to their economic and social participation.

Unsafe and precarious employment conditions, temporary, shift and zero-hour contracts are found in the formal sector as well; the labour abuses suffered by garment factory migrant workers have been well-documented.⁵⁰

The Women, Business and the Law 2018 report examined 189 economies for seven indicators regarding women's agency and access to: public institutions, use of property, getting employment, receiving incentives to work, access to law courts, access to credit, protection from violence. On average, sub-Saharan Africa, South Asia, and the Middle East and North Africa (MENA) regions received the lowest scores across all seven indicators:⁵¹

- Over 35% of the surveyed economies had constraints on women's legal capacity; in 18 countries, husbands can legally prevent their wives from working.
- In 16 countries, there were legal discriminations between the evidentiary value of women's and men's testimony (including Bahrain, Jordan, Kuwait, Oman, Qatar and Saudi Arabia)
- Although almost 80% of the studied economies prohibit gender discrimination in employment, only 40% require equal remuneration for work of equal value.
- Thirty-six countries do not have any laws on domestic violence nor any aggravated penalties for violence at home: 19 are in Sub-Saharan Africa and 10 are in MENA
- 70% of the surveyed MENA economies did not have laws prohibiting sexual harassment in employment.

The findings are relevant because they highlight the structural inequalities and violence that women workers experience in the world of work. For informal sector workers, violence in the informal workplace can be particularly difficult to address due to the absence of an inclusive definition of "workplace", especially when violence at home and violence at work can overlap. Globally, 16.6% of women compared to 6.9% of men are contributing family workers; the share is the highest in South Asia (women – 31.9%; men – 9.1%) and Sub-Saharan Africa (women – 31.7%; men – 16.2%). As contributing family workers, they have limited access to employer contracts or employer-provided social protection.

The ILO Convention C190 has expanded worker protections from violence and harassment in the workplace to the larger world of work which covers workplaces (including public and private spaces), workers' accommodation and rest areas, commutes and work-related travel;⁵² in so doing, WMWs, especially MDWs, are afforded greater protections. The Convention was adopted in June 2019, and requires the ratification of two ILO member States for it to enter into force.

⁵⁰ Human Rights Watch, Labor Rights in the Garment Industry, <https://www.hrw.org/topic/womens-rights/labor-rights-garment-industry>

⁵¹ Iqbal (2018), *Women, Business, and the Law 2018 (English)*. Washington, D.C. : World Bank Group. <http://documents.worldbank.org/curated/en/926401524803880673/Women-Business-and-the-Law-2018>

⁵² Article 3, ILO Convention concerning the elimination of violence and harassment in the world of work (ILO C190), https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190

Chapter 3: The Lived Experiences of Women Migrant Workers

I. The decisions and preparations to migrate

In many of the countries of which the WMWs who participated in this study are nationals, restrictions on women's labour migration have been placed by the governments, ostensibly to "protect" women from abuse and exploitation in the destination countries. While restricting women's access to employment opportunities abroad, States have at the same time not made any efforts to integrate them in the domestic labour market - especially those whose education level may not allow them to compete in the formal labour sector. This is particularly true for those countries where the unemployment rates for the general population are high.

Just as with other population groups, the reasons to migrate for the 214 WMW who shared their experiences with us are complex and individual. And while there are many other studies⁵³ which have documented in greater detail the push factors for migration, for this report we are limiting ourselves to the reflections of the WMWs themselves as to why they decided to migrate.⁵⁴

1) Gender restricted access to decent work opportunities

Across the world, women's participation in the informal sector is higher than men's – this is also true for the home countries for participants of this Study (Bangladesh, Ethiopia, India, Nepal, and Sri Lanka).⁵⁵

Gender, caste and class play a role in determining what occupations women can engage in when in their home communities. Since almost none of the WMW in our study were educated beyond the secondary level, the occupation choices for the majority were limited to occupations where formal training or skills are not a requirement. The educational attainments of the research participants are in line with the national data available for Bangladesh, Ethiopia, Nepal, India and Sri Lanka – the low school enrolment rate for girls (especially in tertiary education) for these countries is reflective of the low social investment being made in education, which has an impact on women's employability.

For nearly all the women interviewed, employment abroad presented opportunities to provide for their families. Although many women felt that their migration experience (whether positive or negative) had made them more independent (a positive feeling by their own admission), very few women placed individual desires (such as self-improvement, or a desire to see the world) as the primary reason for migrating. When asked what motivated them to migrate, the emphasis for nearly all interviewees was on their ability to send remittances to their families, to support elderly parents, siblings, children and husbands (who might be unemployed or underemployed in the home economy).

- *"I was the only person providing treatment expenses for my mother. My father remarried and I got three more siblings. The medical expenses were increasing. It became impossible for me to*

⁵³ See, among others: IOM (2018), World Migration Report 2018, https://publications.iom.int/system/files/pdf/wmr_2018_en.pdf, Helms and Leblang (2019), Global Migration: Causes and Consequences, <https://oxfordre.com/politics/view/10.1093/acrefore/9780190228637.001.0001/acrefore-9780190228637-e-631>

⁵⁴ A note about the quotes: the quotations in this report are drawn from the individual country reports and the sources are identified. The quotes serve to illustrate the discussions that were had across all the countries.

⁵⁵ ILO (2018), Women and men in the informal economy: a statistical picture, International Labour Office, https://ilo.userservices.exlibrisgroup.com/view/delivery/41ILO_INST/1252879760002676

keep up with the treatment cost along with other family expenses, so I went to Lebanon.” (Bangladeshi returnee MDW from Lebanon, OKUP Report)

- *“I have a big family. After my father’s death, there was no breadwinner in the house. My sister was abroad, but she was not on speaking terms with us. We hardly had money to buy one meal a day. In this situation no one came forward to help us. (Sri Lankan returnee, Caritas Report)*
- *“I married a man who already had three children. I accepted them as my own and when I had my own child and [as I was] financially very weak the only alternative was to migrate. I migrated for foreign employment leaving behind my seven-month [old] baby whom I was still breast-feeding. I took an injection to dry it up which is so painful when I still remember doing it. I used to send back whatever I earned for my husband to buy a vehicle so that he also could earn from it but when I came back he had left us for another woman. I have no alternative now to support my family as the Nepal Government has imposed a ‘Ban’ to go for foreign employment and that is the only skill I know.”* (Nepali returnee, AMKAS Report)
- Sharing the stories of Indian WMWs who also migrated to support their families, “[f]or many women, the responsibility of providing for their children’s education and family support was seen as being their burden alone because their husbands’/fathers’ take very little responsibility in this regard” (NWWT Report)

When the main reason to migrate is to contribute to the family’s income, the decision to seek employment abroad (and which country to travel to) is not made independently. The decision is made in consultation with the family, particularly husbands and family elders. In many cases, it has been easier for women to find work abroad than men – reduced recruitment fees in some cases, and the high demand for domestic workers in the Middle East means that it is easier for WMW to secure employment in this line of work. Recruitment agencies in sending countries in South Asia are keen to contract women seeking employment abroad. Until 2018 the Ethiopian government prohibited women to go work in the Gulf countries, as a result many of the participants from Ethiopia had used irregular ways to find work abroad.

2) Inadequate protections from gender-based discrimination and violence

This project focused on women’s experiences of GBV in the migration cycle. All the participants, even if they may have not been familiar with the term “GBV”, had experienced violence in their daily lives.

Violence at family and societal levels

Street-level violence and harassment were common occurrences and violence from employers was also common – very often the shame of sexual harassment falls on the victim which means even if countries have legislation to improve the reporting and punishment of sexual violence, it is difficult for victims to come forward; of course, the intersectionalities of caste, education and class also have an impact on the ability of victims to file complaints.

Many of the women had experienced domestic violence and control, and in societies where divorce is “shameful” and limited support is available (either legally or socially) to domestic abuse victims, migration provides a legitimate means of escape.

- *“If my husband works one day, he doesn’t work for the next 15 days. If I ask for anything, my mother-in law and sister in-law start beating me along with my husband. All of them beat me regularly and didn’t even think to take me to the hospital. Then my parents told me to go abroad which would at least keep me alive.”* (Bangladeshi returnee, OKUP Report)

- *“I faced domestic violence from my drunkard husband. When it was unbearable we got divorced and I went to Saudi Arabia, but my family blamed me for it though they know my situation.”* (Nepali returnee, AMKAS Nepal Report)

However, even when migration becomes a strategy to escape control and violence, women still need the consent of their male guardians. In Sri Lanka where the age of consent is 18 years, the current policy requires women to prove they have their guardian’s permission to migrate: married women to obtain the written consent of their husbands (which is independent to their maternal status⁵⁶); divorced women need to prove that their separation is legal. Unmarried women need the signature of the guardian.

Even in the absence of such formal requirements, women still need to consult (i.e. obtain explicit permission from) male heads of household. This should not come as a surprise considering the legal and social constraints that still exist on women’s participation in decision-making (not just in public life but also in personal and household decisions).

