

## Myanmar

### A submission by Humanitarian Organization for Migration Economics (HOME) and Migrant Worker Rights Network (MWRN) for the 23<sup>rd</sup> Session of the Universal Periodic Review, November 2015<sup>1</sup>

#### I. INTRODUCTION

1. Humanitarian Organization for Migration Economics (HOME)<sup>2</sup> is a non-governmental organization based in Singapore which serves the needs of the migrant community, especially low-waged migrant workers. Established in 2004, HOME has been granted ECOSOC status, and provides services to thousands of migrant workers in need through the provision of shelter, legal assistance, training and rehabilitation programmes. Since HOME was founded, it has assisted approximately 500 migrant workers from Myanmar, the majority of which are foreign domestic workers (FDWs).
2. Migrant Worker Rights Network (MWRN)<sup>3</sup> is a membership based organization of workers from Myanmar working across the world. MWRN was founded in March 2009 by 9 Myanmar migrant leaders in Thailand who strongly believed empowerment of migrants was the best way to protect themselves in their vulnerable situation as migrant workers. The founders' goal for MWRN is to promote and strengthen Myanmar migrant's rights by raising awareness, promoting access to justice and negotiation with employers and officials and advocating for sustainable migration policy change.
3. **This report draws attention to the discrimination and human rights violations faced by domestic workers from Myanmar working in Singapore.** This report also highlights the threats faced by individuals from Myanmar who are at risk of being trafficked across borders.
4. Myanmar is on the Tier 2 watch list of the US Trafficking in Persons report 2014.<sup>4</sup> As of June 2014, there are 222,500 foreign domestic workers in Singapore.<sup>5</sup> Although no official data's are available regarding the nationalities of FDWs, there is an estimate number of 30,000 FDWs from Myanmar in Singapore.<sup>6</sup>
5. HOME has seen an increasing number of Myanmar domestic workers over the past couple of years. In fact, estimations by embassies and foreign domestic agencies suggest that Myanmar domestic workers have increased by 50% over the past two years.<sup>7</sup>

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<sup>1</sup> Report submitted on 22<sup>nd</sup> March 2015

<sup>2</sup> [www.home.org.sg](http://www.home.org.sg)

<sup>3</sup> [www.mwrn.org](http://www.mwrn.org)

<sup>4</sup> US Department of State, 2014 Trafficking In Persons Report, extracted from <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226691.htm> on 14th Feb 2015

<sup>5</sup> MOM statistics: <http://www.mom.gov.sg/statistics-publications/others/statistics/Pages/ForeignWorkforceNumbers.aspx>, extracted on 14<sup>th</sup> Feb 2015 (**See Annex A**)

<sup>6</sup> Home sweet home? Work, life and well-being of foreign domestic workers in Singapore, Research Report by HOME, March 2015, p.10

<sup>7</sup> Home sweet home? Work, life and well-being of foreign domestic workers in Singapore, Research Report by HOME, March 2015, p. 10 AND The Straits Times, Myanmar government ban fails to stop maids heading to Singapore, by Amelia Tan, 29 September 2014

6. The Myanmar Government, as a sending country, has the responsibility to protect the rights of their nationals migrating abroad for work and implement their rights through bilateral agreements.
7. Myanmar is encouraged to take note of the issues affecting Myanmar domestic workers in Singapore and actively seek for these issues to be resolved when drafting a Memorandum of Understanding with Singapore.
8. In September 2014, Myanmar's Government temporarily banned its women from working as domestic workers in Singapore due to concerns over maltreatment and abuse.<sup>8</sup> The ban was to last for five months unless agencies in Singapore sign a Memorandum of Understanding (MOU). However, Myanmar domestic workers are still arriving in Singapore. The September 2014 ban of Myanmar migrant women working in Singapore has not only failed, it has created more opportunity for the exploitation of women being recruited to work in Singapore.

## II. BACKGROUND AND FRAMEWORK

9. Myanmar is not a party to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Convention on the Protection and the Rights of All Migrant Workers and Members of Their Families.<sup>9</sup>
10. Myanmar is a party to the following relevant conventions: the Convention on the Rights of the Child (CRC)<sup>10</sup> and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). It has, however, made a reservation on Article 29 for CEDAW.<sup>11</sup> Myanmar is also a member of the International Labour Organisation and ratified twenty-two of the conventions.<sup>12</sup> The country has also ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children Supplementary to the United Nations Convention against Transnational Organized Crime.<sup>13</sup>

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<sup>8</sup> The Straits Times, Myanmar imposes temporary ban on maids to Singapore, by Nirmal Ghosh, 13 September 2014 (**See Annex B**)

<sup>9</sup> UN OCHCR, Ratification of 18 International Human Rights Treaties, extracted from <http://indicators.ohchr.org/> on 14<sup>th</sup> Feb 2015

<sup>10</sup> [https://treaties.un.org/Pages/ViewDetails.aspx?mtdsg\\_no=IV-11&chapter=4&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?mtdsg_no=IV-11&chapter=4&lang=en)

<sup>11</sup> UN CEDAW reservations: <http://www.un.org/womenwatch/daw/cedaw/reservations-country.htm>, extracted on 14<sup>th</sup> Feb 2015.

<sup>12</sup> ILO: [http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200\\_COUNTRY\\_ID:103159](http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103159), extracted on 14<sup>th</sup> Feb 2015.

<sup>13</sup> [https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg\\_no=xviii-12-a&chapter=18&lang=en](https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=xviii-12-a&chapter=18&lang=en)

### III. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

#### Cooperation with Human Rights Mechanisms

11. In its Concluding Observations about Myanmar, the CRC Committee has raised concerns about birth registration processes, economic exploitation, child labour and trafficking of children.<sup>14</sup>
12. The Concluding Observations by the CEDAW Committee has highlighted the need for a stronger legal complaints mechanism, the negative cultural practices and stereotypes, trafficking as well as concerns pertaining to unequal educational and employment opportunities.<sup>15</sup>
13. The 2011 UPR also put forth 197 recommendations for Myanmar. Myanmar accepted 77 of these. Of relevance are: the effective implementation of CRC, ending child labour, ensuring the independence and impartiality of the judiciary and increasing efforts to prevent and combat violence against women and human trafficking.<sup>16</sup>

#### Implementation of Human Rights Obligations

##### **Right to work and to just and favourable conditions of work**

###### 14. Recruitment fees

Myanmar domestic workers incur recruitment fees when seeking work in Singapore. The Myanmar Government permits the payment of up to four months' salary as recruitment fees.<sup>17</sup> Reports show that government authorities poorly regulate these fees. As a result, this cap is often disregarded and many workers end up incurring recruitment fees of up to eight months' worth of their salary.<sup>18</sup>

Excessive fees restrict Myanmar workers' rights to just and favourable conditions of work. Aside from incurring excessive debt for themselves and their families, workers are bound to the employer and agency until the debt has been repaid. This creates a possible situation of debt bondage that may force them to remain in unjust and unfavourable work conditions.

