



Expectations and Realities in Labour Migration: Experiences of Filipino Domestic Workers in a government-run shelter in Kuwait

A Feminist Participatory Action Research



Expectations and Realities in Labour Migration: Experiences of Filipino Domestic Workers in a government-run shelter in Kuwait

SANDIGAN-Kuwait

This research report is part of a multi-country Feminist Participatory Research Project implemented by The Global Alliance Against Traffic in Women (GAATW) in partnership with colleagues in South, Southeast and West Asia. GAATW gratefully acknowledges the financial support of Women's Fund Asia to carry out this project.

GAATW and the Research Partners stand by the process and findings from the researches. Views and opinions expressed in this report do not necessarily reflect the views of Women's Fund Asia.

About GAATW's Feminist Participatory Action Research Project on Safe and Fair Migration in Asia

In 2018-2019, the International Secretariat of the Global Alliance Against Traffic in Women (GAATW-IS), in collaboration with eleven organisations across nine countries in Asia carried out a Feminist Participatory Action Research (FPAR) titled 'Safe and Fair Migration: A feminist perspective on women's rights to mobility and work'.

In our study, FPAR is used as a framework and approach to capturing migrant women's complex realities and perspectives on labour and migration. What distinguishes FPAR from conventional research is that it is deliberately women-centred and participant-driven; the knowledge comes from the women (community) and is owned by them, and based on their lived experiences. Research participants propose solutions so the research results become a tool to collectively organise advocacy actions. Therefore, this is an outcome of deconstructing the dominant understanding of safe and fair migration and reshaping the concepts from a feminist perspective. We believe our approach of building knowledge from the ground up and creating evidence base will add value in addressing the structural causes of power disparities that affect women's migration and mobility.

Our research community ranges across South, Southeast, and West Asia offering views from both countries of origin and destination, as well as adding the perspective of internal migration from rural to urban areas. Three distinguished sectors of work are covered in this study, including domestic work, garment work, and entertainment work.

The lead researcher groups who facilitated discussions with women migrants are: Anti-Racism Movement (Lebanon), Cambodian Alliance of Trade Unions (Cambodia), International Domestic Workers Federation (Lebanon), Karmojibi Nari (Bangladesh), Legal Resources Center for Gender Justice and Human Rights (Indonesia), MAP Foundation (Thailand), Sandigan (Kuwait), Self-Employed Women's Association (India), Society for Labour and Development (India), Women Forum for Women in Nepal (Nepal), and an independent researcher based in Jordan.

"Two people will shout as much as they can. But ten people are louder than two."

Borrowing from one of our FPAR research participants' words, we hope each piece of our collective study will help amplify women migrant workers' voice to bring about structural change for a safe and fair migration that works for women.

A consolidated regional report and the country research briefs are available on the GAATW (www.gaatw.org) website.

FOREWORD TO THE 'SAFE AND FAIR' RESEARCH SERIES

In the past several decades neoliberal globalisation, inequality between and within countries, conflict and environmental degradation have prompted unprecedented levels of migration. We are seeing a major trend towards increasing internal migration and urbanisation – by 2050, the global population living in urban areas is expected to reach 66 per cent. Meanwhile there are around 250 million international migrants, of whom half are women. In destination countries, demographic, labour market and economic changes (the privatisation of public services, aging societies, women's growing participation in the workforce) have created a demand for care and service work, with an expectation that this demand will be filled by female workers in the domestic, care, manufacturing and entertainment sectors. In origin countries, economic restructuring and industrialisation have led to loss of traditional livelihoods, agricultural decline, wage stagnation and a growth in precarious work, resulting in gross inequalities, and creating push factors for women to seek alternative income generating activities, including through migrating for work.

While these structural changes play a huge role in shaping “push and pull factors” for migration, it needs to be acknowledged that women are not merely passive subjects in their migration, but that for many, migration is a way of asserting agency and finding freedom from patriarchal societal norms. Many women choose to migrate in order to see the world and gain new experiences, find economic opportunities, to be able to support families and to exercise autonomy and social independence. Despite the many risks and the challenges in accessing information about migration processes and opportunities, women continue to migrate all over the world, including from marginalised communities and rural villages. However, there is a lack of recognition of migration as a right, and of women workers as independent economic actors. States' labour migration policies are broadly missing a human rights and gender-transformative approach to migration and work.

Activists on the left have long critiqued the exploitative nature of some cross-border labour migration schemes that employ workers on poverty wages in substandard conditions, while outsourcing the costs of social reproduction to countries of origin. In the past 20 years, feminists, including GAATW, have tried to bring attention to the particular discrimination and risks created for women migrants by laws and policies governing, and failing to govern, labour migration. Although such initiatives have tried to stress women's perspectives, the conversation about migration has sometimes backfired and produced unintended consequences. Governments of origin and destination countries have in some instances responded not by making migration protective of human rights, but by curbing it through restrictions on women's mobility on the basis of age, marital status, pregnancy and maternal status, and category of work, especially for low-wage workers, and increasing border controls.

Much of this is done with the supposed aim of 'protecting' women from trafficking and exploitation; however, what these protectionist restrictions have done is open up a market for clandestine and debt-financed migration, creating or exacerbating the very vulnerability, violence, and exploitation they were intended to prevent. While non-governmental organisations (NGOs) have tried to bring issues of human rights to the table, they have, perhaps unintentionally, contributed to the repressive government agendas. Some anti-trafficking NGOs perpetuate narratives and images of migrant women as victims, and infantilising women by portraying them as inherently vulnerable and in need of protection. As a feminist alliance, GAATW sees its role as supporting the empowerment of

migrant women to move and work safely and with dignity. This feminist participatory action research project is our collective effort to deconstruct and reshape a narrative of labour migration that is safe and fair for women workers, especially those in the most marginalised segments of society. We hope that this study serves as evidence to fight for the rights of migrant workers and amplify women's voices in the local, regional, and international migration agenda.

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BACKGROUND

Kuwait is one of the most popular destinations for Filipino migrant workers in the Middle East. According to the Philippine Overseas Employment Administration (POEA), the country was 6th among the top destinations of newly hired and re-hired Overseas Filipino Workers (OFW) in 2011. Household services has been the most prominent employment, outnumbering skilled or manual industrial workers. This is a major shift since 1979 when diplomatic relations were established between the two countries and there was a rise in deployment of construction related professionals (Santiago, 2016). The Philippines economy is heavily dependent on remittances from its overseas workers of whom women working as care workers are a significant section.

According to the Labour Market Information System of the Kuwait Central Statistical Bureau, there were 163,631 registered domestic workers from the Philippines in Kuwait in 2017 of whom 162,691 were women (Tayah and Assaf, 2018). The Philippines was second only to India in terms of the scale of migration of domestic workers to Kuwait but three-fourths of Indian domestic workers were male. The Philippines was the largest sending country of female domestic workers to Kuwait.

Kuwait voted in favour of the International Labour Organization's Domestic Workers Convention (C-189) in 2011 but migrant domestic workers in the country still face abuse and exploitation. The murder of a 29-year-old Filipina domestic worker Joanna Demafelis made international headlines and caused a diplomatic crisis between the Philippines and Kuwait in 2018. The body of Demafelis was found in a freezer in her employer's apartment with marks of torture on it more than a year after she was reported missing. The Philippine ambassador to Kuwait, who received around 6,000 complaints of abuse in 2017 alone, pointed out that her death symbolises the abuse experienced by Filipino domestic workers in the country (Aljazeera, 2018).

This is just one among many cases that have been documented by human rights groups of migrant workers who have been subject to brutal treatment. Responding to the Demafelis incident, the Philippine President Rodrigo Duterte ordered a ban on the deployment of OFWs to Kuwait in January 2018. Filipino workers in the country were given a chance to go home, with repatriation costs covered by the Philippines government (Heydarian, 2018).