Some women did not even want to migrate; the decision and the preparation for their journeys were made entirely by their families, *“I didn’t want to migrate ever. But my husband was torturing me every day for migrating abroad. After a few months I got pregnant, but he forced me to abort the child. One day he took me to the hospital and forcedly abort my 2 and half months child. And finally, I had to migrate to Saudi Arabia, then after two months came back from Saudi Arabia because of brutal abuse. My words or decision has no value to my husband as I am a woman.”* (Bangladeshi returnee MDW from Saudi Arabia, OKUP Report)

Violence in the world of work

Since the research focuses on the experiences of current and returnee MWs, the occupational history of the participants prior to their migration journeys was not explored in-depth. However, since the majority of the participants did not have tertiary or even school-leaving qualifications, many would have been engaged in informal employment prior to migrating. Informal sector occupations (such as domestic work and home-based work) are unregulated with no requirements for minimum wage, working hours or safe working conditions. Informal workers lack minimum labour protections and so are more vulnerable to abuse and exploitation. ILO statistics from 2018 reveal that although the global overall share of men in informal employment is higher, there are “more countries (55.5 per cent) where the share of women in informal employment exceeds the share of men in informal employment”.⁵⁷

Even for women who work in more regulated sectors such as garment manufacturing, violence and harassment on the factory floor are common experiences:

- *“In 2016, I went to Jordan as a garment’s machine operator. From the beginning, the workload was overwhelming. We used to work for long hours but never received any overtime payment. In*

⁵⁶ Weeraratne (2018), Migration and Gender Outcomes: Analysis of Selected Policies in Sri Lanka, https://www.knomad.org/sites/default/files/2019-01/KNOMAD%20Working%20Paper%2035_Migration%20and%20Gender%20Outcomes_Analysis%20of%20Selected%20Policies%20in%20Sri%20Lanka.pdf

⁵⁷ ILO (2018), Women and men in the informal economy: a statistical picture (third edition) / International Labour Office – Geneva: ILO, 2018, available at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_626831.pdf

Bangladesh, the authorities told me our working hours will be form 8 am to 5 pm. However, we had to work form 7 am to 11 pm. In addition, my salary was 11,000 taka which was five thousand taka less than what I was promised in Bangladesh. One day after having my lunch, I had an accident and broke my leg. I was in massive pain and could not my place my leg on the machine. However, the manager did not grant me leave. Next day I asked for medicine but they denied me any medical treatment.” (Bangladeshi returnee from Jordan, OKUP report)

- *“Company supervisors always insult us and use vulgar words if we are unable to finish the given target or for other issues.”* (Bangladeshi returnee, OKUP Report)

The social policing of women’s bodies restricted the employment opportunities available to them – living alone, working or commuting late at night, or even working in male-dominated environments are not feasible for many women: *“There were hardly any opportunities for us to find a job in our own community, village, union etc. Besides, if we work outside, the community people will talk behind our backs and we would also spend a lot of money for our living expenses.”*(OKUP Report)

Even for occupations that are female-dominated, the low social status accorded to that work can be prohibitive. In an informal interaction with a group of Indian WMWs, some of them shared how they faced social stigma for being a domestic worker at home. In contrast, when women worked abroad, the higher economic value attached to being employed abroad offsets the lower social value that was prescribed to the nature of the same work at home.

For some of the unmarried/divorced/widowed respondents, migration was also a means to escape the social stigma attached to being a woman without a male guardian in their societies. For many single women who were without the protection of male family members (such as fathers, older brothers or husbands), they were subject to the scrutiny and censure of the community. Researchers in Nepal shared the story of one young WMW, *“Being a very young single mother, life was not easy for her. Her neighbours had always been sympathetic to her. But in public transportation, markets and in public spots, young guys used to whistle, throw stones and sometimes wink at her. They even used to tease her calling “Kanchhi.”*⁵⁸ *When life was too hard she decided to migrate to Kuwait”* (Nepali returnee, AMKAS Report).

3) Limited legal pathways for “safe and fair” migration

Having been excluded from decent employment opportunities at home, the women who participated in this study turned to migration as a means to improve their situation. The majority of migrant sending countries have introduced initiatives to promote “safe migration” – either by reducing recruitment fees, or by regulating recruitment agencies, or by providing information to potential migrants.

Almost none of the women who participated in this study, however, had received any of the government-provided messaging on safe migration prior to their migration. Very few had been able to attend government-provided information or training programmes, because of either the unavailability of these programmes in their community or the unavailability of information about the existence of these programmes. That migrating women trust unofficial sources of information (friends, family, recruitment agencies) over government sources of information was a finding from a 2018 study done by the ILO in Bangladesh: in a survey done with migrants about the sources of information at the pre-

⁵⁸ The term is traditionally used as a compliment to a beautiful woman.

departure level, none of them mentioned State information campaigns; the majority relied on their relatives for information.⁵⁹

- *“I did not know anything about Saudi Arabia prior to my migration. The trafficker gave me false information about highly paid domestic work in Arab countries.”* (Ethiopian returnee, AGAR Report)

The existing processes are complicated and complex to navigate. In Sri Lanka, the researchers noted the lack of simple and practical migration guides which are user-friendly for groups.⁶⁰

Most women relied on either family or friends for information and advice; in some cases, where they had family members working abroad in a particular country, some women relied on their networks there to find suitable employment. In almost all instances, they relied on recruitment sub-agents or informal brokers for advice and preparation (hereafter referred to as “agents” because this is the catchall phrase that the participants used to describe all the brokers involved in the migration process). These experiences were especially true for the first-time migrants.

Reliance on reluctant sources of information

Research partners noted the reluctance of many WMWs to talk openly about their experiences in destination countries – both in the context of everyday conversations, as well as when they are asked for advice by potential migrants in the community. This is especially true if the returnees had negative experiences.

- *“I don’t want to tell her what my experience is then she will say this is a domestic worker’s story. She has to experience it because she might not get a similar Madam. I think if she worked in a house with a good Madam then she’ll question why I said everything I did.”* (EM, Philippine migrant worker, Migrant-Rights.Org Report)

Some researchers reflected that this hesitancy could be for two reasons – firstly, the stigma attached to violence, especially sexual violence, means that many WMWs are reluctant to talk about it; without any psycho-social support available to returnees, some may be reluctant to recall negative experiences. Secondly, talking about hardships could make them lose face in the community; returnees may prefer to be seen as “success” stories to be emulated rather than “failures”. Success for many WMWs is equated with completion of their contract period, and returning home with savings. Failure, conversely, is when WMWs return earlier than planned, or if they were not able to repay their loans or meet their financial goals. The pressure to be seen as a successful migrant may hinder returnees from being a vital source of reliable information and advice at the community level:

- *“They don’t take the advice of domestic workers highly. I prefer not to talk about it [as] I don’t think there is any point in sharing my experience - they will not understand. Also in my village the number of migrants are few. I had a few people speak to me...but open conversations are [few/rare] between [returning] migrants.”* (Migrant worker in the UAE, Migrant-Rights.Org Report)

⁵⁹ Rashid and Ashraf (2018), The Mapping and Scoping of Services for The Migrant Workers of Bangladesh at Various Stages of Labour Migration Cycle, International Organization for Migration and International Labour Organisation, available at https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-dhaka/documents/publication/wcms_686953.pdf

⁶⁰ Caritas SEDEC, Power in Migration and Work: Learning form the Experiences of Women Migrant Workers in Sri Lanka, to be published (hereafter referred to as the Caritas Report)

Even though most governments have regulated recruitment agencies and made the use of informal brokers illegal, these continue to play an important role in assisting potential migrants. Potential migrants do not select their agents based on their legal credentials but on the recommendations received from family and friends; often times these brokers come from the same community or share kinship ties with the potential migrant. There is no means for potential migrants to verify independently the credentials of the agents nor the claims made by them.

