

**SHADOW
REPORT
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The Humanitarian Organization Economics (H.O.M.E.) is a non-governmental organization registered charity dedicated to serve the needs of migrant workers, foreign spouses, and all migrants working and living in Singapore,

**HUMANITARIAN
ORGANIZATION
FOR
MIGRATION
ECONOMICS**

Executive Summary

1. This shadow report to the State's Fourth Report to United Nations Committee on the Elimination of Discrimination against Women (the Committee) which covers the key legislative, judicial, administrative or other measures introduced in Singapore during the time frame of 2004 to 2008. The Republic of Singapore acceded to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (the Convention) on 5 October 1995. The Convention came into force for Singapore on 4 November 1995.
2. Singapore continues to have two main national bodies overseeing women-related matters. They are the Inter-Ministry Committee (IMC) on CEDAW which was set up in 1996 to monitor Singapore's implementation of the Convention and the Women's Desk, established in 2002. The Women's Desk works closely with these strategic partners Singapore Council of Women's Organisations (SCWO), the National Trades Union Congress (NTUC) Women's Development Secretariat and the People's Association (PA) Women's Integration Network (WIN) Council.
3. This shadow report submitted by the Humanitarian Organization for Migration Economics (HOME) a non-governmental organization in Singapore draws attention to the discrimination and human rights violations faced by migrant women domestic workers, migrant women workers and foreign wives.

Background & Framework

4. Over 30% of the workforce consists of migrants, mostly in low-paid occupations. In December 2009, it was reported that there were 856,000 migrants in low or semi-skilled manual jobs. This includes 196,000 women employed as live-in domestic workers.
5. This large migrant workforce is demand-driven and bridges the gap between a limited pool of local labour and a high rate of employment. Low paid migrant workers are typically employed in the construction, manufacturing, maritime and service industries, which include domestic work, healthcare, retail, entertainment and hospitality.
6. Live-in domestic workers come mainly from Indonesia, the Philippines, and Sri Lanka. Smaller numbers come from India, Myanmar, Bangladesh, Thailand, Nepal and Pakistan. Other low wage migrant workers employed in the construction, marine and service sectors are mainly from Malaysia, People's Republic of China, Bangladesh, India, Thailand and Myanmar.

7. Singapore is a party to the Convention on the Rights of the Child and a member of the International Labour Organization and has ratified twenty of the conventions. Singapore is not a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights, the International Convention on the Protection and the Rights of All Migrant Workers and Members of Their Families or the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children Supplementary to the United Nations Convention against Transnational Organized Crime.

Article 1: Definition of discrimination

8. For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.
9. The Constitution of Singapore is the supreme law in Singapore. Article 12 of the Singapore Constitution enshrines the principle of equality of all persons before the law however not all persons are equal before the law and entitled to the equal protection of the law. In Singapore more than 200,000 migrant women domestic workers in Singapore are excluded from national labour legislation and are subject to discriminatory practices on maternity and health protection and marriage restriction.

Article 2: Policy measures to be undertaken to eliminate discrimination

10. The State maintains that the exclusion of domestic workers from legal protection of national labour legislation is not gender biased. However all migrant domestic workers in Singapore are women and their exclusion would constitute discrimination against women who working in domestic workers in one out of 5 households in Singapore.
11. The State also maintains that the provisions in the Employment Act are difficult to enforce due to the nature of domestic work. In Hong Kong and other countries, domestic workers including migrant women domestic workers are not excluded from national labour legislation or the Employment Ordinance. Hence this nullifies the State's contention that the provisions in the Act are difficult to enforce. Enforcement difficulties should not be a reason to leave a group without protection. Provisions on maximum working hours, leave etc. provide standards, clarity and guidance to employers while no legislation creates room for abuse of domestic worker. Also random house visits are a possible instrument.
12. Hence, the existing Statutory laws and regulations governing migrant domestic workers working in Singapore are in conflict with the principles of equality and non- discrimination of the CEDAW Convention. The policy measures taken by the State as described in their report to eliminate discrimination falls short of the recognition of domestic workers as workers under national labour legislation which protects them from slavery like conditions of work such as long hours of work, insufficient rest, lack of food, no rest days, no leave benefits and other discriminatory practices.