When this news was relayed over the gulf nation, many Filipino workers who had overstayed their visas and whose legal cases had been resolved, applied for amnesty to go back to the Philippines. However, hundreds of Filipina domestic workers waited since May 2018 in the shelter provided by the government for their repatriation. Women in the shelter had escaped from their employers after battling hardships such as physical abuses, unfair work condition, and emotional distress. This group of Filipina migrant workers are the focus of this study. They represent some of the most vulnerable migrant workers, and their experiences will help to identify some of the barriers to achieving safe and fair migration. Insights based on analysis of their stories may provide the basis for discussions on how to enhance rights-based and gender-responsive approaches to violence against women and to migration governance more generally.

A case study of Filipina women who have been subject to severe violations of rights would allow us to understand better the limits of sending states' efforts to support migrant workers once they are in employment in the destination. The Philippines, which has pursued a manpower exports policy that has been critical to its economy, has been at the forefront of efforts to safeguard its workers and has built an extensive infrastructure to provide support for them. The Philippine government's migrant processing and protection system had three main elements: the Philippine Overseas Employment Administration regulates recruitment and provides pre-departure orientation; its labour attaches stationed in consulates abroad provide assistance to migrants while they are abroad, and the Overseas Workers Welfare Administration operate welfare centres in major areas of concentration of Filipino workers abroad to organise and cover the cost of emergency repatriation, and to provide various services to families left behind. These activities are financed by fees collected from migrants (Martin et al 2004). The Philippines requires its embassies to verify contracts and to set a minimum wage of 400 USD for domestic workers.¹

However, the country failed to generate domestic employment and as a result has brought pressure on women to seek livelihoods through migration. As a result, though Filipina workers are rated better than women of other nationalities on the labour markets in the Middle East and earn higher wage rates, they are subject to the structural limits of operating within a foreign country. The Kafala system, which governs migrant workers in the Middle East and the exclusion of domestic workers from the purview of labour laws, as well as the nature of domestic work as performed in individual homes, subject immigrant workers to vulnerability.

Through series of focus group discussions and interviews, this research sought to identify and probe the shared themes that emerged in the course of migration by and employment of Filipina domestic workers in Kuwait. An understanding of the experiences of workers as well as their views about migrant employment would allow us to think about the kinds of interventions, particularly information and services that could at least ameliorate their suffering in the existing structural context. This may help us identify and bridge some of the vulnerabilities of workers in the migration process and to identify measures to empower female migrant workers.

Migration of Filipina household workers to Kuwait

Large scale immigration to Kuwait began when oil started being exploited, with foreign workers hired in construction, government administration, and the service sectors. During the oil boom, the number of foreign workers doubled and the Kuwaiti government utilised foreign workers to promote development. As the public sector emerged as an area with relatively high wages, job security, social benefits, and pensions, it became the main employer of GCC nationals. Foreign workers dominate the private sector where there are lower wages, less job security, and longer hours.² This public/private difference has created a distinct segmentation between Kuwaiti nationals and foreign workers.

¹ Human Rights Watch, 2018, 'Kuwait/Philippines: Protect Filipino Migrant Workers', retrieved from <https://www.hrw.org/news/2018/02/21/kuwait/philippines-protect-filipino-migrant-workers>

² https://www.ilo.org/wcmsp5/groups/public/@arabstates/@ro Beirut/documents/meeting_document/wcms_330314.pdf

The large-scale migration of domestic workers to Kuwait began during the same period. As citizens gained economic status, hiring women to cook and clean became normalised. However, fewer Kuwaiti women found it necessary to become domestic workers, thereby resulting in migrant workers filling the vacancies.³ Having a household worker became a necessity of life among Kuwaiti citizens. Kuwait has the highest proportion of domestic workers relative to the population size, with 660,000 domestic workers in a population of 2.7 million – nearly one-fourth.⁴ The number of Kuwaiti families that have domestic workers is well over 90 percent.

Filipinas comprise a large number of the migrant domestic workers in Kuwait. In 2012, Kuwait received roughly 4.2 percent of the total OFW and they are known to be in demand compared to workers from other nationalities due to their English-language skills and higher level of education.⁵

The struggles of the household workers are the result of the Kafala system, which governs all migrant workers in the Middle East. Under the system, workers are considered temporary guests of their *Kafeel* (sponsor), who bears legal and economic responsibility for them. The system ties a household worker to her Kafeel such that she can work only for him/her and cannot change her job without his/her written consent. This grants disproportionate power to the Kafeel and may bring workers under pressure to tolerate exploitation and abuse to remain in their jobs. Kuwait released a new standard contract for migrant workers in 2015 and in 2016, where migrant workers were granted the right to switch employers without the consent of their current employers after three years. These reforms excluded migrant domestic workers.⁶

Due to the abundant supply of workers from South and Southeast Asian countries and more recently from Africa, migrant workers have limited bargaining power. Often employers switch contracts whereby the contract signed in the country of origin is substituted with another one in the country of destination. The original contract is modified in favour of the employer and migrant workers are forced to accept lower wages and poorer living and working conditions than initially promised.

Another widely noted aspect of employment in the Middle East is the confiscation of passports of workers by employers, although it is illegal. This allows employers to exercise greater control over household workers. Without their legal documents, workers may fear fleeing their employers' homes and employers may confine them and limit their channels of communication with the outside world. Employers are also known to delay or forgo payment of monthly salary. The migrant workers may tolerate some of these conditions in order to continue earning and supporting their families.⁷

Due to ingrained gender roles, it is common for the domestic worker to report to the women of the house (mother or wife) while the driver generally reports to the man (husband or father) of the house. Societal perceptions about domestic workers are evident through the use of the common term '*khadama*' which directly translates to maid or servant. Although there is some shift to using more respectful terms, such as calling by the first names or addressing as *ate* (big sister in Filipino) or

³ <http://www.mei.edu/content/migrant-workers-kuwait-role-state-institutions#edn1>

⁴ The protection of the right of migrant domestic workers in a country of origin and a country of destination Case studies of the Philippines and Kuwait, International Human Rights Clinic, 2013

⁵ International Human Rights Clinic, 2013, p.19

⁶ Human Rights Watch, World Report 2018, Kuwait

⁷ https://www.ilo.org/wcmsp5/groups/public/@arabstates/@robeirut/documents/meetingdocument/wcms_330314.pdf

auntie for some who has been serving the family for decades and has been familiarised with Filipino culture and terms, it remains the most dominant way to address domestic workers. There are also common perceptions that domestic workers will bring back problems or employers' privacy will be invaded if they allow the domestic worker to leave the house during days off or possess their personal mobile phone. Employers seek to restrict domestic workers' freedom of movement. Domestic workers are isolated in individual households which makes it difficult to protect them from harm.

Shelters for Distressed Workers

The Philippine Embassy runs its own shelter which is directly managed by OWWA (Overseas Workers Welfare Affairs) and POLO (Philippine Overseas Labor Office). POLO manages the OWWA staff and diplomatic representation to Kuwait regarding labour concerns. The two government agencies are attached to the Department of Labor and Employment that caters only to Philippine nationals. The Government of Kuwait also operates its own shelter called the Migrant Expatriates Shelter which was started in the last quarter of 2015 after the passing of Domestic Workers Law in 2015. This shelter caters to people of all nationalities who are in distress. The government shelter of Kuwait is being run by the Public Authority of Manpower (PAM) under the Ministry of Social Affairs and Labor. At the moment, there are no other shelters in Kuwait.