In trying to navigate the formal channels for getting employment, informal agents can present the friendliest face – they promise to find gainful employment to women who are unable to find decent work at home. In exchange for money, which is thought by migrants as an “investment” into their future higher incomes, agents can ease the process of obtaining passports and visas. Duplicity and deceit are common experiences:

- *“The illegal broker sent me to Lebanon with another person’s passport. When I arrived there the employer refused to take me home as I carried another person’s travel document. Then the local agent started to insult me. He beat me several times. He detained me in a very small room for three days without food and drink. Finally, the employer covered my return airfare so that I was able to return after five miserable days.”* (Ethiopian returnee, AGAR Report)
- *“...One day, Alnana from the Sub agency in our town, asked my mother to send me abroad. My mother told him that I was underage, and it cannot be done. I was 14 years old. For Alnana that was not a problem. He said he can change it in the documents. He told my mother that he wanted to help our family. So, I went abroad with false documents that gave my age as 22.”* (Sri Lankan WMW, Caritas Report)
- *“I didn’t attend the training before leaving. When I asked the broker about the training, he told me not to worry. He ask me for another BDT 5,000 for the certificate and in the end he sent me abroad without training.”* (Bangladeshi returnee, OKUP Report)
- About the experiences of Indian WMWs from Telangana and Andhra Pradesh, *“Sometimes the women themselves approach the agent/recruiter that they already know or were known to them through a connection. The women would trust these people as they had the information that some women migrated through them and believed everything that they were told. The agents/brokers would initially offer some amount of money. Also, some agents inform the women, the amount required could be given in instalments when they get their wages once they migrate and work. However information about the type of visa, validity of visa, details of work, and so forth was often kept concealed from these women ... They would rarely give information about the type of work, details of the sponsor and other vital details like address of Embassy in case of necessity. This happens mainly as many of these women in villages and small towns do not have access to information from the official channels”* (NWWT Report)
- *“Another issue is that brokers never give us the passport before leaving. If we ask them, they’ll say something like ‘What will you do with the passport, if I provide it, you might lose it.’”* When some women insisted, they were told, *“Women don’t need to know all the things, they understand less than men.”* (Bangladeshi returnees, OKUP Report)

The restrictions on women’s mobility that some countries have introduced have not been successful. From the experiences of the research participants, these restrictions can negate other steps that governments may have introduced to drive regular migration.

For example, the Nepalese government has introduced a “free visa, free ticket” scheme in a bid to regulate migration.⁶¹ By using official channels, potential migrants can reduce the costs of migration and eliminate the agents from the process. The researchers in Nepal asked participants if they had been able to take advantage of this scheme. The participants answered in the negative, because the “free visa, free ticket” scheme is only available to regular migrants.⁶² Since Nepal has also imposed a ban on its citizens travelling to the GCC for domestic work, the majority of women were not able to use legal channels to go there. The demand for workers from the GCC countries remains very high so many women travel to neighbouring countries, using the services of the agents there to travel to the GCC for work. As a result, they are left out of the safety nets provided by the government.

In many instances, the WMWs were not aware that there were travel restrictions imposed for certain countries. They relied on what the agents told them, who secured them their visa (visit or tourist visas) and made all the arrangements. For many women, the process of obtaining a passport and visa can be daunting, especially if they do not have sufficient literacy levels or if they live in remote locations. Many leave the paperwork to the agents. Since they do not apply in person, they miss any opportunity that might have existed to verify the legal procedures for themselves.

- *“For me travel ban cannot be a solution because it cannot stop migration and abuse. If the legal route is blocked, people migrate through illegal route and they are subjected to more abuses and exploitation.”* (Ethiopian participant who spent one month in Lebanon, AGAR Report)
- *“I had no idea about the bans but I am not agreed with those rules for us. Why all the people always make rules for a woman? How can they judge my workforce, my strength by seeing me once? How can my height be an obstacle for judging my strength?”* (Bangladeshi returnee, OKUP Report)
- *“I am aged but I have worked abroad twice. So my experience should be valued by making new opportunity for me rather than stopping me by bans such as age, literacy and so many.”* (Bangladeshi returnee, OKUP Report)

Conclusion

Some may conclude from this section that women are to be blamed for not taking steps to protect themselves. However, when women lack the opportunity to make an informed choice for themselves, when they lack the alternative possibilities to find gainful employment at home and when all the official channels for migration are blocked, the solutions to their problems is currently provided by the agents who offer them lucrative, if irregular, channels of migration. Women know they may be taking a risk, but when there are no alternatives, the risk may pay off. To mitigate these risks, governments of sending countries should remove all restrictions on women’s labour migration and facilitate legal migration pathways.

In the meantime, for the government agencies and the NGOs working to provide pre-departure information on safe migration, these narratives give some important insights:

- 1) Information on safe migration needs to reach potential migrants, not at the pre-departure phase, but at the pre-decision phase

⁶¹ Mandal (2019), Supreme Court issues directive to government to effectively implement ‘free-visa, free-ticket’ scheme, article in the Kathmandu Post, published online on 4th January 2019, available at <https://kathmandupost.com/national/2019/01/04/enforce-free-visa-free-ticket-scheme>

⁶² AMKAS Report

- 2) Safe migration messaging is not reaching the target community through the current channels of communication
- 3) Women migrant workers trust the messages given to them by other returnees and the recruitment brokers/agents. Peer networks have more influence among potential migrants than official sources of information.

II. The experience of migrating to, and working in, a foreign country

Almost all the WMWs shared how their expectations did not match the realities of their new lives abroad. Some were working in different cities, for different employers, with different salaries, in stark contrast with what had been promised to them; for others the culture and the work and living conditions took them by surprise, *“We went there the first time with Kandyan saree. It was so difficult and heavy to keep many hours during travel. When we reached the house owners and family members looked at us like animals. Our dress also was a joke for them...”* (Sri Lankan returnee, Caritas Report)

In almost all cases, when they arrived in the new country, the WMWs were met at the airport by new brokers with whom they had never interacted before. These brokers took over the role of the agents from the home countries, and were the new contact points for the women, responsible for coordinating their work and stay. For most women workers, the first interaction they had with their employers was when they were dropped off at the door of their employer’s home.

Some of the women did not have an employer when they arrived in the new country. Being on a visit visa, they were taken to the agency office of the new broker where they were contracted to work with different employers. In Lebanon, this led to a discussion between the research partners and the participants about occasions in which women had become commodities; Roomy from Bangladesh, for example, who has been in Lebanon for almost five years, was “returned” to the recruitment agency because she was sick. Instead of providing healthcare for her, she was “exchanged”. The agency then sold her to another employer who also decided after a week that she didn’t want her. It was after these two degrading experiences that she decided to work as freelance.⁶³

In all the country studies, the vast majority of women had their passports and mobile phones confiscated either by the new brokers on arrival at their airport, or by the employers. When faced with the threat of being sent back if they did not comply with these demands from the brokers and/or employers, most women felt they had no choice but to surrender their passports and mobile phones; this happened even when women were aware that they should not hand over their passports.

III. Violence in the world of work

Almost all the research participants shared stories of abuse and violence. Their accounts highlight labour contract violations, racism, restrictions on their movements and communications, sexual, physical and verbal abuse. Many women had a high threshold for what constitutes violence.

The purpose of the research was to highlight women’s own analysis of the violence that they suffered during their work abroad. They reflected on a variety of reasons which they felt had made them more vulnerable to violence; these reasons have been grouped by themes.⁶⁴

⁶³ AMEL Report.

⁶⁴ For more detailed accounts, please refer to the national reports.

1) Insufficient, impractical preparations

Life in any new country is not easy. Adapting to different living and food habits and different social norms takes time. A lot of women felt that nothing from home had prepared them for this – and this was one of the key feedbacks provided by the returnees: pre-departure trainings are informative, especially the knowledge about their rights and entitlements as migrant workers, but when migrant workers cannot act on this information then that knowledge is irrelevant.

- *“I never know about the definition of rights, workers’ rights in destination but I understood when I faced violation.”* (Bangladeshi returnee from Jordan, OKUP Report)
- *“The training we get is good. But it does not provide us with real practical understanding of the life challenges there.”* (Sri Lankan WMW, Caritas Report)
- *“We did not receive training that would equip us with the skills required for the work and life in Arab countries.”* (Ethiopian participant who spent two years in UAE, AGAR Report)
- *“We get an idea about basic language such as words for vegetables and home appliances, etc., but not more than that.”* (Bangladeshi returnee from in Lebanon, OKUP Report)

Pre-departure information

Almost all returnees demanded practical pre-departure information – from language to work skills, to knowledge about the customs and lifestyles in destination countries, to assistance for finding support networks, anything that will help them survive abroad. In this aspect, there is an opportunity for civil society organisations in both CoD and CoO to work together to build a practical curriculum for pre-departure trainings, especially to provide vital information about the legal requirements for migrant workers and to identify useful support networks and formal assistance contact points in the destination country. Research shows that when migrating WMWs do not have a pre-existing support network in the countries abroad, and on their own they may be unable to access support easily. This is a challenge particularly in those countries with migration restrictions, especially for MDWs, and where the political and physical spaces to meet other workers are limited – WMWs, unless they are in the know, may have limited access to information and help when they need it.

For many of the migrant-supporting NGOs in the countries of origin, developing a nuanced understanding about the labour migration regime in the destination country, especially the *kafala* system, can help them provide better information and services to their communities. At the same time, for migrant-assisting NGOs in the countries of destination, understanding the conditions back home and developing a network (who can provide repatriation/reintegration support or who can follow up with families and policy-makers on individual cases), can also help them in their work with migrant workers.

