



Universal Periodic Review (UPR) recommendations to Singapore
Accepted clauses related to Migrant Workers, Foreign Domestic Workers and Trafficking in Persons
H.O.M.E. (Humanitarian Organization for Migration Economics) – January 2014

ESC Rights

107	Extend the protection afforded by labour law to the entire range of domestic workers	Djibouti	Accepted	Labour
110	Continue its path of developing a financial system that will allow for assisting workers wishing to demand reparations in cases of litigation with their employer	Switzerland	Accepted	Labour

107. The government continues to refuse to expand the coverage of the Employment Act (EA) to domestic workers, pointing out the “personalized” nature of domestic work. However, H.O.M.E. believes that the EA should apply to Foreign Domestic Workers, especially those provisions regarding areas in which the Employment of Foreign Manpower Regulations (EFMRS) do not offer sufficient protection. Thus, H.O.M.E urges the government to apply some provisions of the EA to domestic workers, including those regarding notice of termination, contractual age, maximum working hours, overtime pay, and annual/sick/maternity leave. In places such as Hong Kong and South Africa, domestic workers are covered under the general labour laws. H.O.M.E. also recommends that the EFMRS include greater specificity in certain sections, such as minimum wages, minimum number of hours of rest that must be provided, and basic standards of accommodation that are required.



110. Following the enactment of the Employment of Foreign Manpower (Amendment) Act in 2012, employers of non-domestic workers are responsible for the upkeep and maintenance of foreign workers who are awaiting resolution and payment of any statutory claims for salary arrears under the Employment Act (the Fourth Schedule of Work Pass Regulations, paragraph 16, Part III). However, when employers have disappeared or are insolvent, workers awaiting resolution still face difficulties pursuing their claims and obtaining compensation. Furthermore, many workers who have pending claims against their employers have difficulties staying in shelters provided by the employer, as they receive threats related to their claims. Finally, domestic workers are not covered by this regulation. As such, the government needs to continue its efforts to build up a system that assists all the workers financially while they pursue errant employers.

15	Continue its efforts in protecting the rights of specific groups such as women, children, the disabled, the aged and migrant workers	Brunei Darussalam	Accepted	Disabilities	Migrants	Rights of the Child	Women's rights
16	Continue to strengthen efforts to protect the rights of foreign workers	India	Accepted	Migrants			
17	Continue efforts in protecting the dignity and safety of migrant workers, including through appropriate institutional and legislative measures	Nepal	Accepted	Migrants			
18	Continue to strengthen measures to promote the human rights of migrant domestic workers, including by seeking to further improve working conditions of domestic workers in Singapore	Philippines	Accepted	Migrants			
19	Consider enhancing cooperation with countries of origin of migrant workers including on refining the process aimed at protecting such workers from exploitation, with a view to better managing the broad range of challenges in dealing with migrant workers	Malaysia	Accepted	Migrants			

15. 16. 17. The Singaporean Government has made some efforts toward improvements of migrants' rights such as the reviews of the Employment Agencies Act (EAA), Employment Act (EA) and Employment of Foreign Manpower Act (EFMA). However, foreign workers continue to be denied their basic human rights and fundamental freedoms of movement, religion, and association, and equal protection of their rights associated with pregnancy, health, education, social security, job mobility, marriage, and family, as stated in H.O.M.E.'s first UPR submission.



With regard to the terms of their employment, these vulnerable low-wage workers may find themselves subjected to forced labor through debts owed to recruitment agents, contract substitution or work without a contract, non-payment of salary, limitations on movement, confiscated work passes and travel documents, and physical and sexual abuse. Foreign workers who wish to seek redress for claims against their employers encounter significant challenges. For example, employers may cancel a work permit and repatriate a worker to preclude them from pursuing a claim, and may use a repatriation company which utilizes violence and wrongful confinement of the workers to ensure they leave the country. Those workers who do bring claims may have difficulty substantiating them, as employers may not provide workers with important employment records. Finally, those workers who make a successful claim may then be faced with the costly and protracted process of having the court orders enforced.

Recent events have brought a great deal of attention to the plight of migrant workers in Singapore. In November 2012, 171 Chinese national bus drivers went on strike to protest terms of their employment, and in December 2013, a riot involving migrant workers broke out in the Little India section of Singapore. Both instances resulted in large numbers of migrant workers being deported without receiving a trial. It is therefore not publicly known what evidence was used to determine that they were unfit to remain in the country.

18. The Government has taken positive steps to improve conditions for foreign domestic workers in Singapore such as the weekly rest day, amendments to the Employment Agencies Act and the Employment of Foreign Manpower Act, and the prohibition of window-cleaning unless certain safety conditions are met. However, there remains a lot of room for improvement.