Both shelters cater to domestic workers who seek immediate help. The only difference is that most women who stay in the Philippine embassy shelter have suffered from rape, physical abuse and other forms of severe abuse. Their cases are addressed mostly by Attention to the National Unit (ATNU), an agency attached to the Department of Foreign Affairs that provides legal assistance, translators and case officers. The length of stay of a migrant worker at the Philippine Embassy shelter depends on how soon the officers in charge are able to process cases. There is no third-party monitoring body that is permitted to intervene or assess the mediation process.

The Philippine Embassy also refers some women to the Migrant Expatriates Shelter in order to utilise the resources it provides, such as documentation, immigration process, as well as access to food supply, space and utilities. Most of the cases that were referred to the Migrant Expatriates Shelter are those with labour issues, like salary claims and those awaiting repatriation. They are women who do not need to stay a long period in the Kuwait provided government shelter.

Women's Labour Migration from the Philippines

Filipina domestic workers contribute significantly to the economy of the Philippines by sending remittances. The World Migration Report (2013) states that remittances sent by migrant workers exceed the official development assistance funds received by the Philippines and are second only to foreign direct investments. The Philippines is one of the four top recipients of officially recorded remittance inflows which touched USD 24 billion in 2012, according to the World Bank.⁸

Women's labour migration has been noted as one of the Philippine government's source of economic strength due to its heavy dependence on remittances from its overseas workers. In the

⁸ Migration and development: Matter of seeking justice, Ibon International, October 2013

1990s, the Philippines still recorded one of the lowest per capita GNP and was servicing one of the highest levels of foreign debt. By the end of the 20th century, women's labour migration had become the means for servicing the national debt. Most of the women migrant workers who left the country legally are overqualified in terms of education for the jobs they take overseas.

Women make up 80 % of OFW and one in every five OFW is engaged in domestic work. That is an estimated 2 million out of 10 million migrants.⁹ Migrants' economic contributions are immense, and though the Philippines state is far more responsive to migrant workers than other sending states (Ireland, 2018), its interventions are inadequate to protect the rights of women migrants particularly those engaged in the domestic sector.

Oishi (2005) differentiates between predominantly female labour sending countries such as the Philippines, Sri Lanka and Indonesia, and the so called non-sending countries of female labour such as Bangladesh (until 2006), India, and Pakistan. She shows that decisions about female labour migrations are taken at the micro level of the household. Although the primary driver for women to migrate is lack of employment opportunities at home, there are other factors, such as women's desire for independence. A national alliance of women's organizations, GABRIELA, had also cited the high prevalence of violence against women in the Philippines which too motivates women to seek work abroad.

Labour migration is a means of upward class mobility in the Philippines and also a way of breaking gender stereotypes. Remittances contribute to the education of children and younger siblings of migrants, and overseas work enables migrants to save money to secure their own future which may not be possible if they remained at home. Feedback received by the researcher who visited the Visayan region of the Philippines showed that the reasons for Filipino migration as overseas domestic workers vary depending on social background. On the other hand, norms related to feminine conduct in the Philippines dictate a sense of responsibility for the well-being of their families primarily their parents and dependent siblings. Women who are OFWs fulfil their roles as dutiful daughters of the families and of the Philippine state, which draws heavily on this social expectation in manpower exports policy (Barber, 1997).

Private recruitment agencies, which along with government policy, have enabled the large scale women's migration, participate in governance as they are represented on the board of government agencies like the Overseas Workers' Welfare Agency (Tyner, 1995). Exploitation of labour migrants has been seen as an unintended consequence of the government's policy of labour exports. This calls for re-evaluation of policy and a closer look at the responsibilities of private agencies and the government with respect to the process of migration and migrant workers in the destination.

Bilateral Agreement between the Philippines and Kuwait on Filipino Household Workers

Tensions rose between the Philippines and Kuwait following the discovery of the body of the murdered domestic worker Demafelis and the Philippines government imposed a total ban on

⁹ https://www.equaltimes.org/what-will-it-take-to-protect#.XEARfM_7TVp

migrant workers heading to Kuwait.¹⁰ Eventually the two countries reached an agreement on the conditions of work for Filipino domestic workers in Kuwait. At the time of signing of the agreement one of the Philippines government officials expressed optimism. *"I think the crisis is over. We will move on with the bilateral relations and we will resume normal ties with Kuwait"*. The agreement signed on 11 May 2018 provides some protection to Filipina migrant workers in the form of the right of custody of their passports, the right to keep their mobile device, and a work contract. These, however, are mostly re-affirmations of existing provisions. The agreement also reaffirms that Filipino domestic workers are entitled to housing, food and health insurance, and provides for a clothing allowance from the employer.

Sandigan Kuwait Domestic Workers Organization, which conducted this study, is of the view that the agreement does not fully protect the rights of domestic workers in Kuwait. The organisation had made recommendations, some of which were not included in the agreement. One of the recommendations is to have a monitoring body composed of civil society organisations to ensure just mediation and resolution of the problems of domestic workers who have fled from employers and / or have cases against them and that the process is sensitive to the conditions in which workers find themselves.

Problems with the Philippine and Foreign recruitment agencies have not been fully addressed either. Though there are provisions for compensation for violations committed by employers, according to the domestic worker civil law and labour law of Kuwait, these are difficult to implement because there is no system for awarding and collecting compensation. Sometimes the compensation is too little but difficulty in accessing the provision is a major hurdle. Owing to the very slow process of adjudicating criminal cases like rape, physical abuse, theft, and power tripping of the employers, women remain in shelter homes awaiting compensation and repatriation for a long period of time.

It is very unlikely that the agreement will be implemented any time soon because the technical working group formulated by the governments of Kuwait and the Philippines has a time limit. Thus, when the term of the existing technical group comes to an end a new one will have to be formed to finalise the memorandum of understanding to ensure that the host government ratifies it. In view of the legal and technical hurdles, there is a crying need for monitoring agencies, partnerships with domestic workers and human rights organisations in the country, to work with governments to arrive at workable solutions.

At the time of writing this report, the Memorandum of Agreement has only been signed by the two countries. After signing the agreement, the host government must also ratify it. This hinders its implementation. Furthermore, the Domestic workers' office was moved from the Ministry of Interior to Public Authority of Manpower whereas the technical working group of Kuwait that is working on the first round of the agreement is from Ministry of Interior. The talks between the Philippines and Kuwait were rebooted because of this reason.

¹⁰ APF, 12 May 2018, 'Kuwait, Philippines sign deal for domestic workers', retrieved from <https://www.khaleejtimes.com/region/kuwait/kuwait-philippines-sign-deal-for-domestic-workers->

Social Justice Movements and Women's Labour Migration in Kuwait

Briones (2011) states that promoting rights with capabilities is the emerging paradigm for social justice in migrant activism. The limitation of rights based on the experiences of migrant workers are established, hence focusing on the Capability Approach will redefine the fight of migrant workers in achieving social justice. Recognising that many problems associated with domestic workers abuse and exploitation mentioned above relate to the Kafala system, some civil society groups in Kuwait had been voicing their criticisms on the said issues. For example, the Kuwait Society for Human Rights (KSHR), a non-governmental body, which has advocated for the rights of domestic workers for more than a decade, had been pushing for the domestic worker law through the Kuwaiti National Assembly. They have proposed three fundamental changes in the Kuwaiti legal system. These were, a) abolishment of the sponsorship system, b) proper monitoring of recruitment agencies by placing them under the oversight of the Ministry of Commerce and c) guarantee of good working conditions including set hours, minimum salary and rest periods. The last of these influenced the passing of Domestic Workers law by the National Assembly in 2015.