Employers’ expectations

Preparations to work in a foreign country need to be matched by preparations to *receive* migrant workers and this aspect came out in some of the discussions – employers had racist misconceptions about different ethnicities and nationalities, had little knowledge of the culture and food habits of their employees, or the lives they had left behind. One Sri Lankan woman showed her employers a Sinhala film to help them develop a positive attitude towards life in Sri Lanka. She said *“Government has to make significant contribution to [make] aware the people of those CODs that we are not beggars but we go there to work professional jobs, not work as slaves. In this regards image building [has] to be done by agencies and government organisations”* (Sri Lankan returnee, Caritas Report).

Many employers and domestic workers are unaware of the existing laws surrounding domestic work. One interviewee held employers’ expectations to be unrealistic *“in one employment I was expected to be at the gate to open it as soon as the bell was rung, the gate was quite a distance from the home – no*

matter what I was doing, even taking a shower".⁶⁵ While it is beyond the scope of this project to address employers' attitudes, some of the information shared here can be valuable to organisations that work with employers.

2) Migrant status

*"Low-income migrant women rank lowest in the hierarchy of female social power, which leads with Western female professionals, followed by national women, followed by non-Western professional women, and finally women in the service, hospitality, and domestic work sectors. Amongst low-income migrant women, there is again stratification by occupation and race".*⁶⁶ This statement comes from the reflections of the local researchers in the GCC countries, and captures the power dynamics within groups of women: occupation, class and race all have an impact on the way different categories of women workers experience migration.

When narrating their experiences of violence, WMWs identified their migrant status as at the core of their vulnerability. WMWs identified that both male and female migrants experienced violence, but the types and levels of exploitation differed according to gender:

- *"The female migrants are more vulnerable to violence than male migrants. They are exposed to sexual violence such as rape, being sex slave and forced marriage. The male migrants experience physical violence only. During the journey I saw that the traffickers sold young migrant women for armed militias in Yemen. They did this without the women's knowledge and consent. The buyer could do anything to the women including rape or forced marriage. They did not sell male migrants."* (Ethiopian returnee, AGAR Report)
- *"Men can go out and can make relationship with others but we can't just because we're women. They can help each other when they have problems and they can make a community, but if we have a problem, we have to fend for ourselves"* (Bangladeshi returnees, OKUP Report)

WMWs are cognizant of the **power dynamics between employer and migrant employees**. In countries where sponsorship systems apply, women knew that their success and survival depended on the kindness of their employers. *"Several participants cited 'fortune' or 'fate' as a reason for not sharing their stories with prospective migrants; they did not want their poor experiences to prevent someone from possibly enjoying a positive experience, since they might be 'lucky' and get a good employer"*.⁶⁷

The following excerpt is from one of the country reports that succinctly captures the challenges that WMWs face with both employers and agents, under the *kafala* system:⁶⁸

Though female migrants exhibit incredible resilience, there are structural limitations to their ability to navigate out of exploitation and find better work. Though there is a high demand to employ domestic workers already in the country, workers must obtain permission from their employers to change jobs with certain, limited exceptions that are difficult to realise in practice. This permission comes in the form of a No-Objection certificate (NOC) signed by the original employer. An abusive employer is unlikely to release a worker, especially without charging the worker a high - though illegal - fee.

⁶⁵ Migrant-Rights.Org Report.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Ibid.

It is difficult for workers to lodge an official challenge rejection to an NOC. Most would be unaware of the process, and the burden of proof and associated costs are high in what is often a protracted and clunky system. Sometimes workers, or employers dissatisfied with workers, can complain to the recruitment agency in the destination country and obtain a new placement. The fate of these women is largely dependent on the agency; there are numerous cases of agency officials abusing women who report abuse or are perceived as “difficult” to employ.

For irregular migrants, the knowledge that they could be arrested and deported at any time made them even more frightened to pursue complaints. The irregular status of many WMWs had also prevented them from reaching out to their embassies – many felt that they would be turned away from the embassy because they were irregular; migration status trumped nationality in receiving embassy protection. Not all embassies were uniformly bad; it depended on the country and the resources of the individual embassies.

Migrant workers are well aware of the power balance between their home countries and their host country. Many wondered why their home countries could not negotiate better working conditions for their nationals, when it is the destination countries who need migrant labour to sustain their continued economic success, and other sending countries are seemingly able to protect their migrants’ rights. In making these comparisons between how workers from other countries were treated, in nearly all instances women felt that their own nationalities was treated worse-off than WMWs from other countries. This feeling emerged from information they had heard from others, or their observations of other groups – Philippine nationals were universally seen as receiving the best protection, even though interviews with Philippine migrant workers dispelled this myth.⁶⁹

3) Gendered occupations which have no legal protections

In addition to the vulnerability that arises from their migration status, the research participants reflected that for women migrants, especially those involved in domestic work, the added restrictions that their employers can impose coupled with the isolation of their work, made them practically invisible:

- *“I was victimised because I was a migrant woman who worked in my employer’s house and no one could help me. The perpetrator believed that he could do anything to me without any legal consequences. He knew that I could not go anywhere. He believed that I did not have the right to report the case to the police.”* (Ethiopian returnee, AGAR Report)
- *“Even when I was working well, they openly spoke badly about me, in front of me”* (Ethiopian freelance worker, AMEL Report)
- *“Employers have a tendency not to give us the salary mentioned in the contract paper. If we were men, they would never think to give us less.”* (Bangladeshi returnees, OKUP Report)

The discrimination that women suffered from their employers also extended to the discrimination they faced from the community at large:

“Some women said that even if they did have a day off, where are they to go? An Ethiopian participant said that she was not welcome in many places because of her skin colour, and a Bangladeshi participant stated that the only places she was able to go to were principally for the Ethiopian community, and “for sure I will not go to other places” where she feels unwelcome. Furthermore, as a result of restrictions on their communication with not only family, but with the

⁶⁹ Ibid.

outside world, some women noted that they didn't have many friends to meet with anyway, even when they do have time off".⁷⁰

One woman shared "I don't have too many friends, my madam does not like me to talk with others". (Sri Lankan domestic worker, AMEL Report)

WMWs who worked in factories felt that compared to domestic work, their position was better. While abuse and discrimination on the factory floor were regular occurrences, at least the factory workers could put a distance between themselves and their supervisors at the end of the day. Furthermore, the dormitories provided them with much needed space to socialise and interact with other workers.

Both countries of origin and destination have taken steps to reduce the high levels of violence that migrant domestic workers are subject to; some of the GCC countries have implemented laws regulating domestic work. Employers of domestic workers have to sign labour contracts which outline work tasks, working hours, wages, time off, return air tickets etc., but given the nature of domestic work, especially live-in domestic work, it is largely up to the employers to comply with the requirements, or to interpret compliance as they see fit. As one research partner put it *"employers who pay workers on time, provide them breaks, and free time outside of the house do not do so because they are compelled to – they do so because they have the choice, amongst many others, to do as they wish".⁷¹*

Since work contracts are not enforced, women have to work for their employers with the hope that they would be paid. For many women, violations of their work contracts were the norm. Long working hours, inadequate provisions for sleeping and rest areas, delay in payment or non-payment of salaries, violations of their privacy were routine. In Lebanon, the research partner uncovered:⁷²

Whilst there were instances highlighted in interviews of low salaries as (a result of) women feeling they could not negotiate with the employer, there were also cases of low salaries considered as the norm by recruiting agencies and employers, with no respect to minimum wages... The salaries afforded to domestic workers were reflective of the lack of recognition of domestic work as work, with all participants receiving less than the minimum wage in Lebanon, and less than what would be considered a "living wage".

Furthermore, there were cases of ... no proof of payment being available for domestic workers. This puts equal risk on both parties of the contract - neither the employer nor the employee is able to [prove] payment or non-payment of wages. In one case, one Sri Lankan woman who had been working in the same household for at least 15 years, never directly received her salary, which was instead reportedly sent directly to her family in Sri Lanka. She received no proof of this transfer, and only verbal confirmation from her family that money was received.

Women migrant workers in cleaning companies

There is currently not much information available about the conditions of work for WMWs who are recruited from their countries by cleaning companies to work abroad. Even the numbers in this report may be insufficient to draw conclusions. Only one research partner was able to interact with migrant professional cleaners but their findings shed some light on this sector, which is relevant for future work.

⁷⁰ AMEL Report.

⁷¹ Migrant-Rights.Org Report.

⁷² AMEL Report.

Some of the MDWs in this research were contracted to a specific cleaning company and were then sent by the company to work on a part-time, hourly basis for local households. This “professionalisation” of domestic work services potentially offers a modicum of protection for migrant workers. This is mainly because professional cleaners live in dormitories (not the private home of their employers) so there should be fewer restrictions on them. They are covered under labour laws, and finally because the legal employers are the companies and not private individuals, employer accountability can be enforced under labour laws.

However, as the research shows, professional cleaning companies do not yet offer a viable, safer alternative to migrant domestic work. At the moment, cleaning companies are under-regulated which means that professional cleaners still work under the same conditions as other domestic workers. Since cleaners may experience rights violations from employers, and/or clients, and also during their commute, there is an opacity surrounding accountability for violations that WMWs professional cleaners may experience.