###### 15. September 2014 Ban

Due to the recent ban, Myanmar domestic workers are now even more susceptible to illegal recruitment practices, exposing them to further exploitation.<sup>19</sup> Firstly, the ban has had the effect

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<sup>14</sup> Concluding observations of the 59<sup>th</sup> Session of the Committee on the Rights of the Child - Myanmar (2012)

<sup>15</sup> Concluding observations of the 42<sup>nd</sup> Session of the Committee on the Elimination of Discrimination against Women - Myanmar (2008)

<sup>16</sup> Responses to Recommendations to 2011 UPR - Myanmar

<sup>17</sup> The Straits Times, New Rules for hiring Myanmar maids cover minimum monthly wage, day off, by Amelia Tan, 24<sup>th</sup> March 2014 (**See Annex C**)

<sup>18</sup> From interviews conducted with Myanmar domestic workers associated with HOME - AND - DVB, Servitude in Singapore, by Calum Stuart, 21<sup>st</sup> February 2015 (**See Annex D**)

<sup>19</sup> DVB, Servitude in Singapore, by Calum Stuart, 21<sup>st</sup> February 2015 (**See Annex D**)

of increasing the fees incurred by the workers, as more money is needed to facilitate the bribes required to circumvent the ban.<sup>20</sup> Some of the workers HOME has assisted since the ban was imposed have reportedly paid eight months' worth of recruitment fees (up to US\$ 2,300). Because the ban has been so poorly implemented, the circumstances of debt bondage have been made more compelling. Secondly, since these workers often leave their country as a tourist, they do not have protection as a worker under their national law.<sup>21</sup>

#### 16. Falsification of passports

Despite Singapore's Ministry of Manpower's requirement that domestic workers be at least 23 years old when they come to work in Singapore, HOME's research has encountered a number of cases of underage domestic workers who have entered Singapore using documents fraudulently procured by employment agencies in the worker's home country. In many of these cases, the worker is visibly underage. Some workers are as young as 16 when they come to Singapore, despite Myanmar having a minimum age limit of 18 years to go abroad.<sup>22</sup>

A case study from HOME shows that all of the underage workers received their falsified travel documents via their agency in Myanmar. For an additional fee, agencies facilitate workers with their passport applications to ensure their age meets the minimum age of 23 year - as is required by Singapore law - regardless of their actual age on their Myanmar IC and/or birth certificate.<sup>23</sup>

By falsifying passport details, it increases the vulnerability of women young women and jeopardizes their right to just and favourable conditions of work, as women under the age of 23 are considered to be less equipped to deal with the demands of being a domestic worker.

#### 17. Pre-departure training

Myanmar domestic workers often arrive in Singapore inadequately trained.<sup>24</sup> From HOME's interviews with Myanmar domestic workers, training received depends on the recruitment agency as there are no regulations governing a minimum standard. Varying levels of training are provided but in all cases, workers felt unequipped to do their job in Singapore as they lacked the required knowledge, skills or experience with many household appliances and tasks.

Although the MOEAF (Myanmar Overseas Employment Agencies Federation<sup>25</sup>) began conducting pre-departure training as of 31 August 2014, the training does not adequately inform workers about the nature and condition of the work, such as the long hours of work expected.<sup>26</sup> Rather, the training is limited to information about the labour laws and cultural norms of the countries they are being sent to.

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<sup>20</sup> The Straits Times, Myanmar government ban fails to stop maids heading to Singapore, by Amelia Tan, 29<sup>th</sup> September 2014 (**See Annex E**)

<sup>21</sup> The Straits Times, Myanmar agents send underage maid here, by Amelia Tan, 23<sup>rd</sup> July 2012 (**See Annex F**)

<sup>22</sup> From interviews conducted with Myanmar domestic workers associated with HOME

<sup>23</sup> From interviews conducted with Myanmar domestic workers associated with HOME

<sup>24</sup> The Straits Times, New rules for hiring Myanmar maids cover minimum monthly wage, day off, by Amelia Tan, 24 April 2014

<sup>25</sup> [www.moeaf.com](http://www.moeaf.com)

<sup>26</sup> Myanmar Times, Concerns raised as employment agencies take over training, by Bill O'Toole, 22 September 2014 (**Annex G**)

Another issue is insufficient language knowledge. 58% of Myanmar domestic workers reported to have some communication problems when talking to the employer's family.<sup>27</sup>

HOME has received consistent complaints about the Myanmar domestic workers' poor training and high turnover from employers. Singapore agents estimate that the majority of Myanmar domestic workers change employers at least twice in their first six months in Singapore. There are more Myanmar domestic workers who have to leave their employment compared with other nationalities. Singapore employers agree that the Myanmar domestic workers require better training to be able to work well.<sup>28</sup>

HOME argues that inadequate pre-departure training puts Myanmar domestic workers at risk of being vulnerable to unjust and unfavourable conditions of work, especially if they arrive in Singapore with unrealistic expectations.

## 18. Singapore Work Permit Regulations

The Employment Act, which provides basic protection such as a standard number of working hours and rest days, wage and access to employment benefits, does not cover domestic workers in Singapore. Their legal rights are solely governed by Singapore's Work Permit Regulations. Under Singapore's Work Permit Regulations, a work permit holder's immigration status is linked to the employer. Singapore Government enforces the responsibility of the employer over the worker by imposing payment of a SG\$5,000 (US\$ 3,613) security bond, encouraging employers to "control" their employees. The security bond of SG\$5,000 (US\$ 3,613) may be forfeited by employers if their employee engages in certain inappropriate conduct.<sup>29</sup>

### 18.1 Unfair Repatriation

The effect of the Work Permit Regulations is that work permit holders are bound to their employer as their employer has the power to terminate their contract without notice and repatriate them immediately. This threatens the domestic worker's access to favourable conditions of work and severely skews the power dynamic between the employer and employee strongly in favour of the employer.

### 18.2 Transfer Permission

If a worker would like to change employers, she first needs to obtain permission from her current employer. The power to grant a transfer lies solely in the hands of the existing employer. In light of the unilateral power of the employer to force repatriation, this clause effectively deprives the worker of the right to a change of employer as she may be threatened with repatriation and denied a transfer.

### 18.3 Entitlement to a Weekly Rest Day

Although work permit holders are legally entitled to one weekly rest day, employers are also legally entitled to negotiate with the worker to accept payment in lieu of that rest day. However,

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<sup>27</sup> Home sweet home? Work, life and well-being of foreign domestic workers in Singapore, Research Report by HOME, p.30

<sup>28</sup> The Straits Times, New rules for hiring Myanmar maids cover minimum monthly wage, day off, by Amelia Tan, 24 April 2014

<sup>29</sup> <http://beta.mom.gov.sg/passes-and-permits/work-permit-for-foreign-domestic-worker/eligibility-and-requirements/security-bond> - extracted on 18 March 2015

as the worker's legal entitlement to a rest day is not mandatory, workers have no effective bargaining power. Whether due to financial pressure or the coercive influence of employers having the power to cancel a work permit without notice and repatriate a worker, research shows that 40% of domestic workers have less than one rest day per week.<sup>30</sup> Myanmar migrant workers are often not allowed a day off as long as they have not paid off their loan, what can take months.<sup>31</sup>

#### 18.4 Blacklisting

Employers are also allowed to submit negative feedback about a worker's behaviour to the authorities. This potentially has the effect of having future employment bans placed on them. These discretionary and discriminatory regulations allow unethical employers to threaten and exploit workers by 'blacklisting' them, which affect the workers' future work opportunities<sup>32</sup>.