In 2010, KSHR partnered together with Humans Right Watch, KABE Human Rights (Kuwaiti Association of the Basic Evaluators of Human Rights), Kuwait Center for Expatriates' Rights, and the Kuwait Social Work Society, and launched an awareness campaign titled: *"Put yourself in her shoes."* In 2011, they submitted a report to the UN Committee on Human Rights expressing the need to revise the sponsorship system and labour law protection for domestic workers. In 2019, they will be submitting recommendations about the commitment of the State of Kuwait to implementing the International Convention on Elimination of All Forms of Racial Discrimination (CERD), which will include the need for amending and scrutinising national legislations to harmonise them with international conventions in its 93rd session.¹¹

KABE Human Rights is an NGO which carries out campaigns and educational public outreach to schools to raise public awareness about migrant domestic workers' rights. Their strategy is to use messages from the Qu'ran to urge Kuwaiti citizens to uphold human rights in a Muslim tradition and influence the public in this way.¹² Sandigan Kuwait Domestic Workers Association was initiated with a focus on organising domestic workers with the help of International Domestic Workers Federation (IDWF) through FAIRWAY's project of International Labor Organization (ILO). Sandigan Kuwait too has launched several projects, events and information campaigns.

ABOUT THIS RESEARCH

Research Objectives

The aim of this research was to identify gaps between the expectations of Filipino domestic household workers before leaving the country and their experiences of employment in Kuwait. Specifically, the research had the following objectives:

¹¹ International Human Rights Clinic, p.66, 2013

¹² Ibid.

1. To understand the recruitment process, including how women received job offers, as well as their pre departure training.
2. To document their work experiences in Kuwait, including with discrimination, unfair working condition, emotional distress, restriction of movement, safety and violence.
3. To analyse the current situation of the domestic workers in the shelter and, based on their feedback and suggestions, design measures to help prevent violence and abusive treatment.
4. To share the data with the Philippine government to use as a baseline in assessing the current situation and needs of domestic workers in Kuwait. Any recommendations and additional assistance will benefit the current and incoming domestic workers in Kuwait.

Research Questions

This study aimed to address the following research questions:

1. How do women migrant workers define 'safe/unsafe' migration and/or 'fair/unfair' migration?
2. How safe did these women feel when they started working in Kuwait?
3. What are the gaps in current migration initiatives and how do these initiatives overlook women's realities in the countries of origin and destination?
4. What are the kinds of violence or exploitation that Filipina domestic workers face?
5. What are the circumstances in which women migrant workers escape from their employers?

Methodology

Between May 2018 and February 2019, Sandigan researchers met 57 women migrant workers who were staying in the Philippine Embassy shelter. Due to the temporary nature of embassy shelter, each of the Focus Group Discussions were, with few exceptions, with different women. We followed up the cases of three women one or two times a month between June and November 2018. The researchers also sought to provide emotional support to the women and guided them to enable them to come to terms with and open up about their experiences.¹³

We conducted individual interviews with six women, followed up cases and conducted focus group discussions to gather data from the participants. Starting 10 May 2018, Sandigan began identifying prospective participants for the research through the *Usapang Puso* (Heart-to-heart Talk), a counselling event for domestic workers who were residing in the embassy shelter while they waited for repatriation. The organisation conducted an evaluation of 261 out of 482 distressed workers using a modified self- assessment form to identify domestic workers for a counselling program.

A licensed behavioural therapist, an occupational therapist, special education teachers, and volunteer counsellors participated in the event and were assigned candidates depending on the results from the initial assessment conducted by Sandigan. One of the researchers who volunteered in the event took up the task of building a rapport with participants who revealed in the self-assessment that they had been subject to physical violence or sexual abuse and had had suicidal thoughts. These were the first group of women whose legal cases were taken up by the researchers. Women found it difficult to speak about their experiences in the first meetings and repeatedly asked for repatriation but they opened up over two to three months as the researchers gained their trust.

¹³ Informed consent of all the participants was obtained prior to the research interactions.

The first focus group discussion with eleven women who had worked as domestic workers was held on 21 June 2018.¹⁴ The women shared information about their experiences which mainly concerned their safety while living with their employers in Kuwait.

The second focus group discussion was conducted three months later with 15 women on 28 September 2018. A series of questions was taken up regarding the conditions encountered by the participants in the shelter, their background stories, and their work experiences. Afterwards, the researchers conducted an open forum regarding the status of the participants' legal cases including the legal actions that were yet to be taken and provided advice to women about how they could cope during the waiting period in the shelter.

The participants expressed their dilemma about whether they should file a case against their employer, which would mean that they would have to stay in Kuwait longer or complete formalities and go back home at the earliest. The latter would allow them to claim compensation from the Philippine government.¹⁵

Participants in the FGD also created pieces of artwork. Some wrote poems, others drew pictures or wrote letters to someone depicting scenarios that they looked forward to in the future. The session ended with the participants observing a moment of silence while everyone was in a big group hug. Everyone was encouraged to express themselves in the circle silently or loudly as they may wish to.

Seven of the 15 women in this FGD had spoken to the researchers at the counselling event in May 2018. Out of the 428 residents who were at the shelter in May 2018, about 100 were still awaiting repatriation. The Philippine government-run shelters in Surra and Salmiya were also accessed for women awaiting repatriation. Eight participants in this FGD had not participated either in the counselling session or the first FGD.

Sandigan had been monitoring the cases of one participant from the group who attended the first FGD. From the initial group and another 4 were being monitored by the Sandigan heads in aiding for their respective legal cases.

At the beginning of 2019, the Philippines Embassy issued new rules about the women awaiting repatriation at the shelters making it more difficult to conduct research with them. The researchers were not allowed to record interviews or take pictures and they were allowed to speak to the women only for a short period of time. The researchers made notes and did what they could under the circumstances.

¹⁴ Eunha and Alfie from GAATW visited Kuwait and participated in this FGD.

¹⁵ The compensation for overseas Filipino workers comes from the compulsory insurance policy required prior to deployment. This is under the *Migrant Workers and Overseas Filipino Act* of 1995. The regulating agency for this Act is the Department of Labor and Employment along with many attached agencies such as OWWA, NLRC, POLO, etc. POLO is deployed in destination countries and cater compensation using the implementation of SENA, a mediation before litigation approach. The National Labor Relations Commission (NLRC) is a small complaints court commissioned to be able to accept cases against the recruitment agencies and to help workers on claims on insurances.

A two-part series of FGDs was conducted on 16 January and 12 February 2019 with, respectively, 15 and 16 new participants. The questions asked were mostly focused on the recruitment processes and their employment conditions in Kuwait. The first of these FGDs comprised a series of role plays and tableau games representing some of the typical ways of how women are recruited for employment in Kuwait. They also acted out some scenarios of their experience during the first week of work in Kuwait. The depiction of these experiences led to questions about whether PDOS (Pre-Departure Registration and Orientation Seminar) and PAOS (Post Arrival Orientation Seminar) were appropriate forms of training. Responses to these questions too were depicted by the women in an elaboration of the earlier scenarios.

The second FGD started with an introduction by each participant and this time they got to pick a pair. A series of questions were asked of each other like what was their favourite Filipino movie, song, artist, food, and place to visit in the Philippines. After this, questions were asked about the recruitment processes, the usefulness of the training they received prior to departure from the Philippines and what they wished they had known before arrival in Kuwait. The session ended with each one given a piece of stone to draw a picture representing what they looked forward to in the future. Each of these was displayed to represent a unity between them and the growth that they have experienced despite the challenges in their labour migration experiences.