Foreign domestic workers continue to be excluded from the protection of 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. Although the requirement of a weekly rest day was an important step forward, the provision allowing workers to agree to be paid in lieu of rest opens the worker up to coercion by the employer. Furthermore, the workers are not guaranteed a full 24 hours of rest on their day off. Some employers are reluctant to grant a rest day as they fear losing the S\$5,000 security bond they pay as an employer of a Work Pass holder, should the foreign domestic worker violate the conditions of her work permit during her time off.

In addition, domestic workers are excluded from the Work Injury Compensation Act, which provides for compensation for workplace injuries and occupational illnesses, and instead receive more limited coverage under compulsory medical insurance.

Existing regulations limit domestic workers' job mobility, leaving them vulnerable to forced labor and exploitation. Domestic workers must obtain permission from their employer in order to change employers, who may choose to repatriate or retain a worker against her wishes for the length of the contract. If an employer chooses to terminate a worker, they may simply cancel the work permit and repatriate her.

Foreign domestic workers also continue to face a set of restrictions on their personal freedoms, including the requirement that they live in the homes of their employers, cannot get married without permission from the



government, and if they become pregnant, they must have an abortion or they may be deported. Domestic workers must submit to periodic medical exams, which include a screening for HIV and other infectious diseases; if the result is positive, they are deported.

19. According to press releases, the government has been working with foreign embassies in Singapore and seeking to build international and regional networks and has also piloted education programs in countries of origin targeting workers before departure. However, to our knowledge, no assessment of these measures has been made. Furthermore, many issues that could be addressed with bilateral agreements remain, such as the charging of exorbitant recruitment fees by Singaporean and foreign employment agents and the substitution of foreign contracts with Singaporean contracts (often containing less favorable conditions) once workers arrive in Singapore. H.O.M.E. therefore expects the government to continue making efforts to build strong international networks to combat exploitation and abuses that take place across borders.

Minorities

n°	Recommendation	SMR	Response	1st issue	2nd issue	3rd issue	4th issue	5th issue	6th issue
105	Enhance cooperation with labour-sending countries to ensure foreign workers go through proper and legal channels to work in Singapore and continue efforts to protect the rights of all foreign workers from exploitation	Myanmar	Accepted	Labour	Migrants				
106	Strictly enforce relevant regulations including the Employment of Foreign Manpower Act and the Passport Act, which prohibit employers to hold on to passports, travel documents and work permits of their foreign workers	Thailand	Accepted	Labour	Migrants				
108	Adopt legal protection for migrant workers and enforce them, including with respect to wages and working hours, and address allegations of excessive agency fees and forced detention by "repatriation companies"	Canada	Accepted	Labour	Migrants				
109	Implement measures adopted to educate foreign workers, in their native languages, of their rights and responsibilities and avenues for assistance	Sri Lanka	Accepted	Migrants					

105. According to press releases, the government has been working with foreign embassies in Singapore and seeking to build international and regional networks and has also piloted education program in countries of origin targeting workers before departure. However, to our knowledge, no assessment of these measures has been made. Furthermore, H.O.M.E. still sees cases of migrant workers who have come through irregular channels and is especially concerned



with the situation of foreign domestic workers who are underage (although regulations require domestic workers be at least 23 years old).

106. Although the Employment of Foreign Manpower Act and the Passports Act forbid an employer from holding onto a worker's identity documents, many employers of the workers that H.O.M.E. assists still hold their employees' passports and work permit cards, and the Government rarely penalizes such practices. Moreover, in cases in which domestic workers are abused by their employers, it is common for the police to withhold the domestic worker's passport during the investigation.

108. Agency fees

Under the new fee caps imposed from April 2011, Employment Agencies can charge a foreign worker a fee not exceeding one month of his or her salary for each year of the duration of the approved Work Pass or employment contract, whichever is shorter, subject to a maximum of two months' salary. Such limit is subject to notable exclusions including fees charged for costs incurred by a worker outside Singapore. This allows employment agents to add to the two-month permitted fee any pre-deployment costs, such as transportation, training, medical exams, etc. In practice, Employment Agencies are still charging domestic workers fees starting from 6 to 12 months of salary, claiming that the excess of two months is paid in the countries of origin.



Repatriation companies

H.O.M.E. continues to receive reports from migrant workers of intimidation and forced repatriation by repatriation companies hired by employers. Some use extrajudicial violence and wrongful confinement to compel a worker to leave the country even though the worker has a legitimate claim against the employer.

109. Following the review and amendment of the Employment of Foreign Manpower Act in 2012, employers are now required to send the In-Principle Approval letters to workers in their native languages prior to their departure from their country of origin. However, this document contains only some aspects of the terms of employment and does not refer to all relevant aspects, such as salary deductions. Furthermore, the agreed upon terms can easily be overcome by the employer by requesting that the worker sign a new contract upon arrival in Singapore, as frequently happens.