#### 18.5 Wellbeing

Recent research shows that Myanmar domestic workers in Singapore are among the lowest paid group of foreign domestic workers and are the youngest group of foreign domestic workers with a median age of 28 years old, compared with the median ages of Indonesians (32 years old) and Philippines (36 years old).<sup>33</sup>

Myanmar domestic workers also experience the most social isolation: 38% reported that they are more likely to have less than weekly contact with friends and family in Singapore or in their home country, compared with 15% of Filipina domestic workers.<sup>34</sup> They are also more likely not to seek external help at all when encountering an emotional problem.<sup>35</sup>

Another issue is insufficient language knowledge. 58% of Myanmar domestic workers reported to have some communication problems when talking to the employer's family, compared with Indonesians (25%) and the Filipinas (38%).<sup>36</sup>

Research also shows they experience the highest rates of all foreign domestic workers in Singapore in relation to nutritional neglect and invasion of personal privacy.<sup>37</sup>

### 19. Trafficking in Persons

HOME has assisted Myanmar domestic workers victims of human trafficking for the purpose of forced labour. The most prevalent indicators of trafficked FDWs are those relating to: (i) deception relating to key terms of the employment contract, including wages and earnings; (ii) abuse of

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<sup>30</sup> Home sweet home? Work, life and well-being of foreign domestic workers in Singapore, Research Report by HOME, p.29

<sup>31</sup>From interviews conducted with Myanmar domestic workers associated with HOME

<sup>32</sup> UPR Singapore for the 11th Session of the Universal Periodic Review, May 2011, by Solidarity for migrant workers, p. 6

<sup>33</sup> Home sweet home? Work, life and well-being of foreign domestic workers in Singapore, Research Report by HOME, p. 28 and 23.

<sup>34</sup> Home sweet home? Work, life and well-being of foreign domestic workers in Singapore, Research Report by HOME, p. 38.

<sup>35</sup> Home sweet home? Work, life and well-being of foreign domestic workers in Singapore, Research Report by HOME, p. 23.

<sup>36</sup> Home sweet home? Work, life and well-being of foreign domestic workers in Singapore, Research Report by HOME, p.30

<sup>37</sup> Home sweet home? Work, life and well-being of foreign domestic workers in Singapore, Research Report by HOME, pp. 19 and 21.

vulnerability caused by financial difficulty or a lack of information provided during recruitment; (iii) excessive working hours and inadequate rest day during employment; (iv) low or no salary; and (v) the use of coercive practices, such as salary deductions to repay recruitment debt, confiscation of documents and isolation, confinement and surveillance in order to keep foreign domestic workers in a condition of exploitation.<sup>38</sup>

## Right to freedom of movement

### 20. Recruitment fees

As previously mentioned, recruitment fees incurred may place the workers in a vulnerable situation of debt bondage.<sup>39</sup> In some cases, if the worker returns to Myanmar before the fees have been paid, the recruiter requests the worker pays back double her debt. Excessive recruitment fees restrict the worker's freedom to return to Myanmar until the debts have been repaid, and many workers feel unable to leave situations of abuse or maltreatment as they need to repay the loan.<sup>40</sup>

### 21. Immigration status in Singapore

Many Myanmar domestic workers experience restrictions to their freedom of movement due to their status in Singapore as a work permit holder. As discussed earlier, employers are held responsible for any breaches of the Work Permit Regulations via a SG\$5,000 (US\$ 3,613) security bond.

As the employer is responsible for the movements of the worker, and many employers fear losing the security bond, the majority of Myanmar domestic workers do not have possession of their passport, identification documents and work permits, restricting their freedom of movement.<sup>41</sup> Although Singapore's Employment of Foreign Manpower Act and the Passports Act forbid an employer holding onto a worker's identity documents, the Government rarely penalizes such practices.<sup>42</sup> Some Myanmar domestic workers also report being locked in the employer's house.<sup>43</sup>

Freedom of movement is also restricted during a criminal investigation, which requires the worker to remain in Singapore. Foreign domestic workers who complain for physical or sexual abuse may have to wait up to 2 years before their ex-employer are eventually taken to court.<sup>44</sup>

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<sup>38</sup> The Invisible Help, Trafficking into Domestic Servitude in Singapore, Research Report by HOME

<sup>39</sup> DVB, Servitude in Singapore, by Calum Stuart, 21 February 2015

<sup>40</sup> UPR Singapore for the 11th Session of the Universal Periodic Review, May 2011, by Solidarity for migrant workers, p. 6

<sup>41</sup> Home sweet home? Work, life and well-being of foreign domestic workers in Singapore, Research Report by HOME, p.30

<sup>42</sup> UPR Singapore for the 11th Session of the Universal Periodic Review, May 2011, by Solidarity for migrant workers, p. 4

<sup>43</sup> Home sweet home? Work, life and well-being of foreign domestic workers in Singapore, Research Report by HOME, p.33

<sup>44</sup> The Straits Times, Maids claiming abuse face long wait for justice, by Radha Basu, 5<sup>th</sup> August 2014

## Administration of justice

### 22. Current policies for migrant domestic workers

The Ministry of Immigration and Population spearhead Myanmar's migration policy. The policies adopted have, however, been insufficient to address issues of trafficking and exploitation. The IOM notes that 'while several channels for regular migration are open to Myanmar's workers, a large number of the total estimated migrant stock is irregular, including victims of trafficking and smuggled migrants who are exposed to abuses such as extortion, debt bondage and physical exploitation', despite the protection of migrants being a national priority for the country.<sup>45</sup>

In particular, Myanmar does not have a bilateral agreement with Singapore regarding administration of justice issues relating to Myanmar domestic workers in Singapore. In drafting such an agreement with Singapore, Myanmar are advised to consider the limitations of the Work Permit Regulations compared with Singapore's Employment Act.

### 23. Access to Justice in Singapore

In Singapore, Myanmar domestic workers are employed under Work Permit Regulations, rather than the Employment Act.<sup>46</sup> As such, there is an absence of labour laws regulating the conditions of domestic workers, which are only afforded to workers covered by the Employment Act. This exacerbates the vulnerability of workers to abuse and exploitation due to the inadequate legal protection of the Work Permit Regulations.

When foreign domestic workers have a legal issue, they may be uninformed of their rights or the local authorities may not have sufficient access to a language translator, which is often needed. These workers are disadvantaged may not have access to help from a lawyer, a NGO or an embassy representative.<sup>47</sup> Also, in civil cases, foreign domestic workers have limited access to pro bono legal services.

### 24. Processing a claim

HOME has observed a situation where a Myanmar domestic worker had a valid claim against the employer, as she was physically abused. However, the employer forcefully repatriated the worker to prevent her from making a complaint. In Myanmar, the domestic worker alerted her recruitment agent who arrange for her to return to Singapore to lodge a complaint with the police. She was flagged as a victim of human trafficking. This case study illustrate the needs of cross-border collaboration and training of all actors in detecting potential victims of human trafficking.