The research carried out by Migrant-Rights.Org reflects on these challenges (excerpt):

Though hourly workers may seem to have more mobility than domestic workers, this mobility is sometimes superficial; even workers subcontracted to work in hotels and companies, women spend the majority of their days working and commuting to work, and once they return to their company accommodation can be prevented from leaving without company permission.

In fact, some recruitment agencies use cleaning company or hospitality service visas to work-around domestic worker deployment bans. One participant from the Philippines told us she was recruited to work in establishments – like schools, hospitals and companies – and though she technically worked for a cleaning company, she ended up working in private homes under the same conditions domestic workers face.

....

Overwork was not restricted to domestic workers; cleaning company workers reported the same issues in part due to long commutes between clients and the company accommodation. Anisah, a Filipino cleaning company worker, noted that her contracted hours did not reflect how much time she actually spent on the job. “In the contract they put working hours only 8 hours. Two hours travel is ok. And if you travel 6 hours? I am picked up 5.30am and dropped back 9/10pm.”

Both AMEL Foundation and Migrant-Rights.Org found that women migrant workers experience violence and discrimination no matter where they work:

- [A]n Ethiopian migrant worker, who had left her employer and was now working as freelance, cleaning in a company, stated that the Europeans working in the same company were treated very differently - they received a lot more respect, and “*they say please and thank you to them but not to me*”. (AMEL Report)
- Another Filipina who works with a cleaning company says she had to endure sexual abuse (from both clients and the company management), long working hours, and hours of travel that were not compensated for, “*(we are) not being treated like a human.*” (Migrant-Rights.Org Report)

Professionalising domestic work by itself will not suffice to protect workers from abuse, unless it is accompanied by regulation, accountability and remedy.

IV. Reacting to and escaping from violence

When WMWs are not legally allowed to change employment or return without their current employer's permission, it can be difficult for those who have had altercations with their employers to find a way to exit a tense workplace. When their employers held all the power, the women had very limited options: try to appease them as much as they can, and when that fails, find a way to return home or run away and lose their legal status.

In almost all research countries, the extent to which migrant workers tolerate violence is a reflection on the extent to which GBV is being normalised in societies. Researchers from different countries shared:

- *Some of them strongly believe that if they do not think about other things and focus only the work then they can minimise challenges/issues. Indirectly what they said was [that] without use of phones, [or] any other human relations if they work as slaves then they would not have any issues.” (Caritas Report)*
- *“Meribe, a Filipino worker in Kuwait, for example told us her first house was “good” despite her employer’s verbal abuse, because she provided the salary on time each month (as well as food). Similarly, Moma, from Benin, could manage her employer’s anger but wanted to leave because she wasn’t receiving the wage she expected.” (Migrant-Rights.Org Report)*

Tolerating violence is not just a coping mechanism that women apply in the absence of other practicable strategies, but it also seems to be a strategy that returnees share with other departing migrants who seek advice on how to have a “successful” migration experience. The first instance of this came during an informal interaction with one of the returnee MDWs in India who believed that, compared to other returnees, she had a successful migration story and thus did not have anything to contribute to the research. The reason for her success was that she never refused her employer. A similar experience was shared by a returnee from Ethiopia:

- *“I got very relevant information from a returnee migrant who had spent more than ten years in a Middle East country. She gave me useful information about the destination country’s culture, living style, working environment, possible challenges and how to cope with them. The most useful information I received was about awareness of myself and my status (accept and act as housemaid), working hard, being honest, dressing decently and appropriately, and avoiding overreaction. That is why I was able to work for 14 years in a safe way.” (Ethiopian returnee, AGAR Report)*

1) Seeking support and assistance from non-government organisations

Many migrant workers, through their experience, have a distrust of officials and tend to rely on advice from their peers. Migrant peer networks act as crucial point of support, information and advice.

- *“I was a member of a secret peer support group in Lebanon. Our peer group provided advice, covered the costs of medical treatment, gave provisional shelter for the abused members, and contributed money to those in need.”(AGAR Report)*
- *“I have never heard about receiving any type of training before migration but received on the job training as a security guard but knew from my co-worker that we can receive help from our embassy if we need help.” (AMKAS Report)*

Having access to safe spaces in destination countries which can provide WMWs both geographical and cultural proximity to others is important for their well-being. Such spaces (formal and informal) are not easily available or accessible and the few that do exist are limited to WMWs in urban areas.

Factory workers find it marginally easier to meet other workers; for MDWs this is a lot more difficult. Even among MDWs, the geographical location of their employment affected their abilities to interact with other MDWs. In these highly isolated circumstances, WMWs found support and assistance from unexpected sources which one research partner referred to as the 'whisper network':

- *"Women make use of the smallest opportunities to support one another or seek support. For example, a neighbouring domestic worker warned one participant of her employer's reputation with previous workers while throwing out the garbage, prompting her to leave. Women also may get to know other workers while at employers' homes during social gatherings, and exchange tips or advice."* (Migrant-Rights.Org Report)

In the first instance when faced with violence in their work, many WMWs did try to reach out to their **agents** (both in the home country as well as the new broker in the destination country), informing them of the abuse and asking the agents to take them away, send them back home or to even help them change employers. In most cases, the agents ignored the women or took the side of the employer:

- *"When my employer was abusing me, she called the agency when I wanted to go back to my country. But the agency asked me whether they provide me food and salary or not. I said they do but I have no specific working hours, no time for taking rest or sleep, which made me sick. But the person from the agency told me that I would have to pay three lakh taka or I continue working there."* (Bangladeshi returnee, OKUP Report)
- *"I called the agency office (in the destination) and they told me that I have to complete my two-year job contract despite the abuse in the employer's house. Even the middleman shouted at me."* (Bangladeshi returnee, OKUP Report)

In some cases, the agents themselves became the perpetrators of violence, demanding money for assistance or physically beating the women as punishment for complaining or for not complying with the agent's demands to move to a new house

- *"Two women had bad experiences with agents in the country of destination when they faced violent situations with their employers. For instance, when they requested the agents to help them with their return, the agents demanded money. One woman paid INR 40,000 to the agent to come back from Bahrain, whereas in the case of another woman, the agent collected three months of salary from the employer and dropped her off at the Indian Embassy. She had to buy her ticket and came back to India from Saudi Arabia. She lost three months of salary in addition to the cost of the ticket from Saudi Arabia."* (NWWT Report)
- *"If we go to seek remedies or justice, we have to meet with the agency immediately. But they abuse us more than the employers do. They beat us brutally, they take all our belongings if we go to their shelter, and sometimes even kill us."* (Bangladeshi returnee, OKUP Report)

Returnee WMWs recalled receiving help from informal sources such as independent domestic workers, migrant workers, local workers (e.g. taxi drivers, couriers), as well as more formal sources such as

registered migrant community groups and civil society organisations. These experiences indicate that beyond embassies and employers, other community members can also be relevant stakeholders in the debate of migrant welfare in countries of destination. Local community could help identify victims of trafficking and, as seen in the experiences of some of the WMWs, assist migrants in distress to make contact with official assistance (e.g. government and embassy shelters).

None of the WMWs reported having access to public services such as hospitals and community healthcare centres in destination countries. If they did, then social workers and healthcare providers could also be community stakeholders who are uniquely situated to identify, assess and report cases of abuse, without endangering WMWs.

2) Losing regular migrant status

Once they found themselves in an abusive situation they could no longer tolerate, many WMWs simply ran away leaving behind their legal documents and personal belongings. But once they have run away, women have very few avenues for legal support - many reached their embassies through the kindness of strangers (see above), or they managed to locate NGO-run shelters from which they were repatriated back home. In no instance was it possible for a WMW to legally change her employer on her own.

Becoming a “freelance” worker

In some instances, WMWs found ways to ensure their own safety and independence. This was found by the researchers in Lebanon who interviewed different nationalities of WMWs working as “live-out” domestic workers. This group of MDWs was essentially paying their sponsors to maintain their legal sponsorship to work as domestic workers in Lebanon, but instead of living and working full-time with only one employer, they had independent living arrangements and were working part-time with multiple employers. The following excerpt from the AMEL Foundation Report highlights women’s own analysis of freelance work, comparing the advantages vis-à-vis the drawbacks:

In general, participants noted significant differences between the conditions of freelancers compared to live-in workers both with their pros and cons. Freelance women noted that they are not subject to such abuse as they are able to choose their employers and the employers are not responsible for them in the same way as they are for live-ins.

Nevertheless, in addition to the major challenge of not having the legal right to work and reside in Lebanon as a freelancer, freelancers also noted challenges with regard to high living costs as their rent and food are not covered by the employer. Many women had left their employers believing that they would earn more money as freelancers but noted that this was not always the case, and not all freelancers were earning well. Additionally, they reported a recent and current lack of work, due to “competition with Sudanese and Syrian” workers.