Article 3: Guarantee of basic human rights and fundamental freedoms

13. The guarantee of basic human rights and fundamental freedoms is provided in the Constitution. However, the State continues to deny migrant women domestic workers their basic human rights and fundamental freedoms on movement, religion, association and equal protection for pregnancy, health, education, social security, job mobility, marriage and family.
14. There is no enforcement action by the State to protect migrant women domestic workers from restrictions to their fundamental freedoms. For example, a migrant woman domestic worker has no right in Singapore to complain against an employer for not allowing her to worship in church on a Sunday. This is also true of her right to hold on to her passport and leave the country to return home in the case of need. A Filipina was denied by her employer her request to return back to her home country when her mother passed away.
15. The Women's Office of the State does not consult with NGOs providing services to migrant women workers; hence are excluded from the national development plan on the advancement of women. There are therefore no human rights action plans to address and monitor the rights of migrant women and migrant women domestic workers.

Article 4: Temporary special measures to achieve equality

16. The State provides some measures progressively protect some of the basic human rights of migrant women domestic workers under the Penal Code, Woman's Charter, the Immigration Act, the Employment for Foreign Manpower Act and the Employment Agencies Act, however as mentioned these regulations and measures fall short of protection under Employment Act which is necessary to achieve equality of treatment.

Article 5: Sex roles and stereotyping

17. In Singapore, migrant domestic workers are referred to as 'maids'. Maids are in the feudalistic era women bought and sold to wealthy households. This stereotyping of domestic workers as maids reinforces discriminatory and slavery like practices against them.
18. The State has as yet not taken action to eliminate the prejudices and all other practices which are based on the idea of the inferiority or the superiority or on stereotyped roles for migrant women domestic workers that continue to derogate the work of domestic workers.

Article 6: Trafficking and Prostitution

19. The State remains passive in suppressing the trafficking and exploitation of women as the State continues to maintain that "substantiated cases of trafficking in persons are very rare" despite conflicting reports from foreign embassies, the TIP 2010 report and NGOs feedback on the human trafficking situation.

The government showed an inadequate response to the sex trafficking problem in Singapore, convicting and punishing two trafficking offenders. The government could and should be more successful in finding, prosecuting, and punishing those responsible for human trafficking. Despite some proactive measures taken by the government to identify and protect victims of trafficking, those measures proved insufficient to generate additional prosecutions for sex or labour trafficking.

Extract from TIP 2010 Report

20. Although State laws, such as the Penal Code, the Women's Charter and the Children and Young Persons Act which provide for the punishment of offences against women and girls, Singapore has not ratified the Palermo Protocol nor enacted an Anti-Human Trafficking law which provides for a multi-disciplinary response including, witness protection, community education and rehabilitation of survivors in the combat against human trafficking.
21. The State is evidently more concerned on border security and control hence the number of prosecutions against traffickers are few and possible victims are generally deported to their countries of origin. Migrant women are also unlikely to report offences against their offenders for they are not provided services for their protection, security and sustenance during the period of investigations.

Article 7: Political and Public Life

22. Migrant women domestic workers in Singapore are not unionised as they do not have the mandatory day off to participate in trade union activity and neither does the State linked labour union movement recognise the need to organize women migrant workers in the informal sector. Neither are they allowed to register a non-governmental organization as they are foreigners under the Societies Act.

Article 8: Participation at the International Level

23. Migrant women domestic workers in Singapore would find it impossible to participate at the International level as they do not enjoy the freedom of movement / the right to hold on to their passports.