FINDINGS AND ANALYSIS

Participants Profile

The women who participated in the research were all from outside Metro Manila but some of them had worked there. The participants were from all the three principal geographical divisions of the Philippines, i.e., Luzon, Visayas and Mindanao. Those from Luzon, which is the largest and most populous island in the Philippines, were mostly from Cavite and Rizal in the administrative region of Southern Tagalog. These provinces are the outlying areas of certain National Capital Regions (NCR) like Manila, Taguig, Pasig, Makati, and Quezon City. Participants from Rizal and Cavite had worked in NCR which is the commercial centre of the Philippines. However, working in the NCR meant long hours of travelling back and forth. Those who worked in the NCR also faced competition from young people who graduated in Metro Manila leading them to leave their previous jobs and to consider migration as an option.

There is great insecurity of employment in the Philippines as jobs are scarce. This is an important factor that drives women to seek overseas jobs. Women who come to Kuwait believe that they can work for two or three years and return to find a better job at home.

Participants from Visayas were from Region VI, particularly the areas of Iloilo, Antique and Negros Occidental. Farming and fishing were the primary sources of income for their families. Most of the women from Visayas had not completed college due to lack of financial means. They took up jobs based on skills learnt at high school mostly, like making pastries, sewing, owning a *sari-sari* (a local convenience store), and sometimes helping out in farming. However, their income from such jobs

was not enough to support their families, which comprised at least three children, and sometimes also their siblings who were still studying. With their parents growing older there was also the burden of illness. All these pressures contributed to them taking the decision to leave the country.

As for Mindanao, participants mostly came from Regions 10 and 11, in the provinces of Davao and Cagayan De Oro. Not unlike the two mainland regions, most of the women who came from this region have finished at least high school but not college. Most of them had children when they were 19-23 years of age and had been housewives prior to migration. Some owned mini convenience stores and hawker-type restaurants. A few worked in garment factories. Despite having jobs they had borrowed money from all sorts of loan companies just to support their daily needs. This was cited as the main reason why they had taken the chance to go abroad. They were hoping to pay off their debts, support the education of their children and to help their siblings and parents.

Overall, three participants graduated from high school and the rest attended college and finished either 2-year or 4-year undergraduate courses. Sales and marketing were majority of their prior vocations. Two were sexually abused when they were young and the parents of one participant had separated when she was of school going age. One had been a radio DJ and a Philippines military undergraduate. Women from Luzon were more educated and had better access to service sector jobs in the Philippines (as opposed to farming) than women from Visayas and Mindanao.

Most of the participants are in their early 30s and are either married or single mothers. They had taken the responsibility of being the breadwinner for their families. This was a difficult choice for them and one that went against an older cultural norm in the Philippines that a wife should stay home, do the household chores, care for and teach the kids. The single mothers too were hard pressed to leave their children in order to provide for them. They had sought out relatives who would not just take care of their children, but be de facto parents to them. The idea of growing up without the mother's presence is a dominant theme in the Philippines and is acted out in soap operas. Children become aloof towards their mothers who visit them once in a few years and become attached to the parent or guardian that is physically present with them. Knowing this, many mothers continue to go abroad and work as domestic workers because of the availability of these jobs. Filipina women can work overseas between 23 and 60 years of age. This raises endless possibilities as women go back again and again to look for jobs in Kuwait and other countries.

Almost two-thirds of the participants were first-time migrants and had stayed with their employers for durations ranging from two months to two years. The remaining one-third had worked either in other countries in the Middle East or Southeast Asian countries before. These women had worked as overseas domestic workers for periods ranging from 3 to 11 years. This would suggest that first time workers could be more vulnerable to exploitation and abuse, which is not surprising. What is significant is that women continue to be vulnerable despite putting in a decade of service in overseas homes. This speaks to the structural conditions that define vulnerability in overseas work and the limits of the sending state in providing protection.

The first-time overseas workers were particularly aware of the stigma towards women going to Arab countries, which has been reinforced by stories that circulate of ill treatment, harassments and exploitation. There are some stories of women who made it in Kuwait; of employers who treated

their workers very well and workers who stayed with their employers for 30 to 40 years. Sandigan has acknowledged some of these instances of good practice by giving awards for the first time to domestic workers who served in Kuwait for more than 20 years.

The participants in our research who had previous experience of working overseas knew about the struggles of OFWs. When women set out for the first time, often they tell themselves that they will try it out and if it does not work they can always go back home. But we found that often those who have come overseas repeatedly were up against recurring problems at home that made it difficult to break out of the cycle of migration. They may return after a span of overseas work with some savings. But unless they are able to find remunerative employment at home, they are faced with taking the option of overseas employment again when their savings finish. There are recurrent demands for money because children need to be put to school, there may be health expenses and even if old debts were paid off, their families may slide into debt again.

Experience Prior to Migration in Kuwait

Why Women Seek Overseas Jobs

Several factors contributed to these Filipina workers deciding to work overseas. The first time domestic workers believed that they would earn higher salaries abroad and be able to improve their socioeconomic status and living conditions in the Philippines. The participants were not unaware of the difficult conditions of overseas work from the media, which circulated information about harassment and abuse, but there were also counter narratives. There were success stories within the families of our participants of at least one relative who was able to buy herself a house or others who were able to raise the quality of life of their families in other ways. They knew migrant women whose families now own cars. The participants told us that they were aware of what could await them and what they may be getting into, yet it was important for them to seek overseas employment to improve the conditions of their families. While many choose domestic work as it offers them a better career, the better qualified among them choose the profession due to the lack of alternative economic opportunities in the participants' towns and provinces.

Some of the participants in Southern Tagalog for instance had graduated either from a two-year vocational course or four-year undergraduate course. They could find job opportunities in Metro Manila in sales or as factory workers. This is also true with certain participants coming from outlying districts of Davao wherein they would go to the commercialized areas of Davao Oriental and Davao Del Sur to apply for jobs as either a clerk or saleswomen. But such jobs entailed four to five hours of travel every day and as the years passed by not only did exhaustion kick in but their salary was no longer enough provide for the growing needs of their families. In the case of the majority of participants, their husbands were not working therefore they gradually gravitated towards a decision to accept an offer of overseas employment.

The competition for the better job at home was also an important factor. The participants pointed out that the college graduates of the present were the equivalent of the high school graduates 19-25 years ago therefore there was considerable competition for the small number of skilled jobs. Only a

fleeting number of fresh graduates that are picked out by the large industries in the country. As for the remaining graduates they can only apply as waiters for jobs in fast food chains, saleswomen in malls, workers in factories, or manicurists all of which are relatively low paid and inadequate to support the expenses of an entire family.

Among the participants from Cagayan de Oro and Iloilo, a few women who had been housewives prior to migration, decided to work overseas because their husbands' salaries were inadequate to provide for the family. They decided that their experience at home in housework and in caring for children would stand them in good stead in domestic work jobs.

Another important factor that attracts women to take up overseas jobs is the sustained demand for female domestic workers abroad. Awareness of opportunities motivates women to take a decision in favour of overseas employment. Some participants attributed their decision to pressure from family members who pointed out that overseas jobs could help them pay off their debts and to become rich.

Skills Training

The issue of skills training and orientation was also brought up by the participants to make the point that these programmes were not appropriately oriented towards acquainting them with the basic skills that are required at the destination and they are expected to learn too much in too short a period of time. Migrant workers had undergone a month-long training in housekeeping at the Technological Education and Skills Development Authority (TESDA) in the Philippines. The participants pointed out that the training did not correspond to the equipment and style of doing household chores that was specific to Kuwait. According to them, training should be destination specific and not a general one for domestic workers going to different parts of the world.

However, experience of abuse cannot be explained by inadequate training as would be apparent from the fact that workers who had many years of experience too have been subject to exploitation and abuse. The problem of abuse must be understood in structural terms, but inadequacies of training merit discussion as they were raised by the participants. The lack of appropriate skills and orientation may have made a bad situation worse for these workers.