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<sup>45</sup> International Organization for Migration, 'Myanmar', Extracted from <http://www.iom.int/cms/en/sites/iom/home/where-we-work/asia-and-the-pacific/myanmar.html> on 8th March 2015

<sup>46</sup> Ministry of Manpower, 'The Employment Act: Who it covers', Extracted from <http://www.mom.gov.sg/employment-practices/employment-rights-conditions/employment-act/Pages/default.aspx> on 8th March 2015

<sup>47</sup> UPR Singapore for the 11th Session of the Universal Periodic Review, May 2011, by Solidarity for migrant workers, p.3

## **IV. RECOMMENDATIONS**

### **GENERAL RECOMMENDATIONS**

- Establish an independent National Human Rights Commission, as in other ASEAN states, to investigate, monitor and report human rights violation in the country, and with the mandate to educate and inform in the field of human rights.
- Ratify the following:
  - International Covenant on Economic, Social and Cultural Rights
  - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
  - ILO C189 Domestic Workers Convention
  - ILO C181 Private Employment Agencies Convention
  - Protocol of 2014 to the ILO Forced Labour Convention.
- Assess what role the migration of domestic workers can play in the country's positive economic, social and political development and establish a long term migration policy which equally prioritises national, economic and human security, taken into consideration that migration should remain a genuine choice and adequate work opportunities should be available in Myanmar;
- Provide comprehensive reintegration programs to develop the economic, social and cultural potential of migrant workers returning to Myanmar

### **RIGHT TO WORK AND TO JUST AND FAVOURABLE CONDITIONS OF WORK**

- Lift the September 2014 ban for domestic workers seeking work in Singapore
- Develop and encourage enforcement of a Standard Bilingual Form Contract of employment for domestic workers including provisions related to:
  - o Minimum salary
  - o Zero recruitment fee
  - o Mandatory, weekly rest day
  - o Regulation of working hours
  - o Public holidays
  - o Sick days
  - o Annual leave
  - o Notice for termination of contract
  - o Redress for wrongful dismissals
- Implement bilateral agreements (or Memorandums of Understanding) with receiving countries, such as Singapore, regarding the minimum standards required for the employment of Myanmar workers.
- Regulate licensed, private recruitment agencies.
- Ensure greater transparency regarding payment of agency fees.

- Regulate age verification processes and passport application process to prevent workers under the age of 23 year old from working as domestic workers in Singapore.
- Find measures to prevent sending of domestic workers by illegal, unregistered agents; only approve of workers going overseas if they use an agency which is a licensed member company of MOEAF (Myanmar Overseas Employment Agencies Federation).
- Work with civil society to provide mandatory trainings in certified training centers where workers need to achieve a minimum-level of skills and receive a certificate for their training before migration; training to include:
  1. Language training (including Singapore-English);
  2. Adequate training on domestic duties;
  3. Cooking of local dishes;
  4. Cultural awareness training;
  5. Training in the social support services available to Myanmar migrant workers in Singapore via the Myanmar Embassy, police stations, Ministry of Manpower (MOM), and migrant rights organizations such as HOME.
- In cooperation with MOEAF (Myanmar Overseas Employment Agencies Federation):
  - Consult with domestic workers to better understand their needs;
  - Set up information centers on migration and overseas work across Myanmar by the Ministry of Labour;
  - Provide holistic information about the domestic work, including the respective ministries' regulations for domestic workers and the rights and obligations of both domestic workers and employers.
- Start education about the risks of migration in schools.
- Release information on available help and services for migrant workers in receiving countries - to be done in collaboration between Ministry, MOEAF, migrant and labour organizations.
- Formally request Singapore Government to extend Employment Act and Work Injury Compensation Act protections to foreign domestic workers.
- Myanmar Embassy in Singapore to work with civil society, Singapore Ministry of Manpower (MOM), recruitment agencies and domestic workers to improve work conditions of domestic workers in relation to their overall wellbeing (including issues relating to social isolation, nutritional neglect and privacy).

## **ADMINISTRATION OF JUSTICE**

- Establish a legal complaints mechanism for fraudulent recruitment practices.
- Implement an age verification procedure to prevent the illegal deployment of domestic workers and to protect vulnerable populations, such as young, poor, uneducated women.
- Increase promotion and protection of migrant domestic workers human rights through the bilateral agreements or a memorandum of understanding.

## **ACCESS TO JUSTICE**

- Provide information for foreign workers advising them about the law, their legal rights, the legal process and resources for making complaints in Myanmar and in the receiving country.
- Communicate and enforce a zero-tolerance towards the agencies in Myanmar who deploy domestic workers who are under the required minimum age of 23 years to Singapore.
- Investigate fraudulent recruitment practices.
- Capitalize and strengthen relationships with civil society organizations in host countries that provide support for domestic workers, like HOME, to use as support networks for Myanmar domestic workers.
- Increase capacity and resources of Myanmar Embassy in Singapore to, in collaboration with civil society; provide better support for victims of domestic worker abuses, trafficking issues or domestic workers who wish to make a claim against their employer or agency. Services that should be provided include: adequate protection procedures, medical care, counselling, financial support, adequate housing and opportunities for further training, as well as access to free legal services.
- Improve the registration process at the Myanmar Embassy to collect information about domestic workers in Singapore, including name, personal details, location of the workplace, and contact information for relatives/family in Myanmar.

## Annex A

### Foreign Workforce Numbers

Pass Type	Dec 2009	Dec 2010	Dec 2011	Dec 2012	Dec 2013	Dec 2014
<b>Employment Pass (EP)</b>	114,300	143,300	175,400	173,800	175,100	178,900
<b>S Pass</b>	82,800	98,700	113,900	142,400	160,900	170,100
<b>Work Permit (Total)</b>	851,200	865,200	901,000	942,800	974,400	991,300
<b>- Work Permit (Foreign Domestic Worker)</b>	196,000	201,400	206,300	209,600	214,500	222,500
<b>- Work Permit (Construction)</b>	245,700	248,000	264,400	293,300	318,900	322,700
<b>Other Work Passes<sup>2</sup></b>	5,200	6,000	7,600	9,300	11,300	15,400
<b>Total Foreign Workforce</b>	<b>1,053,500</b>	<b>1,113,200</b>	<b>1,197,900</b>	<b>1,268,300</b>	<b>1,321,600</b>	<b>1,355,700</b>
<b>Total Foreign Workforce (excluding Foreign Domestic Workers)</b>	<b>857,400</b>	<b>911,800</b>	<b>991,600</b>	<b>1,058,700</b>	<b>1,107,100</b>	<b>1,133,200</b>
<b>Total Foreign Workforce (excluding Foreign Domestic Workers &amp; Construction)</b>	<b>588,300</b>	<b>638,900</b>	<b>699,100</b>	<b>731,300</b>	<b>748,100</b>	<b>764,500</b>

Notes:

1. Data may not add up to the total due to rounding.

2. Other Work Passes' includes Letter of Consent (LOC) holders and Training Work Permit (TWP) previously included in published Work Permit (WP) figures. Training Employment Pass (TEP) was included in 'Other Work Passes' from Mar 2014 onwards.