Article 9: Nationality

24. A migrant domestic worker could have worked in Singapore for more than ten years without the prospect of becoming a Singapore citizen or permanent resident. Moreover they are also prohibited from marriage with Singapore citizens or permanent residents. The prohibition is subject to approval of the Commissioner for Labour. Where the marriage takes place in or outside Singapore, the migrant domestic work is banned from re-entry into Singapore.
25. Foreign wives are in Singapore under a long term pass that does not permit them to work. The spouse is therefore dependent on the Singapore or PR husband. She would lose her right to stay on in Singapore if the marriage is on the rocks and even if she has children from the marriage.

Article 10: Equality in Education

26. The State does not provide educational opportunities or career development opportunities for migrant women domestic workers as they suffer discrimination and in inequality in respect of job mobility and career progression

Article 11: Employment

27. In recent years the Government has introduced some key measures to offer better protection for migrant women domestic workers. Some progress has been made in successfully prosecuting abusive employers and recovering wages for migrant domestic workers. However issues clearly remain: In 2009 HOME provided shelter housing for 1388 migrant domestic workers. The most common violations suffered by these workers were: well-being violations such as inadequate food or accommodation (43%); psychological abuse (30%) and non-payment of salary (14%). In the first ten months of 2010, TWC2 , our social partner, has seen 685 injury cases and 676 cases involving contraventions of Employment Act provisions, such as non-payment of wages and unauthorised deductions

28. Migrant women domestic workers continue to be vulnerable to mistreatment, abuse, and long hours of work, isolation and gross exploitation. Domestic workers, all women and migrants, are excluded from the Employment Act, which specifies the minimum terms and conditions of employment for rest days, hours of work, overtime entitlements, annual leave and medical leave. They are also excluded from the *Work Injury Compensation Act*, which provides for compensation for workplace injuries and occupational illnesses. Even though domestic workers are covered by compulsory medical insurance in the event of an accident, the extent of the coverage and the benefits are less favourable than that of other low-paid manual workers covered by the *Work Injury Compensation Act*.

29. The State maintains that because domestic workers operate in private households, the *Employment Act* would be too difficult to enforce and as such is not applicable. The lack of legislation combined with the isolated workplace make migrant women domestic workers extremely vulnerable to poor labour conditions and abuse.

30. Moreover migrant women domestic workers take large loans in order to pay unreasonably high agency fees; they may then feel unable to leave situations of abuse or maltreatment as they need to work off the loan. Even though these fees are paid to agencies in their countries of origin, it is in Singapore that these workers are without a salary for 8 to 10 months.

31. Existing regulations and practices limit job mobility and may lead to conditions of forced labour and exploitation:
 - a. Migrant women domestic workers require permission from their current employer to change employers. Employers have the power to repatriate, or hold on to a worker at any time during the contract. In many situations, employers deny a worker the right to leave and change jobs.

b. If the employer terminates the worker's employment and the work permit is cancelled, s/he has little choice but to be repatriated. Workers may not be informed of the termination of their work permits until just before they are sent home.

32. Singapore's work permit regulations, which forbid migrant women domestic workers from engaging in what it deems 'Immoral and undesirable' activities, provide greater opportunities for unethical employers to threaten and exploit workers. Current regulations also warn migrant women domestic workers against 'breaking up Singaporean families'. These discriminatory regulations allow employers to submit negative feedback about a worker's behaviour to the authorities with the aim of having future employment bans placed on them. The process by which this happens is neither transparent nor fair, and the threat of being blacklisted frequently deters workers who may have legitimate complaints from leaving abusive employment situations and/or seeking assistance from the authorities.
33. Despite the violations, exploitation and abuses, the State maintains that there have been in place adequate measures and regulations such as the Employment for Foreign Manpower Act, the Employment Agencies Act and the Standard Contract to provide sufficient protection for the MDWs.
34. But given the reality, we see serious gaps in protection and equality of treatment of migrant women domestic workers under existing regulations which are not enforced. For example MOM is aware of the fact that all employers hold the domestic workers' passports.