The participants also admitted that they too were at fault as they did not pay full attention to the instructors during the Pre-Departure Orientation Seminar (PDOS) workshops. They were distracted with excitement about their new jobs and about finally moving out of the country. They did not pay attention also because they felt it would take months to be properly trained but they were expected to go through it in a few hours. Another thing is that Arabic language, and self-defence trainings, need more time to be taught because it was instrumental for communication and would serve as their shield against physical abuse.

In general, there is a lacuna with respect to imparting of professional training for domestic work. There is a widespread impression that domestic work is an unskilled work, requiring no specific training or prior experience. As for the PDOS system, seminars are being conducted by recruitment agencies, who are oriented towards the profits they make with each recruit and may not be

adequately attentive to conducting the training programmes in a manner that would ensure that information and skills are imparted to migrant workers. At the time of PDOS, the workers have already undergone a lot of travel preparations and may not be composed enough to assimilate the information. Thus, the approach of PDOS must take this into account in the design of the methodology.

In addition, half of the six-hour orientation seminar provided to most of them was allotted to the topic of investments and securing future by several banking loan agencies and real estate housing agencies. The time allotted is very short to cover all the essential things they need to know prior to leaving for Kuwait. Much of the focus was on remittance processes mainly on which bank or cash remittance centres would be the best to trust their money with. The participants talked about how banking, money transfer and even real estate agencies made their pitch through presentations about the services they provide, highlighting speed, security and low the cost of their services. In view of all this, there was little time for discussion of domestic workers' rights, employment contracts, and complaint reporting procedures and for understanding issues related to trafficking and illegal recruitment.

Recruitment Process

Contrary to the provision of Department of Labor and Employment (DOLE) in the Philippines, overcharging of recruitment fees is widely prevalent. Fees paid to private recruiters are a major part of the cost borne by migrants. Recruiter fees are limited legally to one month's wage abroad, but Martin et al (2004) point out that migrants may pay much more even as much as two to four months' wages. Martin et al (2004) indicate that private recruiters are not deterred partly because of the inefficiency of the justice system but also because migrants may be unwilling to testify against recruiters when they are closely acquainted with them.

Excessive charges and illegal recruitment continue to be a problem. The participants said that recruitment agencies charged them a placement fee equivalent to their one month's salary, in addition to other costs incurred as part of the emigration process. The participants also had to pay for the documentation costs for passports, clearance from the National Bureau of Investigation (NBI), police clearance, barangay clearance,¹⁶ authentication of documents, birth certificates, inoculations required by some host countries, and medical examination fees. Due to the overcharging of fees, the participants were forced to borrow money from relatives with a promise to repay once they started earning. Some agencies did not ask for a placement fee but had an agreement with the foreign recruitment agency they operated in association with that they would be compensated with the first salary of the worker.

Another issue brought up by the participants was that they were charged excessively for various document processing fees. For every procedure that is part of the emigration process, the agency charges the migrant double and even triple the actual cost, i.e., if the migrant were to process the documents on her own. Some of first time migrant workers among the participants said they ran out of money before they completed processing their papers. A few of them said that they considered

¹⁶ A government-issued document in the Philippines. It is used to certify a person with good moral character and a law-abiding citizen of a certain barangay, the smallest administrative division

the salary they will get and asked themselves, “How many months do we have to work to pay for these debts left behind in the Philippines?” The local recruitment agencies promised them greener pastures, manipulated their emotions and used the economic pressures they were under to push them to pursue their dreams in Kuwait.

“Once I start working in Kuwait, I can now afford to renovate our house.”

According to the provisions set by the Philippine Overseas Employment Administration (POEA), costs that are chargeable to the worker include documentation costs incurred within the Philippines which cover the obtaining of personal documentation (passports, birth certificates, and transcripts), medical examination costs and skills testing for the issuance of Certificates of Competency by the Technical Education and Skills Development Authority (TESDA). Therefore, recruitment agencies are prohibited from collecting or extracting unauthorised fees in connection to the recruitment and deployment of domestic workers in Kuwait.

Adaptation Process in Kuwait

The adaptation to a different country also adds up to the stress which migrant workers experience. The training that was provided back in the Philippines did not correspond to the skills needed when migrant workers arrive in Kuwait, as they were required to use appliances and equipment they had not seen in their life. Despite this, they still adapt quickly to learn to operate these appliances. Some have other domestic workers help with their chores and train them in their first days. Others pushed themselves to learn. However, cultural disorientation and language barriers still play a key role in these women being misunderstood by their employers. This affects the ability of women to perform their job and generates a gap in understanding between them and their employers.

The participants also noted that language was an important barrier at least in the initial stage of employment and one that shaped tensions between employers and workers. When the employer could not speak or understand English and the workers could not grasp Arabic they were unable to communicate. In such situations, the participants said they sometimes got the impression from the employers’ tone and manner of speaking that they thought the workers were stupid and useless. When employers cursed or used derogatory terms in Arabic, though workers could not understand their precise meaning, they were nevertheless able to discern the sentiment. *“I learned to say some bad words in Arabic after hearing from others. I asked what these words mean from our neighbours so whenever I got upset, I would use these words to get back at them”*, one woman said.

Other participants too had similar experiences. They pointed out that they were able to learn derogatory words in Arabic and to curse because of way their employers used these words repeatedly when they were unable to follow instructions. One participant said, *“Sometimes I noticed that they are talking about me, so I often felt intimidated.”*

Almost all participants agreed that they had felt at one time or another that they were the subject of the conversation when a visitor or a family member speaking in Arabic would turn their gaze on them. It was in this context that the participants expressed the importance of training in the Arabic language prior to going to Kuwait. They felt this could be crucial to defend themselves if they were

insulted and to bargain with their employers. When there was a mistake or a misunderstanding they felt they needed to be able to explain things to their employers. According to the participants, some employers expected them to understand Arabic because of the considerable expenses they (the employers) had incurred on sponsorship of the migrant worker.

Violations of Rights in Kuwait

Work Contract

Problems occur even if the participants have undergone formal recruitment processing in the Philippines. During the recruitment process in the Philippines, migrant workers sign a contract that outlines the terms of employment including their salary and working conditions but on arrival in Kuwait, they may be forced to sign a different contract with a lower salary and substandard employment conditions. They are not provided with a copy of this contract.

Switching of contracts and excessive fees were common problems experienced by the participants. This is contrary to the agreement between the recruitment agencies in the Philippines and the Foreign Recruitment Agency (FRA). But the employers manipulate the rules and are complicit in changing the original contracts of workers. Despite signing a written contract prior to migration, participants declared that their contracts were manipulated as soon as they came in the country. It is the responsibility of FRA to make sure that the signed contract in the Philippines is observed. The recruitment agencies in the Philippines and Kuwait are supposed to be responsible for pending salaries and for processing of repatriation if the conditions stipulated for employment are flouted in the initial months of employment.

The FRA is aware of the manipulation by employers who engage in switching contracts but they stay silent and may even misguide workers on how to act if their employers violate their rights. The FRA and employers are able to manipulate workers at least partially because the recruitment agencies in the Philippines do not take the trouble to ensure that migrant workers understand their rights prior to departure. The recruitment agencies in the Philippines may hold back such information for fear that recruits would opt out of the process. Another issue is the lack of effective liaising between the Kuwaiti employers and the domestic workers when there are complaints especially at the start of the job.

Employers too need to be informed about the rights of domestic workers. This is a crucial issue because employers pay 1,200 Kuwaiti Dinar to hire a worker and may feel that they must utilise them to the fullest extent leading to exploitation and abuse. In this context, it is especially important that employers are sensitised to workers' rights and cautioned against violations. The failure of recruitment agencies to act as the intermediaries between employers and workers is particularly salient here in exacerbating violations of rights. Workers may feel trapped and forced to complete their contracts or they may escape and seek help from the Philippine Embassy as the participants in the research had done.