Last updated on 25 September 2014 02:22:4

## Annex B

### **The Straits Times: Myanmar imposes temporary ban on maids to Singapore, by Nirmal Ghosh, 13<sup>th</sup> September 2014**

MYANMAR'S government has temporarily barred its women from working as maids in Singapore due to concerns over ill-treatment and abuse, the Myanmar Overseas Employment Agencies Federation (MOEAF) said.

The "temporary suspension", in effect for about five months, will be lifted once an agreement, in the form of a memorandum of understanding (MOU), is signed with labour agencies in Singapore, it added. An official from Myanmar's Labour Ministry confirmed the suspension.

In Singapore, the president of the Association of Employment Agencies Singapore (AEAS), Ms K.Jayaprema, said she has not been informed of any suspension by the Myanmar embassy, the "usual channel of communication".

However, Ms Jayaprema acknowledged that the association is in discussions with its Myanmar counterpart on an MOU. She said it is currently just a draft document and there are several issues that need to be addressed.

In an interview with The Straits Times, MOEAF vice-chairman Soe Myint Aung said: "We just made a temporary suspension. We will start it again after signing a memorandum of understanding... We are still discussing this (MOU) with agencies from the Singapore side."

Concern over maid abuse prompted the suspension, he said. "There were some cases of Burmese maids abused in Singapore, but those maids did not go through our agency, they went the illegal way."

There are reportedly 30,000 to 40,000 Myanmar women working as maids in Singapore.

"There was no problem before and the Labour Ministry let us operate even though there is no MOU," said Mr Soe Myint Aung. "But we found later that there were some problems when agencies from Singapore violated regulations. That is why the Labour Ministry imposed the suspension," he added, without giving any details about the cases.

The Straits Times reported in April last year that a rising number of Myanmar maids were "running away" from their Singapore employers. One reason was that they found it unbearable to work for months without receiving any pay.

Earlier this year, Myanmar media reported that the government wants its women working as maids in Singapore to be paid a minimum monthly wage of \$450, be given at least one day off a month, and not to have to pay a recruitment fee that exceeds four months of their salary.

The MOU is intended to turn these proposals into regulations.

"When we have done the MOU, all of us will need to respect the agreement. This MOU will protect our domestic workers from exploitation and rights abuses," Mr Soe Myint Aung said.

An MOU could see 1,000 maids head to Singapore a month, the Myanmar Times said on Monday.

Ms Jayaprema noted that this is the first time that the AEAS has been asked to sign an MOU with a source country.

In the case of the Philippines and Indonesia, they have formal laws that provide protection for their women who work overseas.

Early this year, Myanmar stopped sending its women to Hong Kong just after the first batch of 19 domestic helpers arrived in the city. The suspension followed a high-profile case in which a Hong Kong housewife was accused of abusing her young Indonesian maid for months.

## Annex C

### **The Straits Times: New Rules for hiring Myanmar maids cover minimum monthly wage, day off, by Amelia Tan, 24<sup>th</sup> March 2014**

After years of not actively enforcing what it once regarded as an illicit cross-boundary trade, Myanmar has legalised the export of maids and drawn up rules to better protect its women abroad.

The rules have been communicated to agents in Singapore in recent weeks, three of which will affect employers here.

First, Myanmar maids must receive a minimum monthly wage of \$450.

Second, they must get at least a day off in a month, according to Myanmar newspaper reports.

Third, their recruitment fees must not exceed four months of their salary.

But agents in Singapore said that the rules have yet to be implemented, and could remain loosely enforced for some time.

Most Myanmar maids arriving here are still being paid between \$400 and \$430, and do not get any days off. They are also charged up to eight months of salary – or more than \$3,000 – in recruitment fees, which lets employers pay fees as low as \$300.

In Singapore, since Jan 1 last year, all maids hired or who have their work permits renewed must get a weekly day off or pay in lieu.

The governments of the Philippines and Indonesia have mandated minimum monthly wages for maids of \$500 and \$450 respectively, and a weekly day off. The Philippines does not want maids to pay any recruitment fee, while Indonesia has capped it at about \$2,000, or six months' salary.

Industry players said the changes for the hiring of Myanmar maids are important, as they form the fastest growing group of domestic workers here and need better safeguards.

The number of Myanmar maids in Singapore has grown by 50 per cent over the past two years, from about 20,000 to 30,000 now.

In comparison, over the same period, the number of Indonesian maids increased by 25 per cent – from 100,000 to 125,000 – while that of Filipinos grew by about 30 per cent, from 55,000 to 70,000. These were based on estimates by embassies and maid agents.

Agents said Myanmar's legalisation will also help employers here.

There have been persistent complaints about the maids' poor training and high turnover. Agents estimate that the majority of Myanmar maids change employers at least twice in their first six months in Singapore.

There are also more runaways. Between last September and last month, 61 maids sought shelter with migrant worker group Humanitarian Organisation for Migration Economics (Home), compared with 49 in the same period in 2012.

The churn is partly because their work was seen as illegal back home. Many left Myanmar as tourists without any training and were offered poor employment terms.

“Many Myanmar maids are not trained, and their recruitment fees are too high. That is why the turnover is so high,” said Best Home Employment Agency owner Tay Khoon Beng.

Home’s executive director Jolovan Wham agreed, saying that many ran away because they were discouraged by the hefty recruitment fees they paid.

“Up to eight months of their salary goes to paying the recruitment fees. In the meantime, they can’t send any money home. So many just give up and run away.”

The Myanmar government has given the nod to Singapore and Hong Kong to source for maids legally.

Taiwan is expected to receive approval too.

Besides the new rules, the women will have to attend month-long training programmes in centres in Myanmar, where they will be taught simple English and housekeeping skills, and learn about life in Singapore.

At least 10 training centres have been established since last year, of which two are run by Singapore training course provider Grace Management & Consultancy Services and its Myanmar partners.

Its managing director, Mr Richard Khoo, said: “We will ensure the maids learn about life in a city like Singapore. We don’t want them to have a culture shock.”

Mr Stephen Chia, who owns 21st Century Employment Agency, said the Myanmar government needs time to put in place a system to enforce the rules, and believes that the quality of maids will improve soon.

Employers agreed that the Myanmar maids will be able to work well here with better training.

Businesswoman Katherine Han, 70, who employs two Myanmar maids, said: “I find that the maids learn quickly. We just need to spend more time to coach them.”

## Annex D

### DVB, Servitude in Singapore, by Calum Stuart, 21st February 2015

In November 2014, after being locked in her employer's apartment in Singapore, Thu Zar Myint climbed out the bathroom window in a desperate bid to escape.

She began scaling the five-story building; she lost her grip on the third floor and fell to the paved concrete below.

Thu Zar Myint broke various bones and damaged her spine. She's continuing with physiotherapy, but is not expected to walk again. Her husband has had to stop working to take care of her.

Three months prior to her fall, the 35-year-old Burmese woman had been looking for a better income to support her 15-year-old son's schooling. "He's doing well in school, so I wanted to earn more money to give him a better education," she said.

**"Only the illegal agencies are recruiting the girls, largely from rural areas of Burma."**

Singapore – one of Asia's most developed countries – seemed an obvious choice. She was a hard worker, and expected to earn enough to send money home to her family.