A Filipina Domestic Worker fell from the window whilst in the course of employment, her medical expenses were covered by insurance up to a limit – she returned back to her country with an injured spine and without any compensation because she was not covered by Work Injury Compensation Act. Wrongful dismissals could take place at any time because the Employment Foreign Manpower Act provides for the employer the unilateral right to cancel a work permit of his or her domestic worker.

Article 12: Health

35. During employment, migrant women domestic workers are required to go for periodic medical examinations for pregnancy and HIV tests, among other screenings for infectious diseases. Workers who fail the tests are deported. These tests often disregard established best practices of consent, confidentiality, counselling and referral to treatment and support services.
36. Migrant women domestic workers do not have access to health education and screening programmes such as "Check your Health" because of their restrictive working conditions where employers would not allow them time off outside the household. As a community of women they are thus discriminated on access to health education.
37. The Government no longer subsidizes medical care for migrants. Even though the employer is required by law to pay for all medical expenses and to purchase hospitalisation insurance, workers may find it difficult to access basic health services

because of inconsistent enforcement of existing laws. As a result some migrant women domestic workers have to go without medical treatment for long periods of time or are deported without access to medical treatment. Domestic workers are totally dependant on their employers regarding access to health care.

38. The psycho-social health of migrant women domestic workers suffer due to adjustment problems, work pressure, financial debt and poor working conditions. Without minimum standards for wages, working hours, or holidays the well-being and health of migrant domestic workers is easily jeopardized. For migrant women domestic workers, the two main causes of death are poor safety and suicide. They suffer abuse from their employers such as physical abuse, food deprivation, sexual abuse and harassment, verbal abuse and threats.
39. According to a psychiatrist at a State hospital she has seen an average of 5 migrant women domestic workers in a month suffering from mental disorders. Many of these mentally ill women are discharged and deported due to the lack of means to continue treatment where the expenses are not covered by medical insurance.

Article 13: Economic and Social Benefits

40. Migrant women domestic workers are not provided any social security plans. In the event that they are unable to fulfil their contracts for health or other labour issues, they may go home penniless.
41. The lack of a day off for domestic workers and the long hours of work of other migrant workers restrict participation in cultural life and ability to access education

Article 14: Rural Women

42. This Article is not applicable to Singapore as we are a city state.

Article 15: Equality before the Law

43. Migrant women workers abused by their employer or labour recruiter may face difficulties in having their complaints examined. Employers may deliberately not give to the workers, or fail to keep important employment records such as contracts, salary schedules. As a result, workers find it difficult to substantiate claims for employment related abuses with the authorities. Employers can unilaterally cancel a work permit and repatriate the worker as soon as they learn that a complaint has been filed, or to prevent a complaint from being filed. Employers can also prevent an employee from getting a new employer by refusing to cancel the existing work permit.
44. Workers who have successfully lodged a claim may experience difficulty surviving day-to-day since it can take up to several months for a complaint or case to be resolved. In some extreme cases, it may take years before a claim is resolved. Employment for such workers is limited to those who are assisting the authorities as prosecution witnesses. Workers with salary related claims who take their complaints to the Labour Court often face a significant barrier in enforcing court orders when the errant employer does not comply with the order. Enforcement of these orders is a costly and protracted process. In civil cases migrant workers have limited access to pro bono legal services. Hence where there is a breach of civil contract, it is really difficult to get it enforced in a court proceeding.

45. When migrant workers are arrested, they may be uninformed of their right to make a phone call or to the services of a language translator; hence, they may be disadvantaged in communication and may not get help from a lawyer, a NGO or an embassy representative.

Article 16: Marriage and Family Life

46. All current and former migrant women workers need approval from the Commissioner for Labour before they can marry a Singaporean citizen or permanent resident. This applies also if the marriage takes place outside Singapore. Economic status is often a deciding factor which means in practice, many of these workers see their applications rejected.
47. Pregnancy is legitimate reason for termination of work and immediate deportation. As a consequence, many migrant women workers terminate their pregnancies as they feel they have no alternative if they wish to remain employed. Although legal in Singapore, the cost of abortion and fear of authorities being notified cause some workers to access self-administered, dangerous abortion drugs. A recent report found at least 100 domestic workers are sent home every year due to pregnancy; however, it is not known how many terminate their pregnancies.
48. Marriage between a non-Singaporean and a citizen or permanent resident does not automatically confer right of permanent residence or citizenship. Foreign spouses are allocated a Long Term Visit Pass, which does not allow them to work or access state medical insurance and subsidized health care. Under such circumstances the right of the child to a family is violated as the foreign spouse has to leave should the Long Term Visit Pass not be renewed.