A number of freelancers expressed anguish at not being able to freely leave the country due to their irregular status, and not having the financial and informational resources to resolve their situation. One Bangladeshi woman stated that she regularly cries in Lebanon because her mother back in Bangladesh is sick and she is unable to leave Lebanon to go and care for her.

The “live-out” system does have its challenges: in the absence of minimum wages for domestic work, MDWs have to negotiate their salaries directly and in case of any contract dispute or violence from their employers, they are unable to approach the police as the live-out arrangements are not allowed by law. Furthermore, even though live-out MDWs were no longer directly dependent on their employers for

their safety and welfare, they had to rely on the goodwill of their legal sponsors to maintain their legal permission to stay in the country; if the sponsor demanded more money or decided to be vindictive for any reason, these MDWs could lose their regular status: “[One woman] *had tried to make a complaint at the agency, and was asked to pay USD 1,000 to resolve her papers (she had been living irregularly since leaving the employer); however, when she left, she never heard from the agency again and she had no proof that she had paid the money. Another woman had paid USD 1,000 for the recruiting agency to help her work as a freelance domestic worker.*”⁷³

3) Last resort

In almost all the cases, even when WMWs had regular status, the embassies were the last port of call for help. They preferred to take matters in their own hands, relying on their agents, other MWs or even strangers for assistance, before contacting the embassy. This is an important point to make because it appears that women distrust the ability of the State to protect their rights and interests.

To some extent this was due to some women being unaware of the types of assistance that embassies could provide, but to a larger extent it was because they were unsure of what kind of reception they would receive.

- *“After a huge hassle, I got the embassy’s contact number. I called them to tell them about my abuse and I was shocked. They started shouting at me and told me to stay and work in the same house otherwise they will send me back after getting their damage money.”* (Bangladeshi returnee, OKUP Report)
- *“I think the embassy can help but you will stay for a long time and won’t win the fight sometimes. The employer can lie then you to jail.”* (Migrant-Rights.Org Report)

Research partners also delved into deeper reflections as to why some embassies fail to protect WMWs: *“Embassy officials may not meet their mandate to support workers for various reason including inefficient or unsympathetic individual officials, lack of capacity, or lack of funding. For example, some embassy officials harbour certain beliefs about female migrants who make complaints – such as that they migrated with the intention of entering irregularly. Secondly, the capacity of many embassies is very limited, particularly those with thousands of workers spread across a country.... Moma’s [a migrant worker] attempt to seek support from the Benin embassy in Kuwait was rebuffed because she did not have the money to fund her own ticket home. The embassy instead brought her to the Kuwait government shelter, and later intervened in a dispute with her employer”*.⁷⁴

Many run-away women went to government or NGO-run shelters, where they awaited repatriation or the completion of their legal case. Language barriers between the case workers at the shelter and some WMWs mean that many NGOs have to find translators from the embassies or the migrant communities before they can even determine a person’s needs – this delay in assistance can have an impact on the physical and mental well-being of WMWs. In terms of longer-term support, not many shelters are equipped to assist women beyond immediate needs or to help women plan or prepare for the future.

- *“I just want to know when I’ll travel. I just think about when I will travel. I have been here [in the shelter] for four months.”* (Philippines migrant worker in Kuwait, Migrant-Rights.Org Report)

⁷³ AMEL Report.

⁷⁴ Migrant-Rights.Org Report.

V. Women migrant workers' access to justice

1) Access to justice in destination countries

In Kuwait, the Department of Domestic Labour has a complaint mechanism specific to domestic workers – workers, employers and agents are all competent to bring disputes to the Department. Domestic workers are exempted from all judicial fees and the process is time-bound. Even so, in 2017 the agency received only 363 complaints from domestic workers, compared to 1,624 complaints from employers.⁷⁵ None of the women, including those who were currently working in Kuwait as well as those who had returned from Kuwait, mentioned utilising these procedures.

In contrast, domestic workers in Lebanon are not covered under any law and apart from embassies and recruitment agencies, they had no support mechanisms available. Discussions with migrant domestic workers in the country indicated how reluctant women were to approach even these channels.

The example from Kuwait and Lebanon is reflective of the general lack of trust that WMWs felt towards state institutions. They felt that the laws in the destination country favoured nationals and not migrant workers. Some women shared that if they complained about their employers, a counter-suit could be filed (of threatened) against them by the employers, usually of theft – this experience was narrated by women in India and Sri Lanka.⁷⁶ In any instance of dispute which became a matter of their employers' word against their own, the women thought that they would lose:

- *Where will I ask justice? If I ask help from the police of the destination country, they are on the side of the employers, instead of helping me.* (Bangladeshi returnee, OKUP Report)
- *"I did not report to the police. I knew that the police would not give me justice as I was not their citizen. The justice is only for the citizens even if you are the victim."* (Ethiopian MDW, AGAR Report)
- *"I reported to the police about the abuse I experienced in my employer's house. However, they were not willing to hear my case; rather they brought me back to the abuser against my will."* (Ethiopian returnee, AGAR Report)

The lack of regular migrant status also inhibited many women from accessing the facilities and measures that their own embassies make available to regular migrants.

The lack of trust, the lack of access (the fact that most legal avenues are only for regular migrants) and the lack of information about the legal recourse available to migrant workers in the destination country are some of the factors why WMWs do not seek justice. This is an issue not only for domestic workers but for other workers as well. Sharing the story of one Bangladeshi woman, *"I went to complain to the company supervisor. But after that my salary became smaller, like from BDT 6,000 to BDT 4,000. So I stopped seeking remedy or justice"*, the research partner noted, *"garments workers too, have little or no knowledge of the rules, regulations or their rights, or the available complaint mechanisms, or where to make a complaint, who is responsible to take their complaint, and so on."*⁷⁷

The economic and time costs related to pursuing formal justice are also prohibitive for migrant workers. Research partners shared that even when legal costs (such as for lawyers, interpreters and temporary

⁷⁵ KSHR, cited in Migrant-Rights.Org Report.

⁷⁶ Case-study of K. Subashini, NWWT Report.

⁷⁷ OKUP Report.

housing) are absorbed by the State or NGOs, the time taken by the procedures can deprive women from earning income.⁷⁸ As one woman reported *“I just want to go home. If I would file a case against my employer or my agency it would take time. But if I’m filing a case just to get money no, I want to go home.”* (Philippine migrant worker in Kuwait, Migrant-Rights.Org Report)

2) Access to justice in home countries

Even in terms of the legal recourse available to returnee migrants in their home countries, the discussions revealed a lack of information and access to, and the absence of trust in, state institutions. Once back home, while returnees may be unable to file direct complaints against their foreign employers, theoretically they should be able to pursue complaints against the local recruitment agency (for contract breaches, trafficking, violence perpetuated by the agent etc.). But again here, women were disempowered; this was aptly reflected in the discussions that the research partner had with Bangladeshi returnees (excerpt):⁷⁹

Even when they did seek [justice], they did not receive it in the country of origin. Beuty said, “If I ask remedy from the village chairman or an influential person, he will offer me to sleep with him instead of ensuring justice for me.” Asma also pointed out the reactions in the community to women who seek justice, “If I go to seek justice, it will be an issue of gossiping which will make my children ashamed. So, I lost my courage to seek justice.” ...

[Sometimes, the pressure to drop complaints came from within the family] *“I migrated with the help of a close relative. In the destination I didn’t know anyone that I can ask for help or remedies. When I came back after all sorts of rights violations I wanted go to the police. But if I make a complaint to the police, it will break my niece’s married life. So I didn’t seek justice.”*

Ultimately, for many women the cases are either dropped, suppressed or even settled by informal negotiations – as the findings from Nepal reveal, *“the majority of the cases are settled by negotiations as both the victim and perpetrator thinks negotiation was a kind of fast track for those who wants to migrate again, both at the local and national level.”*⁸⁰

Conclusion

Similar to other reports documenting the violence against migrant workers in destination countries, our research revealed the structural inequalities that allow such violence to happen. Labour laws are framed in a manner that create a skewed power balance in favour of the employer who has the power to detain or deport a migrant worker; complaining against the employers is unlikely to result in a quick or positive outcome in favour of the migrant worker.

At the same time, the political, social and physical restrictions placed on migrant workers leave them without any avenue of formal support and information. As strangers in a foreign land, without language skills and any pre-existing social networks, women migrant workers find it difficult to identify a reliable source of advice, assistance and sanctuary.

⁷⁸ Migrant-Rights.Org Report.

⁷⁹ OKUP Report.

⁸⁰ AMKAS Report.