Instead, Thu Zar Myint received mistreatment and abuse. She was often required to work up to 19 hours a day without a day off; her food consisted largely of leftovers, often in inadequate portions. "I never asked for more food," she said. "My employer's wife didn't seem like someone who would be willing to give me good food. If the food was good they would keep it for themselves, and I ate the leftovers they didn't want anymore."

On several occasions, after she requested to be transferred to a different employer, she was locked in her room – a small windowless storeroom. "My employer said that they might send me back to the agent, but they didn't say when," she said.

Despite this treatment, Thu Zar Myint's case was a tricky one for the authorities. While recovering in hospital she learned that she had been working in Singapore without the authorisation of her government, and few people, if anyone, could lobby on her behalf. She was repatriated to Burma about three weeks later, her arm and leg still in casts.

There is a ban on Burmese nationals working in foreign countries as domestic servants or maids, but this law has been poorly regulated. As domestic maids who leave from Burma are doing so illegally, very few laws exist to protect their rights, making them highly susceptible to exploitation from both agencies and employers.

"Only the illegal agencies are recruiting the girls, largely from rural areas of Myanmar [Burma]," said Thein Than Win, director of health and education at Humanitarian Organisation of Migration Economics, or HOME, a Singapore-based NGO. "I think most of the time recruiters go through the families or friends of people looking for work. They explain about how good life is in Singapore, and that's how they spread the word."

"Most of the [legitimate] Myanmar agencies are not interested in sending domestic workers abroad because it's such a sensitive issue – they're more interested in sending male

[construction] workers to Malaysia, or Thailand, and sometimes to Singapore. Only the illegal agents are recruiting girls and sending them to Singapore.

“In our shelter, the girls are from all over Myanmar. Recruiters also work in the slum areas of the big cities, such as Rangoon, so there’s a large recruitment network in Myanmar.”

### **Thu Zar Myint broke various bones and damaged her spine.**

The promises of gainful employment often result in a stark reality check. Salary deductions to pay back agency loans all but write off income for several months: it usually takes seven or eight months, with a large chunk – and in some cases, 100 per cent – deducted from their monthly wages. They are also vulnerable to a loophole in Singaporean legislation regarding rest days; while days off are technically mandatory, employers are able to pay their workers in lieu of their rest day.

One of the agencies’ selling points to potential employers is that Burmese domestic maids are almost always cheaper than those from countries with tighter regulations. A recent study from HOME found that Burmese domestic workers were overwhelmingly paid the least compared to maids from other countries.

“Many come for financial reasons; they need to support their family, their childrens’ education, or to support their sick parents,” says Win. “Most of [the workers] are from poverty-stricken families, or they don’t have any job opportunities or much education, or experience in other jobs. The wages in Myanmar are very low and the job opportunities – particularly in the rural areas – are not good, especially for women.”

Hlaing Hlaing, 23, now resides in a HOME shelter after running away from her employer (she requested that a pseudonym be used for publication due to an ongoing tribunal case). Her case echoes Thu Zar Myint’s experience.

“I wanted to go to Singapore to support my family,” she said, describing how she had been recruited by a woman she met in her village near Naypyidaw. She was told about the money she could make and how appealing Singapore would be. After a month’s training in Rangoon, she arrived to begin her new job.

Hlaing Hlaing’s work day was almost non-stop. She would wake up at 5am to start work, looking after a household which included four children. The day would involve cooking, cleaning, washing and various other household tasks, with few breaks in-between. “We were given instant coffee for breakfast, and didn’t get lunch until [anytime between] 2 – 4pm, which we had to eat fast because we were so busy. Then we were given the leftovers of the employers’ food for dinner.”

She would finish work and go to bed around midnight, before waking at 5am to start again the next day. This was repeated every single day.

Exhausted, Hlaing Hlaing joined two of her colleagues when they ran away from the employer after two months. She was being paid S\$450 (US\$330) per month, all of which was going towards the agency loan. Now waiting for Singapore’s Ministry of Manpower to settle her case, Hlaing Hlaing’s only current income is a monthly allowance of S\$60 from HOME.

After almost a year abroad, she said she does not expect to receive any financial compensation and will return to Burma no better off than when she left.

Burmese domestic workers' problems follow a trend: poor employment regulations, compounded with inadequate training, poor language skills, and cultural differences, often lead to major issues at work.

"I think language is one of the big problems domestic workers face in Singapore," said Win. "The agencies don't do a good enough job in teaching the workers a basic level of English."

Even basic necessities can become an issue: "Sometimes employers will not give them enough food, or food which is not culturally palatable, like sliced bread, or some coffee, or sandwiches, which is not enough or not the right type of food for a [Burmese] domestic worker," said Win.

"The pace of life in Myanmar is also slow compared to Singapore, so when the domestic worker arrives the employer might find it irritating because they often work quite slowly."

Regardless of these women's experiences, Singapore remains a glamorous and appealing country for many Burmese workers.

HOME is currently advocating for greater regulations. In an official statement the non-governmental organisation (NGO) stated: "Ultimately, foreign domestic workers (FDWs) need to be included in the Employment Act. The ban has not resolved the root issues. We urge the Myanmar government, in consultation with NGOs, to set labour standards to protect Myanmar FDWs in bilateral agreements with the Singaporean government."

But this could take time to materialise, in part due to Burma's upcoming elections in November. "Many in Burma think domestic work is inferior or indecent work," said Win. "If the [Burmese] government makes it seem like they support sending domestic workers to a foreign country, the public will not support them. If they make a move which is not favourable in public opinion they're worried they won't be elected again, so this is very much tied up with politics and public opinion."

Despite several requests, the Burmese embassy in Singapore has so far not responded to *DVB* about these issues.

"A lot of women around my age who don't know about Singapore want to come to work here," says Hlaing Hlaing.

"There are a lot of good and successful stories from girls who go back to Burma. The agent never told me about the ban, and I feel a lot of bitterness towards my former employer, but I'm okay with Singapore."

When asked if she would recommend looking for jobs in Singapore to her friends, she shook her head.

"No," she said.

## **Annex E**

### **The Straits Times, Myanmar government ban fails to stop maids heading to Singapore, by Amelia Tan, 29<sup>th</sup> September 2014**

MAIDS from Myanmar are still coming to work in Singapore, defying a ban imposed by their government.

Myanmar has barred its citizens from working in the Republic for five months unless agencies in Singapore sign a memorandum of understanding (MOU). It took the action last Monday after reports about ill-treatment of Myanmar maids in Singapore.

Maid agencies feared numbers from Myanmar would drop, but they now say the ban is not being enforced strictly. About 50 domestic helpers a day have been arriving here in the past week - similar to numbers before the ban.

"It has been business as usual for us," said Ms Kerri Tan, a director at one of Singapore's largest Myanmar maid agencies, United Channel.

Association of Employment Agencies Singapore president K. Jayaprema said the MOU is being looked at. "We need to ensure that the interests of Singapore agents are protected too," she added.

Maids from Myanmar are typically paid \$400 to \$430 a month. They can go without wages for up to eight months to cover the recruitment fees.

They make up the fastest-growing group of domestic workers here. Their number has grown by 50 per cent over the past two years, from about 20,000 to more than 30,000.

Demand has gone up because they are cheaper to hire than Indonesians or Filipinos. The Philippine and Indonesian governments have mandated minimum monthly wages of \$500 and \$450 respectively for maids from their countries.