RECOMMENDATIONS

GENERAL RECOMMENDATIONS

1. Establish an independent National Human Rights Commission, as in other ASEAN states, to investigate, monitor and report human rights violations in the country, and with the mandate to educate and inform in the field of human rights.
2. The Women's Desk should include the status of migrant women in the national development and human rights action plan. The Woman's Desk should work closely not only strategic partners such

as the Singapore Council of Women's Organisations (SCWO), the National Trades Union Congress (NTUC) Women's Development Secretariat and the People's Association (PA) Women's Integration Network (WIN) Council but also with other non-governmental organizations particularly those concerned with migrant women in Singapore.

3. Ratify the International Covenant on Economic, Social and Cultural Rights; the International Convention on Civil and Political Rights; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children Supplementing the United Nations Convention against Transnational Organized Crime and the Convention relating to the Status of Refugees and its Protocol.

4. Enact an anti-human trafficking law, as in other ASEAN States that identifies victims of trafficking according to terms consistent with the Palermo Protocols, provides protection to them, further enables prosecution of human traffickers, and provides police with training and education related to trafficking.

5. Support the proposed legally binding ILO Convention on Decent Work for Domestic Workers supplemented by Recommendations at the International Labour Conference in 2011 with a view to ratifying the Convention upon its enactment.

BASIC RIGHTS AND FUNDAMENTAL FREEDOM

6. Fully implement and enforce the regulations that prohibit employers from holding on to the passports and work permits of migrant women workers.

7. Ensure that freedom of expression and association, and equality in participation in all aspects of civic and political life are respected for migrant women workers and NGOs defending their rights.

8. Ensure migrant women workers have the freedom to practise their religion without fear of termination of employment or reprisals.

EMPLOYMENT

9. Review the legal protection offered to migrant domestic workers and includes them under the Employment Act or separate legislation which provides full and equal protection with other low wage workers so that basic workers' rights such as a weekly day off, notice of termination of contract, annual leave, medical leave, maternity leave, and over-time pay are accorded to them. Domestic workers should also be protected under the Work Injury Compensation Act so that they are entitled to full and equal protection like other low paid workers.

10. Actively pursue negotiations for multilateral agreements with major labour sending states to Singapore. Agree upon limits to recruitment fees and standards covering employment to prevent contract substitution and exploitative practices.

11. Repeal the discriminatory law that prohibits workers from engaging in 'illegal, immoral and undesirable activities' and 'breaking up Singaporean families'.

HEALTH

12. Provide access to basic medical care and necessary social support and counselling to migrant women workers diagnosed with a disease, especially those diagnosed with HIV/AIDS. Treatment should be provided on a right to health basis, and laws and regulations that call for immediate and automatic deportation of a migrant worker on health grounds should be reviewed.

13. Ensure migrant women workers have easy access to comprehensive and affordable health services at costs not higher than local workers.

LAW

14. Ensure that migrant women workers who wish to pursue a claim against their employer or agency have access and adequate support to decent food and lodging, legal aid and translation services to pursue judicial procedures.

15. Repeal the work permit regulation that gives the employer the unilateral right to cancel the work permit of a worker or to refuse to cancel a work permit.

MARRIAGE AND FAMILY LIFE

16. Ensure that all migrants have their right of marriage to a Singaporean citizen or a permanent resident respected.

17. Repeal the law that requires a work permit holder to be deported on grounds of pregnancy, or when s/he has is diagnosed with infectious diseases such as HIV/AIDS.