WMWs want countries of origin to place their human rights at the centre of bilateral negotiations on labour migration. By not acknowledging the structural inequalities in labour migration policies, governments will be unable to ensure that their migrant workers are treated fairly irrespective of how well they regulate migration. Based on the findings of the individual country reports, we recommend:

1. Protection from the embassies should not be dependent on the individual's migration status but on the virtue of being a national of the country that the embassy represents.
2. While pre-departure trainings do provide valuable information to migrants, CSOs and government agencies who provide such services have to re-evaluate their curricula based on the feedback provided by returnee WMWs as well as their counterparts in the destination countries.
3. CSOs in both countries of origin and destination could work together to identify pre-existing social/migrant networks that new WMWs can access.
4. While employers play a key role in ensuring the welfare of WMWs, members of the local community could also play a useful role in identifying and assisting victims of trafficking and abused migrant workers. For civil society groups in destination countries where directly approaching governments and employers can be sensitive, broadening the stakeholders in the migration debate could be beneficial.

VI. Life upon return: A never-ending cycle of violence

Since the emphasis of the research was on women's experiences of GBV in labour migration, the researchers concentrated their efforts, during the limited time they had with the research participants, to document the experiences of WMWs during their migration and work abroad. As a result, this research does not make an in-depth exploration about the circumstances of returnee WMWs in their home countries. However, when thinking of their migration journeys, the women did share some of their experiences of life upon return, which illustrates how pervasive GBV is the lives of WMWs.

New life experiences change every person. Most women felt they had experienced **personal growth** – their experiences had made them more “worldly” and many felt more confident in their ability to stand up for themselves. As the research partner in Nepal shared, *“no matter how much hardship they face in the world of work, and the social costs, women in general seem to be happy that they had the opportunity to migrate. They have not only brought back monetary remittances but also social remittances. For example, they know the language of the country, they have friends in other countries, and they have returned with skills.”*⁸¹

Many of the returnees experienced a **shift in their personal and community relations**. Sometimes return brought a new set of challenges that many women did not anticipate. Upon their return, the WMWs experienced one of two types of reception by their families and communities – some were treated well and given respect by their communities, and held in high esteem by friends and family for the money they had earned, the gifts they brought home or the house they had helped build. In Nepal, the researchers found that *“those who were able to return with money and able to financially support the family were more welcomed and respected by both the family and society. They have started to become active in their community as leaders and are respected compared to the ones who returned empty handed”*.⁸²

⁸¹ AMKAS Report.

⁸² Ibid.

For others, their return was treated with outright suspicion – this was especially true if the women returned earlier than planned or if they returned without any money. In such cases, their return was deemed a “failure” and the returnee would be blamed directly; experiences of violence were seen as a reflection of their own bad judgement, *“I went to Malaysia without any information and came back with a bad experience. But when I went to seek justice, everyone blamed me only.”* (Bangladeshi returnee, OKUP Report).

A discussion reported by the research partner in Bangladesh captures the experiences of many returnees: *“our relatives and neighbours treat us with suspicion if we came back before finishing the contract.”* Another added, *“Everyone receives us with great happiness if we come back with gifts in our bag, but if we return empty-handed, all we get is hurtful words and bad behaviour”* (OKUP Report). Such experiences were not limited to Bangladeshi returnees and is found across almost all country reports.

In Nepal, the women noted that the societal attitudes towards returnee WMWs depended on the country from which they had returned – returnees from the GCC countries faced more stigma than those returning from European countries, *“for the male migrants, countries of destination do not make any difference in the same society”*.⁸³

Alternately, even if some women returned as a “success” (i.e. they returned with money and gifts), they could be viewed as immoral individuals who might have earned their money via sex work in the foreign country:

- *“My neighbours used to say that I earned money by sleeping with other men, because I came back with a good amount of money. They said it’s impossible to stay without sex for such a long time.”* (Bangladeshi returnee, OKUP Report)
- *“My brother has not celebrated ‘bhai tika⁸⁴’ with me since I returned from my employment abroad because I have disgraced the family by going abroad to work.”*(Nepali returnee, AMKAS Report)
- *“My husband was a good person before, but now after my return he frequently verbally abuses me. I want to migrate again if I find a good country.”* (Nepali returnee, AMKAS Report)

For most returnee, the community reaction to their newfound assertiveness was not positive. Women who decided to apply make-up or dress in nicer clothes were cast as immoral, promiscuous women. One of the Nepali research participants was accused by her neighbours of going to meet sex work clients when she was, in fact, coming to attend one of the FGDs for the research. Some of the other participants in that FGD also noted similar attitudes from their communities – and cited the experience of suffering shame as a returnee as one of the reason for why they wanted to migrate again. Migration offered them an escape from the daily humiliation that they suffered.

Other women reported a **breakdown in their familial relations** upon their return; in some instances when WMWs had returned after a long stay abroad, they found that their spouses had left them for other women. Some returnees found an emotional detachment between them and their children and in some instances, returning mothers found that their children’s welfare had been neglected. This was particularly painful for women in Sri Lanka where the entire debate on women’s labour mobility has

⁸³ AMKAS Report.

⁸⁴ A festival celebrating the relationship between brothers and sisters in Nepal.

been framed in the child protection/family welfare approach. The restrictions on women's mobility were placed due to the government's emphasis on the best interest of the child. Until recently, married mothers who wanted to migrate abroad had to get a no-objection certificate from their husbands, certifying that the woman had made provisions for the children's wellbeing in her absence. Many returnees in Sri Lanka lamented how despite the efforts they had taken, their children had been neglected; the objective of family background report requirements had not worked for them.

Many women had sent remittances for the family but while they had anticipated that family members would be frugal with their money or make wise investments on their behalf. It was usually upon their return that many realised how little their actual savings were; most women's money had been spent by the family on household or personal expenses. The inability of women to decide what to do with their savings cannot be ascribed to a lack of financial literacy alone. In many societies, intra-household decision-making, including the family's finances, is made by the men of the family⁸⁵. Women generally lack control over their money and upon return have to revert back to traditional gender-roles, deferring financial decisions to their husbands, fathers, or brothers.

Some women had sent money to help construct the family home but their name was not on the house deed so that any family property they had financed, was ultimately not theirs. In some instances, when the money ran out, so too did the welcome, and family members perceived them as a burden, *"my parents spent all the money (BDT 5 - 6 million) I had sent for four years. I and my children's future are in danger now which is forcing me to remigrate."* (Bangladeshi returnee, OKUP Report)

Many returnees complained about the **lack of opportunities back home** for them to invest their savings or to find new meaningful employment; financial inclusion in the home economy still excludes many women. One woman articulated the feelings of frustration that so many others also felt: *"We have sacrificed our whole life not only for our family but for the country. Therefore, the government should treat us differently and provide possible services once we come back to Sri Lanka. We have many skills including Arabic and English language skills. We know to train, how to work there and how to go there, what to do and what not to do. But no one makes use of our knowledge and skills. Although we came back again, we are isolated: no reorganisation and respect. [The] government has to seriously think on this aspect and create opportunity to make our skills for the development of the country. If not, either we have to go back, or we have to suffer the [remaining] balance of [our] life. We do not have happy memories to think and celebrate. This situation should [be understood] by our society and government stakeholders."* (Sri Lankan returnee, Caritas Report).

Some of the returnee women were making plans to migrate again. This time they hoped they would have better experiences, having had some prior migration experience, and also having interacted with NGO groups who were providing them with information about safe migration. While some women were waiting in their efforts to find legal routes to migrate safely, others – despite knowing of the dangers of irregular migration – were planning to use irregular routes and informal brokers to reach their destination. Migration is not a choice for most women workers; facing economic pressures to earn a living, the women felt they had no practical option available to them – neither opportunity at home nor ease of migration pathways.

⁸⁵ Many women complained how their husbands had spent their remittances on smoking, drinking or gambling, or on other women, instead of saving it or using it to provide for their children.

Chapter 4: Reflections and Conclusions

The research that has been conducted with over 200 women across nine countries, all reveal individual accounts of hardship, discrimination and violence, yet also individual stories of resistance, survival and tempered optimism of the future. While each individual experience can stand alone to provide testimony to GBV in the lives of WMWs, when taken together they provide a counter-narrative of how the global migration regime does not benefit all migrants: it continues to exclude and marginalise women, and informal sector migrant workers.

Seen collectively, the lived experience of women migrant workers provides an almost “real-time” perspective of how decisions made at the policy high-table have a direct impact on the lives and destinies of WMW.

Acknowledging gender dynamics

Many women, and even a few NGOs who contributed to the research, initially talked about “tolerating violence” as a strategy for reducing GBV. While we would not advocate tolerance of violence and hardship as a viable strategy to improve WMWs’ situation, this line of thinking demonstrates the extent to which societies have normalised the GBV that WMWs encounter on a daily basis. In some languages, finding a colloquial equivalent for “gender” was difficult; the research participants felt that violence was a woman’s lot in life, there was nothing that could be done to address it.

Gender has a huge impact in the design and articulation of labour migration policies. When governments consistently apply (or renew) protectionist migration policies regarding women workers, they undermine women’s agency and ability to take informed decisions for themselves.