While more Myanmar maids are coming to Singapore, a rising number are also running away from their employers' homes. Migrant worker activists told The Straits Times previously that the women were discouraged by having to pay off large loans.

Singapore agencies said that fees paid to agents in Myanmar could go up in the meantime, with some asking for \$300 more. Recruitment fees for Myanmar maids already come to about \$3,000, given the lack of enforcement of rules in Myanmar.

Mr Tay Khoon Beng, owner of Best Home Employment Agency, said: "Myanmar agencies say it is hard to bring the maids here, but they are just using the opportunity to earn more."

Other agents said some airport officials in Myanmar are asking for bribes of US\$50 (S\$64) a maid to let them board flights to Singapore.

"The extra fees will be passed on to the maids, and their loans will go up," said Mr Tay. "They are on the losing end."

Ms Jayaprema agreed that the recruitment fees must be reduced.

"The Myanmar government has to limit the fees that their recruitment agents charge, and it must enforce the rules. If not, the problem will just go on," she said.

## Annex F

### **The Straits Times, Myanmar agents send underage maid here, by Amelia Tan, 23<sup>rd</sup> July 2012**

UNDERAGE girls in Myanmar are being recruited to work as maids in Singapore, say agents and recruiters.

The teenagers, some as young as 16, have gone through immigration checkpoints using passports with false ages.

Since 2005, the Ministry of Manpower (MOM) has required all foreign maids who work in Singapore to be at least 23 years old.

It is not known how many underage Myanmar maids are here but anecdotal evidence from agents and recruiters suggests that the numbers are rising.

The Myanmar Embassy in Singapore did not respond to queries by press time. But The Straits Times understands that it is monitoring the issue of underage maids. In recent years, it is believed to have referred some who found themselves in trouble to non-governmental organisations here for shelter.

Humanitarian Organisation for Migration Economics, a migrant workers group, has sheltered a handful of Myanmar maids below the age of 23 in recent years.

Four Singapore agents, who declined to be named for fear of being penalised by the MOM, said they had each been recommended a handful of women aged below 20 by their recruitment middlemen in Myanmar this year. They suspected the girls were teenagers based on their photos. And their doubts were confirmed when the recruiters could not produce birth and education certificates.

One agent said he received a young-looking Myanmar maid two weeks ago, who claimed to be 23 but later admitted she was 16. He repatriated her immediately.

Ms Cherry Aung, a Singapore-based recruiter of Myanmar maids, said she carries out strict checks.

But she added that more Myanmar middlemen are not playing by the rules as they sense that Singapore agents are growing more lax in taking precautions.

She said they know that Singapore agents are desperate to make up the shortfall caused by months of wrangling with Indonesian recruiters over the fees for their maids.

Ms Aung said the girls in Myanmar are not aware of the regulations here and simply want to earn money for their families.

'They just believe what the recruiters say and lie about their age.'

Myanmar maids make between \$400 and \$420 a month in Singapore, several times more than what they earn back home.

The Philippines and Indonesia have also introduced more layers of checks to prevent underage maids from being recruited, such as issuing official identification cards for domestic workers.

There are 206,000 maids here, most of whom come from the Philippines and Indonesia. An estimated 10,000 are from Myanmar.

Mr Tin Maung Win is a secretary at the Varadhatus Ratanarama Association, which provides counselling to Myanmar workers here. He said the issue of underage maids stems from Myanmar laws which prohibit women from leaving to work as domestic help or in the entertainment sector.

'The women leave the country as tourists. The officials don't check on their ages because in the first place, they are not supposed to be leaving the country to work as domestic workers.'

Government officials in Myanmar can also be bribed to forge ages on passports, said Myanmar workers in Singapore.

A Myanmar maid, who asked to be identified as Myo Myo, arrived in Singapore last year when she was 16, on a passport for which she paid \$400. She said in halting English: 'My recruiter is my mother's friend. She said I must say that I am 24 years old. I listened to her because I want to earn money for my family.'

Under the Employment Agency Licensing Conditions, the onus is on agents to ensure that maids brought into Singapore meet the MOM's entry requirements. In 2010, 14 employment agents received warnings for bringing in underage maids. Four were also issued with demerit points, which put them at risk of losing their licences.

## Annex G

**Myanmar Times, Concerns raised as employment agencies take over training, by Bill O'Toole, 22 September 2014**

**Employment agencies could be facing a conflict of interest in taking over the training of Myanmar citizens preparing to work overseas, a migrant workers' advocate has warned.**

Reiko Harima, managing director of the Asian Migrant Centre, said the Myanmar Overseas Employment Agency Federation (MOEAF) increased their members' profits by sending more workers overseas, and so was "unlikely" to provide information that might deter them from going.

Pre-departure training, which is conducted in Yankin township, Yangon, is meant to inform migrants of the labour laws and cultural norms of the countries they are being sent to. Previously run by the Ministry of Labour, the MOEAF began conducting the courses on August 31.

"Employment agencies are unlikely to provide information that might put migrants off going overseas," such as details of low pay and long hours, Ms Harima said.

She said the decision to allow employment agencies, which send thousands of workers abroad each year, to regulate much of the migration process in Indonesia and Cambodia had negatively affected prospective workers.

"These include recruitment when not enough jobs are actually secured by agencies, resulting in a long waiting period for workers" and insufficient information about workers' rights, she said.

"Employment agencies might decide to not recruit migrants who are confident about demanding their rights," she said.

MOEF vice chair U Soe Myint Aung said controlling training would lead to better supervision of migrants. He also said that because the agency negotiates labour agreements with its foreign counterparts it was best suited to train the migrants.

But Ms Harima said protecting the migrants was a job for governments. "It's rather unrealistic to expect agencies to play a front-line role in protecting domestic workers' rights. It is the responsibility of governments to protect their citizens and workers, and it should be the government's responsibility to strictly monitor the operation of recruitment agencies."

## Annex H

### **The Straits Times, Maids claiming abuse face long wait for justice, by Radha Basu, 5<sup>th</sup> August 2014**

Filipino maid Analyn Rinonos, 30, spent two years, three months and two days in a Singapore shelter before she finally returned home to her two young children in March.

That was how long she waited while her complaint of being abused by her employer was investigated and taken through the legal system. In the end, her employer pleaded guilty and was jailed for a year.

Ms Rinonos received justice, but little else. "I came to Singapore with a dream, but it quickly turned into a nightmare," she told The Sunday Times.

There are maids who are beaten, denied food, locked up and deprived of sleep. Many of their tormentors - their employers - eventually go to jail.

But those who complain of physical or sexual abuse face months, sometimes years, of uncertainty waiting in shelters as the police investigate cases and, where possible, take the accused to court.

There are no official figures on the number of complaints, how many reach the courts or how long each case takes to be resolved.

But figures collated by migrant help group HOME and the Indonesian and Philippine embassies, all of which run shelters for maids in distress, show that at least one report of physical or sexual abuse is lodged with the police every other day.

The Sunday Times found nearly a dozen cases of women who returned home a year to 18 months after making a report.

One waited four years.

Once a maid makes a police report, she needs the approval of the authorities to leave Singapore.