Labour Rights

Long working hours and excessive burden of work (workers may be made to work for a large number of family members), lack of time to sleep and lack of a day off, poor living conditions, lack of basic services were the most frequent violations of rights expressed by the participants. Some domestic workers were made to do additional work on their employers' farms without any additional salary. Workers also pointed out that they were excluded from benefits and services enjoyed by Kuwaiti nationals. They are denied access to health insurance. Their passports as well as the employment and travel documents were confiscated which had held them back from leaving their employers earlier than they did. Some pointed out that they got barely three hours of sleep.

Eight participants revealed that they were locked in the house when their employer went out. They also reported monitoring by employers using CCTV cameras. Workers were made to share the kids' room or when they had their own room, it had very limited space. Two workers said that they had been made to sleep in the laundry area which was a common area that the family members could pass through even as they slept there. Some were locked in the maid quarters as a punishment for a mistake they may have committed or because their employers were angry with them for some reason.

Five of the workers were not provided food and suffered from hunger for seven days. They were allowed to buy their own food and toiletries once a month and after that they were not allowed to go out of the house. There were also instances of workers who were made to clean houses of extended family members of their employers. Four participants were not paid their salary for the first three months of their stay. Almost everyone said that the salary agreed upon in the contract they signed in the Philippines was 200 KD but they received two-thirds of this or less.

Workers also said they were misinformed that if they so desired they could leave only after six months had passed from their arrival. In fact, recruiters are obliged to pay for repatriation of migrant workers who wish to return before six months of their entry into the country. But after six months, if the worker has not found an employer or otherwise wishes to return, they must pay for their own return journeys.

The participants suggested that recruitment agencies in both countries should be monitored to ensure proper implementation of rules. As this was the suggestion of the participants, the researchers have noted the need to strengthen monitoring of recruitment agencies by the Philippines government. Standard employment contracts provided by Philippines Overseas Employment Administration is different to what the domestic workers signs in Kuwait. Workers are also not provided with a copy of the signed contracts and they feel under duress without it.

"In the Philippines, if you have a copy of your own contract it will be easier to file a complaint with regard to rights violations in the contract. In Kuwait, any work-related documents are being confiscated by the recruitment agencies."

Exploitation and Abuse

Below is an excerpt of a narrative from a domestic worker, Analyn, who was rescued from her employer's house after she had been subject to severe physical violence. Her experience represents the brutalisation of workers by a section of employers and underlines the challenges to achieving safe migration in the conditions that prevail.

'I am Analyn. I had a child at a young age, I finished high school and went abroad to help my mom who was ill at the time when I left my country. If you count the number of tears my friends and I entrusted and shared with you, I could be a millionaire by now. My experience with my employers perfectly fits all the little pieces of experiences by my friends here in the shelter. I have been through every horror you could think of. I got numb from the daily name calling, insulting my heritage and imprinting on me "what an idiot I am". You probably have seen my videos on YouTube or on Facebook which I made of a series of rehearsed scenarios of my being accused of mistakes. Dumbbell, knife, and scissors were thrown [at me] and punctured into my body. I have iron marks on my back that look like a tattoo of what Madam did to me. I was asked to drink a pitcher of juice mixed with detergent. These things I received after I made mistakes. I was not aware of my rights, my agency avoided me and escaped from their responsibility to help me out when I experienced these tortures. I did not know who to turn to. When I was rescued by a domestic worker organization in Kuwait, my scalp was bleeding. I was almost bald... I have bruises and marks all over my body and my eyes were not visible because of the swelling from the punches, hits, and kicks I received. After couple of months, I was able to recover but the fear still lingers'.

Analyn was rescued by an organisation, a happy ending that allowed her to recoup and tell her story. Her experience of brute violence underlines several problems associated with migration for domestic work to the Middle East in particular the mismatch in the expectations of employers and the preparedness and expectations of workers. Analyn says her employer abused her whenever she made mistakes. She may not have had the required skills and may not have been able to communicate in Arabic but repeated violence can bring trauma and pressure on workers, and prevent them from performing their work. On the other side, employers pay a substantial sponsorship fees irrespective of the level of skills of workers assigned to them and when the worker does not meet their expectation, employers may vent their frustration on the worker. The problem here is that there is little that deters the employers from subjecting a worker to violence because of the impunity provided by the system in the Middle East.

Employers do not trust domestic workers and monitor them through CCTV cameras. Under surveillance they had to move about and work continuously with no rest leading to great strain on their bodies. Employers had accused them of feigning tiredness when they were actually very tired and had refused to give them any break. Domestic workers also felt a lack of appreciation for their work from their employers. They shared their sentiments that they too were human after all, that they felt the insults that were hurled at them, at their heritage and backgrounds and that they wanted to fight back. One-fifth of the participants recalled their employers comparing Filipinos to

animals and castigating them as a bunch of illiterate undergraduates. The participants said these insults made them angry. One woman said, *"I cannot win against them because I am living in a foreign country so it is better to endure whatever they say about me."* They all agreed that as they were in a foreign country, they could not defend themselves, they are afraid they will get killed.

In Analyn's case the perpetrator of physical violence is usually the female employer. Domestic workers usually report to their women employers, who may train them and monitor their work. Their interactions with male employers may be limited. The fact that it is the female employer who subjects the worker to violence needs to be seen in the context of employment relations that are structured by class and gender. In the case of migrant domestic workers, however, tensions may be shaped also in terms of race, ethnicity and religion.

Analyn speaks of the verbal abuses that were heaped on her. Verbal abuse was the most common form of complaint and comprised typically of insults that were thrown at workers labelling them stupid, lazy, idiot, flirt and liar. Participants spoke of how almost every day employers would reprimand them in these ways. *"I am already familiar with how they observe my work, whether I do it in a right or wrong way, they will always have some criticisms"*, one woman said.

Participants who suffered physical abuse said they were most often subject to hitting, pulling hair and objects being thrown at them. They were not given any first aid or medication when they were wounded. *"They show no remorse. It seems normal for them to hurt us"*, one woman said. *"We were treated as slaves"*, said another.

Participants also shared stories of sexual harassment and sexual abuse sometimes leading to unwanted pregnancies from their experiences. The perpetrators were the sons, brothers, uncles, father, and grandfather living in the household. One participant said, *"When I am sleeping in the laundry area, sometimes they would come by because they want to take something from there. I don't have privacy. Sometimes when I was sleeping I felt that someone touching me."* Other workers had similar experiences when they were working alone in the kitchen or laundry area. Employers would sniff them sometimes and attempt to kiss them.

Inappropriate touching by teenage sons was also brought up by participants who said that they had been laughed at and shouted at when they resisted these advances. For some of them this was when they started to fear that they may be raped. Workers feared reporting sexual advances from teenage sons or siblings of employers to their male employers as it could lead to conflict and they could be blamed for being flirtatious and seeking attention.

Sexual harassment and abuse also demonstrate how structural tensions emerging from gendered power relations are built into employment relations. Women employers may be suspicious that domestic workers may forge sexual or intimate ties with their husbands or with other men in the household and may be keen to avoid such situations. Such tensions could lead to surveillance and exacerbate violence. Participants spoke of how their make-up, hair style, the perfumes they used and their clothes were monitored by their female employers to prevent them from attracting male attention. They are not allowed to look good even if they got a chance to go out on a day off from work. One participant said, *"If you are a domestic helper, then you should present yourself like a*

domestic helper". The participants pointed out that they were expected to be covered up in ways in which presumably they would not be desired by men. During the discussions, the participants sought to refute the view that they provoked abuse and therefore were responsible for it.