International Instruments

22	Consider ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime	Belarus	Accepted	International instruments	Trafficking
23	Consider ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime	Philippines	Accepted	International instruments	Trafficking
94	Take measures in order to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	Moldova	Accepted	International instruments	Trafficking
111	Address the concerns raised by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and xenophobia in relation to concerns about migrants and the living and working conditions of migrant workers, abolish corporal punishment for immigration offenders and enact an anti-discrimination law	United Kingdom	Accepted	Racial discrimination	Special procedures

22. 23. 94.

In its National Plan of Action drafted in 2012, the Singapore Inter-Agency Taskforce on Trafficking in Persons has planned to study the feasibility of accession to the UN Palermo Protocol on TIP by the indicative timeline of 2013. No official update on this study has been shared with H.O.M.E. or its civil society partners. In 2013, the Ministry of Home



Affairs approved the introduction of a Private Member's Bill by Mr. Christopher de Souza which will seek to fight human trafficking. A specific anti-trafficking law which meets the requirements set up in the UN Palermo Protocol would be a good step towards accession. The Bill is expected to be introduced to Parliament in 2014.

111.

Concerns raised by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Domestic workers are not yet covered by the Employment Act and no minimum wage has been introduced for migrant workers.

Corporal punishment for migrant workers

For several migration offenses migrants may still be jailed and/or caned. H.O.M.E. is aware of several cases in which migrants have been caned for immigration offenses.

Anti-discrimination law

A stand-alone law prohibiting racial discrimination in all areas of life, including employment, education and health has not yet been enacted in Singapore. H.O.M.E. remains concerned with discrimination on the grounds of national or ethnic origin preventing individuals from enjoying just and favorable conditions of work, equal pay for equal work, as well as equality before the law, and strongly urge the enactment of an anti-discrimination law.

Justice

20	Continue its positive engagement with neighbouring countries in combating trafficking in persons	Indonesia	Accepted	Trafficking
21	Continue the positive participation and coordination with neighbouring countries in the context of combating trafficking in human beings	United Arab Emirates	Accepted	Trafficking
50	Step up efforts in fighting trafficking of human beings	Belarus	Accepted	Trafficking
112	Put in place measures to strengthen the protection of victims of trafficking: among others, to screen and protect victims of human trafficking instead of treating them as criminal offenders, to provide them with temporary shelters during legal proceedings, to support witness protection programs and to provide appropriate remedial measures other than deportation	Thailand	Accepted	Trafficking

20. 21. According to press releases, the Singapore Inter-Agency Taskforce on Trafficking in Persons has built networks with various stakeholders including the governments of neighboring countries. H.O.M.E. hopes the network-building



continues and bears fruit in both preventing and prosecuting TIP cases. To prevent potential indicators of trafficking such as contract substitution, high placement fees, and deception regarding work conditions, bi- or multi-lateral agreements among countries are needed. No such agreements have been entered into by Singapore with any migrant worker source countries and this remains a fundamental gap in the government's efforts to combat human trafficking.

50. The Singapore Inter-Agency Taskforce on Trafficking in Persons initiated its National Plan of Action in 2012 based on "prevention, prosecution, protection and partnerships." Although it has since issued annual updates on progress made, including the launch of public awareness campaigns and network-building, the first thorough review of NPA is not scheduled to occur until 2015.

Many foreign workers arriving in Singapore owe significant debts to recruitment agencies in Singapore and in their home countries, leaving them vulnerable to forced labor. Foreign workers have reported confiscation of their passports, limitations on movement, non-payment of wages, and physical and sexual abuse, all of which may be indicators of trafficking.

Singapore is still lacking a specific and comprehensive anti-trafficking law, though it is anticipated that a Private Member's Bill to combat trafficking will be introduced in Parliament in 2014. The State has inadequate capacity to detect potential victims. Furthermore, migrant workers remain unlikely to report offences as they are not always permitted to work while their claim is investigated, nor can they leave the country, yet they are provided little services for their protection, security and sustenance during the investigation and court proceedings.



In 2012, 151 foreign domestic worker residents of the H.O.M.E. shelter were interviewed to determine the extent to which indicators of trafficking were present; in all but two cases, the women's experiences included all three elements (action, means, and purpose) of the United Nations definition of trafficking contained in the Palermo Protocol. The flaws in Singapore's current system for identifying and addressing trafficking are highlighted by the fact that, of the 77 women in the study who were referred to either MOM or the police or both, none of them were identified as victims or potential victims of trafficking.

112. In 2013, the Singapore Inter-Agency Taskforce on Trafficking in Persons developed a case referral form. Using this form, H.O.M.E. has seen some positive steps toward identifying and treating the referred person as a potential victim of trafficking rather than as a criminal offender. However, neither a comprehensive protection scheme for alleged victims of trafficking, nor a witness protection program, have yet been created. In 2014, H.O.M.E. will set up a shelter dedicated to alleged victims of sex trafficking using funding from a private corporate donor. As investigations into alleged trafficking cases are lengthy and no compensation is allocated to victims of trafficking, many do not wish to file a complaint or choose to drop their cases and return home.