She is allowed to find a new job, but only as a maid. Many do not want to work as maids again, given what they say they have suffered.

Some cannot work because their employers do not cancel their work permits out of spite. Others need psychiatric help and are in no shape to work.

With no income and with restrictions on their freedom, most just want to go home or be allowed greater flexibility to work as they pursue their cases. There is no guarantee of compensation even if their employers are eventually convicted and fined or jailed.

Ms Rinonos' employer, for example, was jailed for a year for crimes inflicted on her and another Indonesian maid.

Ms Rinonos sought compensation but she was turned down.

Spokesmen for the Indonesian and Philippine embassies and Home told The Sunday Times that the authorities could look at ways to speed up investigations and consider mandating compensation for victims whose abusers are convicted.

Third Secretary and Vice-Consul Oliver C. Delfin from the Philippine Embassy said what would help is a timeline in police investigations, as the women do not have a support system here aside from their embassies.

Their families are also anxious for them to return home.

While some women persevere and wait for the cases against their employers to be resolved, many others give up, said Home executive director Jolovan Wham. Women with pending cases stay at his shelter for 15 to 18 months.

He said up to four out of five withdraw their complaints and go home. Others leave when their claims cannot be substantiated - sometimes even after they pass lie detector tests conducted by the police - and their employers cannot be charged in court.

One such case involved a 36-year-old Indonesian who alleged in March last year that her employer and his family members punched her in the stomach, put a hot spoon on her eyes, beat her with a hanger and jabbed her with needles.

She gave up and went home in February. The police issued a written warning to the employer, but there was apparently not enough evidence to pursue the case.

Two other women told The Sunday Times they went home after being told their claims could not be substantiated.

One claimed her employer had threatened her with her policeman husband's gun and hit her with tongs and a plastic bottle used to water plants.

She left Singapore in June - 10 months after lodging her complaint. Her employer was given a warning letter.

Home has also seen an increase in the number of women from Myanmar, Bangladesh and Cambodia seeking help. Indonesians and Filipinas are generally more aware of their rights and have social and embassy support networks, unlike women from some of the newer source countries for maids.

Bangladeshi maids, for instance, are relatively new in Singapore. Most do not speak English and have no idea whom to turn to for help.

Madam M. Aklima, 33, a Bangladeshi mother of two, came to work in Singapore in January, hoping to save for an eye operation for her three-year-old daughter back home.

She claimed her female employer called her lazy and would slap and abuse her every time she did not "clean the flat well".

In one incident, she said, her employer tore her blouse, then called the police to say the maid had gone mad and torn her own clothes.

Initial investigations could not substantiate her charges. Unable to afford being jobless for months on end, she returned home late last month.

Lawyer June Lim from Fortis Law, who has helped maids in abuse cases, said the criminal justice system has "little or no sensitivity" for such cases.

She said she appreciates that once charged in court, the accused person has the right to find a lawyer, make representations, raise the necessary defences or get psychiatric reports prepared.

"But I think the police investigations can and should be speeded up. The authorities should also establish protocols to keep the victim's lawyers and the shelter personnel informed of the status of the case, as it is the uncertainty that is unsettling for the FDW (foreign domestic worker)," she said.

Lawyers such as Mr Quek Mong Hua from Lee & Lee, who have represented employers in maid abuse cases, say every accused is entitled to the due process of law.

Cases may drag on because of three main reasons, Mr Quek said. In some cases, the accused protests his innocence and wants the "fairness of due process".

In others, the accused may admit to the act but has a defence, like a claim to mental illness, that needs to be proved. Then there are those who simply do not admit they are guilty and the prosecution must prove the charge.

The hardest predicament lies with the majority of cases which are minor but still have to be put through the due process.

"As a defence counsel, I would like to suggest that there should perhaps be more room for composition of offences, especially when it is in the interests of the victim, not just the accused," said Mr Quek.

Composition or compounding of an offence - sometimes allowed for minor crimes - does not amount to a conviction but enables the victim to settle with the accused in return for remuneration or an apology.

Mr Wham and some lawyers would like compensation to be made compulsory when the employer is convicted.

Mr Wham also suggested that the women be allowed to get jobs other than as maids, such as kitchen helpers. Funding for counselling and psychiatric care for those who need it would also help.

Although some of the women who allege abuse are witnesses of the state, the Government does not pay for their upkeep while they wait. That too, he hopes, will change. He said his shelter spends \$400 per month on each woman.

These suggestions, if taken up, could ease the burden on distressed maids while deterring would-be abusers.

Meanwhile, those who have returned home are learning to rebuild their lives. In a recent Facebook post, Ms Rinonos wrote: "If they disrespect you, (you must) still respect them. Do not allow the actions of others to decrease your good manners, because you represent yourself, not others."

She may never forget, but she is clearly trying to forgive - and move on.

### **Beaten, bruised – but not broken**

The way she tells it, Indonesian maid Khanifah, 34, duelled with depravity and lived to tell the tale.

She claimed her female employer broke her two front teeth with a hammer, stabbed her on the shoulders with a pair of scissors and hit her on the head with a pestle used to make sambal chilli. She said this was because she did not mop the floor cleanly enough, or left a few wrinkles while ironing a shirt.

The mother of two said she was given only one meal a day and could not run away as her employers locked her indoors day and night.

Eventually, they decided to send her back to Indonesia without telling her agent. "I became very weak," she told The Sunday Times. "Perhaps they were scared I would die."

She said that they told her one day that her daughter had died and she had to return immediately.

She was made to wear a headscarf and dark glasses to conceal her head and facial injuries from the abuse.

It was only when she arrived in Bandung and called her husband that she realised her daughter was well.

She was sent to hospital later and her Indonesian agent took photographs of her injuries and sent them to the Indonesian Embassy in Singapore.

Embassy officials arranged for her to be brought back to Singapore and make a police report. "She was lucky that she had a good agent who promptly reported the case to us," said embassy counsellor Sukmo Yuwono, who helped lodge the police report.

Investigations are ongoing.

More than a year after returning to make the report, Ms Khanifah went home recently for Ramadan and Hari Raya.

A spokesman for the Attorney-General's Chambers told The Sunday Times that as her assistance is not required at this stage of the investigations, the AGC agreed to her request to return home. She will be back when needed.

The police report, filed on April 4 last year, reads like a cold catalogue of clinical abuse. The ring finger on her left hand was broken as her employer forced her finger back.

The "grinding stone ladle" - presumably a pestle - was used to hit her on the eyes and she had detergent poured into her eyes, causing her vision to blur. She was hit on the chest with a hammer and both wrists had "laceration marks" caused by a knife.

She worked more than a year for the family of four with two children aged 14 and 20.

She claimed the abuse began after the family moved to Woodlands from Pasir Ris, around six months into her contract. "They would hammer me at the slightest excuse, like if I did not hear them call me. And they locked me up," she said.

She claimed she was deprived of sleep and told that the flat had closed-circuit television cameras that could catch her if she slept too much. "I had to hide and sleep," she said.

With no phone and no days off, she was cut off from the outside world. "There was no one to complain to. Sometimes, I feared I would die."

She told The Sunday Times she will return when needed for her case to proceed. "I hope not just my employer but others who do this to maids get justice too," she said.