Imposing bans on women forbidding them to work in certain countries or in certain occupations, while not providing any relevant opportunities at home, only drives irregular migration. The risks of using irregular routes is not limited to the risk of being trafficked, but also stem from the fact that irregular labour migrants are excluded from recourse to justice or support services both from destination and home countries. Having been forced to use irregular migration pathways (due to the restrictions on their mobility) WMWs are effectively excluded from state assistance programmes such as India’s *Pravasi Bharatiya Bima Yojana* (a mandatory insurance scheme for Indian migrant workers in the ECR countries) or Nepal’s “free ticket free visa” scheme because these schemes are only for regular migrants.

In July 2019, Nepal’s National Human Rights Commission released its report “Rights Situation of Migrant Workers” and asked the government “to make arrangements for sending aspirant women migrant workers in a safe and dignified manner by lifting age bar and ban imposed on women out migrants”.⁸⁶ When the discourse surrounding women’s labour mobility is shaped through the lens of family welfare, as it is in Sri Lanka, it does disservice to both women and men – the current restrictions do not focus on the women migrants’ welfare, and with the exclusive focus on women’s roles as the primary caregiver in the family, the current framework does not acknowledge nor encourage fathers to take a role in their children’s lives and reinforces patriarchal gender stereotypes.

Pre-departure information/training programmes that give departing migrants information on safe migration have been appreciated by WMWs, but many of these programmes assume that migrant

⁸⁶The Himalayan Times (2019), “Govt told to ensure safe migration, protect rights of women migrants”, 20 July 2019, available at <https://thehimalayantimes.com/kathmandu/government-told-to-ensure-safe-migration-protect-rights-of-women-migrants/>

workers will have the capacity to act on the information. As women shared over and over again, they were not always able to act on the information they had been given. Telling women to not hand over their passports is not practicable when they do not have the ability to say no to the agent/employer who demands the documents. Furthermore, political and geographical distance prevents many women from accessing many of these existing information programmes; peer group educators at the community level are far more reliable sources of information.

The WMWs who participated in this study asked that decision makers provide them with the tools that will equip them to renegotiate the power dynamics between migrants and agents, and between workers and employers: they want to be able to report, reduce, and remove themselves from situations of violence without fear of criminalisation and further violence. Such tools require policy interventions that consider the lived experiences of women migrant workers.

The changing world of work

Currently the majority of WMWs go to the Middle East to work in the care and service sectors; the vast majority of the WMWs who took part in this study were domestic workers. While it may not appear that the occupational choices available to WMWs will improve any time soon, this research brings to light that domestic work in itself is not a monolith.

There are nuances of work arrangements within domestic work that are reflective of the changing nature of work. Already, we are seeing the growing phenomena of cleaning companies which hire women migrant workers to do domestic work in third-party houses on an hourly basis. When the official employer is a cleaning company, domestic work is potentially being moved to the realm of formal work and migrant professional cleaners covered by the labour laws of destination countries. As yet, such companies remain under-regulated and the protection frameworks available to women workers are unclear.

Discussions with WMWs further reveal that when States fail to provide a way for MDWs to protect themselves from abusive work conditions, MDWs are finding their own ways to maintain their regular migrant status while also maintaining their physical independence. In some countries with tight regulations on workers' movements, migrant domestic workers pay the employers to maintain their sponsorship but are in effect working on a freelance basis. While freelance MDWs do have more control over their physical movements and can negotiate directly with their employers, the sponsorship-freelance arrangements are irregular. Freelance MDWs know that if confronted with a situation where their rights have been violated, there is no recourse available because they will be criminalised for their irregular work.

Building trust and solidarity with women migrant workers

One feature stood out through all the country researches: WMWs appear to mistrust official/state sources of information and assistance. At every stage of their migration journey, WMWs relied on the advice and support of their peers and the recruitment brokers over any official channels.

At the pre-decision level, WMWs spoke of how highly they regarded the information shared by returnee WMWs in their communities. Returnees who came back visibly richer, enjoyed an improved status in the local community and their success stories are the benchmarks against which potential migrants planned and prepared for their migration journeys. Returnee migrants on the other hand, are reluctant to speak

about their negative experiences, and the social stigma surrounding “failed” migrants could hinder women from being a source of realistic and honest information and advice.

Once the decision to migrate is taken, migrants rely on brokers to handle the paperwork, secure foreign employment and make the travel preparations. Obtaining the necessary paperwork to travel abroad for work can be a long and cumbersome process. Power dynamics also plays a role and in societies where illiterate, poor, lower caste women from rural communities occupy the lowest rung in the socio-political ladder, many potential WMWs are reticent to approach government authorities.

Agents promise an easier alternative by taking care of all the arrangements. This is especially true for those who were migrating for the first time. Many WMWs and their families rely on the expertise and experience of their brokers; there do not appear to be any trusted independent sources of verification. Government agencies should consider reaching out to migrant communities through trusted peer community educators who can provide reliable information and advice. For example, many WMW enter debt-bondage to pay recruiting agents instead of receiving reliable information about the free or cheaper government schemes; instead of merely being told to check the credentials of recruitment agencies, it would better if WMWs could be informed about how to check the credentials. If such information came from other returnee WMWs, it would be trusted more.

Even when confronted with violent situations abroad, WMWs try to resolve these directly; they reach out to their embassies only as a last resort. Having heard of embassies turning away other migrants, many WMWs had a low opinion of their embassies. WMWs rely on word-of-mouth information from other migrants and local workers to find ways to reach a shelter if they are escaping from abusive employers and agents.

Some sending governments have already started efforts to build networks with their migrant workers in destination countries; open days and safe spaces provided by embassies could potentially encourage more WMWs to reach out to their embassies. Migrant workers also need to be assured that embassy assistance in foreign countries will be based on nationality rather than on their migration status.

Building bridges across countries of origin and destination

The research was carried out in five countries of origin and four countries of destination; interactions with NGOs who support WMWs in both sending and receiving countries reveal that apart from the negotiations at the government-to-government level, there is little interaction on the practical level between countries of origin and destination to support WMWs.

For NGOs, many of them already coordinate with each other to assist in cases of repatriation, trafficking and deportation of WMWs, but this cooperation happens on an ad hoc basis. Very few of them had prior knowledge of the conditions in both sending and destination countries and so this project provided an opportunity to build cross-regional knowledge and information sharing. Such knowledge-sharing is required on a more sustained, practical basis. For example, organisations that provide pre-departure information could enhance their programmes for WMWs if they could collaborate with colleagues in destination countries on the local laws, customs and cultures that WMWs will encounter. Similarly, case workers in shelters in destination countries shared how sometimes it was difficult for them to find interpreters to interact with some groups of WMWs; colleagues from the origin countries could potentially provide some practical support in this regard.

Opportunities for returnee migrant workers to start planning for their life upon return could potentially also begin as they are about to leave their host country. Embassies and migrant-supporting organisations (in both host and home country) could be useful bridges for women migrant workers to reintegrate successfully.

The restrictions on national-level political spaces have an impact to the extent that NGOs can undertake advocacy for WMWs' rights but having a clear understanding of the local conditions surrounding the labour migration of women workers can help civil society organisations develop well-informed advocacy campaigns. Keeping networks updated of policy developments can be useful in identifying regional and international advocacy opportunities. As colleagues working in West Asian countries pointed out: demonising the entire *kafala* system does not work. Since *kafala* is interpreted differently across all the GCC countries, civil society groups in countries of origin need to be specific in their policy advocacy efforts – they need to inform their government negotiators exactly what (and how) specific provisions of *kafala* in each destination country affect the WMWs from their country.

Structural inequalities for each identity: Woman, migrant, worker

As a final reflection on the personal experiences of over 200 women migrant workers shared with the researchers, the types and levels of violence that women migrant workers face throughout their migration journeys is a reflection of the structural violence against women and workers, which in turn can be seen as the “*systemic production of inequalities and violence through coercive work environments that lead to the denial of decent work, freedom of association and collective bargaining.*”⁸⁷ Multilateral migration governance by itself is insufficient to improve the situation of women migrant workers, without individual countries making a sustained effort to address societal attitudes towards women, the lack of labour protections for all workers (formal and informal), the limited ability of migrant workers to access justice in foreign countries, and the restrictions on women to access legal migration pathways.

Empowering women migrant workers is possible only when the structural power inequalities vis-à-vis their intersecting identities (women, workers and migrants) are acknowledged and remedied.

⁸⁷ GAATW (2018), *Statement on Violence and Harassment in the World of Work*, Outcome of the Knowledge-sharing Forum on Women, Work and Migration, Colombo, Sri Lanka, April 2018, <https://gaatw.org/events-and-news/68-gaatw-news/949-statement-on-violence-and-harassment-in-the-world-of-work>

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Global Alliance Against Traffic in Women

191/41 Sivalai Condominium, 33 Itsaraphap Road, Bangkok 10600, Thailand

Website: www.gaatw.org Twitter: https://twitter.com/GAATW_IS

Facebook: <https://www.facebook.com/GlobalAllianceAgainstTrafficInWomen/>