They pointed out that employers used their superior knowledge of the law and their power over the workers to harass and ill-treat them. Most of the time, they tolerated what was meted out to them because they were unaware of their rights and/or they could not defend themselves for fear of deportation, which would result in their inability to repay their debts. They were unable to come to terms with the thought of going back home with nothing. They were also afraid that their employers would file a case against them and they may be imprisoned for several years.

Escape / Rescue

The participants had escaped from their employers through various means, and at the time of the research, they awaited the processing of their cases before they could go back to the Philippines. Seven participants had used cords and bed sheets to escape from the second, third and fourth floors of the buildings they lived in. Three suffered injuries from the fall and had recovered in the hospital. Employers filed theft cases against most of the workers who had run away and some workers who approached the shelter had been absconding for some time and had a travel ban imposed on them as a result of cases filed against them. Analyn had been rescued after a domestic worker organisation got information about her through Facebook messenger and WhatsApp, and reported the case to the competent authority, which intervened and took her away from her employer.

In the FGDs, the participants discussed their reasons for leaving their employers. Intolerable conditions of work and the severity of abuse drove them to escape. Frequently cited forms of abuse were non-payment or underpayment of salaries; food and sleep deprivation; and physical and sexual abuse. Some like Analyn who had experienced severe physical abuse had been unable to escape but were fortunate to have been rescued. The participants spoke about how recruitment agencies had been of no help.

Workers differed in terms of their ability to withstand tensions and fears. Three participants told us that the sight of a knife could instil fear in them. Verbal abuse was mostly tolerated. Some had tolerated physical and sexual abuse from their employers when it had abated for couple of weeks but when it reoccurred they began to think of escape. Some of the workers who had been locked up in the house when they made mistakes said they feared that the employer would leave and they would remain locked up alone in the house. After two or three months of such treatment, they had resolved to escape. When a participant said, "*We are like prisoners*", a few others concurred immediately and added that they were confined like prisoners without even a single day off.

Women's Aspirations

Women in the shelter say that they would rather stay in their home province and focus on cultivating their lands. We observed that those who had spent longer durations at the shelter (of more than five months) spoke of their future plans in the Philippines. It was a popular idea among

them to want to start their own businesses. Those who have stayed less than five months said they may consider another attempt at finding overseas employment. They also believed that improving their qualifications could help them get better job opportunities. Women in their twenties and early 30s wanted to pursue education as soon as they went back to the Philippines. When asked if they have regrets about what had happened to them most of them answered that they did not.

REFLECTION OF THE RESEARCHERS

Involvement in this Feminist Participatory Action Research provided us an opportunity to look beyond our usual work as an organisation that is involved in supporting women domestic workers in Kuwait. We were able to engage critically with the stereotypes about women and conduct a deeper inquiry into gendered migration within the specificities of the cultural contexts in the Philippines and Kuwait. Having had first-hand involvement with women who had sought refuge in the shelters, we gained tremendously from the reflections of the participants and from their own analysis of their experiences. We were also witness to their sentiments in circumstances where their rights had been trampled upon and they had been denied basic humanity. This understanding has strengthened our resolve to be a strong voice in promoting the rights of domestic workers.

What makes this research special for us is that we as migrant workers in Kuwait share some aspects of the struggles of Filipina domestic workers. Due to heavy workloads and tight schedules it was often hard for us to follow up the cases of these women. One of the researchers was even temporarily suspended from work due to issues with the management of the company. He resigned but was not given a release. The researchers' passport was returned after few weeks and he was asked to go back after couple of months. If he did not, the researcher would be reported to the board that overlooks his line of work.

It was also challenging to conduct the FGDs at the Philippine embassy due to issues with access to workers for follow-up discussions. We had to conduct FGDs with mostly new workers each time. During the last two focus group discussions, it was not possible to record the discussions. However, the trust the workers showed in the organisation allowed us to generate and check information. The discussion format allowed not only revealing information about experiences but also processing them and moving towards an understanding of how workers find themselves in difficult circumstances. Our ability to find quick and clever ways to overcome difficulties were enriched despite the many obstacles.

Most of the participants collaborated with us because they saw the potential benefits of the research findings for future women migrant workers who could avoid or lessen the possibility to be abused. They were also willing to learn more and to be able to move forward.

RECOMMENDATIONS

Making migration safe and fair for workers involves a deeper understanding of the realistic challenges that migrant domestic workers face during the entire migration cycle. Based on the

research and the experiences of Filipina domestic workers in Kuwait, Sandigan and the research participants make the following recommendations:

On Labour Migration Policies and Practices

1. Proper implementation of the agreed terms of the bilateral agreement between the Philippine and Kuwait government. Overseas Filipino domestic workers in Kuwait, in collaboration with migrant support groups, should be consulted and be given the chance to provide feedback on the implementation of the said agreements. They should also be provided with opportunities to elaborate their experiences regarding documentation services (passport renewal, processing of OEC), work/visa processes, and other support services available.
2. The Philippine government should implement better regulation of overseas domestic workers' placement agencies. There should be a system of incentives for the adoption of good practices and deterrents for exploitation and abuse of potential migrants. In addition, recruitment fees should be monitored and pegged at a reasonable level.
3. Skills training programmes should respond to domestic workers' needs and relevance to the realities at work. There must be a critical engagement with existing training and orientation programmes based on feedback from workers.
4. Post Arrival Orientation Seminars provided by the Philippines Embassy should include information on workers' rights and relevant laws in Kuwait to help migrant workers, in case exploitation and abuse arise.
5. Streamlined Helpline services should be accessible for Filipino domestic workers in varied real-time platforms in order to determine appropriate actions by the Philippine Embassy. The helpline services should also be expanded as a hotline for emotional support for Filipinos who are distressed at work and needs counselling.
6. Working contracts should be translated and available in Pilipino language. Upon signing the contract, workers should be given enough time to read and review the details of the contract, and to keep a personal copy of the signed contract.
7. Employers must be educated regarding the human rights of workers and made aware that it is not only the worker who is accountable when they do not meet the expected level of competence. The problem may lie with the recruitment process. Hence to address the problem, there must be a system of reporting such problems and follow up which would make the recruiters accountable. Measures must be identified to break the complicity between employers and recruiters which makes employers feel that they may abuse workers at will.

Strengthening CSO Participation and Solidarity towards the Promotion of Migrant Workers' Rights

8. Civil society organisations at the source and destination must come together to collate solid evidence-based research on migration of domestic workers and to agree on a set of priorities to take up for advocacy and action with both governments. Based on this study, it would be important to raise awareness of both employers and employees on what would be expected of each from identifying skills and levels competence to understanding decent and

fair working environments. Understanding different expectations between employers and workers should enable a working environment which will uphold the rights of workers, promotes accountability of both states to provide social protection and welfare, and employs policies and practices that are non-discriminatory and abusive towards migrant workers.

9. CSOs must build pressure on countries of origin to push the West Asian governments to lift the veil of impunity that employers currently benefit from and use to abuse workers.

Promoting a Workers' Centred Approach

10. Recognition of domestic work as a form of work must be recognised and valued by every State. Society benefits from domestic workers because it imparts care services to build human capacity and enables all other forms of activities. There must be greater reflection on the skillsets that are required to carry out the varied nature of tasks that comprise domestic work at present.
11. Workers' awareness building regarding their rights must be included in the pre-decision and pre-departure programmes, as well as providing them with instructions about how to deal with problems and how to seek help when faced with abuse and other rights violations. This includes the use of various social media platforms and other communication formats to share useful information to migrant workers. It is also essential for workers to have a manual of things to be done in case unexpected problems arise.

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